

IN HER HANDS

AN ENTREPRENEUR'S MAGAZINE
ON BUSINESS-RELATED RIGHTS

Overcome the challenges
of starting a business

Save your business with social insurance

Improve your business knowledge and skills

Protect your business property



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ABOUT THIS MAGAZINE

Are you a young woman with dreams of starting your own business? Are you afraid to even start because the steps seem too complicated? Or, do you already own a business, but want to understand how you can improve it? If you answered yes to any of these questions, you might be a **Young Women Entrepreneur (YWE)**.

As a YWE, you are entitled to certain **business-related rights** that can help you start and grow your business. These include **the right to engage in business, the right to social protection, the right to education, and the right to property.**

Accessing these rights will not always be easy. **Challenges will come your way**, such as social gender norms, lack of information about available resources, inefficient government services, and disagreements with local authorities and other private citizens.

This Magazine was written to help you overcome such challenges. Through fictional stories of YWEs, we show how you can succeed through your own skills and knowledge, and with the support of your family, other YWEs, grassroots groups and associations, NGOs, and government institutions.

Rest assured, you are not alone. Many other YWEs have overcome the same difficulties you may be facing right now, and are cheering you on. Someday when you feel like giving up, may this Magazine be the inspiration you need to keep going.

We wish you good luck and success in your journey of entrepreneurship!

Sincerely,

WE Act Cambodia

WHAT'S INSIDE THIS MAGAZINE



Important Terms to Understand

What are rights, laws, and government ministries? And how can they help you navigate the challenges you will face in starting and growing your business?



The Right to Engage in Business

Starting a business can be an intimidating process, especially for young women entrepreneurs. Be inspired by Leap, as she overcomes all the challenges involved in starting her own café with the help of family, friends, and other businesswomen.



The Right to Social Protection

In Cambodia, many business owners face high costs because they do not obtain social insurance for themselves or their employees. Read about how Sokha learns to access social security to ensure the survival of her business



The Right to Education

Many business owners in Cambodia open themselves to heavy costs because they do not obtain social insurance for themselves or their employees. Read about how Sokha learns to access national insurance to ensure the survival of her business.



The Right to Property

Most businesses need property to operate from. Follow Pich as she learns how to rent and purchase property to grow her restaurant business, and how she protects it by advocating for her rights and finding assistance from civil society groups.



Worksheets

Are you facing challenges in accessing your rights or government services that can help your business? Use WE Act's worksheets to clarify the problem and the steps you will take to solve it!

IMPORTANT TERMS TO UNDERSTAND

Sometimes, thinking about laws, rights and engaging with the government can feel scary. Actually, **rights and laws are here to support you**, along with ministries and government officials whose job is to help you access government services.

Understanding the relationship between rights, laws, and government will help you navigate the steps you need to grow your business, treat your employees fairly, improve your knowledge and skills, and protect your business property and profits.

What Are Rights?

Rights are principles that state how you deserve to be treated by other people and your government. As an individual, you possess many rights that are also recognized in international conventions and covenants that Cambodia has signed and adopted. For example, according to the **International Covenant on Civil and Political Rights**, you have the fundamental right to life, as well as the right to liberty and the security of person.





What are Laws?

Laws regulate activities in different areas of society, such as business, finance, and ownership. Laws are also designed to promote and protect the rights of citizens like you. Public officials working for the government enforce the law.

What are Government Ministries?

The Government is the part of the state that enforces the law in different areas of the society through rules, rewards and penalties. The Government is also responsible for providing services to citizens so that you can better access your rights.

DISCLAIMER:

The information provided in this book is for informational purposes only and is not intended to be a source of legal advice with respect to the material presented.

The fictional scenarios discussed in this book serve an educational purpose as illustrative examples as to how the readers can access their rights as provided under the laws of Cambodia. They are not meant to portray state institutions and public officials in a negative light. Unless otherwise indicated, all the names, characters, businesses, places, events and incidents in this book are either the product of the author's imagination or used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.

THE RIGHT TO ENGAGE IN BUSINESS



The **right to engage in business** means that you have the right to start a business and perform any lawful activity that will help your business grow. The Constitution specifically guarantees the right of the people to “freely sell and exchange” their products and services (Article 60) in a market economy system (Article 56). Furthermore, the citizens have a constitutionally protected right to participate in the economic life of the country (Article 35).

By using your right to engage in business, you can learn how to start and grow a business, comply with laws, access public services designed to help you, seek out support from business groups, and increase your knowledge, skills, and confidence as a business owner.



LEAP SUCCESSFULLY STARTS A BUSINESS!

Leap loves coffee so much that she started her own café just to share her love of coffee with everyone. What challenges do you think Leap went through to own her dream business?

A few years ago, Leap moved to the city at 19 to work as a seller at her aunt's vegetable shop. With just a high school diploma, she didn't have many options for work. Leap did not have a passion for selling vegetables. In the heat of the market, she would often daydream about a delicious cup of iced coffee from back home. “That's it,” Leap told herself. “I'll sell my own coffee from a mobile café!”

Leap's parents were reluctant to support her business dream because she was just a young girl in their eyes.

Over the phone, Leap's mother would say, "You're a young woman from a poor family with little education and no business knowledge, skills, or experience. Your father and I are worried that others will take advantage of you. Just focus on finding a stable job and a good man to support you."

Her parents' opinions hurt Leap, but she understood their concerns. To develop her understanding of business, Leap joined a savings group, where she received support and mentorship from other women entrepreneurs. Leap also participated in the group's saving fund, which allowed her to take out a loan to buy a mobile coffee cart. When Leap's parents saw that she had developed the skills and the capital to start a business, they were less worried.

Leap's mobile coffee cart quickly became popular. Because she had grown up in Mondulkiri province, Leap knew where to get high quality coffee beans. She also added unique designs to her mobile coffee cart that made it easy for customers to recognize her business. Leap used some of her profits to pay back her loan to the Saving Group and to pay an unofficial protection fee that the local authorities requested from street sellers →



One day, the local authorities asked Leap to pay a higher protection fee because she had accidentally set up her mobile coffee cart in a restricted area.

Leap refused to pay the higher fee, so the authorities forced her to leave the site by threatening to fine her for operating an unregistered business.



In tears, Leap said, "This mobile coffee cart is all I have. As public officials, you should be finding ways to support small business owners like me instead of making it even harder. If street sellers are not allowed in this area, why are there no signs as to where we can sell? And if you want all street sellers to register our businesses, can you teach us how to do this?"

At the next Saving Group meeting, Leap raised the issue of business registration.

Savings groups constitute a means to access financial security for individuals without access to formal banking services. Savings groups are owned and managed by their members using a simple, transparent method where groups accumulate and convert small amounts of cash into savings. These savings are then lent to the group's entrepreneurs to earn additional income.

To avoid being fine by authorities, Leap decided to register her business. Instead of going to the Ministry of Commerce (MOC), she was advised to use the One Window Service Office (OWS), which offers a faster



and simpler registration for small businesses like Leap's. According to the law, only businesses with gross sales of more than \$62,000 per year (KHR 250 million) are obligated to register themselves with the authorities.

At the closest OWS office, Leap could access all the government services she needed to register her business. Even though she had to fill out many forms, she was grateful that she could go through the whole process of business registration at one location.



See **Worksheet 1 Individual Action**

Plan on Page 27 to outline the steps you can take to access a government service that will help you start or grow your business.

The tax registration stage proved to be challenging.

Without providing any clear reason, the OWS staff told Leap that her business' tax registration had been delayed. Every time she followed up, the staff would tell her to come another time. Finally, one of the staff handed her the phone number of someone who could speed up her tax registration process for a fee. Leap questioned the need for paying extra just to get her tax registration, but the staff ignored her.

Leap found out that she was not the only Saving Group member who had been asked to pay extra fees at the OWS. Her Saving Group sent a

formal complaint through the OWS website and asked to meet with the ombudsman. The Saving Group also filed a formal complaint to the General Department of Tax (GDT) and the MOC. Due to the Saving Group's pressure, Leap's business registration through the OWS was approved without her having to pay extra fees.

See **Worksheet 2 Working**

with Officials on Page 30 to help you establish good relationships with government officials who can help you start and grow your business.

After successfully registering her business, Leap could conduct her business without fear of being fined. In a few years, she was able to grow it from a small mobile cart to the café of her dreams.



Benefits of Registering Your Business:

- Create an official identity for your business
- Follow the rule of law and avoid fines and business closures
- Attract more investors
- Easier bank loan applications
- Less legal and financial responsibility if you register as a Limited Liability Company
- Pay taxes easily

The laws governing business registration and management are:

- Law on Commercial Enterprises (2005), as amended in 2022;
- Law on Commercial Rules and Register (1995), as amended in 1999 and 2022.

ADDITIONAL RESOURCES TO HELP YOU START AND GROW YOUR BUSINESS



Lady Saving Group (LSG)

The LSG is a peer-to-peer saving group that aims to build Cambodian women's self-reliance, by providing YWEs access to financing (collective saving & credit) and entrepreneurship capacity development, and networking and mentoring opportunities. The LSG also conducts monthly meetings where YWEs can take out or repay their loans, participate in workshops, and learning about the import-export business.

Facebook: <https://www.facebook.com/ladysaving0808>
 Phone Number: 092 889 945 / 077 74 38 41 / 070 67 77 76
 Website: <https://ladysavinggroup.com/>



One Window Service (OWS)

The OWS are government offices in each city where local people can access a wide range of government services. Before, local people had to go to different buildings to access different services. Now, they can save time and money by accessing government services in one location. You can submit your feedback, and ask question to the OWS through its website: <http://www.owso.gov.kh/en/comment/>
 Phone Number: 023 726 861 / 023 220 935
 Website: <http://www.owso.gov.kh/en>



Ministry of Commerce (MOC)

The MOC is the government ministry responsible for regulating and developing the commerce and trade sectors in Cambodia. The MOC provides a number of services, such as company registration and trademark registration that help businesses grow and contribute to the national economy. You can submit your feedback to the MOC through:

Facebook: <https://www.facebook.com/moc.gov.kh>
 Phone Number: 096 963 2363 / 088 608 3082
 Website: <https://www.moc.gov.kh/>



General Department of Taxation (GDT)

The GDT is the government ministry responsible for regulating taxation in Cambodia. You can submit your feedback to the GDT through its website: <https://forms.gle/iJcUrZPfrYprLShd8>

Facebook: <https://www.facebook.com/cambodiataxation/>
 Phone Number: 023 266 668 / 023 886 708
 Website: <https://www.tax.gov.kh>

Cambodia Women Entrepreneurs Association (CWEA)

The CWEA was started in 2011 to represent the voices of women entrepreneurs in Cambodia, and to create women leaders in business. The CWEA's objectives are to provide a platform women in business to bring their issues to the government, the private sector, and the public. The CWEA also aims to develop the business activities in which women are involved, and to create opportunities for networking, the sharing of information, and meeting stakeholders.

Facebook: <https://www.facebook.com/cweaCam>
 Phone Number: 023 22 43 46
 Website: <http://www.cweacambodia.org/>



THE RIGHT TO SOCIAL PROTECTION



SOCIAL PROTECTION is any government program designed to offer assistance to all citizens. One form of social protection is **social insurance**, which citizens regularly contribute a portion of their income in exchange for financial assistance when they are sick, injured, unemployed, on maternity leave, or are retired and have no regular income. All registered employees have the right to access government programs like social insurance.

All employees (including business owners) have to be registered with the **National Social Security Fund (NSSF)**, and business owners make monthly contributions on their behalf. This gives all employees access to health and medical insurance.

Although contributing to social insurance adds to the costs of doing business, the benefits are usually worth it. **Providing social insurance to employees promotes better health and motivation and protects employees and business owners from the high financial costs of accidents and work-related injuries. In addition, it ensures your business is compliant with the Labour Law.**

Sokha Protects Her Business Through Social Insurance

Sokha runs a successful bakery in the province. Every day, many people come by to try her breads and pastries. Sokha's employees are always busy. They enjoy working for Sokha because she pays them fairly and gives them social insurance. Sokha's business was not always this successful. Let's go back in time to see how Sokha learned how to use government social insurance to protect her business.

Sokha started her bakery four years ago in her living room. With just a small oven and help from her husband and sisters, she would bake a few goods and walk around town selling them. As Sokha's baking skills became more popular, she saved enough to rent shop space in the middle of town. To properly manage her growing business, Sokha began hiring staff to help with tasks, such as baking, cleaning, selling, delivering, financing, and accounting.



One day, one of Sokha's employees was injured while unloading heavy bags of flour from a delivery truck. Sokha rushed him to the hospital, where the doctor treated him for a broken arm. The employee came from a low-income family, so Sokha agreed to cover all his medical expenses.

When the bill for her employee's medical treatment came, the amount was much more than she could afford. Sokha was reluctant to pay because it could affect her company's cash flow. One of the nurses comforted her and told her that she could ask for help from the NSSF. At the NSSF counter in the hospital, a representative explained that the NSSF is a government social insurance program that provides employment injury insurance to all workers. However, since Sokha had not registered her business and her employees with the NSSF, they could not help her at this time. Frustrated, Sokha used some of her savings to pay for her employee's hospital bills; she felt bad that she did not register for NSSF. She left the hospital determined to protect her business and her employees in the future by registering with the NSSF.

See **Worksheet 1 Individual Action Plan** on Page 27 to outline the steps you will take to access a government service that can help you and your employees access social insurance.

Finding information about the NSSF was not easy. To make an appointment with a representative in her area, Sokha had to contact the NSSF through its official Facebook page. At the meeting, the representative answered all her questions about registration.

See **Worksheet 2 Working with Officials** on Page 30 to help you establish good relationships with government officials who can help you and your employees access social insurance.





Since Sokha's business was not formally registered with the government, and all her employees were informal workers, she could not register any of them to the NSSF. To solve this, Sokha registered her business and gave all her employees formal work contracts. After re-submitting all the correct documents, Sokha and her employees were able to register with the NSSF and receive their NSSF cards.

Next, Sokha had to understand how much to contribute to the NSSF each month per employee. If she failed to make regular contributions on their behalf, they would lose their NSSF coverage. This information was easy to find on the NSSF website, so was information related to the type of benefits available under the NSSF.

However, the NSSF website and Facebook offered little information on the claims process. Whenever Sokha and her employees filed a claim, they had to go to an NSSF office to understand what requirements to fulfill and which forms and documents to submit. In addition, the claims process was often lengthy and full of delays. As a result, while some hospitals and clinics offered priority treatment to NSSF cardholders like Sokha and employees, others refused to provide any services due to the uncertainty that the NSSF would cover the hospital expenses.

Frustrated with the long claims process, Sokha said to an NSSF representative, **"The survival of my business depends on the health of my employees. The health of my employees depends on having access to the protections promised by the NSSF. We have invested a lot of time, energy, and a portion of our salaries to become NSSF members, so you should avoid delays with the claims process and get our refunds faster. As a government institution, the NSSF should ensure that all workers can access health and medical insurance whenever they need it."**

See **Worksheet 3 Problem Response Planning** on Page 32 to help you and your employees develop solutions when you are being denied your right to social protection.

Despite Sokha's questions, she continued to experience delays in getting the approvals. For support, Sokha reached out to the Cambodia Women Entrepreneur Association (CWEA), whose members helped Sokha and her employees raise the issue of the NSSF's lengthy claims process. The pressure from so many complaints gave the NSSF a better understanding of the needs of employees and made changes to speed up the claims process of employees.

Today, Sokha's business continues to grow with the help of her hard-working employees. While some challenges remain, the NSSF supports when needed. Accidents are part of life, but Sokha believes that all employers and employees deserve to be supported when they happen.



According to Cambodia's Labour Law, only workers with formal work arrangements can be signed up by their employers into social protection programs like the NSSF. To register your employees into the NSSF, make sure that they all have a formal employment contract with your business.

For more information about the qualifying conditions for the NSSF, read the **Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law**.



How to Register Your Employees into the NSSF:

1. Submit all relevant forms and documents to the NSSF, including the form "Registration of Workers."
2. Wait for approval from the NSSF.
3. After approval, the NSSF will provide the identity code and NSSF membership card to all employees free of charge.

For more information, read the Registration page on the NSSF website:
<https://tinyurl.com/7ns9srvn>

NSSF Employee-Injury Benefits:

- Emergency services
- Medical care and treatment
- Temporary disability benefits
- Permanent disability benefits
- Funeral allowance
- Survivors' benefit
- Injury rehabilitation services

For more information, visit the Employment Injury Scheme page on the NSSF website: <https://tinyurl.com/4m7pj4av>

NSSF Health Insurance Benefits:

- Medical care services
- Sickness leave benefits
- Work-related injury leave benefits
- Maternity leave benefits
- Regular health check-ups

For more information, visit the Health Insurance Scheme page on the NSSF website: <https://tinyurl.com/yubknm3t>

Monthly Payments to the NSSF Per Employee:

- Occupational risk: 0.8% of employee monthly salary (employer covers all).
- Health care schemes: 2.6% of employee monthly salary (employer covers 1.3%, and employee covers 1.3%)

For more information, visit the Contribution Payment page on the NSSF website: <https://tinyurl.com/5xb5jj5t>

ADDITIONAL RESOURCES TO HELP YOU ACCESS SOCIAL INSURANCE



National Social Security Fund (NSSF)

The NSSF is a government institution responsible for providing basic social security to workers so that their health and well-being are protected. We can access benefits such as

employment injury insurance, general healthcare, and pension.

Facebook: <https://www.facebook.com/nssfpage>
Phone Number: 023 882 434 / 023 882 623
Website: <http://www.nssf.gov.kh/default/>
Hot-line for constructive feedback: call 1286



Ministry of Labour and Vocational Training (MLVT)

The MLVT is the government ministry responsible for regulating all issues related to labour, workforce, and vocational education. The MLVT provides services to help businesses recruit and hire employees according to the law, and to help employees improve their skills and knowledge. The MLVT governs the activities of the NSSF.

Facebook: <https://www.facebook.com/mlvt.gov.kh>
Phone Number: 023 884 375
Website: <http://www.mlvt.gov.kh/index.php/>



The Independent Democracy of Informal Economy Association (IDEA)

IDEA is a member-based association founded by tuk-tuk drivers, traders, and small restaurant workers. IDEA's aim is to help workers in the informal sector access their rights better. IDEA achieves this by representing their members' concerns to the government, and by developing their capacity.

Facebook: <https://www.facebook.com/IDEACAMBODIA/>
Phone Number: 093 629 298
Website: <http://www.ideacambodia.org/>



THE RIGHT TO EDUCATION

The right to education means that you and your employees have the right to access educational programs and trainings that can help increase knowledge and skills. According to the Constitution, all citizens have the right to educational freedom (Article 66), and the right to modern and quality education (Articles 56 and 67).

However, many business owners in Cambodia don't have a high education. After a few years, they can get left behind in their industry, as they and their employees miss out on opportunities to learn about new and better techniques of doing business.

You can avoid this mistake by seeking out education provided by the government, NGOs, and businesses. **By accessing your right to education, you can build your confidence; cultivate a stronger, smarter, safer, and more efficient workforce; learn about the best practices in your industry and how to apply them; and attract better employees, consumers, and investors.**

Sophea Improves Her Business Skills Through Education

Sophea owns a popular beauty hair salon. On most days, the salon is full of customers who like the salon's professional standards, and the skills of Sophea and her employees. The salon also has a strong marketing strategy, using social media platforms like Facebook to post interesting content and beautiful visuals that make people to try the products and services. How did Sophea's salon become so successful?

Sopheha grew up in a neighborhood with many hair salons. As a child, she would watch the hairdressers make women look pretty. Before weddings, birthday parties, and festivals, Sopheha loved going to the salons with her mother and sisters to get their hair and makeup done.

After graduating from university in hospitality, Sopheha worked for a few years at a hotel but never felt fulfilled. Every day, she would come into work with the best makeup. Her women colleagues began to notice her skills and would ask her to do their hair and makeup. Sopheha began doing hair and makeup in her free time to make extra income. At the age of 25, Sopheha quit her job and used her savings to start her own beauty salon.

Sopheha soon realized that she did not have all the skills needed to start a successful business. Due to her lack of management experience, she did not know how to motivate her employees to be more professional. She also didn't know how to find new clients. No matter how talented and passionate she was, her salon could not survive without any customers. To learn new skills, Sopheha reached out to friends in the same industry. Due to their busy schedules, they could not teach her much.

One of Sopheha's employees recommended studying at a Technical and Vocational Education and Training (TVET) institute. This employee came from a poor family in the province, and had learned their hair and makeup skills at an affordable cost from a TVET.

With a quick Internet search, Sopheha found several TVET institutes in Phnom Penh offering the courses she wanted. **Sopheha was excited, but didn't know which TVET institute to apply to. To make the best decision, Sopheha contacted the Ministry of Labour and Vocational**

Training (MLVT) through its website. As the government ministry responsible for regulating the TVET system, the MLVT was able to answer some of Sopheha's questions. The MLVT also suggested that Sopheha visit the TVET institutes herself to see their facilities and get some more information. Although all TVET courses were within Sopheha's budget range, only two could accommodate her busy schedule. Sopheha registered for a few courses at the one that had more success stories from previous students on its website and social media, as this was a sign of better quality.

Sopheha finished her TVET courses in just a few months. Four times a week, she would attend class in the morning or in the afternoon, giving her half a day to run her business. **Sopheha learned many new skills,** such as how to manage





Sophea was not entirely satisfied with her TVET experience. The courses she took used old training techniques and equipment, and some of the teachers didn't have any business experience themselves.

Sophea raised her concerns to the TVET institute. The staff told her that the institute is doing the best it can with limited support it receives from the government, NGOs, and the private sector. Sophea also submitted her feedback to the MLVT, who said that Sophea should just be grateful that the TVET system helps lower-income people like her.

To this, Sophea said, "It is the government's duty to provide affordable and high-quality education and training to ordinary Cambodians like me. The better our education and training, the better our skills, which is good for society and the economy."

See **Worksheet 3 Problem Response Planning Tool** on Page 32 to help you develop solutions when you are being denied your right to education.

To gain better educational opportunities, Sophea reached out to Support Her Enterprise (SHE) Investments, a social enterprise dedicated to helping women entrepreneurs grow their business. Sophea signed up for one of their programs. Over six months, Sophea attended workshops that taught her important business skills like goal setting and business planning, financial

management, human resources management, as well as marketing, networking, and leadership. Sophea also used the Community-Based Enterprise Development (C-Bed) tool from the International Labour Organization (ILO), which offers free educational and training resources to help small business and entrepreneurs learn new business skills.

Within a year, Sophea's business was doing better due to everything she had learned from the TVET system, SHE, and ILO's C-Bed. At work, Sophea was more attentive to the needs of her customers, and was better at motivating her employees. She was also managing the company's finances better, setting achievable revenue targets in the future. On social media, Sophea's salon gained many followers due to the quality of the images and videos that she would post, leading to more customers and bigger profits. With just a few opportunities to learn new skills, Sophea achieved success!

A Technical and Vocational Education Training (TVET) institute is a center that provides short vocational training courses at affordable costs. TVET institutes offer courses in a number of industries, such as electronics, electrical, agriculture, mechanics, accounting, hair and makeup, culinary, and many more.

For more information about the TVET system, read the **Labour Law** and the **National Technical Vocational Education Training Policy (2017-2025)**.

ADDITIONAL RESOURCES TO HELP YOU ACCESS EDUCATIONAL OPPORTUNITIES



The Ministry of Labour and Vocational Training (MLVT)

The MLVT is the government ministry responsible for regulating all issues related to labour, workforce, and vocational education. The MLVT regulates the TVET

system in Cambodia, which is designed to help workers improve their skills and knowledge at affordable costs. You can submit your feedback and questions to the MLVT through its website: <http://www.mlvt.gov.kh/index.php/en/contact/ministries.html>.

Facebook: <https://www.facebook.com/mlvt.gov.kh>
Phone Number: 023 884 375
Website: <http://www.mlvt.gov.kh/index.php/>



International Labour Organization (ILO)

The ILO is a United Nations agency whose aim is to promote 'decent work' all over the world. The ILO developed the

Community-Based Enterprise Development (C-BED) tool to provide free online training materials to entrepreneurs and business owners from struggling communities. You can access the C-BED tool on the ILO website: https://learninghub.ilo.org/program/Community-Based_Enterprise_Development_C-BED

Facebook: <https://www.facebook.com/InternationalLabourOrganizationCambodia/>
Phone Number: 023 220 817 / 023 221 536
Website: https://www.ilo.org/asia/projects/WCMS_375173/lang--en/index.htm



Support Her Enterprise (SHE) Investments

SHE Investments helps women entrepreneurs grow their business by providing services, training, mentoring, networking opportunities, and digital tools and resources. You can apply to join any of SHE's programs

through its website: <https://www.sheinvestments.com/appyshe>.

Facebook: <https://www.facebook.com/sheinvestments/>
Phone Number: 095 578 378
Website: <https://www.sheinvestments.com/>



THE RIGHT TO PROPERTY

THE RIGHT TO PROPERTY means that you have the right to rent, purchase, and own property (by yourself or with others) as part of your business activities. This right also means that the government must protect your property from damage or from being taken away. The Constitution states that you have the right to own property such as land, and to have these properties protected by the law (Article 44). In addition, the government can only take a person's property if it is in the interest of the public good, and if the owner of the property is properly compensated.

As your business and income grows, **so will the number of things you own. Thus, it is important to understand how to acquire property legally, how to protect your property once you own it, and what to do when your right to property is being violated.** By promoting and protecting the right to property, the government gives entrepreneurs like you the confidence to continue expanding your businesses so that you contribute to the national economy.



Pich Defends Her Business' Property

Pich is the owner of a restaurant famous for its beef noodle soup and special sauce. Although her restaurant is located on the outskirts of Phnom Penh, people take the time to visit it because of the good food and the beautiful views of the river. What many of her customers don't know is that Pich had to overcome many challenges to transform her restaurant from a small road-side stall to a two-story building that she completely owns. What were the challenges Pich had to overcome to get here?

Pich opened her first restaurant many years ago by the road just outside her family's house. Although it became popular quickly, there was only enough space to accommodate a few customers. To grow, Pich's mentors at the Hub Entrepreneurship Club run by Impact Hub Phnom Penh (IHPP) advised her to rent space rather than to buy property, as she did not have the capital yet to purchase property or secure a bank loan.

To look for commercial properties to rent, Pich used websites of professional real estate companies. **However, the rental rates of the properties listed on these websites were above Pich's budget.** So, Pich hired a private real estate agent recommended by other entrepreneurs at IHPP. **This real estate agent helped Pich find shop space to rent, negotiate an affordable rental rate with the landlord, and to finalize the agreement with an official contract. As the real estate agent explained to Pich, a rental contract protects Pich from being evicted** by the landlord before the duration of the lease ends, unless Pich breaches the terms and conditions of the agreement. With more space, Pich's restaurant attracted more customers and increased its profits. After a few years, she had saved enough money to **buy a piece of land nearby**



the river to build her own restaurant.

Buying a new piece of land was a long and complicated process. The most important step was to **obtain the title to the new land.** This involved processing documents at government offices at the national, district, and commune level. At each level, government officials seemed to delay processing Pich's documents so that she would pay extra to speed the process up. Unwilling to pay any extra fees, Pich reached out to Advocacy and Legal Advice Center (ALAC) Cambodia, whose team helped her raise issues of corruption to the Anti-Corruption Unit (ACU). With the help of the ACU's investigation, Pich was able to persuade **government offices to process her company's land title documents without any further delay.**

See **Worksheet 3 Problem Response Planning Tool** on Page 32 to help you develop solutions when you are being denied your right to property.



Once Pich's building was ready, her restaurant became even more famous. **Due to its growing popularity, other restaurants began to copy the name of Pich's special sauce, "Pioneer Sauce," which confused Pich's customers and reduced her profits.** By this time, Pich had joined the Young Entrepreneurs Association of Cambodia (YEAC) whose members advised Pich to trademark the logo and name of her special sauce at the Ministry of Commerce (MOC). This way, Pich could take legal action against restaurants that packaged their sauce like hers.

See **Worksheet 1 Individual Action Plan** on Page 27 to outline the steps you can take to access a government service that will help you acquire and protect your property.

The MOC's website, however, did not provide enough information on the trademarking process. So, Pich set up an appointment with an MOC staff who could explain what requirements she needed to complete.

See **Worksheet 2 Working with Officials** on Page 30 to help you establish good relationships with government officials who can help you acquire and protect your



Intellectual Property Rights (IPR) are not yet strong in Cambodia. Some laws can be helpful. For more information on the process of how to register and trademark your products, read the **Law Concerning Marks, Trade Names, and Acts of Unfair Competition**.

One day, a large development company offered to purchase Pich's restaurant to make way for a new mall. **The company offered much less than the value of Pich's restaurant. When Pich refused the offer, the company began to threaten and intimidate her by destroying some of her property, such as parts of the wall around her restaurant.** The local authorities encouraged Pich to take the company's offer, and did nothing to stop the company from harassing her. The company also harassed many of Pich's neighbors. Altogether, they reached out to Legal Aid Cambodia (LAC), whose lawyers suggested that they file a case against the company for harassment, intimidation, and damage to their property, as this would raise greater public awareness of the problem.

To gain more support, Pich shared her story with the media and civil society organisations such as the Federation of Associations for Small and Medium Enterprises in Cambodia (FASMEC) that helped bring the situation of Pich's community to the attention of high government officials. Pich also shared videos of the company's illegal destruction of her property on Facebook Live, which many people would watch.

On these videos, Pich would say, **"The government should help to protect the property of small business owners like myself! We are the ones who support our families and communities the most. All of us have worked very hard to build**

our humble businesses brick by brick. Please support us, instead of helping bigger companies take away our hard-earned property."

Due to the local and international attention that Pich's advocacy drew in, the company decided to move its development project away. The company also compensated Pich and her neighbors for damaged property. With this victory, Pich and her restaurant could continue serving delicious food in peace.



ADDITIONAL RESOURCES TO HELP YOU ACQUIRE AND PROTECT YOUR PROPERTY



Legal Aid Cambodia (LAC)

LAC is an independent NGO that provides free, quality legal service to poor and underserved Cambodians in both criminal and civil cases. LAC's aim is to ensure that people are not mistreated by the criminal justice system and receive fair justice. LAC also educates community people and youth about their rights and laws, and advocates for legal and judicial reform. LAC works on a number of human rights issues, regularly representing, and advocating for, communities experiencing land conflict and land eviction.

Phone Number: 088 7777 093 / 012 385 155
Website: <http://lac.org.kh/>



Ministry of Commerce

The MOC is the government ministry responsible for regulating and developing the commerce and trade sectors in Cambodia. The MOC provides a number of services, such as company registration and trademark registration that help businesses grow and contribute to the national economy.

Facebook: <https://www.facebook.com/moc.gov.kh>
Phone Number: 096 963 2363 / 088 608 3082
Website: <https://www.moc.gov.kh/>

Advocacy and Legal Advice Center (ALAC)



ALAC Cambodia was launched by Transparency International (TI) Cambodia in 2013. The center provides free legal advice and assistance to people who have been victims

of corruption or have witnessed corruption. ALAC offers 100% confidentiality to anyone who reports corruption and transfers relevant cases to the Anti-Corruption Unit (ACU) and other partners. By reporting corruption, you not only stand up for your rights, you also help discourage corruption in government.

Facebook (Transparency International): <https://www.facebook.com/ticambodia>
Phone Number: 023 883 681
Website: <https://www.ticambodia.org/kh/advocacy-legal-advice-centre-alac/>



Federation of Associations for Small and Medium Enterprises in Cambodia (FASMEC)

FASMEC is a non-profit organization that works to promote the development of micro, small, and medium sized business in Cambodia. FASMEC achieves this by providing capacity training to its members, creating networking and business development opportunities, and lobbying the government to improve the business environment.

Facebook: <https://www.facebook.com/FASMEC/>
Phone Number: 077 302 778
Website: <https://fasmec.org/>

WORKSHEETS

Below are the Worksheets mentioned in the text. Use these to help you prepare for your meeting or encounters with government officials. If you have any questions, please reach out to WE Act – our details are on the back of this Magazine. Good luck!

Worksheet 1: Individual Action Planning Worksheet

Use this tool to plan with clear steps to address any challenges arising out of exercising your rights when using public services.

Example: **Sinat** is a woman who runs a business that imports cosmetics. She is unsure when to pay import tax on her products and where she should pay it. She can use this tool to plan out what steps she will take to find out the rules and when and where to pay import tax.

Question: In the example of Sinat above, Is there thing you need to do in your business that rely on government services? If yes, what are they?

Answer: Yes, there are, such as tax, training, or obtaining social security (NSSF).

It means that Sinat has a right to do access the public service provided by the government (civil servants). The government has a responsibility to deliver the services Sinat need for her to access her business rights and to fulfill her duties as a citizen (for example, paying tax).

The questions below can help Sinat/you decide what you need to do and how you will do it.

A. What do I need to do? (try to say in the simplest way possible)

I need to: *i.e. I need to ask for opinion from members of my network and request for clearer information from government official at my hometown on this matter....*

If I don't do this, I expect this to happen: *If I don't do this, I could have lost my profit because of the tax fine or from fraud by fraudulent people.*

Who can advise me on this matter? And how do I know what I need to do?

(How did you find out what you need to do – did a government official tell you? Did a lawyer, a trainer or an accountant tell you?)

For example: I will go to one-window-service office to meet the official there to find out more information about this. I will inquire them to help me understand the matter above.

1. Should I pay tax for the kind of business I am doing?
2. If yes, how much should I pay? Where should I pay tax? How do I do it?
3. Is there any training or orientation on tax for business like mine?
4. What should I do to obtain social security fund (SSF)?
5. Others.

If you don't know the details of what you need to do, and whom can you ask? Please look at the sample below.

(If you have never done this kind of work with anyone before, try to think about the names of people whom you think they might know or have the answer or have had the same issues as yours in the past. You can ask them: whom they have spoken to or how they got the information they need.)

For example, I would ask (or phone) Leap to ask about her experience and her advise on how to deal with the issue mentioned above before I go to meet with official at the one-window-service. Leap is a member of my business network. Therefore, she can provide me good advice to prep myself before meeting with the official, etc...

When in the future do you need to have completed this?

(Do you know the deadline for completing this?)

For instance: I will phone to make appointment with Leap on before going to meet the public official on

B. Fill in your summary as instructed above

(Read over your answers to the last page, and fill in this action plan below).

Please write down your need here:

In order to achieve this need, I have to:

- I will

- By doing this, I will avoid this bad outcome:

- I will do this by working with the government official, asking him/her below questions and will contact him/her on [date]:

- Before meeting with the official, I will assist my colleague/friend to find out additional information or consultation on what I should do on [date]

- I collect this information from my business (rent location, monthly expense and income, etc...)

C. Once you have completed the activities in your action plan, take some time to think about what happened. If you had a problem carrying out your plan, use the Problem Response Planning Tool to decide what to do to solve the problem and successfully address your business issue and fulfill your rights.

Worksheet 2: Work Plan for Working with Officials

Use this tool to help you develop a plan for how to work with government officials as you address your business issues. Use the three sections of this tool to have a positive meeting with an official. This tool has three sections:

1. Planning. Use this section of the tool before your meeting to help you prepare and make sure you will ask straightforward questions in the meeting.
2. Notes. Use this section of the tool during or immediately after the meeting to write down what was said and what information you received to remember it easily.
3. Debrief. Use this section of the tool after your meeting to help you review the meeting, communicate what you found, and decide how to improve your experience in the meeting next time.

You will see words in sentences with square brackets in the tool. These are instructions for writing in those spaces to help you fill in the tool.

1. PLANNING

In this section, write out what you plan to do or ask when you meet an official. If you have met him/her before, review any notes from your last meeting with this official, and if you have used the 'Individual Action Planning Tool', you can use your answers to that tool to fill in this section. (See the introduction in Worksheet 1)

2. NOTES

Try to write notes immediately after the end of the meeting, while you can remember what was said in the meeting. Use the Planning above to make sure that you collect information you need and are clear of. Taking note during the meeting helps you to collect clear information from the officials and your next steps.

3. DEBRIEF

Fill in the information here to help you reflect in post meeting and review what to do next. You can also use the brief note from the meeting with people or friends in another business network to describe about the result and information received to enable them to help you in planning your action and finding better solutions.

For example:

a. The summary of the meeting:

The meeting took place on _____ [the date of the meeting] with
After the meeting, I know that my business are legal; I have to prepare these documents in order to apply for business registration at the one-window service. My business is a taxed small enterprise, etc,...

b. The outcome of the meeting are:

The problem has not been solved; I must prepare documents to have my business registered at one-window service.
 I can seek for more clarification from Mr. Phone number:
 When I met him/her next time, I can ask him more questions such as

c. Next Step:

I need to take more steps in order to access my right to business such as
 Record of expense and income and prepare monthly financial report
 Rent contract
 Go to meet this official one more time on (date).....

1.	Summary of the meeting
2.	Result of the meeting
3.	Next Step

Note:

Remember to ask what could have made this process easier or clearer? Next time I have a meeting like this, I will change my approach with him/her.

Worksheet 3: Problem Response Planning

Use this if you experience problems addressing your business issues/rights, such as denying a service unless you pay extra fees. Using this tool, you can plan to respond when you have been denied your business rights.

Example: Chenda owns a restaurant that has only just opened. An official came to her restaurant and told her that because she has not yet put up a sign for her restaurant, she is guilty of evading tax and will need to pay a fine of USD 30,000. He told her that she could pay him USD 5,000 instead, and she won't need to pay the full fine. This tool can help Chenda to work out how to speak up for her rights, and how to find out what (if any) fee she owes, and the right way to respond to an official acting in this way in the future.

SUMMARISE YOUR SITUATION

Use your action plan from the action planning worksheet 1 to fill in these questions, with some extra information about how you have been denied access to your business rights. (Please read the introduction to choose approach in obtaining supporting voice to get your rights as below)

Briefly write down the need and reason why you cannot use public service:

In order to fulfill this need:

- I need to:

.....
.....
.....

- In order to avoid this issue:

.....
.....
.....

- I will work with And ask him/her the questions below on [date]:

.....
.....
.....

- I needed to collect this information from my business before meeting with [name of official]:

.....
.....
.....

A. **WAYS OF speaking up FOR YOUR RIGHTS**

There are a few ways of speaking up for your rights:

1. Contact the Ombudsperson: Every ministry and its provincial departments have an ombudsperson. The ombudsperson is responsible for listening closely to citizens' feedback using their services. You are entitled to contact them, explain your problems, and request a resolution.

2. Working with an entrepreneur association: An entrepreneur association has numerous government and private relationships, depending on their membership. They are in a position to leverage these relationships with the government to assist you with accessing the information you need, draw attention to your application, and help you fulfill your needs.

To find an entrepreneur association to work with, check the resources we shared in each chapter; ask other businesspeople about their business affiliations and membership in associations. Make sure you can describe clearly what you were trying to do and what went wrong – use the 'Summarize your situation' section above to do this.

3. Working with a lawyer: A lawyer can help you address more serious issues arising in your business, prepare documents or application for you to submit to the official, and advocate your case through a complaint procedure according to the law. This is especially useful when you suspect a public official has broken the law or there has been a serious failure of service, or in case you feel you are at risk. You can find a private lawyer or legal aid NGOs.

To find a lawyer to work with, look online for available legal companies, or ask other businesspeople who they work with, and if they can recommend anyone, or contact Legal Aid Cambodia (LAC). Make sure you can describe clearly what you were trying to do and what went wrong – use the 'summarize your situation' section above to do this.

Remember that a lawyer is a professional who is often compensated for their services. Make sure you are clear about what the lawyer's services will cost before you authorize them to act for you.

B. EXAMPLES: DECIDING HOW TO speak out FOR YOUR RIGHTS

There are many reasons you might need to work with an entrepreneur association or a lawyer to access your business rights. These are only examples – compare your situation to them and decide which is best for you.

1. If you were denied your rights by:

- **Being asked for a small unofficial fee**
- **Being denied the information you need to use a service**, such as officials refusing to answer your questions or provide information on how to fulfill your need
- **Receiving slow service**
- **Being discriminated against**, such as being turned away because you are a woman or because you are young

...then work with an entrepreneur association.

2. If you were denied your rights by:

- **Losing your fees without receiving a service**, such as fulfilling all requirements for a service, but then not receiving a service you applied for and losing those fee
- **Being threatened**, such as a government official asking for unofficial favors that not compliance with the government principle, or threatens you with large fees or prosecution unless you did something for them.

...then work with a lawyer or legal aid NGOs.

Feedback

As a magazine developer, we would love to hear your honest thought and feedback after reading this Magazine. So that we can upgrade our next printing. Please spare us a few minutes writing us your feedback below:

1. What has you learned from this magazine?
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2. In the magazine, we provide some resources and worksheets that you can seek for more information and practice some exercises for your own actions in addressing issues in your business life. Let me know if you think they are really practical to you.
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.....
.....

3. Whate else that you want to tell us?
.....
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.....

How we can get your feedback:

- Send us picture of your feedback to WE Act's Facebook Messenger (www.facebook.com/WEActCambodia)
- Or send via our email here: caminfo@pactworld.org, Tel: (855)17-222-330
- Or send to our office: Phnom Penh Center Building F, 5th floor, Sihanouk & Sothearos blvd, P.O Box 149, Phnom Penh, Cambodia



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