



**The Cambodian NGO Committee on CEDAW (NGO-CEDAW)  
Submission on Issues of Domestic Violence in the Kingdom of Cambodia to the  
United Nations Universal Periodic Review**

**Introduction & Executive Summary**

1. In response to the United Nations (UN) Human Rights Council resolution 5/1 which calls for the participation of all relevant stakeholders, including non-governmental organizations, in the Universal Periodic Review (UPR) process, the Cambodian NGO Committee on CEDAW (NGO-CEDAW), presents this submission on the issues of domestic violence in Cambodia to the Office of the United Nations High Commissioner for Human Rights.<sup>1</sup>
2. In this report, the following definition of domestic violence will be used, which the UN provided to local political leaders in Cambodia: "Domestic violence includes physical violence, sexual violence, psychological violence (including insults, threats and social isolation) and economic abuse or coercion by one (or more) persons in order to control another person(s) that live(s) in the same household. It includes threats and intentional damage to the victim's property and is carried out by somebody in a personal relationship with the victim in order to control the victim (mother controls child; landlord controls servant; husband controls wife)."<sup>2</sup>
3. This submission focuses on issues of domestic violence in Cambodia based on the experience and knowledge of the participating organizations. This report is organized into the following subcategories: Rates of domestic violence; Economic factors contributing to domestic violence; Corruption among local and national authorities; Cultural factors contributing to domestic violence; Access to help. This submission covers the past four and a half years (2009 until early 2013).
4. In the past four and half years, domestic violence has persisted as a widespread and frequent problem in Cambodia, violating the principles of the of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Cambodia ratified on October 15<sup>th</sup>, 1992 without reservations. These patterns of domestic violence are also in contradiction to the Law on The Prevention of Domestic Violence and The Protection of Victims, which was passed by the National Assembly on September 16<sup>th</sup>, 2005 during the third session of its third legislature and was approved by the Senate on September 29<sup>th</sup>, 2005 during the tenth session of its first legislature.

**Rates of domestic violence**

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<sup>1</sup> NGO-CEDAW was established in 1995. This organization serves as a coalition of 72 local organizations that work to advance the condition of women in Cambodia. NGO-CEDAW focuses on monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the government. The work of NGO-CEDAW also includes research; advocacy and lobbying; awareness raising and capacity building; and information exchange between its members. <http://ngocedaw.org>

<sup>2</sup> "Talking about Domestic Violence: A Handbook for Village Facilitators" UNDP Cambodia and VBNK, 2010

In 2012, NGO-CEDAW member ADHOC has reported 1,114 cases of domestic violence in Cambodia. According to ADHOC, daughters and wives each represented 33% of the total cases of victimization, followed by sons with 32% and husbands with 2%. In 2012, cases of domestic violence made up for over half of all women's rights violations reported to NGO-CEDAW member LICADHO that year. Although not yet complete, the reports of women's rights violations within the first four months of 2013 show an increase in domestic violence cases. From January through April of 2012, there were 47 cases of domestic violence that were reported to LICADHO. This year, during the same four month period, there were 68 cases of reported domestic violence. Not only is the number of domestic violence cases increasing, but so is the severity of the cases, such as lighting a spouse on fire or acid attacks. This increase in severity is further demonstrated by the greater number of deaths caused by domestic violence in the first four months of 2013 when compared to the same four month period in 2012.<sup>3</sup>

### **Economic factors contributing to domestic violence**

5. The global economic decline has led to widespread unemployment in Cambodia. Unemployment oftentimes leads to increased stress on families and couples, particularly on the husband, who is traditionally perceived as the provider for the home. Many Cambodian men turn to excessive drinking, which is heavily linked with domestic violence. Domestic violence is more prevalent in poorer communities.
6. In many cases, Cambodian women have found work to either substitute or supplement their husbands' income. Many cases of domestic violence have arisen due to a husband's jealousy of his wife's newfound independence. Sometimes when a woman has a job and income of her own, her husband becomes fearful that she no longer needs him and she will be unfaithful or leave. He then may resort to violence in an attempt to reclaim control over his wife and family.
7. Sometimes domestic violence victims want to file for a divorce but are not able to due to their financial situation. Many women cannot afford the 50,000 riel fee (around \$12.50 USD) that is necessary to file for a divorce.
8. Often, even when a woman's husband is imprisoned for domestic violence, she is financially unable to divorce him. While her husband is in jail, she receives no support from the government and must find a way to provide for her family. When her husband is released from jail, she often allows him to return in order to relieve some of the pressures faced by single-parent families. This fear of permanently losing the family's primary source of income keeps women from divorcing their husbands.
9. One particular domestic violence case occurred on October 16<sup>th</sup>, 2012. A couple in Sihanoukville married in 2005. After the birth of their first child, the woman told her husband he needed to get a job in order to provide for the family. The husband angrily refused and became violent. He punched her repeatedly in the face until she had two black eyes. The victim went to the district office to complain and file for a divorce. The suspect agreed and left. Six months later, he came back to his wife and child, promising that he would do his best to work by raising animals. After one year and a second child, the victim again prompted her husband to provide for the family by selling the animal products. This led to another argument, where the husband again began to beat her.

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3 Records from LICADHO's 2012-2013 reports on cases of Domestic Violence

10. Another case occurred on December 17<sup>th</sup>, 2009. A woman asked her husband to go fishing while she went out to harvest rice so that they would have enough money to buy food for their children. When she came home from working all day in the rice fields, she found him drunk, and learned that he had spent the day drinking with his neighbor instead of fishing. She got upset with him and complained that they would not be able to afford rice if they could not sell fish at the market. They began to fight over money, and he cut her arm with a sharp knife, breaking the bone and hospitalizing his wife.

### **Cultural factors contributing to domestic violence**

11. The *Chbab Srey* is a written moral code that has influenced Cambodian society for centuries. The *Chbab Srey* dictates the role of a woman in Cambodian society, suggesting that women should be submissive and not contend problems with men. Many gender activists have criticized this document as a justification for discrimination against women and therefore a contributing factor to high rates of domestic violence throughout Cambodia. The government has taken some measures to curtail the potentially negative effects of the *Chbab Srey*, such as reducing the extent to which this code is included in official curriculum. However, parents, teachers, and community leaders still sometimes perpetuate this code, preserving the stereotype of uneven power relationships between genders.
12. In Cambodia, there is also a heavy taboo around reporting domestic violence. Many people consider these issues to be “family matters” and discourage women from talking about them outside of the home in order to “save face”. Even the police have been known to adopt this attitude and consequently to not take reports of domestic violence seriously.<sup>4</sup>

### **Corruption in national and local authorities**

14. The Law on The Prevention of Domestic Violence and The Protection of Victims was passed in Cambodia in 2005; however, domestic violence is still a widespread problem across the country. This increase in domestic violence despite the domestic violence legislation indicates that Cambodia is not effectively implementing the legislation.
15. The ability of perpetrators of domestic violence to bribe policemen into lax enforcement of domestic violence laws is a notable factor contributing to the continued victimization of many women in Cambodia. In some cases, even when women go to local authorities to report instances of domestic violence, policemen do not enforce the existing laws.<sup>5</sup>
16. In order to convict a man for domestic violence, the victim must present documented proof of the violence she suffered. Often this requires witnesses as well as pictures of bodily injuries caused by the defendant. Victims do not always have the ability to document their injuries. Even in cases where the victim can present evidence of the abuse,, the sentence handed down by a judge may not take the abuser away from the victim for long. Under Cambodian law, punishment for domestic violence can range anywhere from 1 to 5 years depending on the severity of the violence;5 years in prison is the most severe punishment for even the severest cases of domestic

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4 SEDECA. “Domestic Violence Monitoring Workshop Report.” February 2012.

5 ADHOC “Women’s and Children’s Rights in Cambodia: Situation Report 2011.” February 2012.

violence.<sup>1</sup> Furthermore, judges have been known to accept monetary bribes from the defendant in exchange for less severe punishments.<sup>6</sup>

17. Leaders of local NGO's have expressed that men typically have more power in the courtroom. Their testimonies are weighted more heavily in the outcome of the trial, and they are typically trusted more than women by judges and prosecutors. This marginalization further compounds the difficulties that women face when they pursue legal action against domestic abusers in the Cambodian criminal justice system.
18. The government does not release records of reports of domestic violence to local NGO's for their analysis. There is little government and law enforcement transparency in Cambodia, and local NGO's have expressed concern that law enforcement officials purposefully conceal data from them, likely due to corruption within the police force and acceptance of bribes from the accused.
19. The following representative case of domestic violence occurred on April 27, 2010 at 21:00. A woman who had previously experienced instances of domestic violence from her husband, but received no help after several attempts of reporting, was home when her husband entered the house with a makeshift knife and began threatening her. As the situation escalated he attempted to stab her, so she picked up a watering can nearby and struck her husband on the back of the head with it, killing him instantly. She ran to the nearest police station to relay the experience, and the police arrested her and held her for two days. They did not believe her story, and accused her of premeditated murder. With the help of a lawyer sponsored by a local NGO to protect her rights, she was charged with accidental murder.

#### **Access to help**

20. There is a notable gap in the services available to urban and rural women to protect them from domestic violence. Most women's shelters, hotlines, and reliable law enforcement services are located throughout the larger cities of Cambodia, most notably Phnom Penh. Services to protect against domestic violence in rural areas of Cambodia are fewer and of lower quality than those in major cities.<sup>7</sup>
21. Typically, domestic violence cases of higher severity occur in rural provinces, because victims have a more difficult time accessing proper care. NGO's have expressed that proximity to the city is a barrier that rural women face; victims of domestic violence may have to travel many kilometers to report cases of domestic violence, and often they do not have the money or time to seek help. Especially in less severe cases of domestic violence, rural women do not report domestic violence because of the high level of effort required to seek proper help. Unfortunately, repeated cases of mild domestic violence often lead to episodes of more extreme violence and even death in some cases.<sup>2</sup> Where women are closer to protective resources, the severity of the violence is typically lower.<sup>8</sup>

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6 ADHOC. "Situation Report: Women's Rights, Children's Rights, and Migrant Workers' Rights in Cambodia." February 2013.

7 Jo-Ann Lim. "Out of Court Resolutions of Violence Against Women: Practices and Issues in Cambodia." June, 2009. (4).

8 Ministry of Women's Affairs. "Violence Against Women: 2009 Follow Up Survey" 2009.

22. In one domestic violence incident, a man lit his wife on fire. She had to run 1 kilometer to the nearest police station with burns. Because her house was so far away from help, her husband had time to escape.
23. Rural women who do manage to reach hotlines designed to address domestic violence issues are often given advice on how to address the issue, rather than hands-on assistance. Even when requested, they are often denied of this assistance because of their distance from help centers or authorities. NGO's and even government officials respond by saying that there is not enough petrol or funding available to make the journey to the homes of rural domestic violence victims.
24. Numbers for domestic violence hotlines in Cambodia are long and difficult to memorize. As such, they can be difficult to remember and dial when they are needed. Handouts and stickers are distributed with hotline numbers printed on them; however, victims of domestic violence do not have some record of the phone number with them, the hotline service is essentially unavailable when needed.

### **Summary of key issues:**

Domestic violence remains a problem in Cambodian society. There are inadequate resources available to assist women when they experience domestic violence, especially in rural provinces. When women face abuse but are far from resources offering protection, they are unable to get the necessary support to change their circumstances and bring abusers to justice. Laws have been established designed to protect women from domestic violence, and to call justice when these laws are broken; however, it has been found that often due to lax enforcement from police as well as harmful cultural practices, these laws are not always enforced effectively. Often, domestic violence is seen as a family problem, and law enforcement officials feel it is not their place to intervene. Additionally, the judicial system of Cambodia does not adequately address cases of domestic violence, and it can be difficult for women to find enough proof of abuse to convict their abusers.

### **Comprehensive list of recommendations:**

*Recommendation 1:* Provide vocational training for women to encourage financial independence and reduce the number of victims who are compelled to stay in abusive relationships, particularly for women whose husbands have been imprisoned for domestic violence and must single-handedly provide for their families.

*Recommendation 2:* Reduce or waive legal fees for those wishing to obtain a divorce due to issues of domestic violence.

*Recommendation 3:* Promote women in leadership positions in order to challenge gender stereotypes of female submissiveness and passivity.

*Recommendation 4:* Include education on domestic violence in schools and community meeting places.

*Recommendation 5:* Local NGO's have expressed the desire to partner with government officials instead of working against them. Local NGO's have said that if they are able to support the work of police officers and government officials, they will view each other as trusted allies rather than as competition and an increased ability to protect women from domestic violence is anticipated.

*Recommendation 6:* The possible punishments available for perpetrators of domestic violence should be extended and should be tailored to the extent of the abuse; it is hoped that with lengthier punishments, rates of domestic violence will decrease and security for women in the home will increase.

*Recommendation 7:* The government should hold a training for leaders in government and law enforcement to emphasize the importance of enforcing the law fairly, emphasizing the specific issue of domestic violence as one that must be taken seriously. The government should teach leaders of the importance of protecting the rights of women.

*Recommendation 8:* The government and law enforcement institutions should be more transparent. They should cooperate with NGO's and share information that they have regarding domestic violence in Cambodia so that civil society can help strategize as to how to best address the issue.

*Recommendation 9:* In order to address some of the issues associated with hotlines, the Ministry of Interior, in collaboration with CARE Cambodia, has launched a toll-free national hotline number, 1288, for victims of gender-based violence. The number, however, has yet to be sufficiently publicized. The Cambodian government, especially the Ministry of Information, should help NGOs disseminate information about this new, shorter number by waiving all fees related to the publication or diffusion of advertisement on this matter. By doing so, all Cambodian women would know about its existence.

*Recommendation 10:* The government should fund transportation of women from rural areas to shelters and authorities who will be able to assist and protect them from domestic violence. No longer should distance from protection be an issue for women's safety.