



KINGDOM OF CAMBODIA
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CS/RKT/1197/06

Dated November 12, 1997

Royal Kram
On
Abortion



We, Norodom Sihanouk, the King of Cambodia,

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kret dated November 1, 1993 on the appointment of the Royal Government of Cambodia;
- Having seen Royal Kram No. NS-RKM 02/-94 dated July 20, 1994 on the organizing and functioning of the Council of Ministers;
- Having seen Royal Kret No. NS-RKT-1094-90 dated October 31, 1994 on the modification of the compositions of the Royal Government of Cambodia;
- Having seen Royal Kret No. CS-RKT-0897-147 dated August 7, 1997 on the modification of the compositions of the Royal Government of Cambodia;
- Having seen Kram No. NS-RKM-0196-06 dated January 24, 1996 on the establishment of the Ministry of Health;
- Upon the proposal of the two Prime Ministers and the Ministers of Health;

Promulgate

The Law on Abortion adopted by the National Assembly on October 6 , 1997 during the 8th Session of the First Legislature, the text of which is as follows:

CHAPTER I
GENERAL PROVISIONS

Article 1:

The objective of this Law is to define procedures and conditions for abortion.

Article 2:

"Abortion", means a termination of a fetus by medicinal or any other method.

Article 3:

Pregnant women may ask medical doctors to abort them, after they have completed the conditions as stated in the Article 8 of this Law.

Article 4:

In any case, it is required to have a proposal and consent from the pregnant woman.

Article 5:

Only medical doctors, medium medical practitioners or midwives who received authorization from the Ministry of Health may perform the abortion.

CHAPTER II PROCEDURES AND CONDITIONS FOR ABORTION

Article 6:

Abortion may be carried out only inside a hospital, health center, public or private clinic or maternity which is authorized by Ministry of Health. All abortion services authorized by the Ministry of Health shall be required to have:

- a technical capability in providing emergency medical treatment for any consequence which may result from abortion;
- Means of transportation to a hospital, if necessary;

Article 7:

Medical doctor, medium medical practitioner or mid-wife who has duty to carry out an abortion, shall give advice to the pregnant woman who is seeking for abortion of a danger which may eventually occur from abortion and of the advantages of child spacing.

If such pregnant woman still insists and asks for abortion, the doctor, medium medical practitioner or mid-wife may then carry out the abortion, but shall still remain under the conditions as stated in the Article 8 of this Law.

Article 8:

Abortion may only be carried out for those fetuses that are under 12 weeks old. If the fetuses are over 12 weeks old, they may be authorized to be aborted only if after a diagnosis it is found out that:

- there is a probable cause that such fetus does not develop itself as usual or which may cause danger to the mother's life;
- the baby who is going to be born may have a serious and incurable disease;
- in case, if after victimized of a rape and got pregnant, the abortion may be carried out disrespect of the above stated conditions, however in all cases, there must be a request from the pregnant woman-herself, if such person is 18 years old or above, or an insistent request from parents or guardian and from the pregnant woman-herself, if such woman is under 18 years old.

Decision on the above matter, requires an approval from a group of 2 to 3 physicians and the consent of the pregnant woman herself.

Technical conditions for application of this article shall be determined by a Prakas (Proclamation) of the Ministry of Health.

Article 9:

All documents relating to abortion, shall be kept confidential, and may be provided to the woman or to the court only when there is a written request.

Article 10:

Those services which received authorization from the Ministry of Health as facility for carrying out abortion as stated in the Article 6 of this law, shall keep file of the documents on each abortion case properly and shall regularly submit monthly reports which stating the number of abortions and the means of such abortions to the Ministry of Health.

**CHAPTER III
CONTROLLING/INSPECTING COMPETENCE**

Article 11:

The control/inspection of abortion shall be the competence of the Ministry of Health.

**CHAPTER IV
PENALTIES**

Article 12:

Any person who violates Articles 5 and 6 of this law, shall be subject to one of the punishments as stipulated hereunder:

- shall be subject to a reprimand if such person is a medical doctor, medium medical practitioner or midwife;

In case of repeated offenses, shall be ceased from function, or shall result in a closure of the clinic or maternity, without taking into account yet of a criminal punishment which may due, as bellows:

- shall be subject to a punishment to imprisonment of 1 (one) month to 1 (one) year, if such a person is not a medical doctor or medium medical practitioner or midwife;
- if the abortion causes a chronic disease or disability to the mother, shall be punished to imprisonment from 1 (one) to 5 (five) years;
- if the abortion causes the pregnant woman a danger to death, shall result in the punishment to imprisoned from 5 (five) to 10 (ten) years;

Article 13:

A medical doctor, medium medical practitioner or mid-wife who got authorization to carry out abortion, but disrespects any of the conditions as stated under the article 8 of this law, shall be subject to revocation of his/her letter of authorization which was issued by the Ministry of Health, without taking into account yet of the criminal punishment which may due, as stated under the Article 12 of this law.

Except only in serious cases, where the pregnant woman needs to have an emergency operation, the medicinal method shall be applied and be responsible before the law.

Article 14:

Any person who compels a pregnant woman to have an abortion or causes her an abortion on purpose, shall be imprisoned from 1(one) to 5 (five) years. If such compulsion of the pregnant woman to have an abortion or which causes her an abortion which resulted in a chronic disease, disability or death, shall be subject to imprison from 5 (five) to 10 (ten) years.

Article 15:

Any person who violates Article 9 of this law shall be subject to a punishment as the followings:

If s/he is the civil servant, shall be punished in accordance with the Articles 40 and 41 of the Law on Common Statutes of the Civil Servants.

If s/he is not civil servant, shall be subject to close down of his/her private clinic or maternity from one (1) to 3 (three) months or fine from five million (5,000,000) to ten million (10,000,000) Riels.

**CHAPTER V
FINAL PROVISIONS**

Article 16:

Those provisions which are contrary to this law shall be hereby abrogated.

Phnom Penh, October 9, 1997.

Acting head of state

Chea Sim