



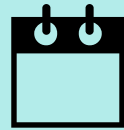
# DOMESTIC VIOLENCE LAW

The gap between legislation  
and practice in Cambodia and  
what can be done about it

Preliminary research report 2014  
Katherine Brickell, Baureaksmey Prak & Bunnak Poch

# THE STUDY

The Study aims to deepen understanding of why investments in Domestic Violence law (DV Law) are faltering and what can be done.



**02**

**YEARS OF IN-DEPTH  
RESEARCH**



**1177**

**MEN AND WOMEN  
SURVEYED AGED 18+**



**04**

**VIDEO-MAKING  
COMMUNITIES**



**120**

**MEN AND WOMEN  
INTERVIEWED**

## TO INFORM

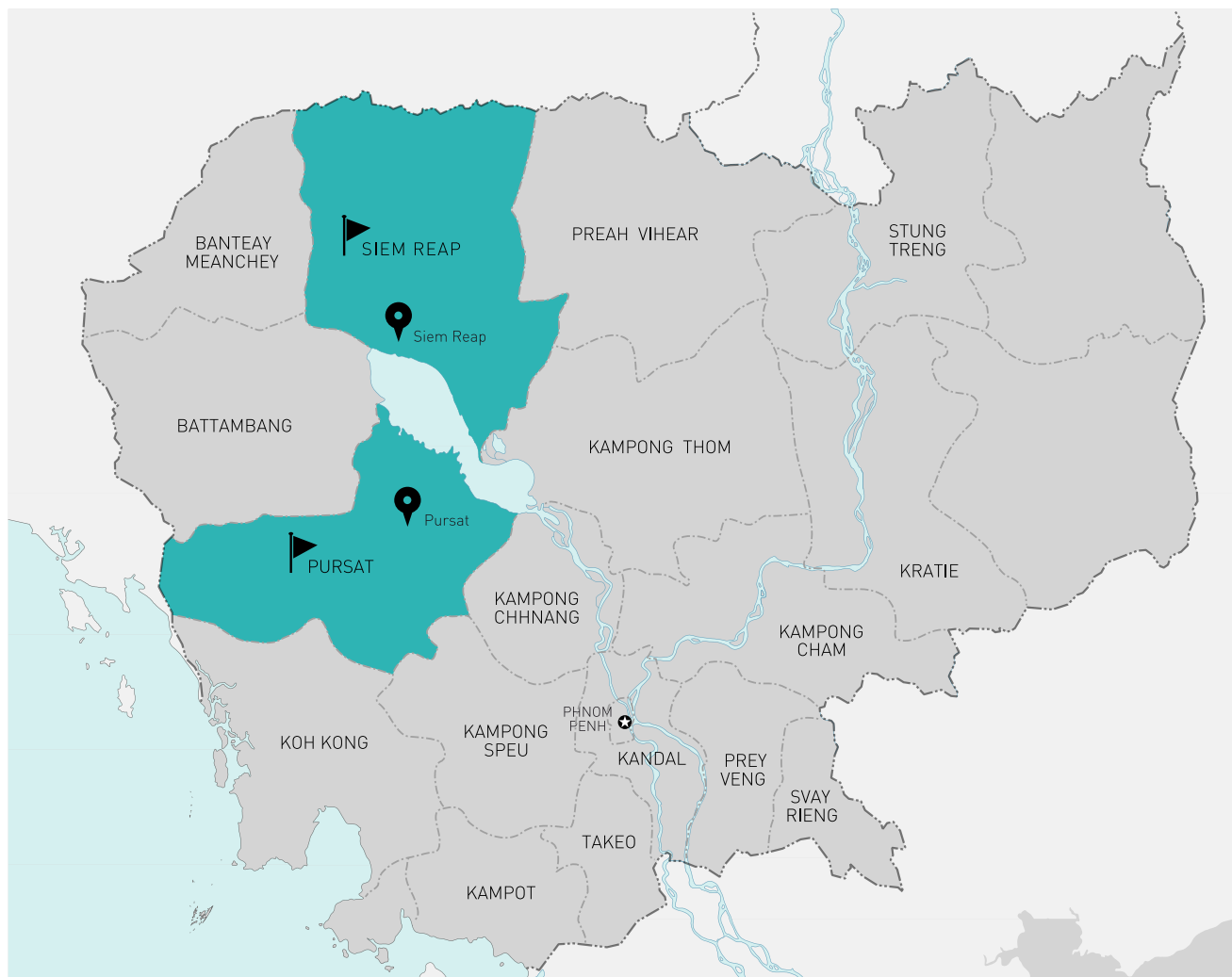
- 2nd National Action Plan to Prevent Violence Against Women (NAPVAW) 2013–2017.
- The NAPVAW aims to ‘advance Cambodia from awareness-raising to a more comprehensive and coordinated approach targeting positive changes’.

## TO BUILD ON

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 2013 Committee examination of Cambodia.
- Violence against Women in Cambodia Baseline & Follow-Up Surveys 2005 & 2009.

# STUDY LOCATION

4



**08**

**RURAL AND  
URBAN SITES**



**02**

**PROVINCES:  
SIEM REAP  
& PURSAT**



**08%**

**SIEM REAP WOMEN  
EXPERIENCED DV\***



**16%**

**PURSAT WOMEN  
EXPERIENCED DV\***



**10%**

**NATIONAL  
AVERAGE FOR DV\***

\* Percentage of ever-married women aged 15 – 19 who experienced physical violence in 12 months preceding the 2005 Baseline Survey.

# HOW DID WE CONDUCT THE STUDY?

5



Mixed method research on DV experience, attitudes towards DV, knowledge of DV Law, gender roles & attitudes.



Participatory video workshops positioning DV as a community issue.



Quantitative household survey – standardized structured questionnaire.



Men interviewed men, women interviewed women.



Interviews with women DV victims, 'lay' men and women and DV Law 'implementing actors' (IA).



Followed WHO guidelines on the conduct of ethical research on DV.

# SECTIONS

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WHAT THE GAP IS

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BRIDGING THE (POLICY) GAP

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HOW YOU CAN HELP US

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**01**

# WHAT THE GAP IS

## **DV Law – a legal mechanism to prevent domestic violence & protect victims**

Constitution of the Kingdom of Cambodia  
– to ensure that *all* Khmer citizens have  
‘the right to denounce, make complaints  
or file claims against any breach of the  
law by the State and social organs by  
members of such organs committed  
during the course of their duties’.

— Article 39

Cambodia has seen ‘limited progress  
in the prevention and elimination  
of violence against women’.

— CEDAW Committee, 2013

‘Although five years have passed since  
the introduction of the DV Law, this law is  
yet to be widely used to provide enough  
protection for women...the legal system  
is not able to prevent domestic violence  
and provide adequate protection.’

— Human Rights Now, 2011

→ Cambodian women are currently  
unable to embrace ‘active  
citizenship’ – the claiming of  
legally and morally enforceable  
rights in relation to the state.



# TOWARDS ACTIVE CITIZENSHIP

9

- Our study indicates that the first NAPVAW was largely successful in its strategy to raise public awareness and dissemination of the law.
- Despite the well-known existence of DV Law, there is **confusion over women's rights** and the translation of DV Law into concrete outcomes.



92%

MEN INDICATED  
KNOWLEDGE  
OF A DV LAW



90%

WOMEN INDICATED  
KNOWLEDGE  
OF A DV LAW

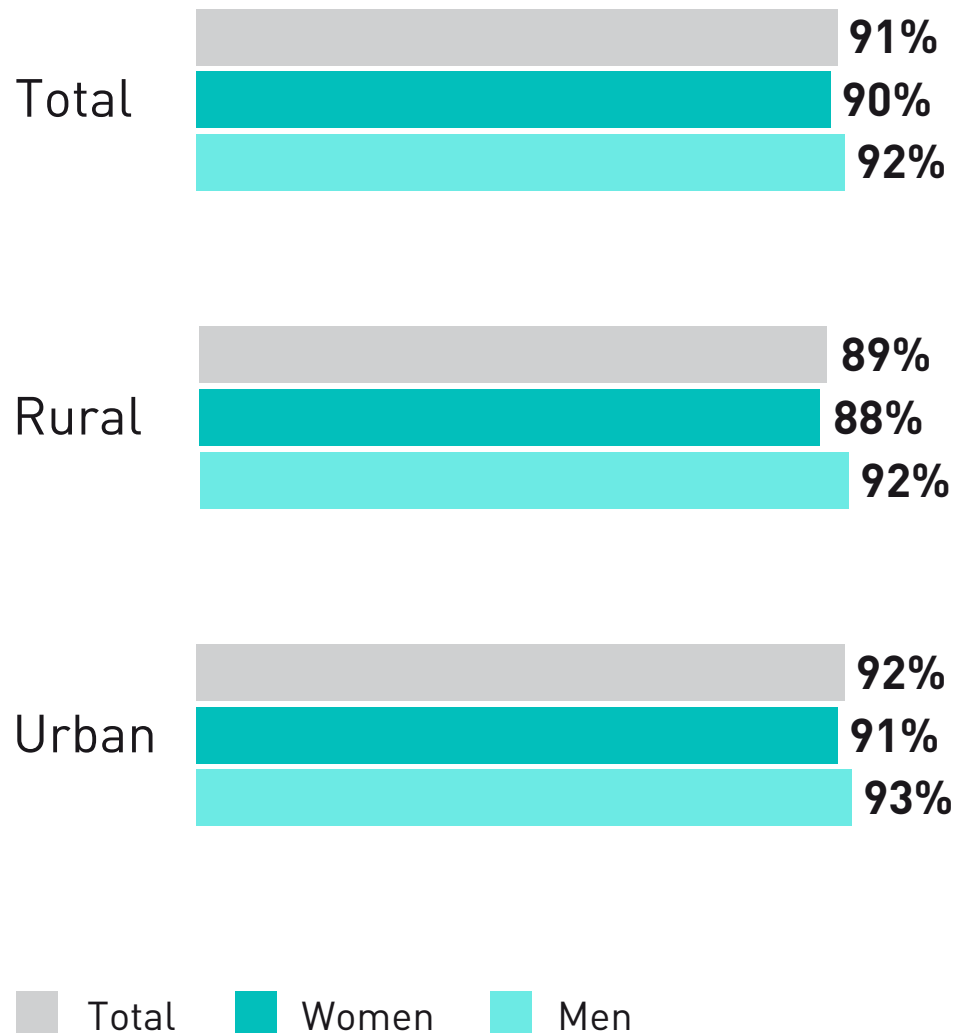


BUT STILL  
CONFUSION OVER  
WOMEN RIGHTS

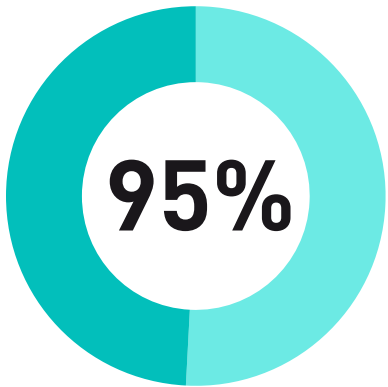
# KNOWLEDGE OF DOMESTIC VIOLENCE LAW

10

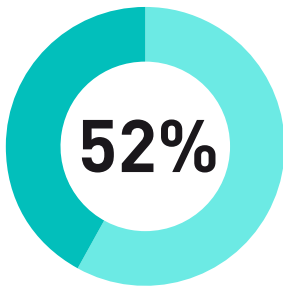
PARTICIPANTS WHO KNOW THAT THERE IS A SPECIFIC LAW  
IN CAMBODIA FOR THE PREVENTION OF DOMESTIC VIOLENCE



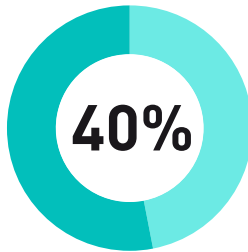
# SOURCES OF KNOWLEDGE ABOUT DOMESTIC VIOLENCE LAW



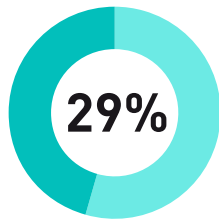
Mass media



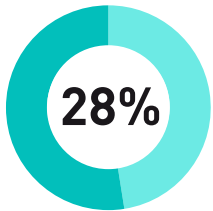
Meetings



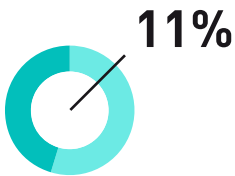
NGOs



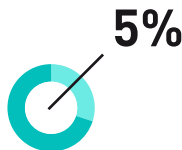
Local authorities



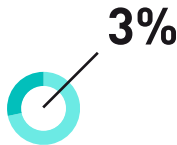
Rumour



Print media



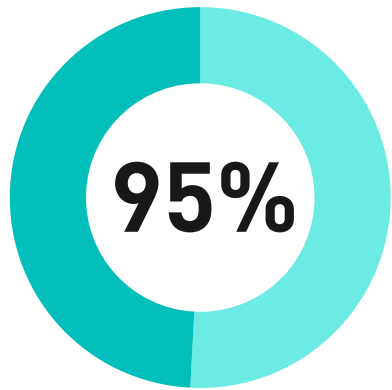
Family



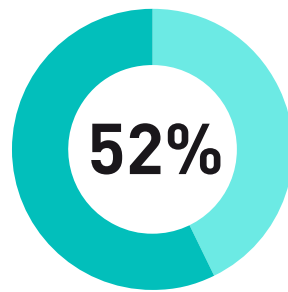
Friends

# SOURCES OF KNOWLEDGE ABOUT DOMESTIC VIOLENCE LAW

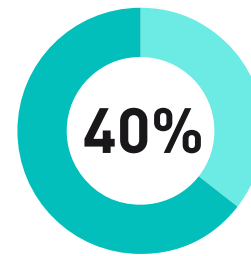
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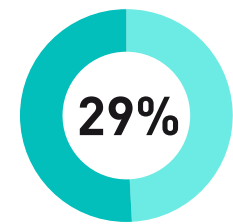
Mass media



Meetings



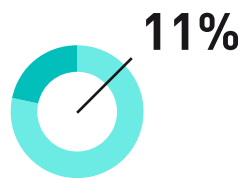
NGOs



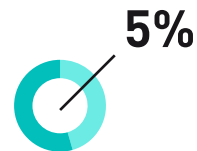
Local authorities



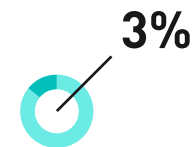
Rumour



Print Media



Family

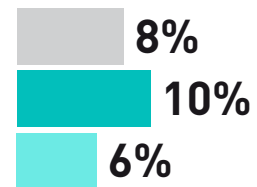


Friends

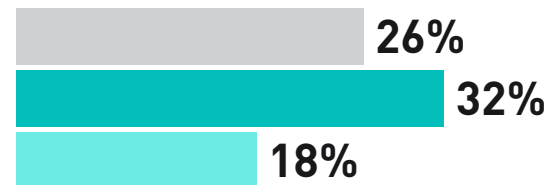
# KNOWLEDGE OF WOMEN'S RIGHTS

13

PARTICIPANTS WHO KNOW ABOUT  
WOMEN'S RIGHTS TO A LIFE FREE  
FROM DOMESTIC VIOLENCE

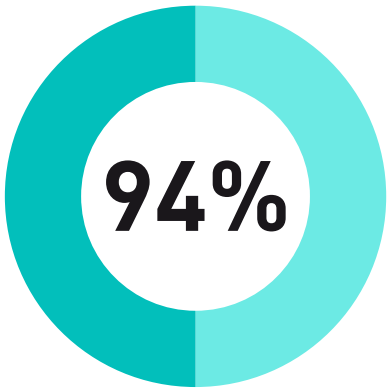


PARTICIPANTS WHO KNOW ABOUT  
WOMEN'S RIGHTS TO EQUAL  
JUSTICE AND PROTECTION

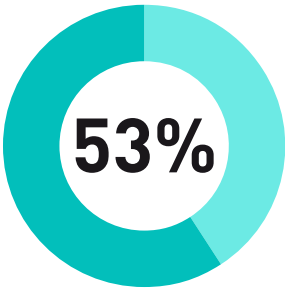


■ Total ■ Women ■ Men

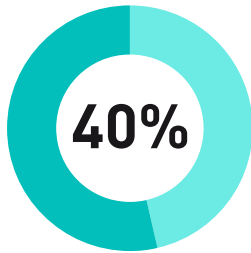
# SOURCES OF KNOWLEDGE ABOUT WOMEN'S RIGHTS



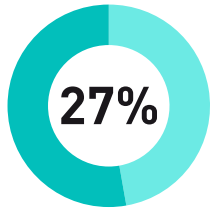
Mass media



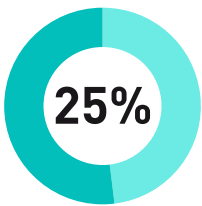
Meetings



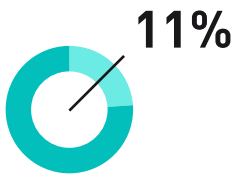
NGOs



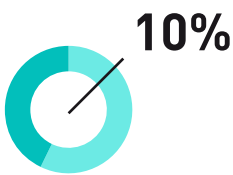
Local authorities



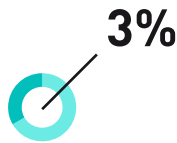
Rumour



Family



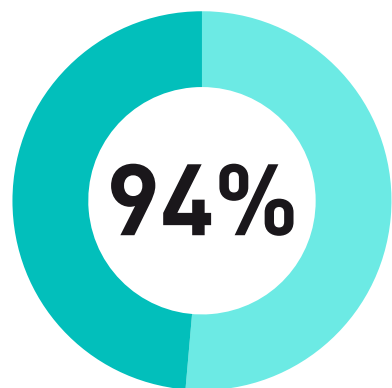
Print media



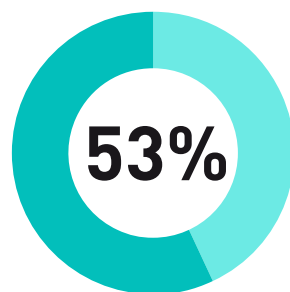
Friends

# SOURCES OF KNOWLEDGE ABOUT WOMEN'S RIGHTS

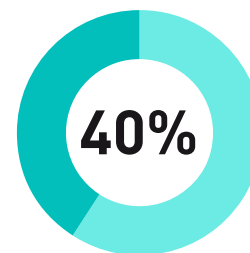
15



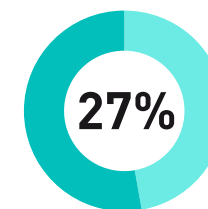
Mass media



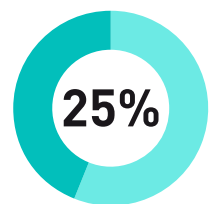
Meetings



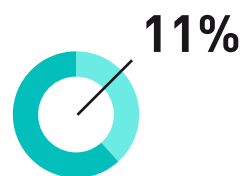
NGOs



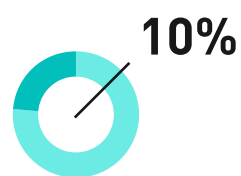
Local authorities



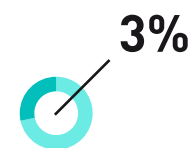
Rumour



Family



Print media



Friends

■ Rural ■ Urban

**02**

# WHY THE GAP EXISTS



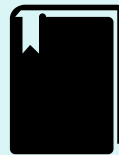
# WHY THE GAP EXISTS – SUMMARY

17

Socio-legal conditions for DV Law to take root in Cambodia are compromised by:



Structural gender inequities and discriminatory gender attitudes.



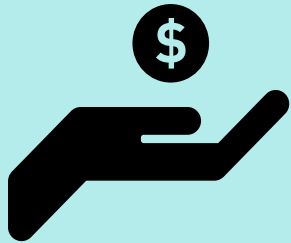
Customs and traditions that are detrimental rather than supportive of DV alleviation.



A weak rule of law environment.



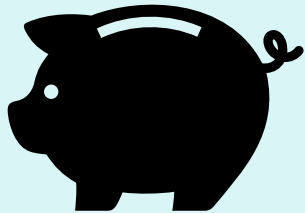
Inadequacy of financial and human resources to support DV Law training, implementation and enforcement.



Financial dependence of spouses is a primary reason for non-use of DV Law.



'Choice' is being conditioned by the lack of alternatives that limit women's ability to claim rights.



Strong economic reasons for remaining in an abusive relationship and foregoing rights.

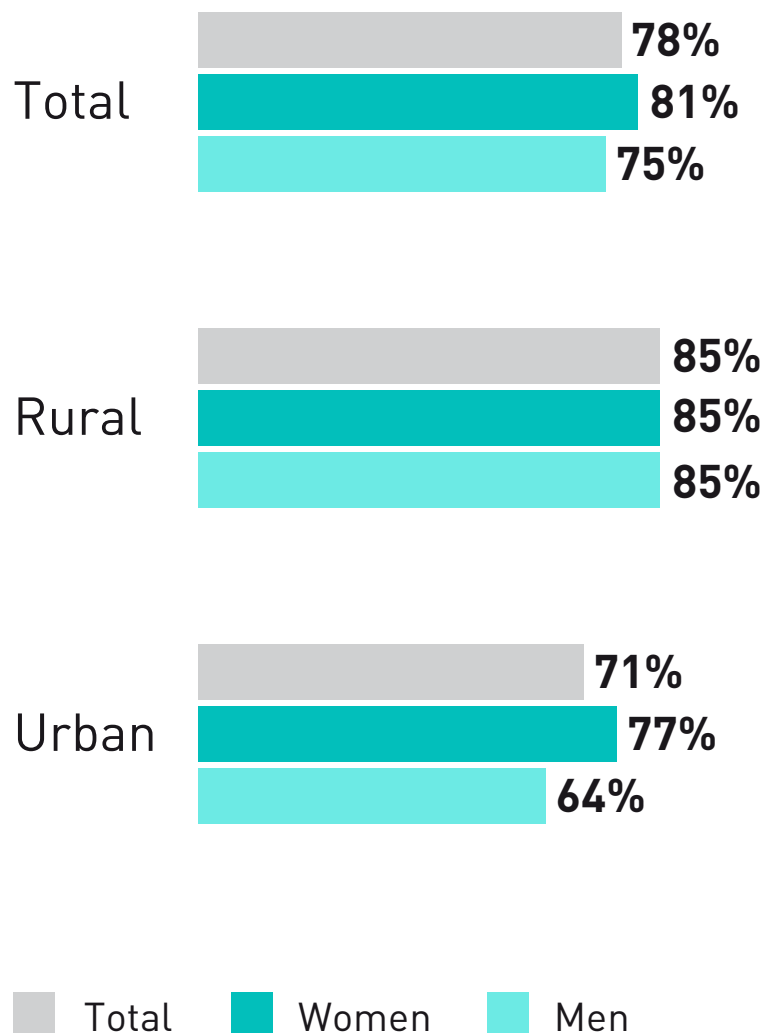


Men's predominant income-earning remains the norm, especially in rural sites.

# ATTITUDES TOWARDS WOMEN'S ROLES

19

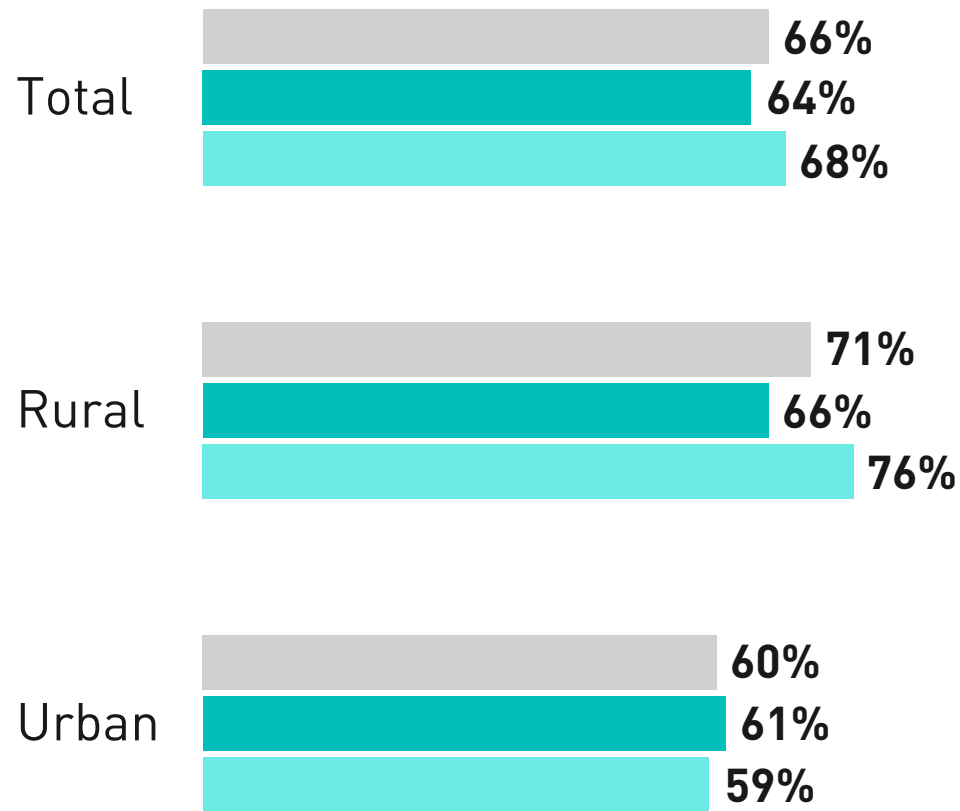
PARTICIPANTS WHO THINK THAT WOMEN SHOULD STAY AT HOME  
TAKING CARE OF THEIR HUSBAND AND CHILDREN



# ATTITUDES TOWARDS MEN'S ROLES

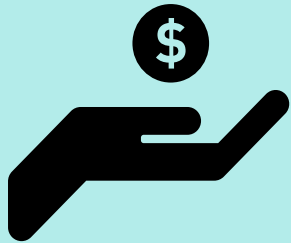
20

PARTICIPANTS WHO THINK THAT MEN ARE BREADWINNERS  
RESPONSIBLE FOR FEEDING THE FAMILY



■ Total ■ Women ■ Men





Women's economic dependency on men (whether actual or imagined) has a major influence over DV Law implementation and enforcement.



DV Law is often represented as a danger to women's well-being and as a luxury which poor women cannot afford.

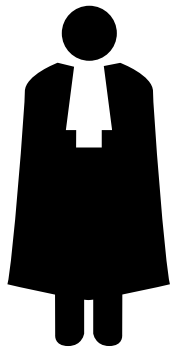


There is evidence that some implementing actors (IA) are manipulatively using women's dependency to persuade victims to reconcile.



The 'choices' open to IA are constrained like those of victims.

Khmer women are mostly dependent on their spouses for financial support... while I applaud the creation of such laws, I am having a hard time embracing it wholeheartedly because it lacks so much in terms of providing options for the victims and their families. Let's say that I sentence the perpetrator to jail. **What I do is essentially take away the only provider of that family.**



MALE COURT JUDGE  
PURSAT

We discussed the issue with the court and came to the unanimous decision that he should be released due to the simple fact that **his family needed him to provide for them.**



FEMALE DEPUTY POLICE CHIEF  
PURSAT



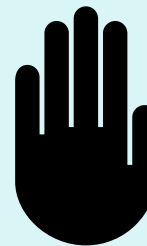
Economic dependence is an underlying reason why women who seek legal help then change their minds.



Despite IA acknowledgement of the high financial and social costs associated with women's use of DV Law, it is commonly women, not their condition, subject to blame.



IA reported professional fatigue at the habitual dropping of cases.



Women themselves are seen as barrier to justice according to some IA.

Truthfully, it is always the women themselves who cloud the judgment of the law. Initially, when they are angry because of the abuse, they would come over and were adamant about getting their spouses arrested. **Later, as we tried to do our jobs to bring them justice, they changed their minds.** They would beg and cry for these men to be released. It's too hard to deal with them sometimes... the law is here; the question is whether or not the victim will embrace it.

The law does it work by arresting her abusive husband. The legal procedure demands that he stands trial and faces punishment for his actions. **The victim breaks this line of justice by demanding the court to release him and strip him of all personal responsibility.**



MALE POLICE OFFICER  
PURSAT





General public lack of trust in the justice system.



Use of DV Law is being actively discouraged because of corruption.



Some local authorities failing to act as standard-bearers.

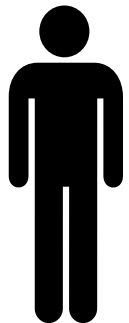


Use of DV Law is represented as a dangerous process in itself.



DV Law associated for many IA and victims with corruption.

DV law has been a sort of rollercoaster ride, to be honest with you. The issue is not the laws but rather the implementation of such laws... as you know, most of our officials are not keen on obeying the laws. Furthermore, **those who are tasked with enforcing such laws do so only to benefit themselves.** When no such profit can be extracted, they choose to ignore them and let the people suffer.



**MALE NGO WORKER**  
PURSAT

You have to look at a bigger picture here. Let's say that we arrest her husband when he beats her and send him to jail for his crime... when she needs to bail him out, **the police officer responsible for the arrest will hit her with some bogus fine** and she will have to pay him in order to get her husband out. You see, either way, she will be the only one losing out in this whole deal.



**FEMALE COMMUNE LEADER**  
PURSAT

# PERCEIVED CAUSES OF DV

27



Alcohol and poverty identified as the driving causes of DV.



Some DV victims only temporarily advocate for legal help during or after heavy bouts of spousal drinking.



While DV is rarely justified by respondents, the use of alcohol is excused on these bases.

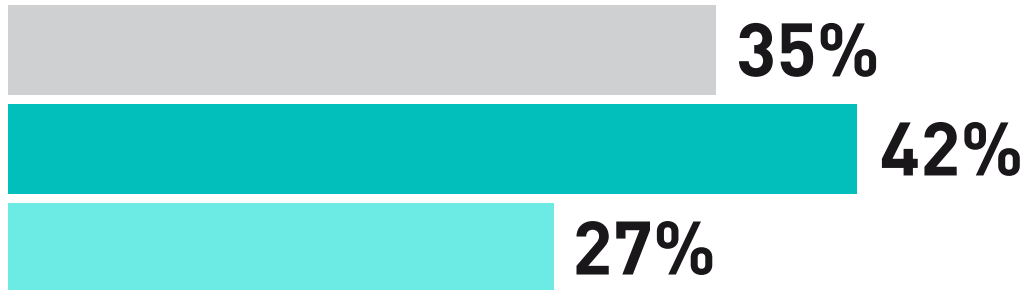


Limited understanding of root causes means that external factors are blamed (Brickell, 2008).

# ATTITUDES TOWARDS ALCOHOL AND DOMESTIC VIOLENCE

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PARTICIPANTS WHO THINK THAT DV IS EXCUSABLE IF THE PERPETRATOR IS DRUNK



■ Total   ■ Women   ■ Men

- For many victims little changed having tried to access legal help.
- According to victims, law cannot solve the perceived causes of DV.

I don't think that the law does much to the actual practicalities of things. Take my husband, for instance, he still hasn't changed his behaviour in any way that would signify progress... it all hinges on the financial aspect of family life. I really think poverty pushes people to the edge... only when things around the housing are lacking do you see cases of spouses becoming easily agitated and prone to violence... I am weary at the way that it has played out with the authority too (only reconciliation was offered)... I guess, I would tell victims to try and find a way to help their husbands change... but I don't think that is easy, especially when they drink.



**FEMALE DV VICTIM**  
PURSAT

- Interviewees know of the law, but consistently struggle to explain the content of any training received, including the kinds of protection and remedies possible.
- Female interviewees complain of being unable to join training because of the time this takes away from income-earning. Others report being overlooked for this reason, with the very poor and unemployed privileged.
- Some victims report being threatened by their husbands about the consequences of attending DV Law training.
- IA explain the lack of comprehensive understanding as a matter of disinterest if financial or material reward is not provided.

It's difficult to educate people on the law... we are not as financially sound as political parties, so communities are not as enthusiastic about participating with us, which is ironic because we doing more good for them than those political parties in the long run. They just lack the foresight to see it.



**FEMALE DISTRICT HOSPITAL MID-WIFE**  
SIEM REAP

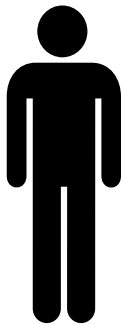
- IA consistently know of DV Law, but local authority IA can rarely explain the content of (any) training received.
- NGO staff & court officials are alarmed at the rudimentary understanding at village and commune levels.
- Given that local IA field a heavy concentration of DV and divorce cases in their work (Baseline Survey, 2005) this is a severe limitation.
- Long-term uneducated post holders plus the absence of female leadership is commonly blamed.

I need to study more. I want to be trained more about DV law. I have forgotten almost everything... I am not comfortable sharing DV law to villagers because I know nothing.



**MALE VILLAGE LEADER**  
SIEM REAP

The sad thing is that most local authority is not as educated to really comprehend the full extent of the law. Instead, they turn to customary law to compensate for their shortcomings [laughing]...They desperately need to be re-educated and trained in order to be better equipped to handle this issue.



**MALE NGO LEGAL TRAINER**  
SIEM REAP





Timely mobilization to assist victims is difficult with limited staff.



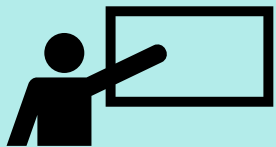
IA also noted poor understanding of how to build a robust case. Many feel they are failing to bring perpetrators to justice on procedural grounds.



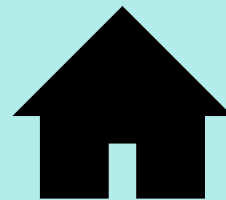
IA reported using their own personal funds to support victims given lack of government provision.



IA again highlight the risks of DV Law given that resources & facilities are rarely in place to support it.



Police IA note a lack of training & equipment to gather evidence needed for court.



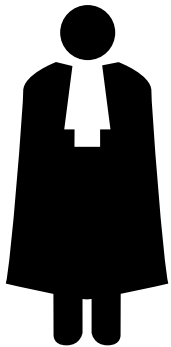
Scarcity of safe houses are a concern, with victims commonly told to 'go home' to face retaliation.

# UNSATISFACTORY OUTCOMES OF DV LAW USE

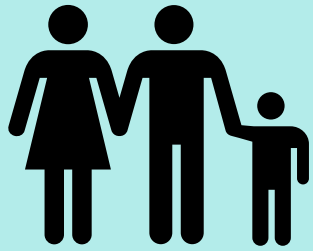
34

- It is observed by IA and victims that DV Law enforcement does not necessarily support the behavioural change needed for DV elimination.
- Lack of counselling and rehabilitation for both victim and perpetrator is a major constraint to real change.
- Length of time to come to court and number of times a woman is summoned as the case is passed up from the commune, district to provincial level. Drain on time, heightened risks of retaliation, undue stress and fatigue.

If men are to change, then it really must come from their own conviction. I really don't think that the law works in this manner... **personal experience has shown me that leaving these men in prison for a long time does very little to rehabilitate them back into society.** In the developed world, I am sure that the prison system is designed to help rehabilitate these law-breakers as they prepare to re-assimilate back into society. Here in Cambodia, I know for a fact that there is no such program, nor intention to help these prisoners to improve. Sending them to prison. does nothing but further ruin the family nucleus.



**MALE LAWYER**  
PURSAT



DV is commonly thought of as a 'private' family issue which directly influences the non-use of DV Law.

**76%**

76% of physical violence victims & 68% of emotional violence victims in our survey have never sought help.



Some victims who understand legal routes to justice through DV Law training still believe they should 'bare' DV as a 'normal' (tomodah) part of everyday life.

# IA OPINIONS VARY

37

- Some IA note being accused of interference and trying to break up families when using DV Law.
- IA viewpoints vary widely on whether DV should remain a private problem, or should be re-framed.
- Some IA and victims stress the importance for women to tolerate and guard against DV rather than report it. Some IA fail to prioritize victim's needs.
- Others realize the hard work that goes into maintaining a veneer of happiness and refer to DV as a public issue.

DV plays a role in redefining social structure but in my community it isn't a problem. Women are generally patient. **Other women should try to be more patient and compensate for their husbands' anger.**



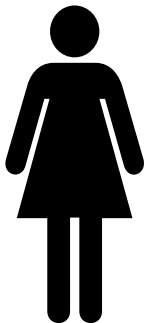
**MALE COMMUNE POLICE CHIEF**  
SIEM REAP

# IA OPINIONS VARY

38

Women take abuse with gritted teeth and smile to the world simultaneously.

People still think that domestic issues are small and mundane. They should not be brought up beyond the gate of the house, which is why it has been very hard to completely eradicate this problem from our society.



**FEMALE DISTRICT COMMITTEE MEMBER**  
PURSAT



**MALE COMMUNE POLICE CHIEF**  
SIEM REAP

Local authorities don't want to put themselves in harms way. [They think that] DV is a family problem. It is not theirs. They fear that they might be in the wrong if they try to help.

The police said that I shouldn't blow it out of proportion because my children may suffer discrimination for having a criminal father.



**FEMALE DV VICTIM**  
PURSAT

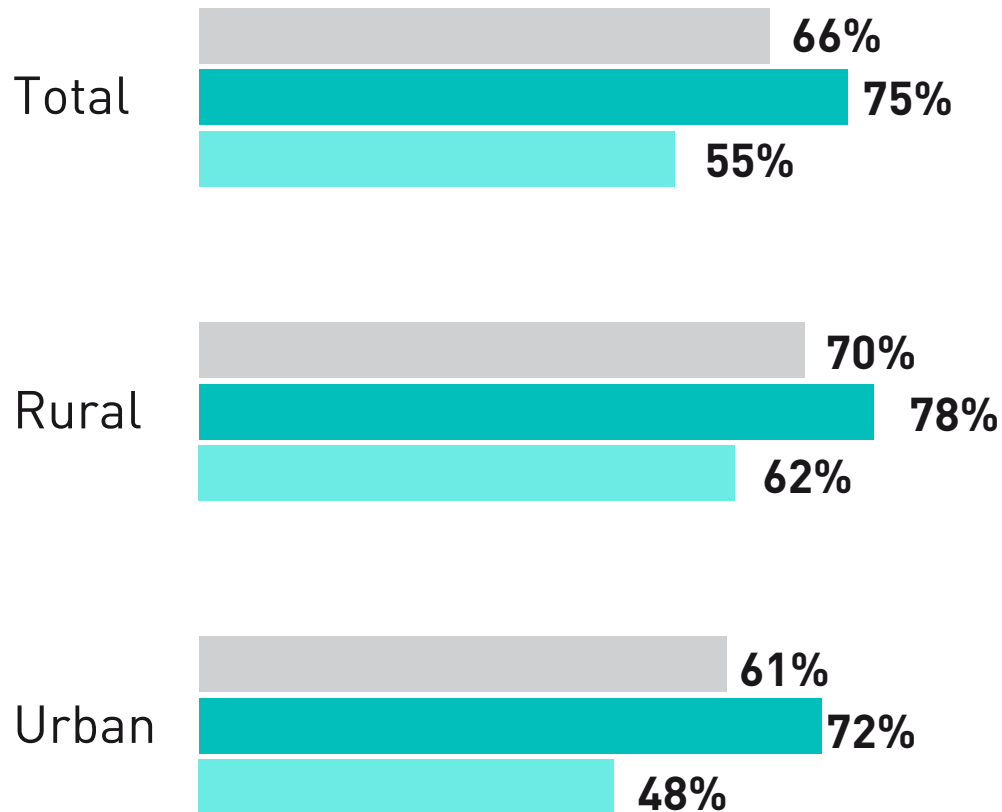


**DV VICTIM HOSPITALIZED BY A HAMMER BLOW**  
PURSAT

# ATTITUDES TOWARDS DOMESTIC VIOLENCE

40

PARTICIPANTS WHO THINK THAT WIVES SHOULD REMAIN SILENT ABOUT DOMESTIC VIOLENCE TO KEEP THE FAMILY TOGETHER



■ Total ■ Women ■ Men





- The 2005 law is praised and welcomed by a number of IA for re-framing DV as a societal problem with societal implications.
- Increased reporting and visibility of DV cases was linked to DV Law.

Earlier, people had a different understanding about DV. They were often shunned if they brought it up. Therefore out of shame and embarrassment, they hid their problems from the local authority. They felt helpless because they did not know where to go. So now when we go down there, people come out with their problems. The police are stunned to see the rise of DV cases. In truth it is not a rise. It is merely the result of people having a legal channel to voice their displeasure. What used to be a rare case is now at the forefront of police work.



**MALE NGO LEGAL TRAINER**  
SIEM REAP

This law is in the purpose to establish a legal mechanism to prevent domestic violence, protect the victims **to preserve the harmony within the households in line with the Nation's good custom and tradition.**

—Article 1, DV Law, 2005

States should condemn violence against women and **should not invoke any custom, tradition or religious consideration.**

—Article 4, CEDAW, 1993

- A cultural logic of harmony in DV Law does little to serve women's interests, and has the potential to undermine women's claims to a life free from violence.
- DV Law contravenes CEDAW.
- Customary rhetoric does not reflect everyday experience.

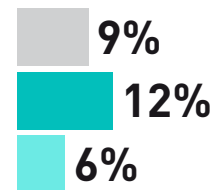
# ATTITUDES TOWARDS CAMBODIAN CULTURE

43

PARTICIPANTS WHO DO NOT THINK  
THAT HOUSEHOLDS IN CAMBODIA  
ARE HARMONIOUS

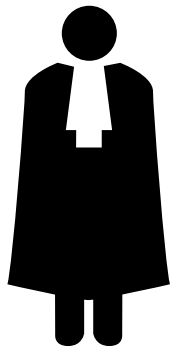


PARTICIPANTS WHO DO NOT THINK  
THAT CAMBODIA HAS A CULTURE  
OF NON-VIOLENCE



■ Total ■ Women ■ Men

Personally, I understand that it is always better to have the family intact after experiencing a dispute. **It helps preserve the image of the Khmer culture and tradition.**



MALE COURT JUDGE  
PURSAT

Traditionally speaking, the authority at the local level views itself with some sort of paternal authority. **Its goal is to make sure there is no divorce or separation at home since our culture seems to view these types of families with a lot of negative tendencies.** However, in order to effectively tackle this problem, people who break the DV law must be brought to justice. They need to be reminded that the law is always on the victim's side.



MALE COMMUNE POLICE CHIEF  
SIEM REAP

**03**

# THE GAP IN PRACTICE

- Part 2 introduced how socio-legal circumstances in Cambodia result in women non-reporting DV, or reneging the use of DV law.
- IA highlight their reasons for its non-use. The process and consequences of claiming rights in DV Law are often framed as a potential risk to women.
- The financial and human resources to guarantee the safe use of DV Law are not currently in place.
- Part 3 details how these conditions play out on the ground in terms of everyday and institutional practice.
- Combined with inadequacies and inconsistencies of the Law itself, a reliance on reconciliation and ad hoc measures characterize DV alleviation efforts in Cambodia at the present time.
- Key question: what alternatives beyond reconciliation do IA have for DV cases not covered by the Penal Code?

# THE ONUS ON RECONCILIATION

47

- There is a strong moral and operational emphasis on reconciliation within DV cases.
- Reconciliation is relied upon given the outlined constraints, and perceived dangers, of DV Law use.
- Reconciliation is ordinarily associated with success, and the use of DV Law with failure. This is reflected in the language of the law itself, and the viewpoints of some local authority IA.

There is a wrong understanding that this law is only created to divide the family, which is true when reconciliation is not possible. Some people look down on this law. I do not know what to do about that [laughing]...

If they believe that the authority only pushes for a separation, then they will lose respect for that law. It is better that we have a provision where the local authority can help with the reconciliation process. Only when the case is serious should they stop with this procedure.



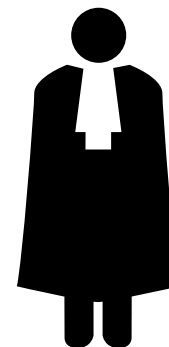
**MALE PROVINCIAL HEAD OF POLICE**  
SIEM REAP

# RISKS OF RECONCILIATION

48

- Reconciliation is a major barrier to women exercising their legal rights (CEDAW, 2013).
- It perpetuates the cycle of violence, ignores the specific risks of an abusive relationship, and contributes to a climate of impunity.
- Evidence was systematically found that in severe DV cases reconciliation was attempted in contravention of Article 17 of DV Law: 'the authorities in charge cannot intervene to reconcile or mediate the criminal offenses that are characterized as felonies or severe misdemeanors'.

If the local authorities decide to bring these cases up to us, we can help the victims by employing the law and prosecute the perpetrators. However, if they choose to reconcile or the victims choose to go back to their abusive relationships, there is not much we can do up here.



**MALE COURT JUDGE**  
SIEM REAP



## RISKS OF RECONCILIATION – EXAMPLES

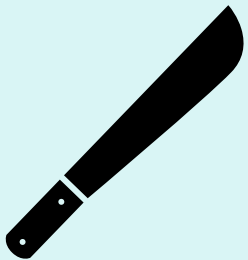
49



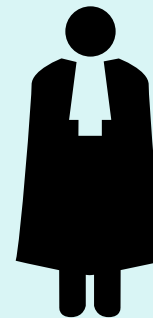
A DV victim hospitalized by her husband cracking a samurai sword over her head is told to reconcile by village and commune authorities.



Out of 20 DV victim interviews, zero had been granted a protection order.



Another victim is subject to regular beatings and is threatened with a machete. The weapon is removed from the perpetrator but reconciliation is offered as the only course of action.



Some legal professionals are frustrated that more cases do not come to court because of reconciliation.

# RECONCILIATION AS FAILURE

50

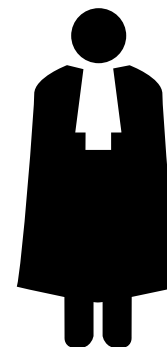
→ Some police and legal officials recognised the limitations of reconciliation for the efficacy of their work on DV.

There really needs to be an end to this stupid repeated reconciliation process. It just keeps the problem alive and hinders us from really doing our jobs... It makes them more arrogant and just walk all over the law.



**MALE COMMUNE POLICE CHIEF**  
SIEM REAP

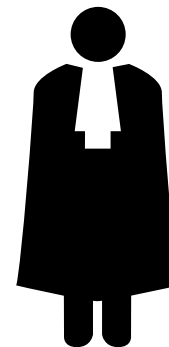
When a family breaks apart, it is not because the authority fails to reconcile both parties and preserve the family. When one party knows for a fact that he or she can no longer remain in the marriage, it should not be considered a failure when that individual decides to leave that marriage and attempt to build a new one. Success has nothing to do with both parties remaining together.



**MALE COURT JUDGE**  
PURSAT

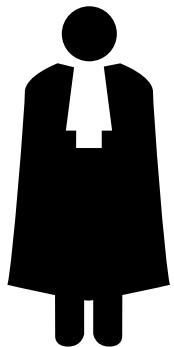
- IA interviews reveal that at local authority level, ad hoc measures are being used to broker 'justice'.
- The systematic use of promissory notes at (repeated) reconciliation meetings is symptomatic of a reliance on informal/unlegislated means of addressing DV.
- They reflect 'justice' seen to be done rather than actually done.
- The note is used as a threat and stalling mechanism.
- There is widespread confusion as to the legal status of promissory notes.
- Reconciliation and promissory note signing, often by un-trained local IA, is masquerading as 'counselling' (as called for in Article 33, DV Law).

**The legal procedure does not require anyone to sign a note. It is done mostly for the psychological effect.** It seems to do the trick in most cases. It is nothing but a scare tactic done by the authority.



**MALE LAWYER**  
SIEM REAP

The note can be used to subdue their aggressive tendencies and scare them into obeying the law. You may say that it is not the primary goal of this law and you may be correct in your assessment. However, if you consider the number of those women spared from beating because of this little note, I think that the good will outshine the bad almost all of the time.

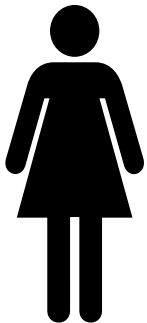


**FEMALE LEGAL CLERK**  
PURSAT

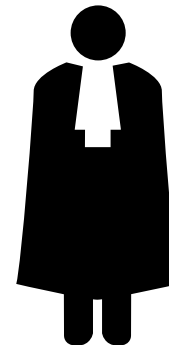
- DV Law does not contain specific crimes or penalty provisions – it cannot punish perpetrators (Article 35) unless the penal code is invoked for cases classed as ‘felonies and severe misdemeanors’.
- IA and victims are unclear (beyond reconciliation) what deterrents, sanctions and other remedies can be used to address DV abuses not covered by provisions in the penal code.
- What about physical violence considered ‘minor’, mental/psychological and economic violence?
- There is confusion about the relationship between DV Law, the Penal and Civil Code.
- Our research marries with the point made in the NAPVAW – ‘As a result of no enabling sub-decree, local authorities, including the police are in ambiguity if and when an incident has to be classified as criminal or not. The standards for mediation by local authorities and police are also unclear’.

When we talk about DV Law, there are some police officers who say that it does not include any punishment, so what can they do? That's why we have to inform them.

**Small-scale physical violence does not get brought up in courts.** The reason being that the local authority equates them to nothing more than household squabbles, which are noncriminal in nature. A slap here and there is just that, a slap.



**FEMALE MOWA OFFICIAL**  
SIEM REAP

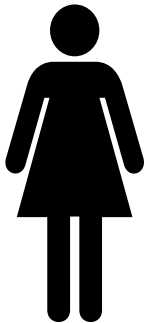


**MALE LAWYER**  
SIEM REAP

# SEVERITIES OF DV

55

Many people have an ill-fated view of DV. **To most people, it is only a crime when there is visible physical torture such as bruises and cuts.** What I often tell them is that abuse comes in many shapes and forms.



**FEMALE DISTRICT LEADER**  
SIEM REAP

- There is inconsistency in DV Law itself if/how economic violence is covered.
- Related documentation shares this uncertainty.

Tortures or cruel acts include: **Harassment causing mental/psychological, emotional, intellectual harms to physical persons.**

—Article 6, DV Law

For the offenses that are mental/psychological or economic affected acts and minor misdemeanors...

—Article 26, DV Law

According to the definitions given by the Law domestic violence consists of physical, psychological or economical violence.

—Baseline Survey, 2005

Economic violence is not defined in the DV Law as a form of domestic violence and therefore contravenes CEDAW.

—CAMBOW, 2007



**04**

# BRIDGING THE (POLICY) GAP

The NAPVAW outlines a comprehensive set of objectives and strategies related to primary prevention; legal protection and multi-sectoral services; laws and policies; capacity building & monitoring and evaluation.

Our research responds to the need identified by the NAPVAW to 'promote research that contributes to a better understanding of the situation of VAW to identify good practices'.

Our policy recommendations are not exhaustive, rather they identify five priority areas to be urgently and systematically addressed :



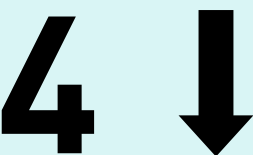
DV Law revision



Cultivating consciousness of DV Law



Safe & effective use



Reducing women's economic dependency



Turning the spotlight on DV Law successes

- Given the potentially long lead-time and lobbying needed to enact change in DV Law, this process must begin immediately.
- Our research shows that current DV Law and its nationalistic privileging of harmony is problematic and should be removed.
- On grounds of custom and tradition, the current DV Law does not comply with CEDAW.
- ‘Justice’ for victims is commonly sought through makeshift/ad hoc measures engineered by local authorities that speak less to the needs of the victim and more to the upholding of community reputation and ‘peace’. These need legal clarification.
- DV Law does not pragmatically reflect in its content or language the realities of DV that women face. It contributes to the fallacy of harmony which women try to uphold by foregoing their legal rights.
- In agreement with CAMBOW (2007), the provisions of DV Law ‘for reconciliation/mediation should be tightly defined and it should be clear what types of specific acts can and cannot be included in this’.
- To be remedied: legal ambiguity of the promissory note; the unclear relationship between DV Law, the Penal and Civil Code; lack of clarity about what constitutes ‘minor’ and ‘major’ misdemeanors; uncertainty about whether economic violence covered in DV Law.

## PRIORITY 2 – CULTIVATING CONSCIOUSNESS OF DV LAW

60

- The existence of DV Law is well-known but does not guarantee understanding (or use) of it.
- Legal literacy efforts in Cambodia need to move from information dissemination to a process whereby individual and collective consciousness is transformed and ‘active citizenship’ is exercised by DV victims.
- Critical consciousness means people moving to critically re-evaluate their behaviours and practices as a result of DV Law knowledge.
- ‘Active citizenship’ means developing the self-confidence and ability to negotiate and influence life decisions and situations – such as using DV Law.



- Use of DV Law is consistently viewed as a risk to women's well-being (despite DV already compromising it).
- The number of safe houses for women should be increased, and research conducted on good practice.
- Better service provision is needed that can provide long-term rehabilitation and psychological counselling to victims and perpetrators.
- According to the NAPVAW, the legal and justice sectors must 'hold perpetrators accountable for their behavior and ensure they do not repeat the crime' yet the 2005 VAW Survey notes that 'Law enforcement is weak, so laws do not deter violence or serve to promote values about proper behaviour'. The NAPVAW (and DV Law) needs to more closely consider how to hold men accountable for their actions when the Penal Code is not applicable.
- DV Law training is needed on a more continuous basis for village and commune level IA particularly. This includes minimum standards for primary counselling (NAPVAW).
- The 2009 VAW Survey stated that 'Acceptance, toleration, and rationalization of such abuse is deeply embedded in traditional socio-cultural value systems which must be further explored'. The NAPVAW should more comprehensively consider training provision on how to deal with values rooted in Cambodia's socio-cultural value system that limit the effectiveness of DV Law and women's ability to claim its rights.

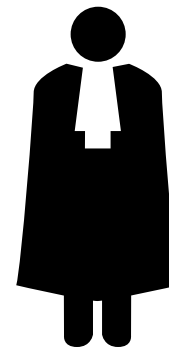
- Women’s economic dependence is a major structural inequity which is limiting the potential for change through DV Law.
- DV Law does not provide adequate financial provisions for women who want to, or try to, claim their rights. Too many women are being compelled to stay in abusive relationships for this reason.
- ‘Women’s economic empowerment programs that integrate [a] VAW component’ (NAPVAW) should be prioritized.
- The NAPVAW technical committee should commission a report/audit of nation-level gender policies to establish if/how VAW is integrated, and if not, how it could be.
- As the NAPVAW notes, quality and accessible legal services need to be made available for *all* survivors of VAW.
- It is vital for a comprehensive legal aid system to be established (CEDAW, 2013).
- Focus on vocational training is needed for women whose spouses have been imprisoned, or who remain living in abusive relationships but want to leave.
- Existing good practice by NGOs should be showcased, replicated, and supported through state budget. DV victims report positively on the paying of hospital bills, plus education on how to live alone and earn money to reduce their reliance on spouses.
- NGOs are burdened with trying to fill the gap between DV Law and practice.

Most victims of DV crimes are completely dependent on their spouses for financial support. Because of that, men feel like they can do anything to them. **I really think that if these women have means to take care of themselves financially, they will be more proactive in protecting themselves from these kinds of violence.**

The Ministry of Women’s Affairs and other NGOs have the responsibility to help the victims with basic needs along with providing the social skills necessary to earn a living for the future.



MALE HEAD OF POLICE  
SIEM REAP



MALE COURT CLERK  
PURSAT

## PRIORITY 5 – TURNING THE SPOTLIGHT ON DV LAW SUCCESSES 64

- The successes of DV Law to change victims' and communities' lives for the better should be showcased to address the association made between DV Law and risk/failure.
- The media should be harnessed to reduce DV and create positive change (NAPVAW).
- A report/audit of existing media on DV (Law) in Cambodia – both good and bad professional practice – should be commissioned and used to develop a training course for journalists.
- A course could focus on how best to, and more frequently, report DV (Law) cases and alleviation efforts – both their successes and failures.





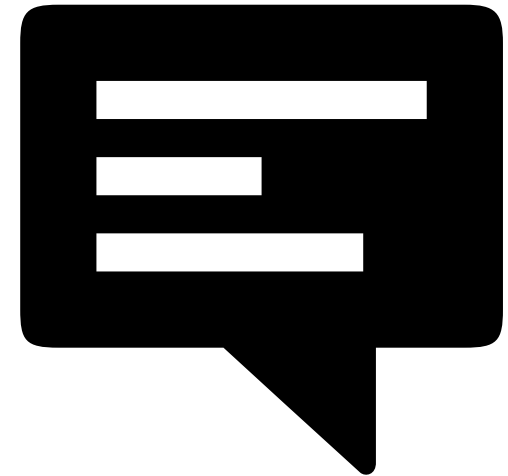
**05**

# HOW YOU CAN HELP

# PROVIDE US WITH FEEDBACK

66

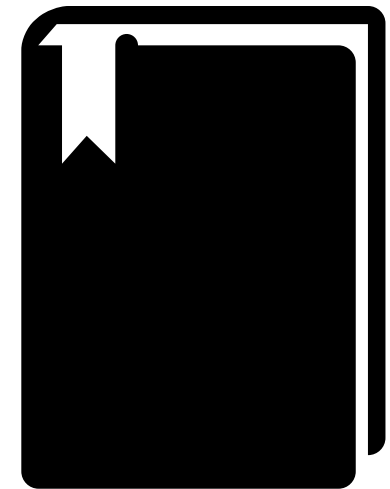
- Do you have any comments on our research?
- What would you like further information on?
- Have the findings influenced your thinking or practice in any way?
- What policy impact do you think the study could have?
- Do you know if it has made any policy impact?
- We would love to hear from you!



# CHECK BACK SOON

67

- Full report (late 2014) – with inferential statistics and lay interview analysis.
- Journal article publications.
- Media engagement.



# THANK YOU

 Katherine.Brickell@rhul.ac.uk

 [www.katherinebrickell.com](http://www.katherinebrickell.com)

 @k\_brickell

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[Link to article](#)

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[Link to article](#)



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Bison Bison  
www.bisonbison.co.uk  
Elisa Gilis

## Icon design

Aartiraghu  
Anisha Varghese  
Anna  
Alv Jørgen Bovolden  
Brandon Keelean  
Brennan Novak  
Bruno Gätjens González  
Charles Riccardi  
Christopher T. Howlett  
Dan McCall  
Di  
Diego Naive  
Dmitriy Lagunov  
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Icomatic  
Iconathon  
Inês Delicioso  
Jan Windisch

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Kat Tp\*  
Lemon Liu  
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Mike Hince  
Miroslav Kurdov  
OCHA Visual Information Unit  
Rémy Médard  
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Tommaso Matteini  
Travis Yunis  
Yo Szczepanska\*  
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