

Cambodia

National Child Protection Legislation

National Legislation

Articles 31 and 48 of the Cambodian Constitution require the State to recognize and respect human rights Conventions, including the Convention on the Rights of the Child, and to protect the rights within those Conventions. The Constitutional Council has ruled that this provision requires courts to apply national law in a way that does not violate human rights treaties.¹

a) Age of Consent

- Article 42, [Law on Suppression of Human Trafficking and Sexual Exploitation: Sexual Intercourse with Minors under Fifteen Years](#)
A person who has sexual intercourse with another person of the age of less than fifteen years shall be punished with imprisonment from 5 to 10 years.²
- Article 43, [Law on Suppression of Human Trafficking and Sexual Exploitation: Indecent Act against Minors under Fifteen Years](#)³
 - 'Indecent act' in this law shall mean an act of touching or exposing a genital or other sexual part of another, or of having another touch the actor's or a third person's genital or other sexual part, with the intent to stimulate or satisfy the actor's sexual desire.
 - A person who commits an indecent act against another person of the age of less than 15 years shall be punished with imprisonment from 1 to 3 years and a fine from 2,000,000 to 6,000,000 riels.⁴
 - A person who repeatedly commits any offense stipulated in Article 42 or this article shall be punished with double the prison punishment.

b) Age of Criminal Responsibility

- a. The minimum age of criminal responsibility is that of 18 years.
 - Article 38 of the [Penal Code: Legal Age of Criminal Responsibility](#)
The criminal legal age is set at 18 (eighteen) years of age.
 - Article 39 of the [Penal Code: Measures to Apply against Minors](#)
The minors who committed an offence are subject to the measures of surveillance, education, protection and assistance. However, the court may pronounce a criminal conviction against a minor of 14 (fourteen) years of age or more, if the circumstances of the offence or the personality of the minor justify in doing so.

c) Age of Marriage

Women: 18; Men: 20

- Conditions Required for Marriage, Article 5, [Law on the Marriage and Family](#):

¹ Cambodia: National Laws (2014), Child Rights International Network, at <https://www.crin.org/en/library/publications/cambodia-national-laws> (last visited Feb. 15, 2017).

² Law on Suppression of Human Trafficking and Sexual Exploitation (2008), at https://www.unodc.org/res/cld/document/khm/2008/law_on_suppression_of_human_trafficking_and_sexual_exploitation_html/Cambodia_03_-_Law-on-Suppression-of-Human-Trafficking-and-Sexual-Exploitation-15022008-Eng.pdf (last visited Feb. 15, 2017).

³ *Id.* at Article 43.

⁴ Riels (KHR): Cambodian currency equates to 0.00025 US Dollar; 1 USD = 4,049.75 KHR; see <http://themoneyconverter.com/>.

- A marriage may be allowed for a man whose age is 20 years or more and a woman whose age is 18 years or more.⁵
- In a special case where a man does not reach the age of 20 years and where a woman does not reach the age of 18 years, a marriage may be legitimized, upon the consent by the parents or guardians, if the woman becomes pregnant.⁶

Abduction & Kidnapping

- a. **Article 21, [Law on Suppression of Human Trafficking and Sexual Exploitation](#):** A person who, without legal authority, arrests, detains or confines another person shall be punished with imprisonment for 3 to 5 years when the arrest, detention or confinement lasts less than one month; and 5 to 10 years when the arrest, detention or confinement lasts one month or longer.⁷
- b. **Article 22, [Law on Suppression of Human Trafficking and Sexual Exploitation](#):** A person who, without legal authority, arrests, detains or confines another person shall be punished with life imprisonment when: 1) the offense is accompanied with torture or barbarous act; 2) the offense is followed by the death of that person; 3) the offense is committed to obtain payment of a ransom.⁸

Labor

- c. **Article 15, [On the Labor Law](#):** Forced or compulsory labor is absolutely forbidden.⁹
- d. **Article 16, [On the Labor Law](#):** Hiring of people for work to pay off debts is forbidden.¹⁰
- e. **Article 177, [On the Labor Law](#):** The allowable minimum age for wage employment is set at fifteen years. The minimum allowable age for any kind of employment or work, which, by its nature, could be hazardous to the health, the safety, or the morality of an adolescent, is eighteen years.¹¹

Sexual Exploitation

- f. **[Pornography](#)**
 - i. **Article 40, [Law on Suppression of Human Trafficking and Sexual Exploitation](#):** 'Child pornography' in this law shall mean a visible material such as a photograph or videotape, including material in electronic form, depicting a minor's naked figure which excites or stimulates sexual desire.¹²
 - ii. **Article 41: [Law on Suppression of Human Trafficking and Sexual Exploitation](#):** A person who distributes, sells, lease, displays, projects or presents in public place a child pornography shall be punished with the imprisonment for 2 to 5 years and a fine of 4,000,000 to 10,000,000 riels. A person who produces a child pornography shall be punished with imprisonment for 5 to 10 years. A person who produces a child pornography for the purposes of use in commission of any offense

⁵ *Law on the Marriage and Family*, Article 5 (1989), at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/86095/96933/F1861658608/KHM86095.pdf> (last visited Aug. 23, 2017).

⁶ *Id.*

⁷ *Law on Suppression of Human Trafficking and Sexual Exploitation*, *supra* note 2, at Article 21.

⁸ *Id.* at Article 22.

⁹ *On the Labor Law*, Article 15 (1997), at <http://www.ilo.org/dyn/travail/docs/701/Labour%20Law.pdf> (last visited Aug. 23, 2017).

¹⁰ *Id.* at Article 16.

¹¹ *Id.* at Article 177.

¹² *Law on Suppression of Human Trafficking and Sexual Exploitation*, *supra* note 2, at Article 40.

stipulated in the above-stated first and second paragraphs shall be punished with imprisonment for 10 to 20 years.¹³

g. Prostitution

- i. **Article 23, [Law on Suppression of Human Trafficking and Sexual Exploitation](#)**: “Child Prostitution” in this law shall mean having sexual intercourse or other sexual conduct of all kinds between a minor and another person in exchange for anything of value.¹⁴
- ii. **Article 28, [Law on Suppression of Human Trafficking and Sexual Exploitation](#)**: Procurement of prostitution shall be punished with imprisonment for 7 to 15 years when the prostitute is a minor. The term “prostitution” in the relevant provisions of this Chapter shall be replaced with the term “child prostitution,” when the offense set forth in Paragraph 1 of this article applies.¹⁵
- iii. **Article 34, [Law on Suppression of Human Trafficking and Sexual Exploitation](#)**: A person who has sexual intercourse or other sexual conduct of all kinds with a minor who is 15 years of age or above by providing, or promising to provide, anything of value to the minor, an intermediary, a parent, a guardian or any other person who keeps the child under his or her supervision or control shall be punished with imprisonment for 2 to 5 years. Any person who commits the above states offense with a minor under the age of 15 years shall be punished with imprisonment for 7 to 15 years.¹⁶
- iv. **Article 35, [Law on Suppression of Human Trafficking and Sexual Exploitation](#)**: A person who solicits another for child prostitution, or advertises child prostitution, for the purpose of acting as intermediary of the child prostitution shall be punished with imprisonment for 2 to 5 years and a fine of 4,000,000 to 10,000,000 riels. A person who commits the above offense as business shall be punished with imprisonment for 5 to 10 years.¹⁷

h. Sex Trafficking

- i. **Article 9, [Law on Suppression of Human Trafficking and Sexual Exploitation](#)**: A person who unlawfully removes a minor or a person under general custody or curatorship or legal custody shall be punished with imprisonment for 2 to 5 years.¹⁸
- ii. **Article 10, [Law on Suppression of Human Trafficking and Sexual Exploitation](#)**: A person who unlawfully removes another for the purpose of profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation shall be punished with imprisonment for 7 years to 15 years. The offense stipulated in this article shall be punished with imprisonment for 15 to 20 years when: the victim is a minor, the offense is committed by a public official who abuses his/her authority over the victim, the offense is committed by an organized group.¹⁹

¹³ *Id.* at Article 41.

¹⁴ Law on Suppression of Human Trafficking and Sexual Exploitation, *supra* note 2, at Article 23.

¹⁵ *Id.* at Article 28.

¹⁶ *Id.* at Article 34.

¹⁷ *Id.* at Article 35.

¹⁸ *Id.* at Article 9.

¹⁹ *Id.* at Article 10.

1. The consent of the victim to any of the intended purpose set forth in paragraph 1 of this article shall be irrelevant where any of the means set forth in subparagraph 1) of *Article 8* of this law is used.