

## **Briefing note**

For the Senate Commission 8 on Health, Social Affairs, Veteran Rehabilitation, Vocational Training and Women's Affairs

# **Domestic Violence in Cambodia**

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## Introduction

This briefing note will focus on domestic violence in Cambodia. Succinctly, it finds that domestic violence remains a serious problem in Cambodia, largely because of women often having lesser power in relation to men within families, perceptions of gender roles which tolerate violence against women, and alcohol consumption. Although Cambodia has a significant number of laws which deal with domestic violence related issues, and is signatory to a number of relevant international conventions, problems continue to exist for authorities to effectively provide support and help to victims of domestic violence. However, the Royal Government of Cambodia (RCG) has developed a number of policies which aim to improve this situation over the coming years.

This paper will address the following questions: (1) what is domestic violence?; (2) what is the current status of domestic violence in Cambodia?; (3) what are the factors that contribute to domestic violence?; (4) what is the impact of domestic violence upon victims, others in the family and the community at large ?; (5) what are the relevant laws and international conventions against domestic violence in Cambodia?; and what is Cambodia's current policy response for preventing domestic violence?

### 1. What is domestic violence?

Domestic violence is aggressive conflict which takes place between two people who have a very close relationship, such as a husband and wife, a father or mother and their dependent children or a man or woman, or any other person living within the same household.<sup>1</sup>

Domestic violence can be physical, verbal, psychological, emotional, sexual, and economic. Cambodia's Law on the Prevention of Domestic Violence and the Protection of Victims recognizes four types of domestic violence<sup>2</sup>:

- **Physical violence:** Violence occurs when a person hurts or tries to hurt a partner through physical force<sup>3</sup>;
- **Psychological violence:** Violence that causes victims to suffer apprehension or mental illness<sup>4</sup>;
- **Sexual violence:** Acts which cause a person to suffer sexual harassment or un-consensual sexual acts<sup>5</sup>; and
- **Economic violence:** Violence that forces a woman to be concerned about receiving financial support. Normally, it causes women to become economically dependent on men.<sup>6</sup>

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<sup>1</sup> "Understanding Family Violence in Cambodia", Peace Resources, Accessed on March 14, 2014 from <http://pbresources.blogspot.com/2009/06/part-1-basic-understandings-of-violence.html>

<sup>2</sup> Law on the Prevention of Domestic Violence and the Protection of Victims, (Article 3), promulgated NS/RPM/1005/035, dated 24<sup>th</sup> October 2005

<sup>3</sup> Ibid, (Article 5)

<sup>4</sup> Ibid, (Article 6)

<sup>5</sup> UNDP Cambodia and VBNK in collaboration with the Ministry of Justice and the Ministry of Interior, 2010 "Talking about domestic violence in Cambodia", p21

<sup>6</sup> Ibid.

## 2. What is the current status of domestic violence in Cambodia?

A 2013 UN report found that 22 percent of women in Cambodia have experienced physical or sexual domestic violence, while 6.4 percent are currently experiencing it. The respective rates for men are 16 and 3 percent.<sup>7</sup> However, this does not include the other forms of domestic violence described above, such as psychological or economic violence, as there is no recent data.

## 3. What are the factors that contribute to domestic violence in Cambodia?

The causes that contribute to domestic violence in Cambodia may occur due to factors including traditional beliefs, alcohol consumption, low levels of education, unemployment, socio-economic marginalization.<sup>8</sup> The contribution of traditional beliefs, alcohol and unemployment to domestic violence is examined below.

- a. **Cultural factors:** Cambodia has long had a hierarchical society and culture whereby an expectation is placed on individuals to behave properly according to their assigned roles<sup>9</sup>. For example, 81 percent of women and 75 percent of men believe women should stay at home and take care of the family.<sup>10</sup>

This is partly because traditional beliefs which are still deep rooted in many Cambodian families emphasizes the strong power and roles of men in their families. A corollary of this is that many men believe that women should be subservient to them, and divide household duties in certain ways. Furthermore, in Cambodia it is not uncommon for some families to believe that real men should be aggressive and real women should be submissive.<sup>11</sup> This creates a cultural basis for spousal conflict to be met with violence, and leaves women and children in Cambodia particularly vulnerable to violence and abuse<sup>12</sup>.

The impact of these cultural factors are clear, when one considers that 35 to 45 percent of local authorities thought that husbands are justified in engaging in domestic violence if they felt a woman was not obedient or argued with their husband.<sup>13</sup> Based on a 2009 survey, 83 percent of men and 81 percent of women in Cambodia did not report domestic violence to an authority when they knew it occurred.<sup>14</sup>

- b. **Alcohol consumption:** Drinking alcohol decreases self-control, which can increase the chance for one to lose their temper, behave in destructive ways or become

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<sup>7</sup>Fulu, E., Warner, X. Miedema, S. Jewkes, R. Roselli, T. and Land, J. (2013). *Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-Country Study on Men and Violence in Asia and the Pacific*. Bangkok: UNDP, UNFPA, UN Women and UNV.

<sup>8</sup>Ibid, p27

<sup>9</sup>"Talking about domestic violence in Cambodia", op.cit., p27

<sup>10</sup>"Report Finds Poor Implementation of Domestic Violence Law". Cambodia daily.com. January 21, 2014

<http://www.cambodiadaily.com/archives/report-finds-poor-implementation-of-domestic-violence-law-50906/>

<sup>11</sup>Women and children in Cambodia are particularly vulnerable to violence and abuse, accessed on March 14, 2014.

<http://wopema.org/index.php?id=20>

<sup>12</sup>Ibid. p 74

<sup>13</sup>Ministry of Women's Affairs 2009, "The Violence Against Women 2009 Follow Up Survey", p.79

<sup>14</sup>Ibid.

violent<sup>15</sup>. A 2009 survey by the Ministry of Women's Affairs found that alcohol was involved in between 82 and 96 percent of verbal abuse, 6 to 9 percent of throwing objects, 3 percent of beatings, and 2 percent of threatening their spouse with a knife at least once a week when they are drinking alcohol<sup>16</sup>. This data clearly indicates that alcohol consumption is a contributing factor to domestic violence.

- c. **Unemployment:** According to the National Institute of Justice report 4.7 percent of violence occurs when both the women and male partner are employed, but the prevalence of domestic violence increase to 7.5 percent when the male partner experiences one period of unemployment, and increases up to 12.3 percent when the male experiences two or more periods of unemployment<sup>17</sup>.

#### 4. What is the impact of domestic violence upon victims, others in the family and the community at large?

Domestic violence has significant economic, physical and psychological effects on those who experience it, in both rich and poor families.<sup>18</sup> Physical violence can cause serious injuries requiring medical treatment, damage to property or the loss of the ability to work and earn an income. Below is a synopsis of the impact of domestic violence upon income, children, community and society.

- a. **Loss of income:** On average, female victims of domestic violence reported losing \$46.09 in income, and men \$26.02 per month.<sup>19</sup> These losses were higher amongst the lower income groups, and in rural settings, where the loss of income would be especially detrimental.<sup>20</sup>
- b. **Impact upon children:** Approximately 80 percent of children had witnessed parents beating a child and about half of the children had been personally beaten<sup>21</sup>. Based on a 2012 ADHOC report, among 1114 domestic violence victims 726 were children who were living in families where serious violence had occurred. Exposure to this violence can strongly affect children's physical, mental and emotional development and disturb their schooling<sup>22</sup>. Furthermore, children who are victims or witnesses of domestic violence are more likely to become perpetrators of it the future. These children may learn from their parents that conflicts are solved by using violence<sup>23</sup>, thus creating a cycle of abuse.

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<sup>15</sup> "Talking about domestic violence in Cambodia", op.cit., p21

<sup>16</sup> "Violence against women: 2009 Follow-up survey", op.cit., p45

<sup>17</sup> Ministry of women's affairs, "Explanatory Notes on the law on the prevention of domestic violence and the protection of the victims" (Cambodia: Ministry of women's affairs 2007), p. 18

<sup>18</sup> Ministry of women's affairs, "Violence against women: 2009 Follow-up survey", Final report 2009, (Cambodia: Ministry of women's affairs), p36

<sup>19</sup> Ibid p37

<sup>20</sup> "Violence against women", A baseline survey, Final Report Cambodia 2005, p36

<sup>21</sup> Talking about domestic violence, op.cit., p33

<sup>22</sup> UNDP Cambodia and VBNK in collaboration with the Ministry of Justice and the Ministry of Interior, 2010 "Talking about domestic violence in Cambodia", p34

<sup>23</sup> Ibid. p34

- c. **Impact upon Society:** While a high prevalence obviously represents a disturbance to a society's harmony, it also creates economic losses, due to reduced workforce participation and lower educational attainments, which negatively impacts a society's development.<sup>24</sup>

**5. What are the relevant laws and international conventions against domestic violence in Cambodia?**

Cambodia's legal provisions and international instruments to which it is a signatory against domestic violence are outlined below.

- a. **The Constitution (2010)** includes the following articles relevant to domestic violence: the right to equality of men and women before the law (Article 31)<sup>25</sup>; the right to life, personal freedom and security (Article 32)<sup>26</sup>; the law shall protect the life, honor and dignity of the citizens (Article 38)<sup>27</sup>; prohibition all forms of discrimination against women (Article 45)<sup>28</sup>; protection of the rights of children (Article 48)<sup>29</sup>; and the health of the people shall be guaranteed (Article 72)<sup>30</sup>.
- b. **The Criminal Code (2009):** recognizes many aspects of domestic violence as a criminal offence (Article 217-230)<sup>31</sup>.
- c. **The Law on Prevention of Domestic Violence and Protection of the Victim (2005):** deals specifically with domestic violence. It aims to protect husbands, wives, dependent children and all other persons living in the same house by providing both firm legal recognition of domestic violence and providing for intervention by local authorities and allowing Courts to issue protection orders for victims.<sup>32</sup>
- d. **Cambodian Administrative Remedies:** Victims can request assistance from local authorities, such as district authorities or commune councilors. Commune chiefs are responsible for security in their communes. However, many sources suggest that relevant provisions are interpreted inconsistently, and often local authorities' attempt to reconcile couples instead of intervening to protect the victim.<sup>33</sup>

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<sup>24</sup>Ibid.p33

<sup>25</sup>Ibid .p10

<sup>26</sup>Ibid.p11

<sup>27</sup>Ibid.p13

<sup>28</sup>Ibid.p15

<sup>29</sup>Ibid.p16

<sup>30</sup>Ibid.p73

<sup>31</sup>Criminal code (2009),Article 217-230

<sup>32</sup>Law on the Prevention of Domestic Violence and the Protection of Victims, Article 3

<sup>33</sup> "Violence against women", A baseline survey, Final Report Cambodia 2005,p13

- e. **International Agreements which Relate to Domestic Violence** - Cambodia is a signatory to: the Universal Declaration of Human Rights (1948); the Convention on the Elimination of all Forms of Discrimination Against Women (1979); the Convention on the Rights of the Child (1989); and the UN Declaration on the Elimination of Violence Against Women (1993).

## 6. What is Cambodia's current policy response for preventing domestic violence?

The RGC has made several key policy statements about the importance of women in general, and about domestic violence in particular. Specific policies relating to domestic violence are listed below.

- a. **Neary Rattanak III (2009-2013)**: the third five-year strategy plan of the Ministry of Women's Affairs (MOWA) clearly addresses domestic violence and highlights the need for further legal and policy efforts to reduce domestic violence. Neary Rattanak III is also one of the main national mechanisms for combating domestic violence and promoting gender equality.<sup>34</sup>
- b. **The Rectangular Strategy Phase III (2013)**: this recognizes domestic violence as an ongoing challenge and aims to address it by strengthening the law against Domestic Violence and Victim Protection, and introducing an anti-trafficking and sexual exploitation law as well as developing Cambodia's first national action plan on preventing violence against women.<sup>35</sup>
- c. **Cambodia Millennium Development Goals (CDMGs)**: The RGC is committed to significantly reducing all forms of violence against women and children and the targets within these goals include specific activities, from legal reforms and research to concrete prevention and counseling programs.<sup>36</sup>

## 7. Conclusion

The RGC has made reducing all forms of violence against women and children a priority, and has passed a number of laws, ratified international treaties and introduced policies towards this end. However, while problems continue with the implementation of these policies, the underlying cause of much domestic violence, women's inequality and vulnerability, will require a long-term commitment to address these issues.

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<sup>34</sup>Ministry of women's affairs, "Five year strategy plan 2009-2013: Neary Rattanak III", November 2009, p.2

<sup>35</sup>The Royal government of Cambodia, "Rectangular Strategy Phase III", 2013, p.40

<sup>36</sup>Ministry of women's affairs, "Violence against women", A baseline survey, Final Report Cambodia 2005, p.15

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