



**Joint submission by relevant stakeholders of information on the
topic of gender-based violence
in advance of the 4th Cycle of the Universal Periodic Review of
Cambodia
at the 46th session of the United Nations Human Rights Council
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This thematic report is jointly submitted by the following organizations:

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- 3) SILIKA Cambodia
- 4) Women's Network for Unity (WNU)
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1. Introduction

1.1 Overview of Cambodian context of gender-based violence (GBV)

1.1.1 Gender-based violence in all of its forms continues to be prevalent in Cambodia. While the 2021-22 Cambodia Demographic and Health Survey (CDHS) suggests that lifetime rates of physical abuse by partners has decreased, overall intimate partner violence rate remains high at 21% while those not seeking help has increased to 53%.¹ The government did make a major step forward since the last review session by adopting its National Action Plan on the Prevention of Violence against Women (2019-2023) (NAPVAW3) at the level of the Council of Ministers, making it binding on all line ministries; previous plans had been officially adopted at the level of the Ministry of Women's Affairs. Some positive outcomes of this plan include setting up safe spaces in government hospitals for women to report violence and receive referral services to all available support for survivors and improving essential training packages and guidance materials for authorities and other service providers, including materials on survivor-centered approaches related to on legal protection, basic counseling, referral, limited use of mediation, and health system management of violence against women cases.²

Nevertheless, challenges remain. For example, many women survivors of domestic abuse, especially those from non-targeted areas of the government GBV projects, continue to receive limited practical protection, including psychological, legal, financial, or other support from family, community, and the State. Access to courts and protection orders is limited with just 25 protection orders being issued in 10 provinces from 2019-2022³ and some survivors are encouraged to —or have no other choice but to — remain in households where they and their children are at heightened risk of future violence. Among others, emerging challenges, such as increasing online harassment of women, and discrimination and/or violence against marginalized groups, such as ethnic Minorities, persons with disabilities, lesbian, gay, bisexual, transgender, queer, intersex (LGBTQI+) persons, and sex workers, need to be addressed.

It is therefore very important for the government to expand all efforts to combat GBV nationwide and take an intersectional approach, especially by adopting gender equality, disability, and social inclusion (GEDSI) principles in order to ensure that no one is left behind, especially members of the most marginalized groups and persons at risk of exclusion.

1.2 Methodology

This report was created through coordination of several feminist Cambodian CSOs who have been involved for years in advocating for better access to justice, protections, remedies, and services for survivors of gender-based violence. These CSOs contributed information from their work experiences, data and statistics from government sources, and their own research to create this report and recommendations.

The scope of this report is not comprehensive on the entire theme of gender-based violence. Instead, it focuses on a few specific subtopics with narrow recommendations.

¹ Cambodia Demographic and Health Survey 2021-2022. <https://www.nis.gov.kh/index.php/km/about/organization-chart/17-cdhs/123-cambodia-demographic-and-health-survey-2021-22>

² Ministry of Women's Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III) May 2023

³ Ibid, p.52

2. The Cambodian National UPR Context

2.1 Cambodia was last reviewed in March 2019 at the 32nd session of the Human Rights Council. It received 44 recommendations that either directly mentioned women or addressed an issue that disproportionately affected women in Cambodia. Cambodia accepted all of these recommendations. Seven of the recommendations specifically addressed gender-based violence.

- 110.183 Allocate sufficient human and financial resources to establish at least five, one-stop service centres by 2024 to provide support services free of charge to victims of gender-based violence (Australia). This recommendation **has been implemented** in the form of safe spaces in some referral hospitals for survivors to report violence and receive referrals to support services.
- 110.185 Reform the national legislation with a view to strengthening the protection of women and children against family violence (Russia). **Not implemented** because no concrete action has been taken to change the law, although discussions and development of a roadmap about the process that might be used to change it are ongoing. Additionally, the CEDAW Committee in 2019, and the CCPR recommendations in 2020 both directly addressed the need to reform the DV Law to “define, prohibit and criminalize all forms of gender-based violence, including domestic violence and marital rape, to facilitate the process of obtaining protection orders and to ensure that victims/survivors of domestic violence have access to effective remedies and that perpetrators are held accountable.”⁴
- 110.184 Conduct comprehensive investigations of cases of domestic and sexual violence and ensure that perpetrators are prosecuted, and victims are adequately compensated (Republic of Moldova). **Partially implemented because government reports reflect that while some survivors experienced better court outcomes, compensation is rare.** CSOs working with survivors continue to note major challenges to achieving comprehensive investigations and prosecutions.
- 110.132 Overcome obstacles to access to justice for women victims of violence (Iraq). **Partially implemented.** Some efforts to address out-of-court related issues and additional funding for legal aid has been provided, but these are still limited to just a number of targeted areas with temporary funding.
- 110.182 Provide mandatory trainings on the prosecution procedures of cases of gender-based violence for law enforcement and judicial officers (Republic of Moldova). **Partially implemented**, with some pilot trainings already conducted for law enforcement and additional materials being developed.⁵ Government data suggests that much more training is still needed.
- 110.186 Reinforce the judicial mechanisms to fight sexual and family violence and human trafficking and carry out a program for awareness raising and education on these issues (Togo). **Not implemented** as some local authorities continue to discourage bringing GBV cases for prosecution. The government conducts extensive awareness-raising on fighting violence, but the focus is not necessarily on judicial mechanisms.

⁴ CEDAW Committee Concluding Observations on the sixth periodic report of Cambodia, 12 November 2019, paragraph 25(b)

⁵ Ministry of Women’s Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 12

- 110.180 Strengthen efforts to protect the rights of the most vulnerable groups, such as women, children and persons with disabilities, also in order to prevent and combat child labour and sexual exploitation, as well as other forms of violence, including domestic violence (Italy). **Partially implemented** as efforts have been made to protect *children*, particularly with respect to online harassment and abuse⁶, but efforts have not been sufficiently strengthened to protect *women*.

3. Theme 1 – Need to fully revise laws related to Gender-based Violence and improve protection

3.1 Civil society organizations (CSOs) in Cambodia which work with survivors of violence have long noticed gaps in the Criminal Code, the Law on Suppression of Human Trafficking and Sexual Exploitation (Anti-trafficking Law), and the Law on the Prevention of Domestic Violence and the Protection of Victims (DV Law). Laws intended to protect women are sometimes misused to threaten or punish women who seek help from authorities, such as when sex workers seek help when they become a crime victim. Victim-blaming is pervasive: for example, 56% of police who participated in a sensitization training “believed that women who are sexually assaulted usually did something to put herself in that situation.”⁷ Some women seeking judicial remedies are stymied by lack of access and affordability of courts, as well as unwillingness by police to fully investigate violence, by prosecutors to initiate charges, and by courts to convict perpetrators and sentence them to appropriate remedies. Gaps in the laws legally permit some violence and promote family harmony over victims’ right to security and autonomy. Survivors of violence are sometimes given no support from the community or authorities and are pressured into participating in informal reconciliation with no option for judicial remedies. The DV Law not only legalizes such a response but encourages it.⁸ The CEDAW Committee in 2019 specifically recommended that the DV Law be revised to make all forms of domestic violence a crime, including marital rape, to provide effective judicial remedies for all survivors, and to promote the use of court-issued protection orders. None of the six requirements for true access to justice under CEDAW General Recommendation No. 33 have been fully met by Cambodia nationwide, including availability and accessibility to courts exists for survivors of violence. Fees are not waived in practice for many cases, and legal aid programs which exist do not have long-term funding and cannot reach the majority of survivors, especially ethnic Minorities, persons with a disability, LGBTQI+ people, Indigenous people, and other marginalized groups and those at risks of exclusion. Only 14% of judicial officers are women, contributing to the unwillingness of courts to pursue cases involving GBV. The laws on gender-based violence are often vague and leave it up to the authorities to freely interpret when and how to apply criminal penalties; the result is that women seldom get justice or protection from violence. Alternative dispute resolution (ADR) is often overused because local service providers “lack other skills, such as counseling, and are not aware of or there are limited services available.”⁹

3.2 In the 3rd cycle UPR in 2019, Cambodia supported Russia’s recommendation 110.185 to “Reform the national legislation with a view to strengthening the protection of women and children against family violence.” So far, the government has delayed making any change to the law and the most recent step was to develop a roadmap to amending the DV Law. This last process is not yet complete. The government has recently noted that they consider the term amendment to mean only minor changes to the law. However, concerns have been raised about nearly every article of the existing DV

⁶ <https://www.phnompenhpost.com/national/new-guidelines-secure-children-cyberspace>

⁷ Ministry of Women’s Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 43

⁸ The Law on the Prevention of Domestic Violence and Protection of Victims (2005), Articles 1 and 26.

⁹ Ministry of Women’s Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 52.

Law in terms both of compliance with international standards¹⁰ and consistency with Cambodian laws adopted in the years since the DV Law was first enacted. It is now recommended to fully revise the law and/or introduce a new law to replace the old one.

3.3 According to the Final Evaluation Report of the last national action plan on violence against women, protection orders as described and authorized in the DV Law remain extremely rare. Statistics in that report show that an average of 6 per year are issued —the same rate as before the last UPR review — although the number of provinces which issued one or more protection orders increased from 6 to 10 out of 25 total provinces in Cambodia.¹¹ The DV Law gives another method of protection referred to as an administrative decision, which is similar to a protection order, but relies on laws authorizing local governments to take preventative measures without the requirement of first initiating a court case. This process is also little known by authorities and generally not used.

3.4 Suggested Recommendations

3.4.1 Reform laws and policies, including DV Law, as necessary by 2025 to expedite and mandate the issuance of mechanisms, such as protection orders and administrative decisions, to provide immediate protection to survivors by enabling them to safely leave dangerous situations.

3.4.2 Ensure that protection orders and administrative decisions are effectively enforced and easily obtained in practice by all survivors including ethnic Minorities, Indigenous, LGBTIQ+ individuals, persons with disabilities, sex workers, and other marginalized groups and those at risk of exclusion.

3.4.3 Reform the DV Law by 2025 in line with the CEDAW and CCPR recommendations made since the last UPR cycle.

4. Theme 2: Misuse of alternative dispute resolution (ADR)

4.1 In Cambodia, 53% of women who face physical or sexual violence do not seek help and those who did, many go to their local authorities, who provide customary forms of alternative dispute resolution (ADR). These mechanisms, which often resemble reconciliation or conciliation in practice, mostly fail to take a survivor-centered approach, and put women at increased risk of future violence. In some cases, police officers, instead of referring a domestic violence case to court, act in a manner consistent with the language of the existing DV Law to educate parties on living peacefully together, placing responsibility for the abuse on both the victim and the perpetrators. The government's evaluation of the National Action Plan to Prevent Violence against Women (2019-2023) stated that ADR "was often the first response by local authorities in domestic violence cases yet FGDs with women survivors revealed the futility of such methods in stopping violence by husbands or intimate partners."¹²

4.2 The CEDAW Committee in its 2013 Concluding Observations noted its concern that the government's encouragement of ADR "may discourage women from taking legal action against

¹⁰ The Cambodian NGO Committee on CEDAW, Recommendations for Amending Cambodia's Law on Domestic Violence based on a CEDAW Analysis, July 2019 <https://ngocedaw.org/wp-content/uploads/2019/08/Cambodia-DV-law-analysis-chart-EN-24July2019.pdf>

¹¹ 25 protection orders were issued in the 4 years 2019-2022, while 19 were issued in the 3 years 2014-2016, and 52 for the 8 years 2014-2021. Ministry of Women's Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 51

¹² Ministry of Women's Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 13-14

perpetrators even when such recourse is warranted.”¹³ It further urged the government to take steps to ensure that cases of domestic and sexual violence against women are “effectively prosecuted and not systematically diverted to mediation.”

4.3 The government has recently taken steps to reform and limit the practice of ADR through adoption by the Technical Working Group on Gender - Gender-Based Violence (TWGG-GBV) of guidelines on limited use of mediation that include screening tools to prevent misuse of ADR. This was a positive momentum; however, it is important to take further necessary steps, particularly, to fully fund and implement this change effectively and nationwide so that ADR is not misused by any government actors, including local authorities such as police and commune council members. The Government must also seek to stop the current practice of ADR as a response to violence against women being performed by other non-state actors, including family or community elders, cultural/religious leaders. Such initiatives should ensure that women at risk, as well as authorities, police, and religious/cultural leaders know about protection orders and administrative decision procedures, legal knowledge, and other GBV response services and how to access them. All those providing any form of ADR should be made fully aware that is impermissible under any circumstances for perpetrators of domestic violence (including spousal rape) to be ‘guided’ and sent home with their victims.

4.4 Suggested Recommendation

4.4.1 Issue and ensure effective enforcement of directives, policies, and/or legislation as needed by 2025 to stop the misuse of any forms of ADR in any case of domestic violence or in which a party or household member is at risk of abuse.

4.4.2 Ensure that all State actors at the local level are effectively equipped with legal, GBV, and other necessary knowledge and skills to consistently be able to apply a survivor-centered, rights-based, and gender-responsive approach in their service delivery.

5. Theme 3 – Shelters and access to GBV support services

5.1 There are no government-funded shelters for GBV survivors at the moment, although there are some indications that the government might open one in the near future. Some NGO-run shelters exist to help trafficking survivors and those fleeing domestic violence. However, as funds from donors have shrunk over the years, NGOs have been shuttering the few shelters in existence, so that only a few NGO-run shelters remain for survivors of domestic violence. According to the government’s evaluation report on the latest action plan on violence against women, there are “currently 9 short term shelters for women and girls survivors in 4 provinces and Phnom Penh and 4 longer term shelters for women and girls survivors in Phnom Penh, Siem Reap and Banteay Meanchey.”¹⁴ On occasion, a commune official will find a safe house for survivors to stay short-term. But for the vast majority of women, there is no safe place to go. The law permits but does not require police and other local authorities and courts to protect survivors through protection orders, administrative decisions (similar to protection orders, but issued by the commune) or by arresting and charging perpetrators with crimes. Most local authorities do not know about protection orders and choose not to jail and prosecute perpetrators under the misguided theory that women need a man’s income assistance more than they need physical security and mental health.

¹³ Concluding observations on the fourth and fifth periodic report of Cambodia, Paragraph 20. CEDAW/C/KHM/CO/4-5

¹⁴ Ministry of Women’s Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), May 2023, p. 62

5.2 There is likewise a shortage of holistic essential support services including psychological support and counseling, legal support, and integration/economic empowerment for survivors. Ideally any safe shelter, would connect survivors with an essential package of referrals to such support services. In order to make these services sustainable long-term, substantial funding must come from the Cambodian government.

5.3 Feminist participatory action research conducted by young Minority women in their own communities in 2022 revealed that of those women interviewed 12.9% of Khmer Krom women, 3.9% of Indigenous women, 2.1% of ethnic Cham women, and none (0%) of the ethnic Vietnamese women in those communities and access to any type of safe shelter, regardless of who could provide it. Several Minority women respondents in this research stated that they often return home after bouts of serious violence not because they feel safe, but either because they have “no other choice,” or because there are children remaining in the household with the abusive partner. Other research from 2019 from a local CSO showed that one third of perpetrators of domestic violence against women in their target area also abuse their child.¹⁵ Therefore, it is crucial that safe shelters and other GBV support services be made available for women and their children so that none of them are forced by their extended family, community, elders, or any government actor to risk continued abuse.

5.4 Suggested Recommendations

5.4.1 By 2025, the Cambodian government must provide in the national budget long-term funding for safe shelters nation-wide for survivors of gender-based violence, including women from ethnic minority, LGBTQI+, disability, and other marginalized groups.

5.4.2 By 2025, the Cambodian government should fund a national hotline so that survivors can be referred to all necessary services including legal, psychological, economic, shelter, and other services, building on the success of the one-stop service centers.

5.4.3 Fund GBV support services at the local level including legal, psychological, economic, shelter, and other services so that they are accessible and available at the community level even in remote areas to the most marginalized communities.

6. Theme 4 – Men engagement

6.1 Much of the work on GBV is focused on making women aware of their rights and options, but it is imperative to engage men as well as full partners in addressing GBV because men are the perpetrators in the majority of cases of violence against women. To the government’s credit, there was a component on men’s engagement listed in the goals of the last national action plan on violence against women. In the May 2023 Final Evaluation of the National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III) by the Ministry of Women’s Affairs, the recommendations for the next plan include “Develop a visible widespread strategy with clear guidance for engaging men and boys in prevention of violence against women and girls and gender transformative approaches as a cornerstone of the prevention strategies in the next NAPVAW.”¹⁶

6.2 Yet, there is still a tendency of key actors to hold the Ministry of Women’s Affairs responsible for coordinating and implementing almost any policy or action built around gender or women’s issues. This

¹⁵ Cambodian HIV/AIDS Education and Care (CHEC, now Cambodian Health and Education for Community) A Household Conflict Analysis Survey on GBV in 4 Districts of CHEC Target Areas, June 2019

¹⁶ Ministry of Women’s Affairs, Final Evaluation Report: National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 18

reflects both insufficient efforts to mainstream gender into every level of government work and the attitude that the Ministry of Women's Affairs — one of the smallest and least funded ministries and the only one with a majority women workforce — should manage everything related to gender.

6.3 Because deeply entrenched gender stereotypes are a root cause of GBV, it is necessary not only for the government to encourage programs that work on transforming toxic masculinity and changing the mindsets of men about GBV (such as by including CSO work that engages men in the National Action Plan to Prevent Violence Against Women), but to directly fund such programs and directly engage the men working in the Cambodian government itself with the process.

6.4 Suggested Recommendation

6.4.1 The government should include in national strategies a component for male engagement for the prevention and response to GBV and provide sufficient funding from the national budget to implement these strategies.

7. Theme 5: Decriminalization of sex work and protection from violence

7.1 Past recommendations

There is a strong need to decriminalize and protect sex workers from violence, including state-sponsored violence. However, there have been no UPR recommendations related to sex workers. The CEDAW Committee specifically addressed sex workers in its 2019 Concluding Observations. The Committee asked about concerns that sex workers (usually women and others who identify as LGBTIQ+) were reportedly warned, harassed, subjected to violence by some

police, arrested, detained and/or charged for violating laws while the mostly male persons who hire them are free from any harassment by authorities. The Cambodian delegation explained that sex workers are violating the criminal code and 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation (Anti-trafficking law), but the mostly male individuals who hire them are not violating any law as long as they are over 15, the age of sexual consent. The Committee recommended that Cambodia “Revise its national legislation to decriminalize women in prostitution,”¹⁷ as well as to provide alternative income opportunities for women seeking to leave sex work. No effort has been made to implement this recommendation.

7.2 Context of the problem.

7.2.1 Decriminalization and recognition of sex work as work is essential for sex workers to negotiate safer and healthier working conditions and access the legal system without fear of incrimination, and also allows for effective anti-trafficking interventions.

7.2.2 The anti-trafficking law continue to exceptionally and unduly focus on sex work performed by women including transgender women, gay men and other men who have sex with men (MSM) rather than prioritize other sectors where persons are vulnerable such as forced labor. There is a need to address the root socio-economic-political causes that contribute to unsafe employment, of

¹⁷ Paragraphs 26-29 of the Concluding observations on the sixth periodic report of Cambodia, 12 November 2019. CEDAW/C/KHM/CO/6

all genders, such as poor quality of education, unsafe working conditions, lack of viable livelihood opportunities, displacement, climate change, familial violence, and societal discrimination

7.2.3 Patriarchy is deeply rooted in all aspects of Cambodian life from its political and governance structure system to religion, culture, and society, as well as even within the structures of some organizations aiming to challenge and fight against patriarchy for social justice and equality. Women's roles, bodies, and choices have been constructed and controlled through the existing regulations, policies, and some regressive culture's practices, beliefs, and norms. As such, people working as sex workers both cisgender and transgender women face double discrimination, marginalization, significant security and safety risks and exploitation.

7.3.4 The legal position and environment has pushed sex work underground with no access to safe spaces to work. The 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation, as well as the Village/Commune Safety Directive Plan, presently prohibit most of the activities associated with sex work. This has resulted in the arrest of sex workers from 2020 to 2023 in at least 284 cases. Of these, there were 79 cases in which sex workers experienced violence from security guards, police, landlords, clients, staff at detention centers, and their neighbors. Significantly in early 2017, a sex worker drowned to death after a group of district government security guards chased her into the river because they suspected that she was a sex worker.

7.3.5 Moreover, due to lack of access to safe reproductive health care, sex workers suffer an unusually high maternal mortality rate, often related to abortion.¹⁸

7.3.6 Finally, research published in 2022 shows that Cambodian female entertainment workers (including but not limited to sex workers) are not only at heightened risk of several forms of gender-based violence, but they also suffer high rates of depression associated with that violence.¹⁹ That study recommended action by the Cambodian government to protect female entertainment workers from violence and to support survivors of violence to mitigate the symptoms of resulting depression.

7.4 Suggested Recommendations:

7.4.1 By 2025, revise the national laws to differentiate between sex work and human trafficking-associated activities; and ensure that State actors do not impinge on the rights of people engaged in sex work, in line with the CEDAW Committee's recommendations and SDG 8.5.

7.4.2 Conduct nationwide public service announcements (PSAs) on TV, radio, and social media by 2024 aimed at combatting stereotypes, social norms, discrimination, and violence against sex workers, in line with SDG 5.1 & 16.1.

7.4.3 Enact legislations and/or regulations to ensure access of sex workers to justice and quality health services in line with SDG 16.3 by 2024.

¹⁸ Handley, E "Abortions pose hidden risk for Cambodia's sex workers: study" Phnom Penh Post, 28 November 2016.

<https://www.phnompenhpost.com/national/abortions-pose-hidden-risk-cambodias-sex-workers-study>

¹⁹ Ith S, Yi S, Tuot S, Yem S, Chhoun P, Jimba M, et al. (2022) Gender-based violence and depressive symptoms among female entertainment workers in Cambodia: A crosssectional study. PLOS Glob Public Health 2(8): e0000873.

<https://doi.org/10.1371/journal.pgph.0000873>