Fact Sheet: Violence Against Women in Cambodia

**Snapshot:** Gender-based violence is an issue that pervades much of Cambodian society, and is inextricably linked to the inability of women to realize their human rights. Such violence can come in many forms, and can be perpetrated by a wide range of individuals and institutions. In recent years, the Royal Government of Cambodia has taken steps to combat discrimination in conjunction with other actors, including civil society organizations. However, remaining issues necessitate further action. The Royal Government of Cambodia must adopt meaningful measures to combat violence against women, and move towards a future of respect for women’s rights.

**Introduction**

This Fact Sheet provides a summary of key issues relating to gender-based violence (“GBV”) in Cambodia today. Cambodian women suffer from many forms of violence, which greatly impedes their ability to claim their rights as enshrined in Cambodian domestic law and international human rights law. The pervasive nature of GBV is such that accessing justice can be an insurmountable challenge for many women.

**The Situation**

In recent years, there have been positive developments in combatting violence against women in Cambodia. The Royal Government of Cambodia (“RGC”) has made some significant efforts to combat GBV. Notable examples include:

- The 2017 Media Code of Conduct for Reporting on Violence Against Women;
- The 2016 Referral Guidelines for Women and Girl Survivors of Gender-Based Violence;
- The 2014-2018 Second National Action Plan to Prevent Violence Against Women; and
- The 2014-2018 Neary Rattanak IV Strategic Plan for Gender Equality and Empowerment of Women.

However, despite these positive developments, patriarchal structures and societal norms remain deeply entrenched in Cambodia. The Chhab Srey, a traditional code of conduct for women, still influences girls growing up in Khmer society. The principle of female submissiveness that it embodies continues to inform the conception of the ideal Cambodian woman. Men and women are prescribed gender-specific roles in accordance with deeply ingrained cultural beliefs and traditions that serve to reaffirm the dichotomy between powerful masculinity and weak femininity. Thus, due to their alleged weak and emotional nature, women are expected to perform the function of primary caregiver and protector of the household.

These prescribed social values can lead to GBV in all walks of life – in the home, in the community, or in the workplace. It can be perpetrated by family members, by colleagues, or by public officials. Some of the most serious instances of GBV are perpetrated by individuals from within the justice system itself, raising serious concerns about the ability and effectiveness of the institutions tasked with protecting the rights of Cambodian people.
Despite the aforementioned measures adopted by the RGC to combat GBV, it continues to impact the lives of millions of women across the country. According to the National Survey on Women’s Health and Life Experiences in Cambodia, conducted by the National Institute of Statistics of the Ministry of Planning and Ministry of Women’s Affairs in 2015, 20% of Cambodian women reported experiencing physical or sexual violence from an intimate partner. The report further showed that 90% of these women were hurt badly enough to require healthcare, though only 53% ever accessed it. According to a 2017 report conducted by UNICEF, over 20% of children aged 0 to 4 years in Cambodia live with a mother who experienced physical, sexual or emotional violence committed by a husband or partner during the past 12 months.

Transgender women are particularly vulnerable to GBV. A report published by the Cambodian Center for Human Rights in 2016 revealed alarming rates of abuse perpetrated against transgender women in public spaces, with 43% of respondents reporting experiences of physical violence, 31% reporting experiences of sexual assault, and 25% reporting having been raped.

Sex workers also face particularly high levels of discrimination and harassment from male clients and law enforcement personnel. One example is the case of sex worker Pen Kunthea, who drowned in the Tonle Sap river after being chased by a group of security guards from Phnom Penh’s Daun Penh district in 2017. Though eye witnesses reported that the guards prevented bystanders from helping the drowning woman, no investigation has ever been initiated.

Trafficking-in-persons is a particularly severe form of GBV, one that affects high rates of Cambodian women. The clandestine and cross-border nature of trafficking poses distinct problems for institutions tasked with combatting the issue, which struggle to locate victims and bring perpetrators to justice. In particular, research conducted by the US State Department in 2017 reveals that law enforcement personnel in Cambodia have profited directly from establishments suspected of sex and labor trafficking, and stalled progress in cases involving perpetrators with political, criminal, or economic ties to government officials.

GBV is enabled and perpetuated in Cambodia by a justice system that has been widely criticized as ineffective, apathetic and corrupt. Women are invariably underrepresented in the justice sector, with women currently make up just 14% of judges countrywide, and 20% of lawyers. Reports of gender-insensitive courts are not uncommon, with some victims of GBV reporting having been blamed, ridiculed or re-traumatized by justice professionals.

Such issues, combined with entrenched cultural beliefs that family matters are “private”, result in many women who have experienced GBV never seeking justice. In cases of domestic violence, women are commonly encouraged to seek resolution through informal mediation methods as opposed to legal proceedings. Though, officially, the use of mediation as a way of addressing domestic violence requires consent from both parties, women’s ability to make a free choice in such scenarios is highly questionable, especially given the psychological harm victims of domestic violence often experience. Notably, research conducted by the United Nations has revealed that 98.5% of Cambodian women believe they must obey their husbands.
**Domestic Legal Protections**

Cambodian law prohibits GBV, with equal rights and protections against discrimination and abuse enshrined in the **Constitution of the Kingdom of Cambodia** (“Constitution”), the **Criminal Code of the Kingdom of Cambodia** (“Criminal Code”), and the **Law on the Prevention of Domestic Violence and Protection of Victims** (“Domestic Violence Law”).

The Constitution provides equal rights and freedom from discrimination to all Khmer citizens, regardless of sex, in articles 31 and 42 respectively, while the Criminal Code prohibits a number of forms of violence that disproportionately affect women, such as rape (article 239); sexual harassment (article 250); and pimping women for prostitution (article 285). Though such provisions are undoubtedly a positive step in the realization of women’s freedom from violence, they are insufficient to address the complex and nuanced ways in which GBV is perpetrated in Cambodia.

The Domestic Violence Law, enacted in 2005, goes further in its direct prohibition of forms of violence that are widely tolerated in Cambodia. In particular, the law criminalizes physical and psychological abuse against dependent household members (articles 5 and 6), as well as forms of sexual aggression, including sexual harassment and violent sex (article 7). Unfortunately, however, the Domestic Violence Law is inadequate to provide the comprehensive protections needed in the context of domestic violence. For instance, the law’s definition of what constitutes domestic violence, and who can be a victim, fails to capture the many instances of domestic abuse.

**International Legal Protections**

Pursuant to Article 31 of the Constitution, all human rights treaties to which Cambodia is a party shall be automatically absorbed into domestic law. Cambodia has ratified a number of conventions relevant to the elimination of GBV. Firstly, the 1966 Covenants on **Civil and Political Rights** and **Social, Economic and Cultural Rights** both affirm women’s equality and right to freedom from discrimination (article 2).

Second, Cambodia has also ratified the **Convention on the Elimination of All Forms of Discrimination Against Women** (“CEDAW”). CEDAW is comprehensive in its prohibition of forms of discrimination against women throughout civil, political, social, economic and cultural areas of life. In particular, CEDAW provides two ‘General Recommendations’ (No. 19 and updated No. 35) that explicitly address the issue of GBV, providing a wide and inclusive definition of such violence.

**Conclusion and Recommendations**

Though both domestic and international law are clear in their delineation of Cambodia’s obligations to eradicate GBV, many of these duties continue to be neglected. Accordingly, CCHR strongly recommends that the RGC adopt the following minimum measures to protect women’s rights in Cambodia by 2021, the due date of Cambodia’s next report to the CEDAW Committee on actions taken to realize the rights enshrined in the convention:

- **Amend the Domestic Violence Law and Criminal Code** to comprehensively address the complex and diverse forms of GBV experienced by women in Cambodia;
- **Follow up efforts to monitor acts of violence and discrimination** against women outlined in Neary Rattanak IV by publicly disseminating information on the frequency of the problem and its negative impacts;
- **Provide sufficient resources to the police** to ensure that all rape cases are fully and properly investigated, in addition to the MoWA’s existing police capacity-building efforts as outlined in Neary Rattanak IV;
• **Take meaningful steps to eliminate discriminatory attitudes towards women in institutions of justice**, for instance by adequately training judicial actors and law enforcement officials about gender-specific issues, including Sexual Orientation, Gender Identity and Expression and Sex Characteristics; and

• **Take all measures to effectively combat impunity for acts of violence against women**, including steps to independently investigate, prosecute and sanction acts of violence perpetrated by State agents.

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