

‘COVID-19’ Law Promulgated Amidst the Subsequent COVID-19 Pandemic Community Infection in Cambodia.

An urgent promulgation of Law on Health, Administrative and Other Measures to Prevent the Spread of Covid-19 Pandemic Disease and Other Serious, Dangerous and Contagious Diseases (“**Covid-19 Law**”), has ultimately been made on March 11, 2021.

It is worth noting that the Royal Government of Cambodia (“**RGC**”) and the frontline health officers have been working around the clock to curb the transmission of the deadly pandemic in the community as a few uncivilized people defied the government’s health measures and eluded from the quarantine facilities causing the recent outbreak of the Covid-19 pandemic community infection.

I. Scope and Purpose

The Covid-19 Law contains 6 chapters and 18 Articles, which is applicable within the territory of the Kingdom of Cambodia. This Law aims to protect public health and lives as well as to particularly prevent the rapidly spread of Covid-19 and other similarly serious, dangerous and contagious diseases, by imposing all types of measures, including health, administrative and other measures.

II. Preventive Measures

To prevent the spread of Covid-19 and other equivalent diseases, two measures are introduced by this Law:

1. Health Measures

The RGC has the power in imposing the following necessary health measures: maintaining hygiene; wearing face mask; social distancing; collecting specimen for Covid-19 test; quarantine; Covid-19 vaccine jab; segregation for treatment; health declaration; and any other necessary health measures to contain the spread of Covid-19. Having said that, the details of the measures will be determined under Sub-Decree.

2. Administrative and Other Measures

In addition to the health measures, the RGC may temporarily impose the administrative and other necessary measures to prevent and respond promptly to the spread of the Covid-19 by restricting or prohibiting: traveling; meeting and group gathering which may cause the infection of Covid-19; working or occupational activities, which is the risk or the source of infection of Covid-19; trading of goods which is the risk or the source of infection of Covid-19 – or by locking down some areas or places that are under infection of Covid-19; and imposing other measures that are necessary to respond and prevent the spread of Covid-19.

In case of emergency, the RGC may confer the power on any ministries, entities, or competent authorities to introduce the above measures and to ensure the implementation of such measures so as to timely prevent the spread of Covid-19.

III. Existing Regulation

Any legal instruments or regulations related to health, administrative, and other measures to contain and prevent the spread of Covid-19 existing prior to the promulgation of this Law and is not contrary to this Law, shall remain in effect unless otherwise abrogated by a new regulation.

IV. Sanctions

Any person who does not follow or is in violation of any measures provided by this Law is subject to the following sanctions:

1. Administrative Sanctions

The imposition of sanctions on the violation of the administrative and other measures is under the authority of the responsible ministries, entities, and authorities which have the power to introduce such measures.

The administrative sanctions include suspension or withdrawal of license, certificate, or permit of the business, and the closure of the business. However, any person who is not satisfied with such decision regarding the sanction may file a complaint to a responsible minister or a head of institution within 30 (thirty) days, commencing from the date of the receipt of the administrative sanction decision.

Further, in the event that the person is still not satisfied with the said decision, that person may file a complaint to the competent court within 60 (sixty) days, commencing from the date of receiving the decision on opposing motion. However, filing such opposing motion neither affects nor postpones the execution of sanctions provided by the said decision.

2. Criminal Sanctions

There are 06 (six) offenses, introduced under this Law:

2.1. Quarantine Evasion or Quarantine Facility Escape

Transactional fine shall be imposed, in accordance with the relevant sub-decree, on any person who eludes the quarantine or flee from the quarantine facility during the period of quarantine, which is determined by the Ministry of Health (“**MOH**”) or any responsible authority.

In the event that such violation causes transmission of Covid-19 to others, imprisonment from 06 (six) months to 03 (three) years plus transactional fine from 02 (two) million to 10 (ten) million Riels shall be imposed on the person.

2.2. Treatment Evasion or Escaping from a Place of Treatment

Any act of committing, or attempting to commit the treatment evasion or escaping from the place of treatment, which is required by MOH, is subject to imprisonment from 01 (one) year to 05 (five) years including transactional fine from 05 (five) million to 20 (twenty) million Riels.

In case such act causes the infection of Covid-19 to others, the punishment is more severe, imprisoning from 05 (five) years to 10 (ten) years.

2.3. Intentional Transmission of COVID-19 to Others

Any intentional transmission of Covid-19 to others, by any means, shall be subject to imprisonment from 05 (five) years to 10 (ten) years.

The imprisonment shall be from 10 (ten) years to 20 (twenty) years if the act of passing the infection is conducted by an organized criminal enterprise or entities.

2.4. Failure to Comply with Administrative Measures

Regardless of other criminal offenses, the act of intentional non-compliance with the administrative measures provided by this Law is subject to transactional fine from 01 (one) million to 05 (five) million Riels.

In case such intentional non-compliance causes the infection of Covid-19 to others, the offender shall be imprisoned from 06 (six) months to 03 (three) years and be fined from 02 (two) million to 10 (ten) million Riels.

Moreover, if the above-mentioned act severely affects the public health, the offender shall be imprisoned from 02 (two) years to 05 (five) years and be fined from 05 (five) million to 20 (twenty) million Riels.

2.5. Obstruction of the Implementation of the Measures

Any act of obstruction or causing impediment to the implementation of the measures provided by this Law, shall be subject to imprisonment from 06 (six) months to 03 (three) years plus transactional fine from 02 (two) million to 10 (ten) million Riels.

Nonetheless, in case such act results in infection of Covid-19 or severe affect to the public health, the imprisonment shall be from 02 (two) years to 05 (five) years including transactional fine from 05 (five) million to 20 (twenty) million Riels.

2.6. The Responsibility of Competent Authority

Not only the civilians who have the responsibility for the prevention of the spread of Covid-19, but also the relevant competent authority. This Law, furthermore, punishes any competent officer – who arbitrarily uses his/her authority to infringe the right and freedom, physical integrity, and to damage the property of others that is contrary to the purpose and objective of this Law – shall also be responsible for his/her act before the applicable laws of Cambodia.

Significantly, if the act of the offender leads to other crimes stipulated under Criminal Law of Cambodia, the offender shall be responsible before both this Law and Criminal Law.

V. Exception

The Covid-19 Law lays down the acquittal or mitigation for the criminal responsibility rule.

Specifically, the acquittal or mitigation of criminal responsibility is applicable to the offense provided under Article 7, 8, 10 and 11 of this Law if a specific requirement is met. More particularly, the offender or his/her family member is required to provide information and any cooperation to the frontline health officers or the responsible officers for the sake of preventing the spread of Covid-19 promptly.

However, this exception does not apply to the offense under Article 9—Intentional Transmission of Covid-19 to Others.

VI. Conclusion

This Covid-19 Law is a legal instrument that gives rights to the competent authority to lawfully use necessary measures to curb the transmission of Covid-19, particularly the “20 February” event Covid-19 community transmission and simultaneously observe the fundamental rights of the people enshrined under 1993 Cambodian Constitution. In addition, it is believed that the measures under Covid-19 Law will minimize the negative impact on economy, public health and livelihood of Cambodian people.

Should any additional information be required regarding this legal alert or if you have any further inquiry, please contact our team at info@anlor.legal or reach out to our professionals below:



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