CHAPTER 7

VIOLENCE AGAINST WOMEN

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VIOLENCE AGAINST WOMEN

Cambodia at a glance\(^1\)

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7.1 Status, trends and issues

Perhaps one of the most serious and alarming manifestations of unequal power relations between men and women in Cambodia is the environment of impunity and tacit acceptance under which all types of violence against women takes place. Consultations for this gender assessment revealed that this is an issue of concern for both Government and civil society, and both sides welcomed efforts to address the causes and symptoms of violence. Among the causes, we include not just power relations, but also concepts of masculinity and femininity and ideals for behavior among men and women. These concepts, which are not yet well understood, also lead to violence against women. This chapter focuses on three forms of violence against women: domestic violence, rape and trafficking for sexual exploitation.

All forms of violence against women usually take place under a veil of silence and shame, due to fear of stigmatization and a strong sense of obligation to keep families’ reputations intact. Victims of violence may be reluctant to speak out to avoid increased violence as revenge from the perpetrators and loss of face, not only for herself, but also for her family. The high costs of speaking out are not balanced by any significant benefits – few cases are brought to justice. Victims have little recourse but to accept their situation. This contributes to underreporting and makes data collection and initiating measures to address incidents very difficult.

Increases in reported violence do not necessarily imply an increase in incidence. When the issue first enters the public arena, increased reports are a positive indicator signaling that survivors of violence are beginning to recognize and challenge violent behavior. This is a critical first step in breaking the cycle of violence that feeds on silent acceptance. Most agencies working in this field believe that violence against women is pervasive and frequent in Cambodia. They argue that the lack of reliable statistics should not preclude the need for decisive and firm action to prevent violence against women and to provide support to survivors.

\(^1\) Sources: CDHS 2000
Data provided by ADHOC and the Cambodian Women's Crisis Center
7.1.1. The acceptance of domestic violence

A number of studies have reported widespread domestic violence. The 2000 Cambodia demographic and health survey (CDHS) found that one out of four (23 percent) of ever-married women and girls aged 15-49 reported having experienced physical violence since age 15, and one out of seven (15 percent) had experienced violence in the 12 months preceding the survey. There was little difference between urban and rural women or by employment status, although incidence is said to diminish among women with at least a secondary school education or residing with or near their parents (MoWVA 2003d).

One troubling aspect of domestic violence is the extent to which it is accepted by the victims. In situations of domestic abuse, while women feel comfortable about complaining about their husbands’ to their friends, they feel less comfortable discussing it with local authorities (Giles, 2003). In Cambodian society, men and women believe, in certain contexts such as wives speaking disrespectfully to husbands, yelling at them in public, nagging, abusing children or not taking care of children, that husbands are justified in hitting their wives (Giles, 2003). Paradoxically, men and women may also say that hitting a wife to the extent that she is seriously injured is unacceptable (Giles, 2003).

Many women thus may accept, tolerate and even rationalize a certain level of abuse from their husbands: One out of three women (35 percent) agreed with at least one reason to justify a husband beating his wife. This tended to increase with age, duration of marriage and number of children and to decrease among urban higher-educated women (CDHS, 2000). These findings all attest to the pervasiveness and the widespread acceptance of the norms that give men the “right” to abuse their wives. In the Cambodia Demographic and Health Survey (2000), 31 percent of respondents said women are not justified in refusing their husband sex for any of the reasons listed in the questionnaire, which included recent childbirth and knowledge that the husband has HIV or AIDS. Rape within marriage is currently not a crime under Cambodian law (CDHS, 2000).

The participatory poverty assessment (ADB, 2001) also found that concern about domestic violence is increasing. Seventy-six percent of participants believed that “much more domestic violence occurs now than in the past”. Participants did not link domestic violence and poverty because all believed that they were poorer in the past.

Domestic violence rarely occurs in isolation from other controlling behavior (CDHS, 2000). One in ten Cambodian women reported that their husbands display controlling behavior as jealousy, not trusting them with money or not allowing them to visit girlfriends (CDHS, 2000).

7.1.2 Women who experience abuse have no way out

Abused women have limited options. Two out of five women responding to the 2000 Cambodian Demographic and Health Survey did not have anyone who could help them financially if they were to leave an abusive relationship. Less than one third (28 percent) owned at least one asset that they could sell without their husband’s permission.

Alcohol, poverty, gambling, family squabbles, lack of education and political/social unrest are strongly associated with domestic violence. However, cultural and social beliefs about the subservient role and status of women and traditional attitudes also perpetuate violence (Project Against Domestic Violence, 1995). Although women who are physically abused by their spouses are at great risk of further violence and permanent injury, there is considerable societal pressure on women to remain with
abusive husbands. There are no cultural or easily accessible legal sanctions for spouse or child abuse. Under the current legal framework, domestic violence is covered by the criminal law, which involves complex and expensive legal procedures. Although women would like the domestic violence to end, few are prepared to take steps to have their husbands prosecuted. Those who do, find themselves pitted against a discriminatory judicial and legal system that sympathizes with men and prefers to focus on mediation, which is generally ineffective.

7.1.3 Rape: an act of violence in an environment of impunity

Victims of rape find it difficult to report to authorities or to seek help. Figures collected are therefore indicative of the problem and likely to be underestimated. The ADHOC Annual Human Rights Situation Report 2002, highlights violence against women and children. Incidents of reported rape in 12 provinces increased from 182 in 2001 to 270 in 2002. Compared with the previous year, the number of cases reported to the Cambodian Women’s Crisis Center (CWCC) increased two-fold to 227 between January 2001 and April 2002. Of the cases, 65 percent of victims were younger than 18, and 12 percent of the perpetrators were closely related by blood or marriage (Gender and Development Network and MoWVA, 2002. From a presentation entitled “Rape and the Law”, It Phum, CWCC).

The Criminal Code classifies rape as a crime and indecent assault as a misdemeanor. According to Article 33: Anyone who rapes or attempts to rape another person of either sex is guilty of rape and shall be liable to imprisonment for a term of five to ten years. However, Article 33 does not recognize statutory rape (consensual sex with a minor). According to a report by the human rights NGO LICADHO (2001), Cambodia is unlikely to pass a law stating the legal age for consensual sex while some persons of influence continue to have sex with young girls and virgins.

Rape is a serious problem in Cambodia but one that rarely leads to the arrest of the perpetrator. Where proceedings are initiated, the accused is rarely found guilty. Of the 109 rape and indecent assault cases investigated between January 1999 and March 2000 by LICADHO, only 51 percent were resolved in some way (legally or otherwise) and closed. Of the cases closed, 41 percent were settled by payment of money. Of the unresolved and open cases, 26 percent of perpetrators had escaped, while the rest were still being investigated or are awaiting trial one to two years after the offences took place (O’Connell, 2001).

Many families do not wish to involve the authorities in rape cases due to the shame and stigma associated with rape. Victims of rape are considered to be “fallen women”. Families prefer to protect their reputation and settle out of court by accepting a compensation payment. Many rape victims end up in commercial sex work (LICADHO, 2001).

Recent research (PSI, 2002; GADC, 2003) paints a disturbing picture of an increasing number of young men gang raping sex workers, garment workers or other “srey kalip” (modern women). Interviews revealed that a phenomenon known as bauk – gang rape – is common among male university students. Bauk involves taking a woman (often a commercial sex worker), sometimes by force, to a hotel where several men are waiting and proceed to rape her. The men justified bauk by saying that the victim was “sexually available”, in other words, because she was not a virgin, she was “fallen” and therefore it was acceptable. Gang rape of commercial sex workers is also widely recognized and even accepted among young people. Only 13 percent of men and women interviewed recognized bauk as rape if the woman did not give permission to have sex with many men. The most common concern was that the perpetrators might contract a sexually transmitted disease –
but there was no expressed concern for the victim. Young people are exposed to a high level of violence and demonstrate an increasing level of acceptance of violent behavior (GAD-C, 2003; PSI, 2002).

Ongoing research conducted by the World Health Organization on adolescents indicates that management of sexual violence is a major issue for both adolescent boys and girls. While recognizing that sexual violence is wrong, adolescent boys still cited examples of girls being forced to have sex and rationalized these where the victim was a “sexually available” woman.

It is often stated that a “culture of impunity” has taken root in Cambodia, attributed in part to the recent history of violence and conflict and the long delay in taking action on the Khmer Rouge tribunals. Some NGOs state that the lack of State accountability for addressing human rights violations leaves the impression that perpetrators are above the law or that there is no real “rule of law.” The fact that LICADHO and ADHOC consider rape a human rights violation is very significant. As mainstream and well-respected human rights organizations, they are in a strong position to advocate for legal and judicial reforms to deal with this issue. On the whole, progress in addressing the issues of rape and domestic violence has been weak, despite strong advocacy from civil society organizations such as Project Against Domestic Violence, the Cambodian Women’s Crisis Center, LICADHO and ADHOC as well as MoWVA.

In order to prevent rape, gang rape, repeat rapes and rape of small children, the preferred preventive measure may be to restrict female mobility (in some cases, girls are not sent to school as their parents fear they may be raped). Other strategies such as fines or asking a man who has raped someone to then marry her do not address the root causes and may even legitimize the behavior. Finally, there is considerable ambivalence and confusion about rape and sexual violence; for example, oral sex with an underage girl is not regarded as rape.

7.1.4 Victims of trafficking absorb the blame

Trafficking in women and children, both cross-border and internal, is widespread: Cambodia is a sending, receiving and transit country for trafficking. The Cambodian Women’s Crisis Center (CWCC) estimates that, at any given time, 100,000 women and children are being trafficked in Cambodia. This figure includes women trafficked within Cambodia and those from neighboring countries, particularly Vietnam. An estimated 20,000-30,000 Vietnamese women are currently in Cambodia as sex workers. ADHOC found an increase in reported cases of trafficking from 96 in 2001 to 158 in 2002.

The greatest part of human trafficking for commercial sexual exploitation takes place within the country, but a large number of Cambodian children are also trafficked into Thailand (MoP, 1998). According to CWCC, every month, 800 women and children are trafficked or smuggled into Thailand and approximately 400 are deported back each month by Thai authorities.

Trafficking has attracted a great deal of attention from international rights groups and donors over the past year. In August 2002, the United Nations High Commissioner for Human Rights, Mary Robinson, told the Cambodian parliament that traffickers are able to operate with impunity in the country because of inefficient law enforcement, compounded in some cases by corruption (BBC, 2002).
The United States Department of State 2002 report on trafficking by country noted that the number of countries listed as worst offenders (Tier III countries) had fallen to 14 from 23. However, Cambodia had moved from Tier II to Tier III, placing it among those countries that have “significant problems with regard to human trafficking, have not complied with minimum standards to combat these problems and are not making significant attempts to do so”. This annual report is an element of the US Victims of Trafficking and Violence Protection Act of 2000. The Act requires in the third year of its implementation, which is 2003, that sanctions be imposed on nations remaining Tier III offenders. The sanctions limit non-humanitarian and non-trade-related assistance and prompt US opposition to the issuance of loans from international financial institutions. However, in June 2003 Cambodia was moved from Tier III back to Tier II, owing to the “significant effort the Government has shown in the area of prostitution” (US Department of State, 2003).

The legal system has been known to prosecute trafficked women on charges of illegal immigration into the country. In a recent case that received worldwide attention, a Cambodian court sentenced 14 Vietnamese women and young girls, arrested during a brothel raid in June 2002, to three months in prison and deportation upon release. Efforts by a number of NGOs, including the CWCC, enabled their release.

Trafficking is a complex issue facilitated on the supply side by poverty, corruption (“law enforcers” colluding with traffickers), weak law enforcement (both internally and internationally) and gender inequality that places women in a weak economic, legal and social position. The same combination of factors affects survivors of trafficking. Returning women are treated poorly and may experience difficulty in being accepted back into the community, or even into their own family. Thus, trafficking must be addressed on multiple fronts: economic, social, legal and judicial.

Trafficking is a development as well as a women's human rights issue. It has largely been seen as a supply-side issue. Young women and girls are considered vulnerable to exploitation because of poverty and a lack of alternatives, which are seen as the major risk factors for trafficking. However, the demand for services of sex workers and women for other purposes, such as exploitative factory work, is also at the heart of the trafficking issue (UNIFEM, 2002). Those working at all stages in the marketing chain also have much to gain: Trafficking victims often change hands several times before they reach their final destination and considerable profits are made by intermediaries at each step of the way (ADB, 2002, cited in Corner, 2003). UNDP estimates that globally trafficking is worth US$7 billion, second only to drugs and arms smuggling (UNDP, cited in Corner, 2003). Those that benefit the least from these transactions are the trafficked victims.

### 7.1.5 Poverty and social upheaval contribute to sex industry growth

Although estimates by different organizations on the number of women working in the sex industry vary widely, the UNDP Human Development Report 2001 states that there are up to 100,000 women working in the sex industry in the country. Other organizations argue that given the unreliability of the data, under-reporting due to invisibility and the fact that for some this would be a “secondary occupation”, as well as the increasing number of “indirect sex workers”, it is likely that the actual figures are significantly higher.

A 1998 study found that very few women sought sex work “voluntarily” (ADB, 1998) – 47 percent were sold against their will and an additional 34 percent left home because of extreme poverty and believed that they had no other way to earn money. Some were rape victims cast out by their communities as “spoiled” and who believed they had no other means of livelihood. A
significant number had been sold by their families or tricked by traffickers and often were held in
debt bondage by brothel owners. With generally low levels of education, these young women have
few, if any, employment alternatives. Conditions of poverty, under-developed legal infrastructure
and weak law enforcement have contributed to the growth of the sex industry (PADV, 1995;

Prostitution is not illegal in Cambodia, although it is illegal to facilitate or profit by it. Ironically, those
who are punished are those who are not technically breaking the law, while those who are involved in
the illegal side manage to avoid sanctions, either through impunity or payoff.

7.1.6 Demand for commercial sex has increased

There have always been sex workers in Cambodia, though not in the numbers that there are today.

The arrival of approximately 22,000 UN peacekeepers and a large number of expatriates in the
early 1990s led to the growth and legitimization of the sex industry, which had existed in the past
but had been hidden (Kumar, Baldwin and Benjamin, 2000). After the UN mission, the high levels
of sex work continued in part because of the new demand from international sex tourists but also
because rising incomes among Cambodian men increased local demand (Ledgerwood, 1994.)

A study carried out jointly by the Ministry of Tourism, the National Council for Children and
World Vision in early 2000 found that 22 percent of foreign tourists came to Cambodia for sex.
More than 70 percent of the children surveyed around Angkor and in nearby towns said that
tourists had approached them for sex (Los Angeles Times, December 2000, cited in Sok et al.,
2001).

This is related to a disturbing increase in the demand for younger girls, in part stemming from fear
of HIV/AIDS, as well as the desire for virgins, for whom clients are prepared to pay a premium.
Cambodia is also on the pedophile map as an “easy” place for men seeking young boys. The high
market value of children in the sex industry makes them even more vulnerable to traffickers and
other intermediaries, who have the most significant financial stake in the sex trade. In Phnom Penh
alone, it is estimated that 30 percent (5,000) of sex workers are children younger than 18.

7.1.7 Changing nature of sex work

In a cosmetic attempt to clean up the city in anticipation of a series of high-level regional meetings
in Phnom Penh in 2002, police cracked down on brothel and karaoke operators. Combined with
the latest closure of a well-known brothel area in Phnom Penh (Svay Pak), sex workers were
forced onto the streets, making them more vulnerable to harassment and gang rape and making it
harder to provide them with services and protection. Both the closure of brothels and an associated
increase in violence against sex workers provoked a strong reaction from MoWVA, NGOs and the
media (Phnom Penh Post, 2002b.)

Brothel closures, together with the fear of HIV/AIDS, have also resulted in an increase in indirect
sex work, which includes women who work in beer gardens, massage parlors or karaoke bars. It
is difficult to estimate the exact numbers of women involved in indirect sex work; however, the
number of beer promoters and “beer girls” reporting their involvement in sex work has been
increasing since 1997 (BSS, 2002).
7.2 Government Policies and Strategies

Ensure women’s and girls’ legal protection and community awareness of gender issues:

- Develop new laws, amend gender-biased laws and provide training to the judiciary and law enforcement agencies, enact domestic violence and anti-trafficking laws, amend the labor law and others, as well as regulations, to be gender responsive.
- Lower the incidence of domestic violence and human trafficking.
- Support public awareness campaigns to promote gender equity and equality through the use of all forms of media.

A draft law on domestic violence was accepted by the Council of Ministers in June 2002 and submitted to the National Assembly by the Prime Minister the following July. There have been several unsuccessful attempts to pass it through the parliament. In the course of the debates in the National Assembly, a number of regressive amendments were proposed that would have significantly decreased the effectiveness of the law. For example, the exclusion of marital rape and inclusion of recommendations that beating one’s spouse or children for “educational or disciplinary purposes” should not be considered a criminal offence, that what happens in the house is “private” and that the law should support mediation, despite the fact that this has not proven an effective deterrent. Due to the recent elections, time for submission of the draft law ran out. MoWVA will consider whether to resubmit a new draft law to the newly elected government or identify other regulatory mechanisms to address the problem of domestic violence.

In preparation for the passing of the domestic violence law, MoWVA established an advisory board, which included three subgroups responsible for dissemination of information about the law; help and support for victims; and training for officials in charge under the law.


At the local level, commune councils are mandated to address cases of domestic violence. The draft law states that public authorities, including the commune councils, have the responsibility to intervene immediately in order to protect the victims by moving them or the perpetrators from the scene, offering assistance and informing victims about their rights.

Recent research from UNESCO calls into question the ability of local authorities to carry out this responsibility effectively. Women seeking divorce from abusive men are blocked by traditional methods of conciliation that force them to stay in abusive situations. This is compounded by the law that requires that at least two reconciliation sessions are attempted (and maybe more in practice) as well as traditional norms that enforce the concept of women’s subservience to their husbands. The commune chief can ask the husband to sign a document promising to stop the abuse, but rarely is it effective and the beatings often continue. The commune and village chiefs try to avoid these cases reaching the courts, out of a desire to not lose face. They do not want to give the impression that they are not in control of their area (Luco, 2003).

The involvement of law enforcement and government officials in the human trafficking process is a major challenge and a cause of weak law enforcement.
According to a recent report by the US State Department:

The Government of Cambodia has no comprehensive anti-trafficking law. Law enforcement against traffickers is possible under existing statutes. The Ministry of Interior runs a hotline to gain tips on cases of child sexual exploitation. The hotline has helped officials to identify and rescue victims at risk. According to available data, there were at least 75 convictions of sexual exploiters under the Law on the Suppression of the Kidnapping, Trafficking, and Exploitation of Human Beings. The number of convictions under the law specifically related to trafficking in persons is not available, but NGOs reported at least nine criminal convictions, with six defendants receiving sentences ranging from 10 to 20 years imprisonment. Victims were also awarded financial compensation. Prosecution of traffickers was hampered, however, because the judicial system is backlogged and burdened by corrupt practices, a subject of continuing concern. While authorities have arrested public officials on charges of corruption related to trafficking, no complete information was available on these efforts. The government needs to take aggressive steps to address the involvement of public officials and their families in trafficking. (US State Department, 2003)

A draft law on Suppression of Human Trafficking and Sexual Exploitation, which contains heavier punishment if the victims of trafficking are younger than 15, is currently in the legislative process. The draft law does not meet the requirements of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention Against Transnational Organized Crime (2000) and which was signed by the Government in November 2001. MoWVA has made significant comments to amend the draft law.

A proposal by MoWVA attempts to address the issue of trafficking on multiple fronts (draft report on Strengthening Mechanisms and Strategies to Counter Trafficking). This includes; i) preventative measures, such as information and awareness training, advocacy, etc; ii) protection measures, such as legal and judicial reform, enforcement and cross-border cooperation; iii) recovery, rehabilitation and reintegration measures, such as direct services and community reintegration; and iv) cooperation and coordination with other line ministries, such as the Ministry of Interior and the police, as well as NGOs.

MoWVA plans to strengthen the enforcement of the trafficking law. A memorandum of understanding (MoU) will be entered into with Vietnam, similar to that with Thailand in 1999, that sets guidelines and procedures for agencies in both countries to work together to counter human trafficking of children and women. The MoU includes training of officials, including local police, immigration officers, border patrol police, public welfare officials, public prosecutors, judges, doctors and medical staff from the Ministry of Public Health, representatives from the relevant educational units, representatives from the Ministry of Interior and representatives from private organizations. MoWVA will educate law enforcement authorities, and both MoWVA and the Ministry of the Interior will initiate public awareness campaigns. The role of the police in detecting the criminal elements involved in the trafficking process, including their cross-border operations, will be strengthened.

In an effort to help empower, educate and support women in the sex industry, the Women’s Network for Unity (WNU) was formed in June 2000 with the assistance of five NGOs, including Oxfam and Family Health International (Phnom Penh Post, AP and FHI, 2002). The network now consists of more than 3,000 women who participate in activities and training programs that include savings schemes, vocational training, condom negotiation skills and techniques to avoid violence. Formed in response to the intense stigmatization and marginalization that sex workers face, the WNU has been successful in giving them a voice. Providing this voice and the power base from which to express it have been effective ways to endow sex workers with the strength to combat the discrimination and violence they endure on a daily basis.