



POLICY BRIEF 7



VIOLENCE

VIOLENCE AGAINST WOMEN AND GIRLS
CAMBODIA GENDER ASSESSMENT

2014

Cover photo:

Ny Phalla, Police Officer (23) has been a policewoman for over two years. She loves her job because she keeps her community safe. She decided to become a police officer to follow in her father's footsteps, who is a policeman in the same office.



7. VIOLENCE

VIOLENCE AGAINST WOMEN AND GIRLS

POLICY CONTEXT

The Cambodian Constitution enshrines the right of all Cambodians to life, personal freedom and security (Article 32), and guarantees there shall be no physical abuse of any individual (Article 38).

The Law on Prevention of Domestic Violence and Protection of Victims establishes the responsibility of local authorities to intervene in cases of domestic violence and provides for protection orders to be issued by the courts to protect the victim from any further violence.

Sexual harassment and indecent behaviour in the workplace is prohibited by Article 172 of the Cambodian Labour Law.

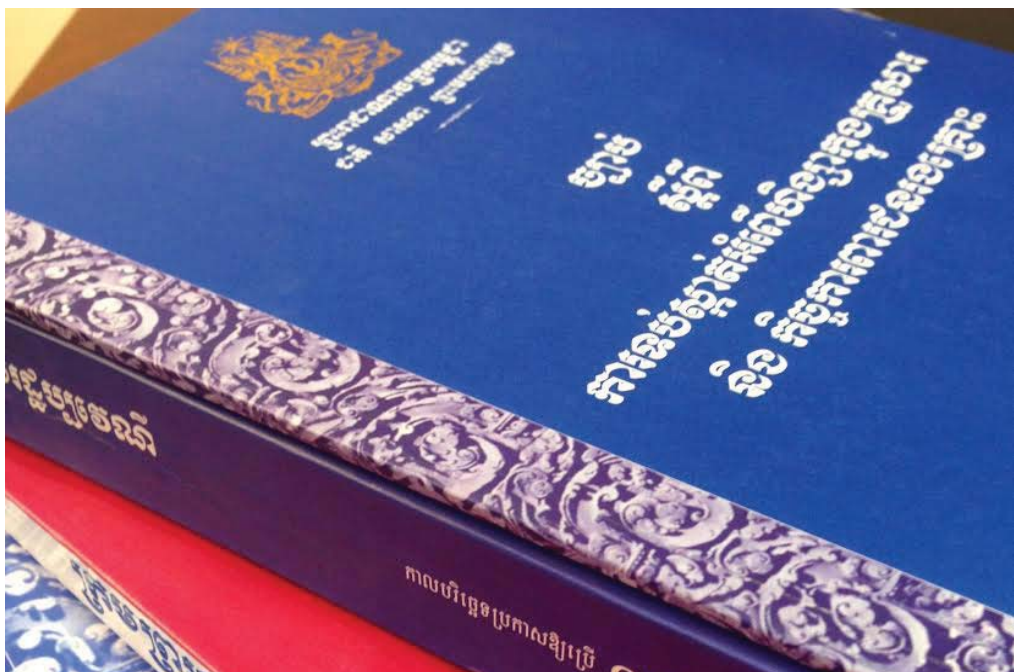
The Law on Suppression of Human Trafficking and Sexual Exploitation establishes the law against kidnapping persons for labour or sexual exploitation.

The Village Commune Safety Policy identifies rape, domestic violence and anti-trafficking as priority areas for commune, municipal, district and provincial councils to address.

The Civil Code was completed in 2006 and the Civil Procedure Code in 2007. The Criminal Code and the Criminal Procedure Code were completed in 2010.

The Law on Regulating Concentrated Acid was completed in 2011.

The 2nd National Action Plan to Prevent Violence Against Women (NAPVAW II) was finalized in May 2013 and awaits formal approval by the Council of Ministers.




The 2nd National Action Plan on the Suppression of Human Trafficking, Smuggling and Sexual Exploitation is currently being drafted (2nd NPA STSLS).

▲ The Domestic Violence Law provides legal protection for victims of violence against women.

Cambodia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1992 and its Optional Protocol in 2010.

In 1992, Cambodia ratified the United Nations Convention on the Rights of the Child (CRC) and its optional protocols which sets out the basic human rights of boys and girls, including the right to protection from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19).

Cambodia has ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which includes Article 6 specifically addressing women with disabilities, responding to the multiple discriminations they face, as well as Article 16 addressing freedom from exploitation, violence and abuse.



Cambodia has supported the United Nations Declaration on the Rights of Indigenous People (UNDRIP). Article 22.2 expresses that measures should be taken in conjunction with indigenous people to ensure that indigenous women enjoy full protection and guarantees against all forms of violence and discrimination.

As a member state of the United Nations, Cambodia is bound by all UN Security Council Resolutions (SCR), in particular to the Women, Peace and Security (WPS) related SCR 1325, 1820 and 1888.

FINDINGS

Prevent and Reduce VAW/G: Violence is an abuse of human rights and constrains development

Prevalence of domestic violence¹ remains high in Cambodia

Table 1: Past Prevalence Data for Spousal Domestic Violence

Study	Emotional, Physical, or Sexual Violence from Spouse	Physical Violence from Spouse	Sexual Violence from Spouse
CDHS 2000	25%	16%	4%
MoWA 2004		22.5%	-
CDHS 2005	22.3%	13.7%	3%

There are some indications that spousal² domestic violence is reducing however it remains widespread, along with other types of domestic violence. New data is required to fully understand the current prevalence. Data is starting to emerge on women and girls at increased risk of violence.

According to the Cambodia Demographic and Health Survey (CDHS) 2005 (the most recent data), 22 percent of women had experienced physical, sexual or emotional abuse from their spouse. This is down from 25 percent in 2000 (Table 1)³.

¹ Domestic violence is defined in Cambodian law as violence that “happens towards a husband or wife; dependent children or persons living under the roof of the house and who are dependents of the household”. It comprises sexual, physical and emotional violence and abuse in the setting of the home.

² In CDHS and in MoWA baseline and follow-up studies, only violence between spouses was measured.

³ National Institute of Statistics, Ministry of Planning, Directorate General for Health, Ministry of Health (2005) *Cambodia Demographic and Health Survey*. Phnom Penh, Cambodia.

The Ministry of Women's Affairs (MoWA) Follow-up Survey showed that victims were reporting decreased levels of spousal violence in all categories of violence (Table 2)⁴.

Table 2: “Has your spouse ever done any of the following to you?”

Comparison of spousal violence experienced by the respondents between the Baseline Survey on VAW 2005 and the Follow-Up Survey on VAW 2009

Type of experience of violence	Baseline Survey 2005	Follow-up Survey 2009	Relative decrease between 2005 and 2009
Yelling	75%	75%	0%
Cursing	44%	31%	29.5%
Throwing, etc.	18%	6%	66.7%
Knocking on the head, etc.	12%	4%	66.7%
Tying up and hitting, etc.	4%	1%	75%
Threatening with knife	5%	1%	80%
Burning or choking	1%	0%	100%
Throwing acid, etc.	1%	0%	100%

Source: Violence Against Women 2009 Follow-up Survey Final Study Report

The Partners for Prevention (P4P) Study on men's use of violence interviewed 417 women. Of those, 22 percent had experienced physical violence in the past year and 25 percent had experienced physical or sexual violence in their lifetime⁵.

In 2013, The P4P Study on 1831 men and women's use of violence found that 35 percent of ever-partnered men had used physical or sexual violence against an intimate partner⁶.

The Cambodia Violence Against Children Survey (CVACS) showed that more than 50 percent of both males and females experienced at least one incident of physical violence prior to age 18⁷.


Women with disabilities in the Triple Jeopardy study had the same experience of intimate partner violence as women without disabilities however they are more

⁴ Ministry of Women's Affairs (2009) *Violence Against Women, Follow Up Survey*. Phnom Penh.

⁵ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.

⁶ Ibid.

⁷ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.



likely to experience physical violence by other household members. Twenty five percent of women with disabilities had experienced physical violence by a household member compared to 11.4 percent of women without disabilities⁸.

Cambodia's commune database (CDB) records the number of families⁹ seeking help from local authorities for domestic violence. The number of families seeking help for domestic violence reduced from 1.63 percent in 2006 to 0.88 percent in 2010. With this data, it is not possible to determine if domestic violence has reduced or if help seeking has reduced¹⁰.

Reported rape and sexual violence rates in the family and other settings are high

Rape and sexual violence are perpetrated by family members, acquaintances and sometimes strangers, and occur in the home, school, workplace and in the community. There are limited studies in Cambodia with robust data reported by victims of rape and sexual violence. Rape is typically an under-reported crime.

The Cambodia Violence Against Children Survey (CVACS) found that 4 percent of females and 5 percent of males aged 18-24 reported at least one experience of sexual abuse before age 18. Perpetrators of sexual abuse are often known to children, with neighbours, friends, boyfriends and family members as common perpetrators of the first incident of childhood sexual abuse¹¹.

CVACS found that among those who had sexual intercourse as a child, 24 percent of females and 9 percent of males aged 18 to 24 reported that the first incident of sexual intercourse was unwanted¹².

The P4P Study of 417 ever-partnered women found that one in ten women reported having experienced sexual-partner violence or rape in their lifetime¹³.

In the same study, one in five ever-partnered men had perpetrated rape. The study found that rape is most commonly against intimate partners, with 20.8 percent of ever-partnered men reporting rape of a partner and 8.3 percent of all men interviewed reporting that they had perpetrated rape against a woman or girl who was not their partner¹⁴.

⁸ Astbury, Jill and Fareen Walji (2013) *Triple Jeopardy: Gender-based violence and human rights violations experienced by women with disabilities in Cambodia*. Phnom Penh: AusAID.

⁹ The reports to the CDB are of families not individuals and therefore not disaggregated by type of violence, perpetrator or victim.

¹⁰ CDB Online. 2013. <http://db.ncdd.gov.kh/cdbonline/home/index.castle> (accessed November, December 2013).

¹¹ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.

¹² Ibid.

¹³ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.

¹⁴ Ibid.



More than half of all men who committed rape were teenagers the first time they did so; of these, about 16 percent did so before the age of 15, and one in ten had perpetrated rape against four or more victims¹⁵. ▲ Efforts are being made to improve police responses to gender based violence.


Gang rape, often of sex workers, is widely recognized as a recreational sex activity among youth, particularly in urban areas. The P4P Study found that out of 8.3 percent of men who raped a non-partner, 5.2 percent were multiple perpetrators or perpetrators of gang rape. The report states this statistic is alarmingly high compared to other countries in the region¹⁶.

CVACS found that sexual abuse by more than one perpetrator is not uncommon¹⁷. Among 18 to 24 year olds, more than one in 10 females and more than one-quarter of males aged 18 to 24 reported that the first incident of child sexual abuse was perpetrated by more than one

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ The sample size of respondents who experienced sexual abuse was too small to extrapolate statistically significant estimates of the involvement of multiple perpetrators for specific types of sexual abuse such as rape. Consequently, although rape by multiple perpetrators could not be analyzed specifically, figures for all types of sexual abuse were analyzed.



person. Among 13 to 17 year olds, one in eight females and one in six males reported multiple perpetrators as the first incident of sexual abuse¹⁸.

Reports of rape to commune authorities and NGOs show a significant percentage of rapes reported to both groups are of young women and girls under 25¹⁹.

The Triple Jeopardy study on women with disabilities in Cambodia showed that 24.4 percent of surveyed women with disabilities had experienced sexual violence perpetrated by their partner, compared to 16.8 percent of women without disabilities; 5.7 percent of women with disabilities have been victims of sexual violence by family members, compared to 1.1 percent of women without disabilities²⁰.

The preliminary results of a study of 50 transgender females in the sex industry show that 55 percent of respondents indicate instances of forced or coerced sex, with the majority experiencing multiple occurrences²¹.

Sexual harassment is prevalent in workplaces and in the community

There are alarmingly high rates of sexual harassment in the work place for women working as beer promoters, including unwanted sexual touching (80 percent) and coerced sex (38 percent) identified in a study for CARE²².

A more recent study comparing the experience of abuse and sexual harassment for women working in beer companies that are members of the Beer Selling Industry Cambodia (BSIC)²³ found that 61 percent of beer promotion workers interviewed experienced some form of sexual harassment in the last 12 months compared to 79 percent of workers in non-BSIC brands²⁴.

A study for the International Labour Organization (ILO) revealed that one in five women working in garment factories felt they had been sexually harassed or sexually humiliated²⁵.

¹⁸ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.

¹⁹ CDB Online. 2013. <http://db.ncdd.gov.kh/cdbonline/home/index.castle> (accessed November, December 2013); ECPAT, 2011. *NGO Joint Statistics*. Phnom Penh: ECPAT.

²⁰ Astbury, Jill and Fareen Walji (2013) *Triple Jeopardy: Gender-based Violence and Human Rights Violations Experienced by Women with Disabilities in Cambodia*. Phnom Penh: AusAID.


²¹ Davis, Janet, Heike Lippman and Glenn Miles (2013) *More than Gender*. Love 146. *End Child Trafficking and Exploitation*. Phnom Penh.

²² CARE Cambodia (2005) *A Report on the Situation of Beer Promotion Women in the Workplace*. Phnom Penh.

²³ In October 2006, major businesses in the Cambodian beer market came together to found a professional industry organization called "Beer Selling Industry Cambodia" (BSIC).

²⁴ Racz, Kristof and Samuel Grumiau (2012) *Promoting Decency? Report on the Situation of Beer Promotion Workers in Cambodia*. Amsterdam: SOMO.

²⁵ ILO (2012) *Action-oriented research on gender equality and the working and living conditions of garment factory workers in Cambodia*. ILO Regional Office for Asia and the Pacific.



Research undertaken by ActionAid in Cambodia showed that women garment workers are exposed to violence on multiple levels. More than half of garment workers interviewed had experienced or witnessed harassment in the workplace. Even when they leave work they are at risk of rape, verbal abuse and sexual harassment from men who loiter around the factories²⁶.

A baseline study by ActionAid of 380 women, including women working in garment factories (241), university students (91), sex workers (24) and beer promoters (24), found that 83 people (22 percent) experienced sexual/physical harassment in public places; 77 percent cited verbal harassment, 25 percent physical harassment and 21 percent violent physical attacks. On average, each woman faced five incidents of abuse committed primarily by clients, strangers or gangsters aged mostly 22-35. Fifty-five percent of incidents happened on the roadside; 27 percent at drinking/entertainment establishments; and 15 percent at guesthouses. Ninety seven percent of respondents did not feel safe when going out alone after dark; 89 percent felt unsafe working or studying at night; and 24 percent felt unsafe when using public spaces at any time.

A study of 50 transgender sex workers identifying as female or third gender reported that 72 percent had experienced sexual harassment such as unwanted touching or fondling²⁷.

Sexual exploitation of women and girls continues

Sexual exploitation is closely related to human trafficking. Often, women and girls who experience sexual abuse are the victims of trafficking for sexual exploitation. Women and girls are at risk of sexual exploitation through unsafe migration.

CVACS found 1.6 percent of females aged 18 to 24 reported receiving money, food, gifts or other favours for sexual intercourse, or performing other sexual acts, prior to age 18²⁸.

In the study *Young Entertainment Workers in Four Cities*, female entertainment workers²⁹ reported that they commonly experience violence and harassment within the context of their work. Clients are commonly perpetrators of violence, particularly when drunk or not wanting to use a condom³⁰.


²⁶ ActionAid (2014) *Safe Cities for Women: From Reality to Rights*. ActionAid.

²⁷ Davis, Janet, Heike Lippman and Glenn Miles (2013) *More than Gender*. Love 146 *End Child Trafficking and Exploitation*. Phnom Penh.

²⁸ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.

²⁹ In the study *Life experiences and HIV risks of young entertainment workers in four Cambodian cities, 2012*, entertainment workers are defined as direct or indirect sex workers.

³⁰ Ministry of Education, Youth and Sport (2012) *Examining life experiences and HIV risks of young entertainment workers in four Cambodian cities*. Phnom Penh.



The same study showed that most female participants' entry into sexual activity occurred between 14 to 18 years of age and were non-consensual. Approximately one third of the female entertainment workers had their virginity bought and another one third reported being raped or forced to have sex with a boyfriend, stepfather or stranger the first time they experienced sex³¹.

In the Most at Risk Young People Survey, 37 percent of female most at-risk young people (MARYP)³² aged 10 to 19, and 52 percent of those aged 20 to 24, had engaged in a commercial sexual relationship in the past year, with rates higher for females in urban areas³³.

In 2008, a study to measure the extent of trafficking for sexual exploitation estimated there were 1,225 sex venues (brothels, karaoke, restaurants, bars, freelance sex workers and casinos) with more than 27,000 sex workers in Cambodia. There were 81 venues involved in trafficking, with an estimated total of 1,053 current victims of trafficking for sexual exploitation³⁴.

A 2013 International Justice Mission study on the commercial exploitation of children showed that less than 1 percent of commercial sex workers were under the age of 15³⁵.

Some women and girls face increased risk of violence

Stigma, harassment and discrimination is commonly experienced by lesbian, bisexual and transgender individuals in Cambodia, yet their experiences of abuse or discrimination are often overlooked or ignored by the response systems, their families and communities³⁶.

A study of 161 people in Battambang Province with family members that had migrated reported that nearly two-thirds had migrated illegally. High rates of young women are migrating for work, making them further vulnerable to sexual exploitation and other abuse³⁷.

³¹ Ibid.

³² MARYP are those who sell sex, those who inject drugs, and young men who have sex with men.

³³ Ministry of Education, Youth and Sport (2010) *Most at Risk Young People Survey*. Phnom Penh.

³⁴ Steinfatt, Thomas (2011) *Measuring the Extent of Sex Trafficking in Cambodia*. Bangkok: UNIAF.

³⁵ International Justice Mission (2013) *Commercial Sexual Exploitation of Children and the Public Justice System Response*. Phnom Penh: International Justice Mission.

³⁶ Cambodia Center for Human Rights (2010) *Coming out in the Kingdom: Lesbian, gay and bisexual and transgender people in Cambodia*. Phnom Penh: CCHR.

³⁷ Ministry of Women's Affairs (2014) *Study on Impacts of Migration on Families and Communities in Battambang Province*. Phnom Penh.



A study of 50 transgender sex workers in Phnom Penh identified that 46 percent of respondents reported physical violence in the past 12 months due to being transgender³⁸. ▲ Cambodian law prohibits all forms of violence and abuse against children.

A study on the socio-economic impact of HIV conducted in Cambodia demonstrated that women living with HIV were more likely to report verbal abuse, physical harassment and physical abuse than men living with HIV and people who are not living with HIV³⁹.

According to the Cambodia Acid Survivors Charity (CASC) approximately 45 percent of 400 victims of acid attacks, since first recorded in 1964, are women. The majority of acid attacks occur in Phnom Penh and Kampong Cham due to availability of acid in those provinces⁴⁰.

³⁸ Davis, Janet, Heike Lippman and Glenn Miles (2013) *More than Gender. Love 146 End Child Trafficking and Exploitation*. Phnom Penh.

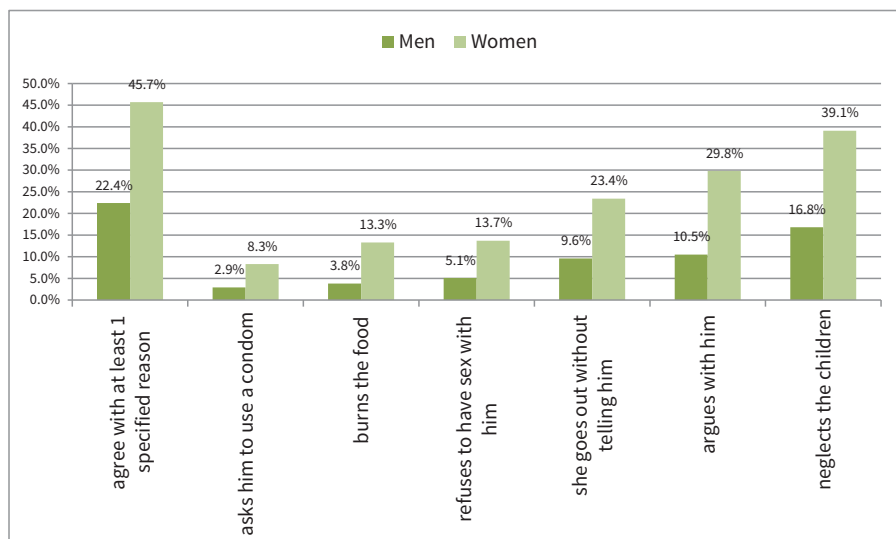
³⁹ National Aids Authority (2010) *Socioeconomic Impact and Macroeconomic Impact of HIV in Cambodia*. Phnom Penh: United Nations.

⁴⁰ Cambodia Acid Survivors Charity (2013) *Statistics of Acid Burns in Cambodia*. Phnom Penh.

Violence against women is widely accepted and tolerated

Level of acceptance of domestic violence has reduced but remains high

Figure 1: Percentage of Men and Women (15-49) that agree with at least one specified reason for wife beating



Source: CDHS 2010

The CDHS 2010 reports nearly half of women and one-quarter of men aged 15-49 agree with at least one reason which justifies a man beating his wife; one positive trend is that the percentage of women who agree with one reason for wife beating is down from 55 percent in 2005 to 45.7 percent in 2010⁴¹.


Overall, compared to 2005, the 2009 MoWA Follow-up Survey shows fewer people find violence acceptable and more people are recognizing that violent acts are illegal⁴².

CVACS showed that nearly two in five females aged 13 to 17 and one in three females aged 18 to 24 believe that it is acceptable for a husband to hit or beat his wife under one or more circumstances. Two in five males aged 13 to 17 and more than one in three males aged 18 to 24 endorse a husband's use of physical violence under one or more circumstances⁴³.

⁴¹ National Institute of Statistics, Ministry of Planning, Directorate General for Health, Ministry of Health (2010) *Cambodia Demographic and Health Survey*. Phnom Penh, Cambodia.

⁴² Ministry of Women's Affairs (2009) *Violence Against Women, Follow Up Survey*. Phnom Penh.

⁴³ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.



Nearly one in four females aged 18 to 24 (24 percent) reported that a parent was home and one in five (19.7 percent) reported that a sibling was at home during the first incident of sexual abuse prior to age 18⁴⁴.

In the P4P Study on men's use of violence against women, 32.8 percent of women and 27 percent of men agree that there are times when a woman deserves to be beaten⁴⁵.

In a qualitative study of men's masculinity, 100 percent of men think men who use violence are bad and perpetrators should be punished, but 54 percent agree that a man is entitled to be violent if his wife disobeys him⁴⁶.

While rape is widely understood to be criminal, women and girls are still blamed for putting themselves in a vulnerable position and experience significant social stigma

Rape is seen as less acceptable than spousal violence and is viewed as a crime deserving imprisonment by a majority of Cambodians. In the 2009 Follow-up Survey the vast majority said that rape should be punished by imprisonment for more than three years. Ninety-seven percent favoured prison terms for gang rape and 91 percent for fathers who raped their daughters⁴⁷.

Rape in marriage or by a romantic partner is seen as less deserving of severe penalties. Only 49 percent thought rape should be punished by jail if it was committed by a boyfriend or 'sweetheart' and 12 percent said that a husband has the right to force his wife to have sex. For poorer women, the percentages dropped significantly⁴⁸.

While perpetrators may continue their lives without social stigma, the victim is marked as a used and worthless woman, a situation that leads to shame and guilt for women which can force them to keep the rape secret, marry the rapist, or leave the household to preserve the family reputation. Entry into sex work may seem their only option to contribute to the family income⁴⁹.

In the P4P Study, 18 percent of men and 21 percent of women said that when a

⁴⁴ Ibid.


⁴⁵ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.

⁴⁶ Brereton, Helen and Vannak Lim (2009) *Men's Talk: Men's Attitudes Towards Men, Women and Violence Against Women in Cambodia*. Melbourne: International Women's Development Agency.

⁴⁷ Ministry of Women's Affairs (2009) *Violence Against Women, Follow Up Survey*. Phnom Penh.

⁴⁸ Ibid.

⁴⁹ Brown, Eleanor (2007) *The Ties That Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*. Phnom Penn: IOM.



woman is raped she is usually to blame for putting herself in a vulnerable situation⁵⁰.

CVACS found that among those who experienced childhood sexual abuse, approximately 49 percent of females and 79 percent of males aged 18 to 24, and 46 percent of females and 87 percent of males aged 13 to 17, had never told anyone about an incident of abuse. Females had not reported any incident of sexual abuse because they were afraid to get into trouble, felt the abuse was not a problem, were too embarrassed for either themselves or their family, did not need or want services, or felt the sexual abuse was their fault⁵¹.

The study *Wise Before Their Time* links pornography with sexual violence highlighting that young boys and girls exposed to highly explicit and violent pornography is causing a premature sexualizing of children's lives and is teaching young men violent and abusive sexual behaviour⁵².

In the P4P Study, men perpetrating rape acknowledged that the motivations for rape were that they wanted to do it, felt entitled to do it, felt it was entertaining, or saw it as deserved punishment for women. Few men had experienced any consequences or legal sanctions, resulting in a culture of impunity. This lack of legal or social sanctions or penalties for men, together with the attitude that some women are “bad” and deserve such treatment, perpetuates these crimes⁵³.

Violence against women and girls is perpetuated by traditional gender norms, and a variety of factors on the personal level, such as lower education and childhood experience of violence

In Cambodia, traditional gender norms and customs are prescribed in the “*Chbab Srey*”. It is deeply rooted in Cambodian culture, learned from early childhood, and continues to perpetuate gender stereotypes. Women's reporting VAW/G is counter to the norms prescribed in this code⁵⁴.

Attitudes on gender bias in sexual practices and intimate partner violence did not differ by sex or age, with more than nine in ten females and males across ages endorsing at least one negative gender attitude⁵⁵.

⁵⁰ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.

⁵¹ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.

⁵² Fordham, Dr. Graham (2005) *Wise Before Their Time*. Phnom Penh: World Vision.

⁵³ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.

⁵⁴ Brickell, K. *Fire in the House: Gendered Experiences of Drunkenness and Violence in Siem Reap, Cambodia*. Phnom Penh: GeoForum.

⁵⁵ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.



The qualitative component of the CVACS found that a major reason that girls and young women do not to disclose or seek help was that they feared being admonished for gossiping (“Make yourself clean first” [before you say bad things about someone else]). It is particularly difficult to talk about sexual violence because adults might find it unacceptable for females to speak words of a sexual nature, regardless of the context⁵⁶.


▲ The law requires authorities to intervene and protect victims

Studies are attempting to identify the root causes of VAW/G. Gender and Development for Cambodia’s qualitative study revealed that men are expected to fulfil the roles of head of household, be the breadwinner, be superior to women and girls, dominate over women and be strong and brave⁵⁷. The P4P Study supports this, with 62.6 percent of men and 57.1 percent of women agreeing that men should have the final say in all family matters⁵⁸.

⁵⁶ Ibid.

⁵⁷ Gender and Development for Cambodia (2010) *Deoum Troung Pram Hath in Modern Cambodia*. Phnom Penh: GADC.

⁵⁸ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.



Traditional gender norms result in control over women's mobility. The importance of a woman's reputation and sexual honour, along with the fear of rape, restricts women's and girls' mobility and results in less access to education and employment opportunities⁵⁹.

A study analysing data from CDHS 2005 found that a husband's control could correlate to increased emotional and physical violence⁶⁰.

Alcohol consumption is often blamed for VAW/G. However while alcohol consumption might aggravate arguments to levels where violence occurs, drunken behaviour is more influenced by cultural norms than by the actual pharmacological effects of alcohol itself⁶¹.

Violence against women and children is linked

Social norms that contribute to both the perpetration and tolerance of VAW/G are learned in early childhood. Children exposed to violence as a normal method of resolving conflict are likely to learn to accept that behaviour as normal.

Many women who experience violence have children who not only witness the violence, but are also at greater risk of violence and abuse themselves.

Childhood experiences of violence increase the risk of being a victim of or perpetrating intimate partner violence in adult life.


In the P4P Study, men's own experiences of childhood violence, particularly childhood emotional abuse or neglect and witnessing abuse of the mother, were found to have a very large impact on the perpetration of intimate partner violence. Perpetration of non-partner rape was also found to be related to childhood experiences of violence, especially to childhood emotional abuse or neglect and childhood sexual abuse⁶².

⁵⁹ UNDP (2013) *Strategic Asia: Gender and Human Capital Development*. Phnom Penh.

⁶⁰ Eng, Sothy, Yingli Li, Miriam Mulsow and Judith Fischer (2010) *Domestic Violence Against Women in Cambodia: Husband's Control, Frequency of Spousal Discussion and Domestic Violence Reported by Cambodian Women*. *Journal of Family Violence* 25, no. 3 (2010): 237-246.

⁶¹ Brickell, K. (2008) *Fire in the House: Gendered Experiences of Drunkenness and Violence in Siem Reap, Cambodia*. Phnom Penh: Geoforum.

⁶² Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.



Cost to individuals, society and public services is significant in terms of lost wages, missed education, increased costs to health care as a result of injuries and increased risky behaviours by victims later in life

Research indicates that the economic and social costs of VAW/G are enormous and have ripple effects throughout society. While VAW/G can have fatal results, such as homicide or suicide, many more women are injured and suffer from a range of health problems⁶³.

Poverty studies in Cambodia have shown that VAW/G contributes to movement into poverty due to lost income and assets, the cost of illness and injury, and divorce and family breakdown. Debt and poverty also make women and girls more vulnerable to sexual exploitation⁶⁴.

Approximately 20 percent of the women in Cambodia who experienced domestic violence reported that they missed work and their children missed school. More than half the sample also reported emotional distress such as being angry, unable to sleep, anxious, fearful or depressed as the most common effects of domestic violence⁶⁵.

CVACS found that exposure to violence as a child was associated with a range of short-term health consequences, including moderate mental distress, sexually transmitted infections (STIs), self-harm and suicidal feelings⁶⁶.

Significant laws and policy measures have been established but gaps remain

Although the policy framework has improved significantly in recent years, legal protection for violence against women is particularly constrained by poor law enforcement. This is due to a lack of coordination with other authorities, investigative resources and skills, and clear guidelines to carry out and enforce the laws.


The Domestic Violence Law (DV Law) lacks clarity as to who is covered by the law, definition of removal of victims from the scene, and in the provision of protection orders. The Sub-Decree on Administrative Decisions by Local Authorities in Cases

⁶³ World Health Organization (2013) *Intimate Partner and Sexual Violence Against Women*. Retrieved December 27, 2013 from Media Centre: <http://www.who.int/mediacentre/factsheets/fs239/en/>

⁶⁴ FitzGerald, Ingrid and So Sovannarith (2007) *Moving Out of Poverty: Trends in Community Well-being and Household Mobility in Nine Cambodian Villages*. Phnom Penh: Cambodia Development Resource Institute.

⁶⁵ Ministry of Women's Affairs (2009) *Violence Against Women, Follow Up Survey*. Phnom Penh.

⁶⁶ Ministry of Women's Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.



of Domestic Violence, foreseen by the DV Law of 2005, has yet to be issued, creating another challenge. These gaps result in unclear guidance on determining criminal cases.

The policy on extradition and the differing legal frameworks of countries make cross-border prosecution a challenge in anti-trafficking efforts.

Undercover surveillance and investigation is not explicit in the law, limiting the ability of the police in some cases.

The definition of guardianship is not clear for child victims requiring alternative care placement.

While the Tourism Law states that minors shall not be permitted to enter the premises of adult entertainment centres, it is not clear what ‘adult entertainment centres’ include.

Managing an establishment of prostitution is punishable under the Law of Human Trafficking and Sexual Exploitation (LHTSE) and the Penal Code, but these provisions do not cover situations where a minor, employed by an establishment for entertainment, is taken out by a customer to a private place for sexual purposes.

Sexual harassment is prohibited under the Criminal Code and Labour Law, however there is no clear definition.

Article 1045 of the Civil Code allows a parent or legal guardian to personally discipline a child to the extent necessary.

Options for redress and support are limited for VAW/G


The majority of survivors of VAW/G do not disclose and seek help from anyone. In the 2009 MoWA Follow-Up Survey, 87 percent of victims of rape reported they did not seek help and 81 percent of domestic violence victims reported ‘keeping quiet’⁶⁷.

CVACS found that among females who reported experiencing sexual abuse or physical violence, many had never told anyone about an incident of sexual abuse or physical violence and few sought help⁶⁸.

A study on Domestic Violence and the Law (sample of 1,000 women) found that 76

⁶⁷ Ministry of Women’s Affairs (2009) *Violence Against Women, Follow Up Survey*. Phnom Penh.

⁶⁸ Ministry of Women’s Affairs (2014) *Draft Findings: Violence Against Children Survey*. Phnom Penh.



percent of physical violence victims and 68 percent of emotional violence victims never sought help⁶⁹.

In a study on women with disabilities, 68 percent of women with disabilities compared to 43.8 percent of women without disabilities had not informed anyone about violence committed by their partner⁷⁰.

Gender inequality, lack of adequate training and resources and a culture of impunity reinforce practices such as reconciliation in domestic violence and compensation in the case of rape

Local authorities (including police) are the most common place for women to seek help outside of their family however authorities maintain traditional attitudes about VAW/G. According to the 2009 Follow-up Survey, more than one-third of local authorities felt a husband was justified in using extreme types of violence if a wife argued with her husband, did not obey him or did not show respect⁷¹.

While the Cambodian National Police (CNP) has made significant progress in establishing a structure to prevent and improve the police response, particularly to trafficking, investigations do not happen in a timely way, and police lack transportation and other essential equipment such as tools for collecting evidence.

The unclear legal framework for the classification of domestic violence as a crime, and lack of clear standards and guidelines for mediation⁷² coupled with traditional attitudes, lack of skills and resources has resulted in the practice of defining VAW/G as “serious” and “non-serious” by police and other authorities. For “non-serious” cases the local authorities commonly bring the couple together for a type of mediation (*Somroh Somruei*) with a goal of having the couple agree to stop the domestic violence⁷³.


⁶⁹ Brickell, K., B. Prak and B. Poch (2014) *Domestic Violence Law: The gap between legislation and practice in Cambodia and what can be done about it*. <http://www.katherinebrickell.com/2014/01/19/new-research-report-on-domestic-violence-law-in-cambodia/> (accessed February 11, 2014).

⁷⁰ Astbury, Jill and Fareen Walji (2013) *Triple Jeopardy: Gender-based violence and human rights violations experienced by women with disabilities in Cambodia*. Phnom Penh: AusAID.

⁷¹ Ministry of Women's Affairs (2009) *Violence Against Women, Follow Up Survey*. Phnom Penh.

⁷² The 2005 DV Law provides that when both parties agree, reconciliation or mediation can be pursued in cases of minor misdemeanours or petty crimes, as well as violent acts causing mental or economic harm. There is, however, no definition for minor misdemeanours and petty crimes in the DV Law. In the case of domestic violence, a criminal investigation, prosecution and conviction is possible, not on the basis of the DV Law but instead pursuant to the *Penal Code*. In the absence of any protocols or sub-decrees, authorities interpret and apply the law within prevailing social norms and cultural practices.

⁷³ Lim, J. (2009) *Out of court resolutions of violence against women*. Phnom Penh: European Union/Dan Church Aid.



If a woman does seek redress through the courts, the majority of cases have a very poor clearance rate. In 2010, a USAID study found that only 16 percent of prosecutions of VAW/G led to a final verdict, compared to 75 percent of criminal cases. This increased to 32 percent in 2011 after the introduction of a tracking data-base⁷⁴.

Financial settlements are common outcomes for rapes, but the settlements are rarely paid and this type of consequence permits the perpetrator to commit rape again.

The health system does not yet have a protocol to specifically address, screen for and respond to VAW/G, although a protocol is being developed.

Medical professionals lack understanding of the law in relation to medicine, preventing adequate legal evidence for prosecutions.

Forensic exams are only available at provincial/municipal level hospitals, making them very expensive.

Social services and legal support to survivors of VAW/G are not systematically provided, available and accessible for all women and girls

There is growing understanding that some women and girls are at increased risk of VAW/G or have particular challenges in accessing protection and social services.

While experts have identified that a survivor of VAW/G may need a range of different services, in Cambodia such services remain scattered and uncoordinated. Most services are unavailable in most rural areas and are not accessible for all women and girls, particularly women and girls at increased risk.

Community-based services are limited.

The social work sector is extremely underfunded. Currently there is only an average of four public social welfare officials per 100,000 people.


Legal support or representation is lacking for most women and girls⁷⁵.

There is inadequate coordination between service providers and other key actors on prevention and response strategies⁷⁶.

⁷⁴ East-West Management Institute (2012) *Facing the facts: How evidence-based programs improve gender based violence prosecutions in Cambodia*. Phnom Penh: USAID.

⁷⁵ Ministry of Women's Affairs (2012) *Review of 1st National Action Plan to Prevent Violence Against Women*. Phnom Penh.

⁷⁶ Ibid.



Prevention efforts are stronger but should continue to focus on primary and secondary prevention of VAW/G

Knowledge of the law is important, but it is not enough to change behaviour. In the 2012 P4P Study, 94 percent of men reported knowledge about laws on violence against women yet 16.4 percent of men still reported perpetrating physical violence, 20.8 sexual violence, and 32.8 physical or sexual violence or both. Another recent study found similarly that despite 92 percent of men and 90 percent of women knowing of the existence of the DV Law, only 6 percent of men and 10 percent of women understood that women have the right to a life free from violence⁷⁷.

Efforts at secondary prevention are still limited, but are important to ensure that the immediate responses to VAW/G, such as emergency services and medical care, are adequate and available to all survivors of VAW/G.

⁷⁷ Fulu, E., X. Warner, S. Miedema, R. Jewkes, T. Roselli and J. Lang (2013) *Why do some men use violence and how can we prevent it?* Bangkok: UN Women.

POLICY RECOMMENDATIONS

Laws and Policies

Strengthen the policy environment toward preventing violence against women and girls

- | | |
|---|---------------------------------|
| <ul style="list-style-type: none"> Finalize, cost and develop an implementation plan with prioritized actions for the NAPVAW II (2014-2018) and the 2nd NPA STSLS. | MoWA, Mol, Council of Ministers |
| <ul style="list-style-type: none"> Finalize, cost and prioritize actions to respond to the findings of the CVACS. | MoWA, MoSVY |
| <ul style="list-style-type: none"> Ensure that forensic examinations are accessible, appropriate and free, and that medical staff have the skills to conduct such examinations. Promote comprehensive post-exposure prophylaxis services with prophylactic treatment of HIV infection, emergency contraceptive and sexually transmitted infection screenings and other reproductive health services, combined with medical exams and treatment⁷⁸. | MoH |
| <ul style="list-style-type: none"> Adapt comprehensive legislation relating to gender equality, which includes a definition of discrimination against women, with direct discrimination and indirect discrimination in accordance with Article 1 of CEDAW (CEDAW-CO 11). | |
| <ul style="list-style-type: none"> Promote the development of a Media Code of Conduct for reporting on VAW and standard guidelines overseen by the Media Advisory Group. | MoIn, MoWA |
| <ul style="list-style-type: none"> Develop a policy on the strategic use of Information and Communication Technology (ICT) for awareness raising and prevention of VAW/G. | |
| <ul style="list-style-type: none"> Review Operational Standards and Codes of Conduct for police and harmonize with national and international legal frameworks, including UNSCR 1325⁷⁹. | Mol |
| <ul style="list-style-type: none"> Implement the <i>National Guidelines for Managing Violence Against Women and Girls in Cambodia</i> and conduct training on the guidelines for practitioners in the health sector⁸⁰. | MoH |

⁷⁸ NAPVAW II.

⁷⁹ NAPVAW II.

⁸⁰ NAPVAW II.

Continue to strengthen and harmonize the legal frameworks for VAW/G

- | | |
|---|----------------------------------|
| <ul style="list-style-type: none"> • Complete an assessment of the successes and challenges in the legal system's response that results in recommendations for improvements and an advocacy strategy on VAW/G. Clarify and/or review the following laws, regulations and procedures: <ul style="list-style-type: none"> o Law on the Prevention of Domestic Violence and Protection of Victims (coverage, administrative rules); o Law on Suppression of Human Trafficking and Sexual Exploitation⁸¹; o Civil Code, particularly related to parental power to discipline a child to the extent necessary; o Guidelines on Village and Commune Safety Policy; o The definition of men's entertainment centres⁸²; o Labour Law and Guidelines on Sexual Harassment. | <p>MoJ, MoI,
MoSVY, MoWA</p> |
| <ul style="list-style-type: none"> • Ensure clear provisions in national legislation on the establishment of effective systems for identification, reporting and referral of cases of VAW/G⁸³, especially for vulnerable groups. | <p>MoWA</p> |
| <ul style="list-style-type: none"> • Adopt a framework for mediation or alternative dispute resolution that best serves the needs, and respects the integrity, of survivors of VAW/G⁸⁴. | <p>MoJ, MoI</p> |

Ensure effective access to court services for survivors of VAW/G

- | | |
|--|-------------|
| <ul style="list-style-type: none"> • Provide training to judicial and law enforcement officers to ensure that cases of violence against women and girls, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation⁸⁵. | <p>MoWA</p> |
| <ul style="list-style-type: none"> • Develop a comprehensive legal aid scheme for free legal services for women and girl victims of violence and increase funding to the Bar Association and organizations providing free legal counselling to ensure effective access to justice⁸⁶. | <p>MoJ</p> |

⁸¹ CEDAW 27.

⁸² NAPVAW II; 2nd NPA STSLS.

⁸³ NAPVAW II; 2nd NPA STSLS.

⁸⁴ CEDAW; NAPVAW II.

⁸⁵ CEDAW 21a; NAPVAW II.

⁸⁶ CEDAW 13b; NAPVAW II; 2nd NPA STSLS.

<ul style="list-style-type: none"> Encourage women and girls to lodge formal complaints about violence, by de-stigmatizing victims and raising awareness about the criminal nature of such acts⁸⁷. 	MoWA, MoI, MoJ
<ul style="list-style-type: none"> Provide clear direction to government officials to re-enforce prosecution rather than compensation payments. 	MoI
<ul style="list-style-type: none"> Enforce prosecution of perpetrators of VAW/G, including traffickers⁸⁸. 	MoJ
<ul style="list-style-type: none"> Ensure specific protection measures for girls within the justice system, including non-confrontation with a perpetrator and other witness protection measures. 	MoWA, MoJ
<ul style="list-style-type: none"> Promote the use of protection orders and document the number of orders⁸⁹. 	MoJ, MoI
<ul style="list-style-type: none"> Strengthen the implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation⁹⁰. 	MoI
<ul style="list-style-type: none"> Investigate and prosecute allegations of corruption in the legal and justice administration and where applicable punish the perpetrators⁹¹. 	MoJ, MoI
<ul style="list-style-type: none"> Investigate and prosecute cases of sexual assault by law enforcement personnel committed against women engaged in prostitution⁹². 	MoJ, MoI

⁸⁷ CEDAW 21b.

⁸⁸ CEDAW 25c; 2nd NPA STSLS.

⁸⁹ CEDAW 21d; NAPVAW II.

⁹⁰ CEDAW 25a; 2nd NPA STSLS.

⁹¹ CEDAW 13c.

⁹² CEDAW 27.

<ul style="list-style-type: none"> Establish juvenile courts, with specialized police, clerks, judges, prosecutors and social workers in juvenile cases, using child-friendly procedures. 	MoJ
Promote efforts to prevent VAW/G	
<ul style="list-style-type: none"> Develop and implement a multi-sectoral coordinated primary prevention strategy targeting key actors and settings for positive change in perceptions, attitudes, behaviours, beliefs, practices and social norms concerning VAW/G⁹³ particularly targeting women from ethnic minority groups and disability groups in rural areas⁹⁴. 	MoEYS, MoSVY, MoWA
<ul style="list-style-type: none"> Target education activities to adults and youth that challenge traditional gender norms and practices and unequal gender relationships, discrimination and power imbalances⁹⁵. 	MoWA, MoEYS
<ul style="list-style-type: none"> Increase people's ability to identify violence; raise public awareness on VAW/G, particularly among women and girls with increased risk and in rural areas⁹⁶. 	MoWA, MoEYS, MoI
<ul style="list-style-type: none"> Promote programs for non-violent communication strategies and conflict resolution skills between couples and in families, and non-violent forms of child discipline among parents and other caregivers⁹⁷. 	MoWA, MoSVY
<ul style="list-style-type: none"> Promote programs that encourage perpetrators of VAW/G to stop using violence²¹. 	MoWA, MoJ
<ul style="list-style-type: none"> Strengthen strategies to promote women's economic empowerment⁹⁸. 	MoLVT, MoWA
<ul style="list-style-type: none"> Promote community strategies for safety of women and girls in public places and schools⁹⁹. 	MoI, MoWA

⁹³ CEDAW 19a; NAPVAW II.

⁹⁴ CEDAW 21c; NAPVAW II.

⁹⁵ NAPVAW II.

⁹⁶ CEDAW 21c; NAPVAW II.

⁹⁷ NAPVAW II.

⁹⁸ NAPVAW II.

⁹⁹ NAPVAW II.

- Promote zero-tolerance of sexual harassment in all work settings¹⁰⁰. MoLVT

Legal Protection and Multi-Sectoral Services

Improve coordination, quantity, quality of multi-sectoral services

- Use the TWGG-GBV working group on services to implement a multi-sectoral approach to coordinate and provide improved survivor-centred and inclusive interventions¹⁰¹. MoWA and other partners
- Promote increased coordination between CNP, local authorities, Commune Committees for Women and Children (CCWC), health, legal actors and aid agencies, MoWA judicial police agents, social workers from the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) and other support organizations¹⁰². MoWA, Mol, CNP, MoSVY, MoH
- Develop Minimum Standards of Service for various social services which fill the gaps, are harmonized with existing standards, and are child friendly. MoWA, MoSVY
- Fully implement existing Minimum Standards on Basic Counselling and Guidelines for Referrals¹⁰³.
- Scale up evidence-based service models to ensure that all survivors of VAW/G have access to an array of coordinated services based on an individual choice and need, including options for community-based care and strategies that address the needs of all women, including women and girls at increased risk of VAW/G¹⁰⁴. MoWA, MoSVY
- Increase numbers and improve training of social workers in the social and child welfare systems¹⁰⁵. MoSVY
- Use ICT, including social media, to disseminate information about VAW/G prevention and response protocols and programs¹⁰⁶. MoWA, Mol, MoSVY

¹⁰⁰ NAPVAW II.

¹⁰¹ NAPVAW II.

¹⁰² NAPVAW II; 2nd NPA STSLs.

¹⁰³ NAPVAW II; 2nd STSLs.

¹⁰⁴ NAPVAW II.

¹⁰⁵ NAPVAW II; 2nd STSLs.

¹⁰⁶ NAPVAW II; 2nd NPA STSLs.

<ul style="list-style-type: none"> • Increase the number of female police officers, lawyers, judges, prosecutors and medical doctors, more specifically, forensic doctors¹⁰⁷. 	MoI, MoH
<i>Improve access to redress and services for women and girls at increased risk, or who face specific challenges in access to justice</i>	
<ul style="list-style-type: none"> • VAW/G service providers should address specific infrastructure, communication or other barriers to accessing services faced by women with disabilities¹⁰⁸. 	MoWA, MoSVY, MoI, MoH
<ul style="list-style-type: none"> • Provide effective redress to victims of gender-based violence, in particular sexual violence against women committed during the Khmer Rouge Regime¹⁰⁹. 	
<ul style="list-style-type: none"> • Ensure adequate psycho-social support services are available¹¹⁰. 	MoWA, MoSVY, MoH
<ul style="list-style-type: none"> • Promote services that address the specific needs of women and girls at increased risk of VAW/G¹¹¹. 	MoWA, MoSVY, MoI
<i>Improve capacity of all key actors providing services and response</i>	
<ul style="list-style-type: none"> • Promote efforts in capacity building on dynamics of VAW/G, laws and policies, and evidence-based practice for all key actors, including CCWC, CNP, health services, doctors, judges, prosecutors, judicial police agents, service providers and others¹¹². 	MoWA, MoSVY, MoI, CNP, MoH
<ul style="list-style-type: none"> • Increase social work education and training for service providers¹¹³. 	MoSVY
<ul style="list-style-type: none"> • Provide legal education to doctors and other medical professionals to be able to better carry out their responsibilities for forensic examination. 	MoH

¹⁰⁷ NAPVAW II.

¹⁰⁸ NAPVAW II.

¹⁰⁹ NAPVAW II.

¹¹⁰ CEDAW15; NAPVAW II.

¹¹¹ NAPVAW II; 2nd NPA STSLS.

¹¹² NAPVAW II.

¹¹³ NAPVAW II; 2nd NPA STSLS.

<i>Further research, monitoring and evaluation</i>		
<ul style="list-style-type: none"> Establish baseline data to identify gaps among service providers at local levels (including state and non-state actors) so blockages in the referral system, time of response from service providers and number of attempts from women seeking help can be reduced. 		MoWA, MoSVY, MoI, MoH, MoJ
<ul style="list-style-type: none"> Build on existing data collection and monitoring systems and link data from local levels to policy making at national level¹¹⁴. 		
<ul style="list-style-type: none"> Undertake research on knowledge, attitudes and practices related to VAW/G¹¹⁵ including on: <ul style="list-style-type: none"> Sexual and labour exploitation of women and girls; Protection orders and response strategies; Causes, factors and impacts of VAW/G; Women and girls at increased risk of VAW. 		MoWA
<ul style="list-style-type: none"> Complete the WHO Prevalence Survey on VAW. 		MoWA
<ul style="list-style-type: none"> Carry out a new MoWA follow-up survey on attitudes and perceptions of VAW/G. 		MoWA
<ul style="list-style-type: none"> Promote disaggregated data collection on VAW/G in all relevant ministries¹¹⁶. 		All relevant Ministries

¹¹⁴ 2nd NPA STSLs; NAPVAW II.

¹¹⁵ NAPVAW II.

¹¹⁶ NAPVAW II.

¹¹⁷ CEDAW 21d; NAPVAW II; 2nd NPA STSLs.



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