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លីកាដូ



LICADHO

CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF  
HUMAN RIGHTS



# NO PATH TO SAFETY

FAILING TO PREVENT INTIMATE PARTNER  
KILLINGS IN CAMBODIA

A report issued in  
March 2023



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## Failing to Prevent Intimate Partner Killings in Cambodia

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**LICADHO**

CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENSE OF HUMAN RIGHTS

# CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS (LICADHO)

LICADHO is a national Cambodian human rights organisation. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil, political, economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

## MONITORING & PROTECTION



### **Monitoring of State Violations & Women's and Children's Rights:**

Monitors investigate human rights violations perpetrated by the State and violations made against women and children. Victims are provided assistance through interventions with local authorities and court officials.

### **Medical Assistance & Social Work:**

A medical team provides assistance to prisoners and prison officials in urban and rural prisons, victims of human rights violations and families in resettlement sites. Social workers conduct needs assessments of victims and their families and provide short-term material and food.

### **Prison Monitoring:**

Researchers monitor urban and rural prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.

### **Paralegal & Legal Representation:**

Victims are provided legal advice by a paralegal team and, in key cases, legal representation by human rights lawyers.

## PROMOTION & ADVOCACY

### **Supporting Unions & Grassroots Groups and Networks:**

Assistance to unions, grassroots groups and affected communities to provide protection and legal services, and to enhance their capacity to campaign and advocate for human rights.

### **Public Advocacy & Outreach:**

Human rights cases are compiled into a central electronic database, so that accurate information can be easily accessed and analyzed, and produced into periodic public reports (written, audio and visual) or used for other advocacy.

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# Introduction



This report is based on the killings of 26 women at the hands of their husbands, boyfriends or former partners between January 2020 and June 2022. Five children and one man were killed alongside these women.

By highlighting the extreme and horrific consequences of domestic violence, LICADHO seeks to push for changes that will address the needs of women facing violence and the families of those killed by their intimate partners. The challenges and failures documented in these cases are applicable to countless other women who are facing – or will face – physical, sexual, economic, emotional or psychological abuse.

Gender-based violence is one of the most pervasive human rights violations in Cambodia. A 2015 survey found that 21% of women surveyed in Cambodia had experienced physical or sexual violence by an intimate partner, and nearly 1 in 3 reported emotional violence.<sup>1</sup> This is part of a global problem, as the UN estimated in 2021 that 45,000 women across the world were killed that year by intimate partners or other family members.<sup>2</sup>

Gender norms in Cambodia continue to underpin the idea that domestic violence is justifiable under certain circumstances. Eradicating domestic violence requires both a long-term cultural shift to challenge gender norms and immediate action to guarantee every woman's safety

and autonomy. The Cambodian government has repeatedly failed on both counts. Women's requests for assistance are too often dismissed by authorities; essential services for women who face domestic violence do not exist or are underfunded by the government; the 2005 Law on the Prevention of Domestic Violence and Protection of Victims (DV Law) remains littered with gaps and contradictions; and ineffective divorce procedures trap women in violent relationships.

The killings documented in this report are the result of lenient provisions included into an often unenforced legal framework. Drafting and enacting the DV Law took over a decade due to concerns voiced in Parliament that its adoption would be "like a social revolution."<sup>3</sup> While the Cambodian government has committed to reviewing the law, it stated that its review was postponed to 2022 due to the Covid-19 pandemic.<sup>4</sup> At the time of publishing, no proposed amendment is available.

Cambodia's systems of prevention and response must be urgently overhauled. Alongside women and activists, LICADHO has for decades been calling for these same issues to be addressed;<sup>5</sup> until the government takes comprehensive and effective action to tackle them, women and children in Cambodia will continue to be denied their safety, agency and right to life.

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<sup>1</sup> Respondents included women who had ever been in a relationship. "National Survey on Women's Health and Life Experiences in Cambodia, Ministry of Women's Affairs" (MoWA), p. 46, 2015, available at: <https://asiapacific.unwomen.org/en/digital-library/publications/2015/11/national-survey-on-women-s-health-and-life-experiences-in-cambodia>

<sup>2</sup> "Gender-related killing of women and girls (femicide/feminicide)", UNODC and UN Women, p. 15, 2022, available at: <https://www.unwomen.org/sites/default/files/2022-11/Gender-related-killings-of-women-and-girls-improving-data-to-improve-responses-to-femicide-feminicide-en.pdf>

<sup>3</sup> "The Progress Report on Implementation of Beijing Platform for Action on Women Issues 1995 – 2005", MoWA, p. 14, October 2004, available at: <https://www.un.org/womenwatch/daw/Review/responses/CAMBODIA-English.pdf>; Katherine Brickell, "Towards Intimate Geographies of Peace? Local reconciliation of domestic violence in Cambodia", Transactions of the Institute of British Geographers, p. 327, 2015

<sup>4</sup> "In Dialogue with Cambodia, Experts of the Human Rights Committee Ask about Freedom of Expression and Raise Issues Concerning COVID-19 Prevention Measures", meeting summary, United Nations Office at Geneva, 11 March 2022, available at: <https://www.ungeneva.org/en/news-media/meeting-summary/2022/03/dialogue-cambodia-experts-human-rights-committee-ask-about>

<sup>5</sup> See "Cambodian Women Report 2004: A Brief on the Situation of Women in Cambodia", LICADHO, p. 8, July 2004, available at: <https://www.licadho-cambodia.org/reports.php?perm=56>

# Summary of Key Findings



- LICADHO documented the killings of 26 women by their current or former intimate partners from January 2020 to June 2022. Five children and one man were killed alongside them.
- In addition to the five children killed, an additional eight children witnessed their mothers being killed.
- The number of cases handled by LICADHO that involved killings by intimate partners has increased in recent years. Monitors recorded six women and one child killed in 2020; 13 women and four children killed in 2021; and seven women killed in the first half of 2022.
- Information gathered by LICADHO monitors revealed that as of January 2023, only 14 of the 26 killings had resulted in a conviction of murder with a sentence of at least 10 years, which is the minimum sentence for murder under Cambodia's Criminal Code. At least three perpetrators were convicted of less serious charges and sentenced to less than 10 years in prison, received an unduly short sentence or had the charge and sentence reduced on appeal.
- According to interviews conducted by LICADHO with family members and other relevant actors, at least 16 women who were killed had experienced prior acts of physical, sexual or economic violence or other acts of intimidation. Almost half of the 26 women had previously experienced incidents of physical violence.
- In at least 11 cases, local authorities or police were aware of women's decision to end relationships or of their partners' violent behaviour, yet failed to facilitate separation or provide protection. Commune authorities issued divorce contracts in two cases, yet failed in both instances to protect women from retaliation following their attempts to leave the marriage.
- At least six perpetrators had been previously engaged in various forms of conciliation, mediation or education. Five of these were led by authorities, while the remaining one was led by the perpetrator's family. These practices consistently failed to end violence and hindered the women's ability to obtain justice and safety.

# Methodology



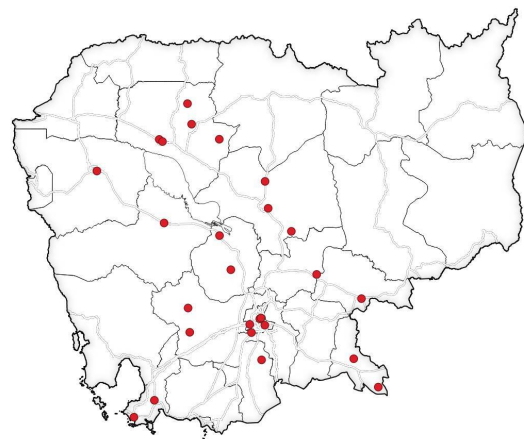
This report focuses on 26 cases documented by LICADHO in which women were killed by their current or former intimate partners between January 2020 and June 2022. Cases were documented in Phnom Penh and 12 provinces, based on the locations of LICADHO's offices.<sup>6</sup> Cases were identified by LICADHO's monitors after the women had been killed, through complaints by family members and relatives; information on social media or published by traditional news outlets; and referrals from authorities or other organisations.

LICADHO assists women facing domestic violence by intervening with authorities, providing legal advice and representation, offering medical and other basic social support, and making referrals to other organisations. LICADHO's monitors investigated these cases by recording facts and interviewing family members and friends of the women killed, their neighbours, authorities, prison officials and/or witnesses. For the cases included in this report, LICADHO provided services to the children and family members of the women who were killed; documented any action taken by the authorities and legal system; and supported the families in their efforts to seek justice.

In addition to monitors' reports, LICADHO conducted eight follow-up interviews related to six cases in order to gather additional information for this report. Interviews were conducted with women's family members and/or friends in September and October 2022. This report also draws on the knowledge of LICADHO's monitors and their experience in supporting women who have experienced domestic violence over the past three decades.

Names and other identifying information have been changed or removed to guarantee participants' rights to privacy and safety.

## Communes in which killings were documented



# Limitations

This report is not representative of the nature or prevalence of all domestic violence or killings by intimate partners in Cambodia. Many women face substantial barriers to reporting violence. The number of cases documented in this report is also limited by the locations of LICADHO's offices and the organisation's capacity to investigate new cases.

All of the cases documented in this report were investigated by LICADHO after the women's deaths. This makes it impossible to fully understand these women's experiences, perspectives and the obstacles they encountered before they were killed. The scope is also limited to killings committed by intimate partners. Killings perpetrated by other family members have overlapping but unique challenges, and therefore require separate analysis and are not included in this report.

<sup>6</sup> Killings occurred in Battambang (1 case), Kampong Cham (1 case), Kampong Chhnang (2 cases), Kampong Speu (2 cases), Kampong Thom (3 cases), Kandal (1 case), Phnom Penh (4 cases), Preah Sihanouk (2 cases), Pursat (1 case), Siem Reap (5 cases), Svay Rieng (2 cases), Takeo (1 case) and Tbong Khmum (1 case). For a



## Summary of Cases

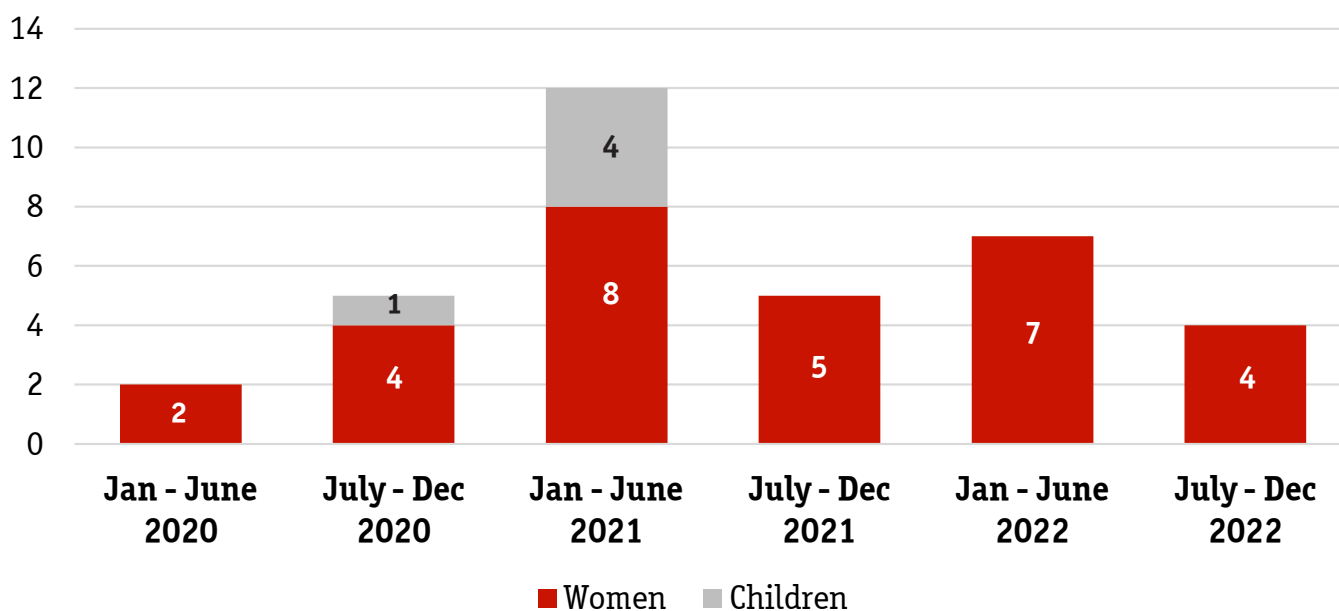
LICADHO investigated 173 new domestic violence cases between January 2020 and June 2022. Twenty-six cases involved the killing of women by intimate partners, including by their husbands (16 cases), partners (5 cases), former husbands (2 cases) or former partners (3 cases).<sup>7</sup> Twenty-six women, five children and one man were killed in these cases. These women were aged 20 to 57 at the time of their deaths, with more than half in their thirties; the five children were boys aged 3 to 11; the man, a relative of the perpetrator, was in his fifties. At least eight additional children witnessed the killings.

LICADHO has documented an increasing number of killings by intimate partners. In 2020, monitors documented the killings of six women and one child; in 2021, 13 women and four children; and in the first six months of 2022, seven women.<sup>8</sup> While beyond this report's scope, LICADHO documented the killings of 11 women by intimate partners over the full duration of 2022. Although the number of cases documented is in part a reflection of LICADHO's

capacity to investigate new cases, it may also indicate a trend in which women are facing more severe violence.

LICADHO investigations of cases of women and children killed by intimate partners peaked in 2021, the same year that Cambodia enacted its most restrictive Covid-19 measures. The government does not publish comprehensive information about the number of domestic violence cases reported to authorities, the actions taken by authorities or the outcomes of their actions. There are few national surveys, making it difficult to assess shifts in the prevalence of domestic violence, to measure the impact of any national policy or to determine if Cambodia saw a "shadow pandemic" of violence alongside Covid-19. However, it is possible that Covid-19 restrictions, such as harsh lockdowns and reduced operations by essential service providers and courts, exacerbated domestic violence, undermined women's freedom of movement and financial autonomy and blocked them from reporting violence.

**Number of women and children killed by intimate partners**  
(cases documented by LICADHO between 2020 and 2022)



<sup>7</sup> An additional four domestic violence cases resulted in the killings of women by other relatives, including by sons (2 cases), a nephew (1 case) and a brother (1 case).

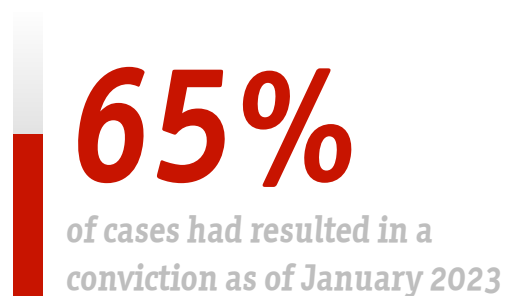
<sup>8</sup> Prior to the period covered by this report, LICADHO documented the killings by intimate partners of 12 women and 3 of their children in 2018 and 9 women in 2019.



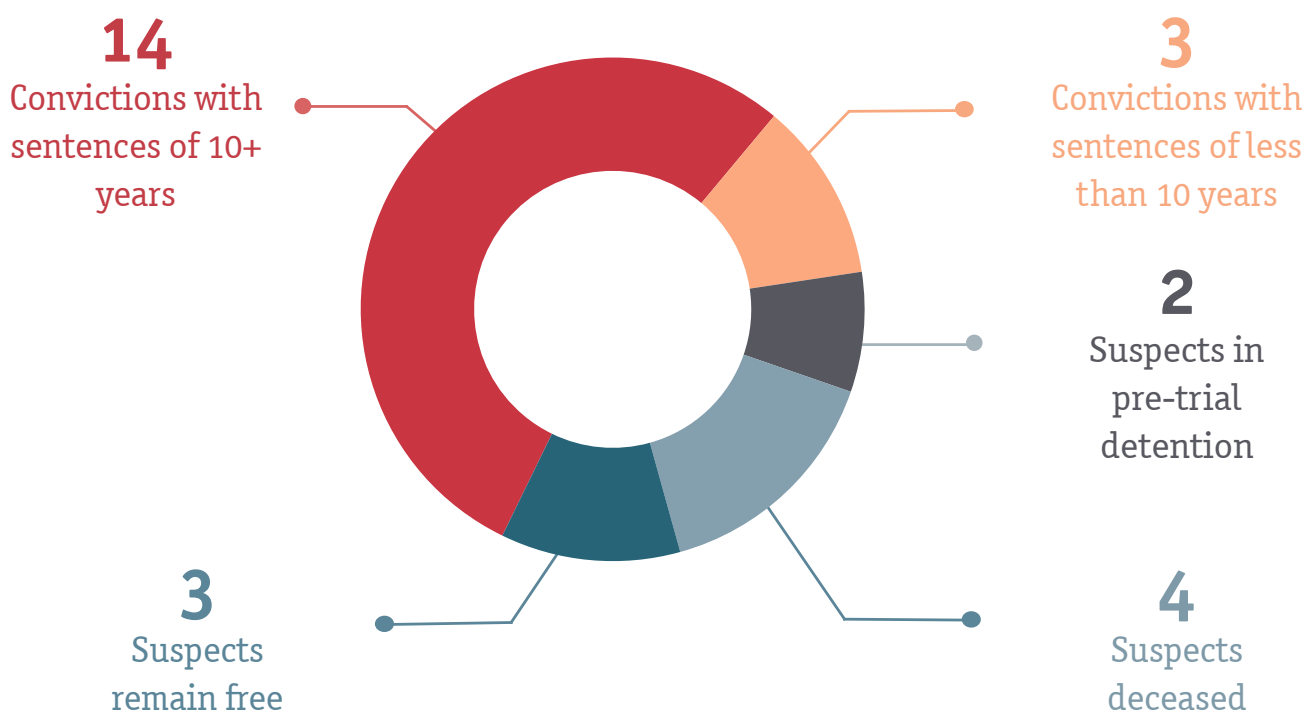
## Inconsistent Access to Justice, Even for Murder

The inconsistent legal procedures and outcomes of the cases documented in this report represent a failure to enact justice, hand out appropriate sentences or conduct timely investigations in every case of domestic violence.

As of January 2023, perpetrators have been arrested and convicted in 17 cases, or 65% of cases. At least 4 of those cases were under appeal, while another case has not yet reached a final verdict after the suspect was initially convicted *in absentia*.



### Legal status of the 26 cases



**Convictions for Murder:** Only 14 of the 17 convictions resulted in a sentence of at least 10 years, which is the minimum sentence for murder prescribed by Cambodia's

Criminal Code.<sup>9</sup> In four of these, the perpetrators were sentenced to life in prison. The remaining 10 received sentences ranging from 10 to 15 years.

<sup>9</sup>Article 199, Criminal Code

### Conviction on Lesser Charges and Short Sentences:

The remaining three perpetrators were convicted with sentences ranging from 3 to 7 years. In one such case, the perpetrator was convicted of manslaughter<sup>10</sup> under Article 207 of the Criminal Code: despite the woman's prior requests for assistance and police and commune authorities being aware of the perpetrator's long history of severe physical abuse against her, he was sentenced to just 3 years. The judgement was later appealed by the prosecutor. In another case, the perpetrator – a provincial police officer – was initially sentenced to 11 years for murdering his girlfriend. Available information indicates that his sentence was reduced to 7 years on appeal. In the last case, the perpetrator was convicted of murder. For reasons unknown to LICADHO, he was only sentenced to 7 years.

**No Convictions:** Out of the nine cases with no convictions, two suspects were held in pre-trial detention as of January 2023. Three other suspects had arrest warrants issued against them but were never apprehended; in two of these cases, the police refused to act until the morning after the killing, which allowed the suspects to flee during the night. Two additional suspects died by suicide after killing their partners. The two remaining suspects died in police custody. In one such case, the suspect died due to suspected torture by authorities; in the other, authorities likely failed to provide appropriate medical assistance to the suspect, who died in custody on the following morning due to injuries inflicted by a mob attack during his arrest.<sup>11</sup> Both of these cases reflect the failure of authorities to protect the lives of suspects in their custody, in addition to the failure to ensure justice for the killed women and their surviving families.

## Perpetrator Escapes after Escalating Violence

Sophea,\* a woman in her forties, was murdered after living in a violent marriage for about 15 years. Sophea's ex-husband threw acid on her and her son after Sophea repeatedly tried to end the marriage. Her son survived the attack with severe injuries.

Sophea had obtained two separate divorce agreements for her unregistered marriage from commune authorities, but she was provided with no protection from authorities,<sup>12</sup> despite their knowledge of ongoing violence. Sophea's parents-in-law had also attempted to reconcile her relationship with the perpetrator prior to her death.

Sophea's mother recalled that Sophea's attempts to end the relationship resulted in escalating violence. "After the divorce was signed, he came every night to get his wife to go back with him," Sophea's mother said. He threatened and attempted to kill her on multiple occasions, once resulting in her hospitalisation.

Her mother reflects that everyone knew about the severe and frequent episodes of violence: "All the neighbours knew. The perpetrator was shouting at night," she said. "She signed the divorce not only in front of the village chief, but the commune chief as well. They knew." Despite intervention being required by law, with or without a complaint from a victim,<sup>13</sup> local authorities failed to intervene or refer the case for criminal proceedings.

Authorities refused to hold the perpetrator to account even after he attacked Sophea and her child with acid. "I ran to the village chief's house and asked him to call the police," her mother said. "No one picked up the phone. He told me he could not reach them, so he did not report anything about what happened."

The authorities' failure to intervene allowed the perpetrator to evade arrest. "There was no intervention. They did not come," her mother said. "My daughter is dead and the perpetrator is still free."

\* Name has been changed

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<sup>10</sup> Unintentional homicide, including negligent, reckless or careless conduct.

<sup>11</sup> Mob attacks have been well-documented in Cambodia and are often fuelled by a lack of trust in the rule of law. See "People's Court, Preventing and Responding to "Popular Justice" in Cambodia", OHCHR, 2019, available at: <https://cambodia.ohchr.org/sites/default/files/report/other-report/OHCHR%20Report%20EN.pdf>

<sup>12</sup> For a discussion of unregistered marriages, see pages 10 and 11.

<sup>13</sup> Article 9, Law on the Prevention of Domestic Violence and Protection of Victims (DV Law); Article 42, Code of Criminal Procedure

## Violence Fuelled by Gender Norms & Control

Gender norms in Cambodia continue to fuel domestic violence and undermine women's ability to seek and receive assistance. Many people and institutions still assign value to women based on their ability and willingness to serve their partners and preserve the illusion of a harmonious household – even when facing severe violence. Rejection of gender norms is often perceived as deserving of violent retaliation.<sup>14</sup>

Among the 26 cases, many women faced violence that was fuelled by gender norms and partners' attempts to exert extreme control over their lives.

LICADHO's investigations indicate that at least 23 of the 26 cases had evidence of ongoing verbal conflicts within the relationship. Violence or tension erupted due to the perpetrators' jealousy in at least 14 cases, or after women were accused by partners of:

- Using language deemed inappropriate;
- Chatting to friends online;
- Choosing not to have sex;
- Objecting to the sale of joint property;
- Taking out microfinance debts;
- Wearing and selling make-up;
- Attending a party and drinking with friends; and/or
- Gambling and playing card games instead of doing household tasks.

A number of surveys conducted between 2009 and 2015 highlight the extent to which domestic violence is condoned in Cambodia. In these, nearly half of women surveyed reported that they believe physical violence is justifiable under certain circumstances,<sup>15</sup> two-thirds reported they believe women should tolerate violence to keep the family together,<sup>16</sup> and more than one-third of local authorities surveyed reported they believed extreme violence is justifiable if women disobey or disrespect their husbands.<sup>17</sup>

<sup>14</sup> "National Survey on Women's Health and Life Experiences in Cambodia", MoWA, p. 65-66

<sup>15</sup> Ibid.

<sup>16</sup> Emma Fulu, et al, "Why Do Some Men Use Violence Against Women and How Can We Prevent it?" p. 53, 2013, available at: <http://www.partners4prevention.org/sites/default/files/resources/p4p-report.pdf>

<sup>17</sup> "Violence Against Women: 2009 Follow-Up Survey", MoWA, p. 74, 2009, available at: [https://www.undp.org/sites/g/files/zskgke326/files/migration/kh/Violence Against Women 2009 Follow-Up Survey Full Report Eng.pdf](https://www.undp.org/sites/g/files/zskgke326/files/migration/kh/Violence%20Against%20Women%202009%20Follow-Up%20Survey%20Full%20Report%20Eng.pdf)

## Gender Norms & Sexual Autonomy

Sreyleap,\* a woman in her thirties, was killed by her former partner in front of her daughter following his extreme attempts to control her. The perpetrator had begun pressuring Sreyleap to live with him; when she decided to live alone and end the relationship, he retaliated. "The perpetrator prohibited her from joining a wedding ceremony [in her village]," Sreyleap's sister said, recalling his attempts to control her sexual autonomy. "The perpetrator asked her to have sex with him, but she refused." Unwilling to accept the rejection, "He said he would come and kill her." He was later arrested and sentenced to 12 years in prison.

## Economic Violence & Control

Somphors,\* a woman in her forties, was killed by her husband in front of her children. The perpetrator had experienced a head injury years prior, which Somphors' family believe contributed to his changed behaviour prior to the murder. Somphors had been subject to controlling behaviour throughout their almost two decades of marriage.

Somphors had limited power over the family's economic decisions, and her expenses were tightly controlled by her husband: "If she wanted to buy something, or wanted to do something, her husband always stopped her," her sister said. "There wasn't any [physical] violence, but there were some verbal arguments. She was hiding her emotions inside."

When the pandemic cut into Somphors' income, she decided to sell cosmetic products online. Her husband became angry about her using the products herself and her changed appearance, demanding that she stop wearing make-up and end the activity that was supporting her through the pandemic. "Her husband talked to her and suggested she return to what she was previously. Not using make up, in order to save money for [other things]," her sister said. A few months later, he killed her. The perpetrator later killed himself.

\* Names have been changed

## Challenges to Reporting Violence

The barriers encountered by women seeking support and justice for domestic violence are well known.<sup>18</sup> The Ministry of Women's Affairs (MoWA) itself acknowledged that "only a small minority of women are seeking help from formal services such as the police, health service providers and counsellors."<sup>19</sup> In a 2015 national survey, nearly half of women who experienced domestic violence reported never telling anyone.<sup>20</sup>

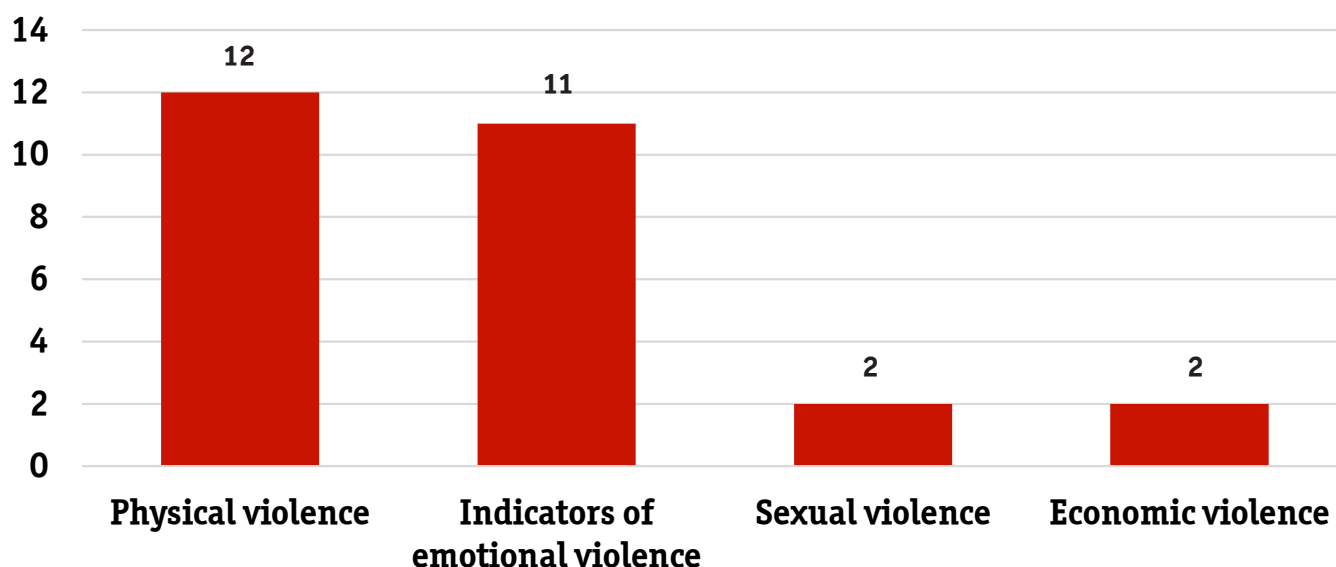
The value placed on marriage as an integral part of community life, and family and societal pressure to remain married at all costs, often deter women from speaking out against abuse. Entrenched gender norms, fear of retaliation and lack of trust in authorities can similarly deter women from reporting violence or seeking separation. Women who are financially dependent on perpetrators, unable to afford separating or seeing them imprisoned, are further pressured into silently enduring violence.

LICADHO's investigations indicate that at least 16 women were killed after their partners' previous attempts to exert control through physical, economic or sexual violence or other acts of intimidation. Considering that many women never confide in anyone about domestic violence, it is likely that each of the numbers below are higher in reality. Among the 26 cases:\*

- At least 12 women experienced prior physical violence.
- At least 2 women experienced prior economic violence.
- At least 2 women experienced prior sexual violence.
- At least 11 women were subject to behaviours that indicate emotional or psychological violence, such as not being allowed to meet other people, not being allowed to wear make-up, death threats, stalking, and intimidation by throwing and breaking household items.

\* Women may have experienced more than one type of violence.

### Number of women who faced domestic violence prior to their death



<sup>18</sup> See Concluding observations on the sixth periodic report of Cambodia, Committee on the Elimination of Discrimination against Women (CEDAW Committee), CEDAW/C/KHM/CO/6, para. 10, 12 November 2019, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FKHM%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FKHM%2FCO%2F6&Lang=en)

<sup>19</sup> "Women's Experience of Domestic Violence and Other Forms of Violence: Secondary data analysis report of CDHS 2015", MoWA, p. 38, October 2016, available at: <https://asiapacific.unfpa.org/sites/default/files/pub-pdf/Cambodia%20CDHS%20VAW%20study%20secondary%20analysis%20DV%2017%20October%202016%20Eng.pdf>

<sup>20</sup> "National Survey on Women's Health and Life Experiences in Cambodia", MoWA, p. 88

Despite overcoming enormous obstacles to report violence or request divorce, authorities' responses to women's requests were often inadequate. Authorities too often failed to act on violence that was known to them or in their communities, which may be a contributing factor to the low number of women who filed complaints to police or pursued criminal justice.

The Code of Criminal Procedure determines that all public authorities or officers who learn about a misdemeanour or

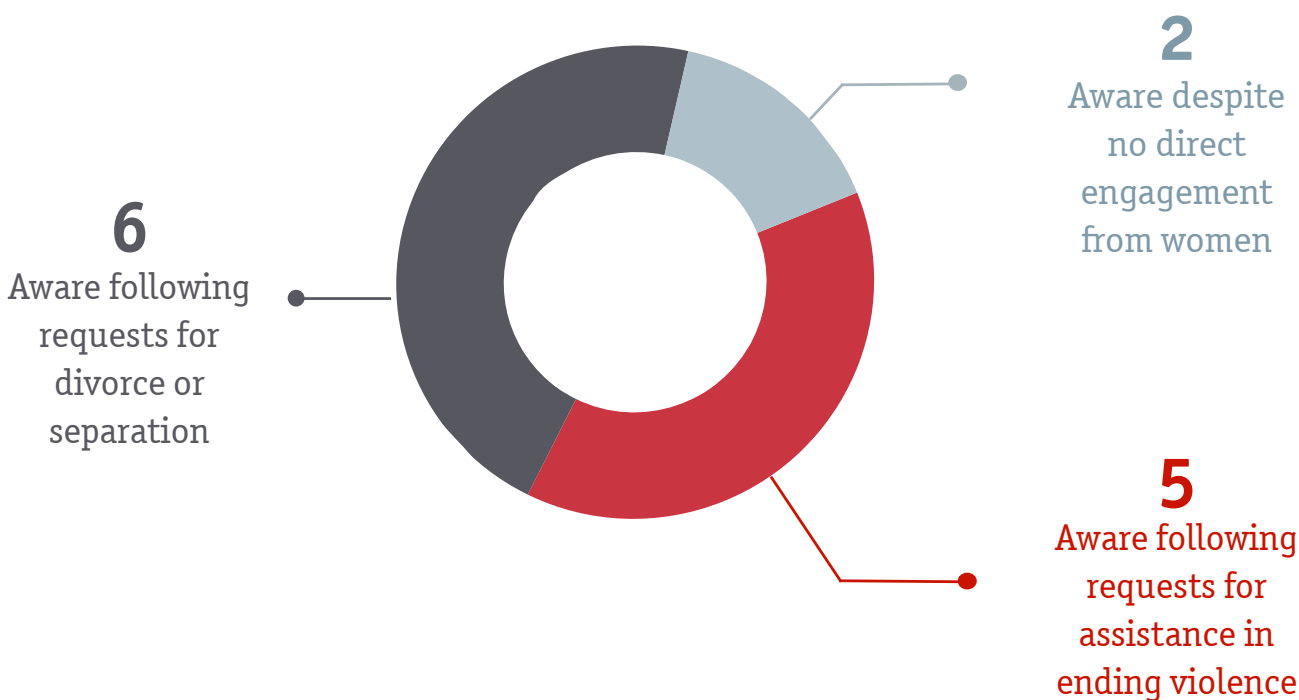
felony have a duty to report the incident to the prosecutor or judicial police, which is an essential step towards a trial.<sup>21</sup> The DV Law further grants a range of authorities – spanning village chiefs, commune authorities, gendarmerie, and MoWA officials – the same power as judicial police to file information about domestic violence to prosecutors.<sup>22</sup> Despite this, there is no evidence that authorities fulfilled their obligations in any of the cases documented.

Local authorities or police were aware of women's attempts to leave or their partners' violent behaviour in at least 11 of the 26 cases. Among these:

- At least 9 women or their family members had directly engaged authorities to file complaints, request assistance and/or seek divorce prior to their deaths.
  - In at least 5 cases, women, their families or communities had sought assistance or filed complaints about violence. They most often approached village chiefs or police.
  - At least 6 women had engaged authorities for support to divorce or separate. They most often approached commune authorities. In two such cases, village authorities, commune authorities or police had been involved in both requests for divorce and complaints about violence.
- In at least an additional 2 cases, authorities were aware of ongoing violence or of perpetrators having previously engaged in violent behaviour despite not receiving a direct request for assistance.

These findings are based on the information available to LICADHO. The actual number of women who engaged with authorities may be higher.

### Authorities' knowledge of violence or women's desire to leave a relationship



<sup>21</sup> Article 42, Code of Criminal Procedure

<sup>22</sup> Articles 9 and 11, DV Law



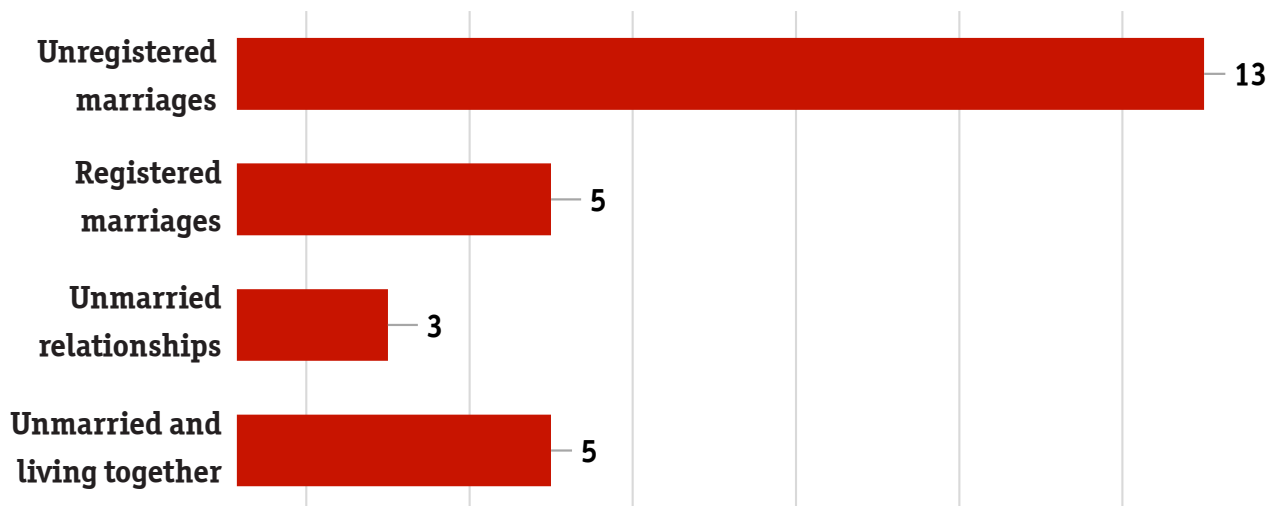
## Attempting to Leave: Barriers to Divorce & Separation

The procedures to obtain a divorce in Cambodia are a major obstacle for women seeking to leave violent relationships.

Official marriage certificates must be requested and obtained from commune authorities. As many couples are not aware of or choose not to obtain a certificate following a marriage ceremony, many continue to live in unregistered marriages<sup>23</sup> – which are recognised by

society and local authorities, but not by Cambodian law. Both women in registered and unregistered marriages often face significant challenges in obtaining divorce, even when there is evidence of severe or ongoing violence. Couples who are not married at times also approach local authorities for assistance in facilitating separation and face similar challenges.

### Relationships between women and perpetrators



Registered marriages can only be dissolved by a civil court, which may also rule on child custody and support, alimony and the division of joint property. Civil divorce proceedings are complicated, expensive, time-consuming, and require repeated travel to courts located in provincial capitals. LICADHO's experiences in cases outside the scope of this

report demonstrate that women must travel to court on up to five separate occasions to obtain a divorce. These factors can block access to divorce, particularly for women who are poor, financially dependent on their husbands, living in remote areas or have low literacy levels.

At least 6 of the 26 women who were killed had previously approached village or commune authorities seeking a divorce or separation. Of these:

- 4 women were in an unregistered marriage. Commune authorities issued divorce contracts in two cases; repeatedly summonsed the perpetrator to take part in divorce proceedings in one case, which he refused to attend; and summonsed one woman for a meeting, but she was killed before it could take place.
- 1 woman had a marriage certificate. Village authorities attempted to mediate this case and reconcile the couple of three occasions. There was no referral for civil divorce proceedings.
- 1 woman was unmarried. Village authorities "advised" the woman and attempted to reconcile the couple.

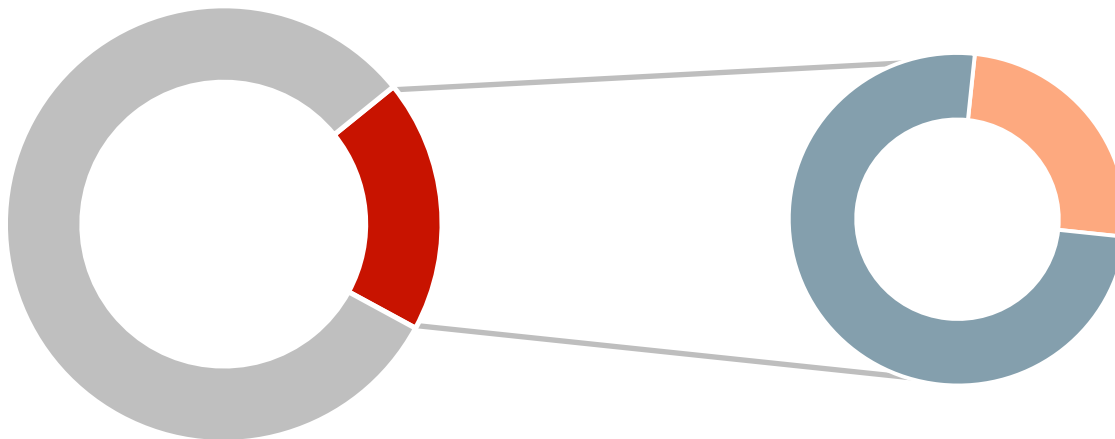
These findings are based on the information available to LICADHO; the actual number of women who sought divorce or separation from authorities may be higher.

<sup>23</sup> 44% of ever-partnered women in Cambodia reported they were married without formal registration, see "National Survey on Women's Health and Life Experiences in Cambodia", MoWA, p. 44

Meanwhile, there are no official procedures to dissolve unregistered marriages. Typically, commune authorities at a person's place of permanent residence oversee a divorce contract between the parties. This can trap women in violent relationships, as it requires an abusive partner

to both be present and agree to separation. Until there are national policies and procedures to dissolve unregistered marriages that do not require a perpetrator's presence and approval, women are at risk of being denied their right to live free from violence.

## ■ 6 Women approached authorities to facilitate separation



- 4 Women remained trapped in violent relationships due to unfair divorce procedures or weak interventions
- 2 Women faced retaliation from perpetrators after divorcing

## Blocked from Divorce

Channy,\* a woman in her fifties, was killed by her husband amid her ongoing effort to get a divorce. The couple did not have a marriage certificate, and Channy had endured years of arguments in a marriage she had never wanted to enter. "Her marriage with him was arranged by her uncle and aunt. She told me she did not want to get married," Channy's sister said.

Years before being killed, Channy unsuccessfully tried to obtain a marriage certificate from commune authorities in order to pursue a divorce. She travelled from the city where she lived to her hometown to request a divorce from commune authorities there. As the procedures to obtain it required the presence of her husband for the divorce to proceed, however, it was again unsuccessful. "She invited her husband to go with her, but the husband refused to let her use his car and told her to go first," her sister said. "She wanted to go there to get divorced."

Channy sought little support from those around her. "She was hiding that information and didn't tell anyone," her sister said. "She didn't want any relative to know." She stayed with her husband's relative, and despite him being aware of the situation, the relative still "always tried to reconcile them," her sister said.

Unable to receive help from the authorities in her hometown, Channy requested a meeting with the commune authorities in her new place of residence. The perpetrator killed her on the same day that she received her first summons.

Her husband was later convicted of murder accompanied by torture or acts of cruelty under Article 205 of the Criminal Code. For reasons unknown to LICADHO, he received a 10-year sentence despite the minimum sentence being life imprisonment.

\* Name has been changed

## Attempting to Leave: Blocked by Conciliation

Preserving marital harmony is too often the top priority of local authorities and courts when responding to domestic violence.<sup>24</sup> Authorities and families often pressure women to engage in mediation and reconcile with perpetrators, at times repeatedly, even when women are seeking separation or criminal justice. Mediation processes tend not to follow any defined process but often result in improvised attempts to reconcile the couples, rather than true mediation; engage in victim-blaming; involve “educating” perpetrators on the harms of domestic violence or women on how to avoid “provoking” violence; or have both parties sign a contract promising to change their behaviour. These measures consistently fail to end violence and do not account for the risk of heightened violence that women face after denouncing their partners’ abusive behaviour.

Perpetrators had previously participated in various forms of conciliation due to their violent behaviour in at least 6 of the 26 cases. Among these:

- Village authorities, commune authorities and/or police attempted to reconcile the couples in at least 4 cases, “educating” the perpetrators, overseeing contracts for them to stop using violence or “advising” a woman who was seeking assistance. In one of these cases, authorities unsuccessfully conducted conciliation on at least four separate occasions.
- In at least 1 case, commune authorities were aware of severe physical violence. They issued a divorce contract, but instead of providing the woman with a safe path to separation, they enabled the suspect’s family to reconcile the couple.
- In 1 case, the perpetrator had already been in multiple mediation sessions during a previous marriage due to his abusive behaviour. He was never held accountable, and continued perpetrating violence against his new wife with impunity before killing her.

# 6

Women were subject to conciliation by authorities or family members following perpetrators’ violent behaviour

# 0

Perpetrators were prevented from engaging in repeated domestic violence

# 0

Women were able to live free of violence after their relationships were “reconciled”

Economic factors also undermine women’s ability to seek a divorce or criminal justice, as conciliation is usually a cheaper alternative to legal proceedings.

Despite the repeated failures of conciliation and the risks of increased violence it exposes women and children to, it continues to be a common response by authorities.

Idealised notions of marriage are generally prioritised over women’s safety in both Cambodian society and law. Mediation and reconciliation in domestic violence cases are supported by the Civil Code and DV Law, as a concession to those in Parliament who viewed the enactment of the latter as a “social revolution” and requested “that the law should support mediation before consideration of punishment.”<sup>25</sup>

The Civil Code implicitly identifies divorce as the last resort: it permits commune authorities and courts to delay divorce procedures by persuading the parties to reach a compromise, even where one of the parties is “strongly demanding divorce.”<sup>26</sup> LICADHO’s experience in cases beyond the scope of this report has found that civil judges will often summons couples for the purpose of reconciling them on up to three separate occasions – with several months between each attempt – before approving a divorce.

<sup>24</sup> Katherine Brickell, “Clouding the Judgment of Domestic Violence Law: Victim Blaming by Institutional Stakeholders in Cambodia”, *Journal of Interpersonal Violence* 32(9), p. 1363, 2017; Suyheang Kry, et al, “Preserving Harmony, or Preventing Justice? A study of local dispute resolution practices in cases of domestic and intimate partner violence in Cambodia”, *Women Peace Makers, Cambodia Center for Mediation in collaboration with Klahan Organization*, p. 5, October 2020, available at: <https://wpmcambodia.org/project/preserving-harmony-or-preventing-justice/>

<sup>25</sup> “The Progress Report on Implementation of Beijing Platform for Action on Women Issues 1995 – 2005”, p. 14

<sup>26</sup> Articles 982(2) and 984(1), Civil Code

The DV Law similarly provides incomplete prohibitions of domestic violence and permits mediation with the aim of reconciling the couple and avoiding separation. Actors such as relatives, monks, elders, village chiefs, commune councillors and courts are allowed to act as arbitrators, most of whom are untrained.<sup>27</sup> Acts of emotional, psychological or economic violence, as well as “minor misdemeanours” are allowed to be mediated or reconciled rather than prosecuted if there is agreement from both parties.<sup>28</sup> As there is no definition of “minor” and “severe” misdemeanours in Cambodian law, often untrained authorities are left to determine the severity

of an act and therefore if it can be conciliated. Cultural norms and gender bias often define these decisions, with conciliation often occurring even in cases of severe or ongoing violence.

Although the DV Law does not permit mediation in repeated incidents of domestic violence, determining it must be prosecuted in accordance with the Criminal Code<sup>29</sup> and effectively limiting conciliation to a single attempt, this is rarely enforced. Authorities often repeatedly conduct conciliation to no avail – particularly if repeated or ongoing violence does not involve a singular “severe” act – leaving women to face ongoing violence.

## Violence Fuelled by Conciliation

Vicheka,\* a woman in her fifties, faced ongoing physical and sexual violence perpetrated by her former partner before she was killed. Vicheka’s friends and relatives were aware of her partner’s abusive behaviour. After only a few months of living together, “[The neighbours] tried to tell her that she should break up with him, that she should be careful as he might kill her one day,” Vicheka’s friend said.

Despite the couple not being married, Vicheka went to the village authorities to request assistance due to the perpetrator’s excessive jealousy. Authorities largely ignored her. “The village chief said that it was difficult [to find a solution] because they’re an old couple and they would just get together again and again,” her friend said. “He didn’t care much.”

The deputy village chief oversaw a meeting with the couple with the aim of reconciling their misunderstandings before he sent them home. No efforts were taken to facilitate their separation or ensure Vicheka’s safety. Vicheka’s partner immediately turned on her for bringing the case to authorities. “[During these discussions] his face was red with anger, he was very angry,” Vicheka’s friend said. “A few days later, he killed her.”

The perpetrator escaped and has not been arrested. “We pray that the perpetrator is arrested and punished,” Vicheka’s brother-in-law said. “I cannot describe how much [her] children are suffering.”

\* Name has been changed

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<sup>27</sup> Articles 26-27, DV Law

<sup>28</sup> Articles 17, 26-27, DV Law

<sup>29</sup> Article 36, DV Law

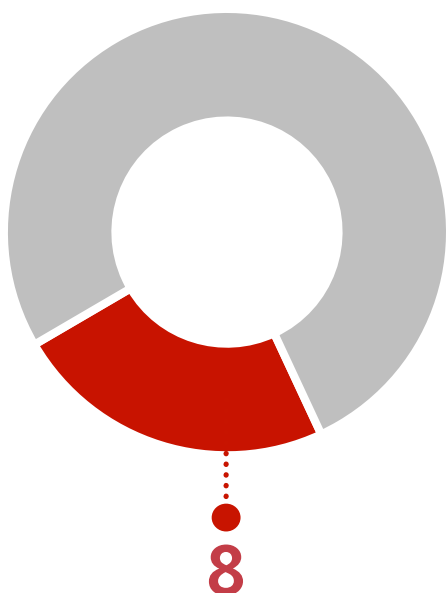
## Failed Protection Mechanisms

None of the 26 women who were killed received adequate access to protection or support prior to their deaths. In some cases, they faced significant barriers to reporting violence. In others, authorities failed to adequately respond when the women did seek support. At least eight

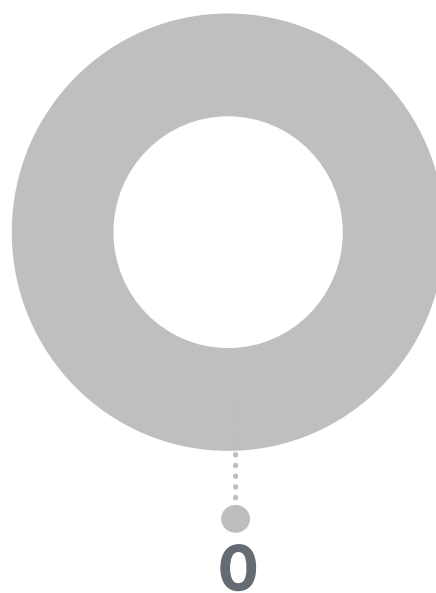
of the 26 women were killed after attempting to end a relationship or ceasing contact with a violent partner. Protections and support to safely leave were essential during these crucial moments, yet inaccessible.

Among the 26 cases, at least 8 women were killed after attempting – in many cases repeatedly – to leave an abusive relationship. Among these:

- At least 5 women sought a divorce from authorities, and at least 3 others tried to cease contact with a violent partner.
- Following their attempts to leave the relationship, at least 4 of these women became the target of constant harassment, stalking or death threats. In one of these cases, authorities provided no protection to a woman as her husband attempted to kill her on multiple occasions.
- Local authorities or police were aware of domestic violence and could have supported women in their attempts to leave in at least 6 of these cases, yet failed to provide protection to any of them.



Women were killed after attempting to leave a marriage or relationship



Women had access to sufficient protections

Ensuring women’s safety through access to mechanisms such as shelters and protection orders form part of Cambodia’s obligations to combat all forms of discrimination against women under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Convention).<sup>30</sup> The DV Law establishes

a number of basic safety measures for women leaving domestic violence, such as administrative decisions or protection orders. Commune authorities may issue administrative decisions to prohibit perpetrators from approaching a person’s house or workplace.<sup>31</sup> During legal proceedings, courts may issue protection orders, which

<sup>30</sup> See Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/35/30, para. 19-20

<sup>31</sup> Article 14, DV Law



can prohibit a perpetrator from contacting a complainant or selling joint property, and enforce temporary decisions on child custody and financial obligations, among other protections.<sup>32</sup> Violating a protection order is grounds for immediate arrest.<sup>33</sup>

Between 2019 and 2021, Cambodia reported that only 25 protection orders were issued across the country.<sup>34</sup> The government neither explained the low number of protection orders nor reported on their efficacy. LICADHO's experience suggests that authorities rarely inform women that they are entitled to these protections, let alone encourage their use or ensure they are enforced.

The DV Law also requires authorities to provide temporary shelter in which safety can be guaranteed;<sup>35</sup> 18 years after its enactment, however, there is no evidence of any shelter in Cambodia being funded by the government. Shelters play an important role in ensuring that women

and children can access safe housing, counselling and assistance. As shelters that are owned and run by governments have globally often fallen short in their delivery of services,<sup>36</sup> a referral system to independent and adequate shelters is essential. Significant care, sufficient funding and independent oversight are required to ensure that shelters are adequate, are not places of detention or protective custody that infringe on women's rights or freedoms, and truly promote the needs and wishes of women and children.

Finally, financial barriers often block women from leaving violent situations. International obligations point to the need for governments to provide protections "without undue financial and administrative burdens," to guarantee access to financial aid and facilitate employment opportunities.<sup>37</sup> Women leaving violence in Cambodia do not currently have access to any of this support.

## Unwilling to Act

Bopha,\* a woman in her thirties, and her four sons were killed at their home. Bopha's husband had routinely used violence against her children from a previous marriage. Bopha's mother said, "My son-in-law, every time he beat my grandchildren, he always said: 'If I do something, I will do it to the whole family. If I kill, I kill the whole family.'"

Bopha's mother had verbally complained to the village chief about the violence, asking the authority for an official complaint to be written and submitted on her behalf, as she could not read or write. The village chief dismissed her request, stating that she should be the one filing an official complaint. "When I complained to him, the village chief said: 'I don't know, I don't know! I am busy with other things,'" Bopha's mother said. Even after a distant relative travelled to the village to write an official complaint, no action was taken and no protections were offered to Bopha or her children. Her mother blames this inaction on the fact that the perpetrator had a relative in the provincial police department.

When the family came into possession of valuable property, the couple had frequent arguments over whether it should be sold. Bopha was killed with her children shortly after, and the perpetrator attempted to flee with the property.

Even after the family was killed, her mother recalled that the village chief attempted to muddy the investigations by claiming that the perpetrator had nothing to do with their death. His relative was among the police officers sent to investigate the deaths. The perpetrator was later sentenced to life imprisonment, but Bopha's family believe there are other accomplices who have not been held accountable. The perpetrator has since appealed the judgement; as of January 2023, no hearing has yet been held.

\* Name has been changed

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<sup>32</sup> Articles 16, 20-25, DV Law

<sup>33</sup> Articles 18, DV Law

<sup>34</sup> Information received from Cambodia on follow-up to the concluding observations on its sixth periodic report, CEDAW Committee, CEDAW/C/KHM/FCO/6, para. 30, 9 May 2022, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/342/20/PDF/N2234220.pdf?OpenElement>

<sup>35</sup> Article 13, DV Law

<sup>36</sup> Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/35/30, para. 56

<sup>37</sup> Ibid, para. 112(d); General Recommendation No. 33, CEDAW Committee, CEDAW/C/GC/33, para. 16(b), 3 August 2015, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FC%2F33&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FC%2F33&Lang=en); General Recommendation No. 35, CEDAW Committee, CEDAW/C/GC/35, para. 40(c), 14 July 2017, available at: [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_35\\_8267\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf)

# Conclusion



Domestic violence is not effectively prevented or prosecuted in Cambodia. As a party to the CEDAW Convention since 1992, the Cambodian government has committed to pursuing “by all appropriate means and without delay a policy of eliminating discrimination against women.”<sup>38</sup> The CEDAW Committee has recognised that gender-based inequality and violence can be the direct result of governments’ failure to take necessary legislative measures and their failure to enforce relevant laws.<sup>39</sup> Cambodia still fails on both counts.

In 2020, the Council of Ministers approved the third National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III); its implementation is proving inadequate on multiple fronts. Under the design and implementation of MoWA, the plan aims “to increase the capacity and expand efforts to reduce and respond to violence against women.”<sup>40</sup> Its strategies include prevention through information campaigns; “good practice models” for hotlines and shelters; and a review of the 2005 DV Law.<sup>41</sup> The plan’s implementation depends on Cambodia’s national budget and funding from donors, development partners and the private sector.<sup>42</sup> There is no clear evidence of specific activities under NAPVAW III receiving funds from the national budget,<sup>43</sup> and no clear sign of progress on any of these strategies.

Women and children in Cambodia continue having their rights violated and ignored. Too often, it ends with a woman’s death at the hands of a current or former partner.

Institutional indifference, permissive laws and a complicit culture of silence persist. Women are deterred from reporting domestic violence due to a variety of cultural, social and economic factors. It is crucial that when they do make such reports, authorities are willing to provide them with protections guaranteed under the law. National surveys already highlight that a majority of women who experience abuse do not report their situation through official channels. Without strong interventions and coherent regulations, the system of reporting continues to expose women to more extreme levels of violence.

In too many cases, authorities had sufficient information to intervene and prevent the deaths of women and children. Their abusive situations were either directly reported or publicly known. Lack of funding at the national level constrains safe shelters’ ability to cover the need for safe housing and counselling in Cambodia. The interventions and protection measures described by the DV Law are rarely enforced, even in cases of severe and ongoing violence; instead, dialogue and conciliation are too often the chosen course of action for authorities. These issues have been denounced time and time again,<sup>44</sup> but not enough has been done to fix them.

Flawed legislation and entrenched gender norms continue to undermine women’s struggle for safety and respect for their rights. Every woman’s right to a life free from violence and to an unobstructed path to justice are fundamental human rights. They cannot be ignored any longer.

<sup>38</sup> Article 2, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention); Article 31 of the Constitution of the Kingdom of Cambodia further reiterated the commitment to “recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights”

<sup>39</sup> General Recommendation No. 28, CEDAW Committee, CEDAW/C/GC/28, para. 10, 16 December 2010, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>

<sup>40</sup> National Action Plan to Prevent Violence Against Women 2019-2023 (NAPVAW III), p. 9, 2020, available at: [https://www.mowa.gov.kh/wp-content/uploads/2021/01/NAP\\_2019-2023\\_English.pdf](https://www.mowa.gov.kh/wp-content/uploads/2021/01/NAP_2019-2023_English.pdf)

<sup>41</sup> Ibid, p. 10-19, 30-32, 35

<sup>42</sup> Ibid, p. 42

<sup>43</sup> “Follow-Up Submission by The Cambodian NGO Committee on CEDAW (NGO-CEDAW) on the Recommendations made to Cambodia by the CEDAW Committee in November 2019”, NGO-CEDAW, p. 4, 14 June 2022, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FKHM%2F48951&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FKHM%2F48951&Lang=en)

<sup>44</sup> See LICADHO report, “No Punishment, No Protection: Cambodia’s Response to Domestic Violence”, p. 20, December 2017, available at: <https://www.licadho-cambodia.org/reports.php?perm=225>

## Recommendations to the Cambodian Government

- ▶▶▶ Create an enabling environment in which women can safely and autonomously report domestic violence.
  - Enforce provisions of the DV Law and Code of Criminal Procedure which require authorities to immediately intervene in and file reports regarding all domestic violence, felonies or misdemeanours to the court.
  - Design comprehensive social protection policies to remove any financial pressure that might prevent women from pursuing criminal prosecutions, civil divorce proceedings or separation.
  - Ensure that local authorities and police inform women of their legal rights and options, including their entitlement to protection orders and administrative decisions, and ensure that they are fully enforced.
- ▶▶▶ Extensively review and amend the existing legislation on domestic violence to remove barriers that stand between women, safety and justice.
  - Amend the DV Law and the Civil Code to remove any provisions that allow or encourage mediation or reconciliation of domestic violence cases, regardless of their severity.
  - Include clear processes in the Code of Criminal Procedure to ensure that protection orders are issued in a timely manner and without placing additional burden on women and their families.
  - Provide comprehensive legal definitions and penalties for physical, emotional, sexual and economic violence under the Criminal Code and include mentions of these new articles in the DV Law. Remove any distinction between “minor” and “severe” misdemeanours from the DV Law.
  - Guarantee the safety of women who report domestic violence by immediately responding to women’s and children’s requests for intervention and ensuring their protection from perpetrators during every investigation.
  - Enact a clear policy or guidelines outlining procedures to dissolve unregistered marriages that do not require both parties’ presence and approval.
- ▶▶▶ Plan, create and extensively fund a national system of referral to shelters for women and children experiencing domestic violence, guaranteeing their professional independence and confidentiality and ensuring that they do not further infringe on women’s rights or autonomy.
- ▶▶▶ Systematically conduct and regularly publish research and statistics on the prevalence of domestic violence in Cambodia, including the number of cases reported to authorities and their outcomes. Extensively document the prevalence of unreported abuse.
- ▶▶▶ Redirect sufficient, long-term funding from the national budget to NAPVAW III and other projects coordinated by the Ministry of Women’s Affairs, to remove their reliance on external support.
- ▶▶▶ Raise awareness about the unacceptability of domestic violence in all of its forms, its roots in gender norms and the threat it always poses to women’s and children’s lives.
- ▶▶▶ Disseminate the idea that domestic violence is itself a threat to marriage and community life and that dialogue cannot safeguard women and children against further violence.

