

GENDER-BASED VIOLENCE VICTIMS IN CAMBODIA'S COURTS



WHAT IS GENDER-BASED VIOLENCE?

Gender-based violence ("GBV") refers to **harmful acts**, whether physical, sexual, psychological, or economic, directed against women and girls based on their gender. It is rooted in gender inequality, the abuse of power, and harmful norms.

GBV constitutes a **violation of many other fundamental rights**, including the right to life, liberty, dignity, equality between men and women, non-discrimination, physical and mental integrity, and to be free from torture and other cruel or degrading treatment.

GBV is among the **most widespread and devastating human rights abuses** in the world today.



GBV IN CAMBODIA

GBV remains **pervasive** across the country. Women suffer from many forms of violence and abuses, including but not limited to violence against women, domestic violence, sexual violence including rape, sexual assault, and gang rape ('bauk'); and human trafficking.

Harmful patriarchal structures and **societal norms** remain deeply entrenched in Cambodia, such as prescribed gender roles or ideals of female submissiveness. This nurtures GBV **in all walks of life** - in the home, in the community, or in the workplace. In addition, GBV can be perpetrated by partners, family members, colleagues, acquaintances, or public officials or more.



LEGAL FRAMEWORK RELATED TO GBV & GBV TRIALS

International Law

Several conventions prohibit and protect women against GBV, including:

- The Universal Declaration of Human Rights
- The International Covenants on Civil and Political Rights and on Social, Economic, and Cultural Rights
- The Convention on the Elimination of Discrimination against Women and its Optional Protocol

Ratified by Cambodia, these treaties are directly applicable in domestic law pursuant to **Article 31** of the Constitution.

Cambodian Law

Equal rights for women and protections against GBV are enshrined in:

- The Constitution of the Kingdom of Cambodia
- The Criminal Code of the Kingdom of Cambodia
- The Law on the Prevention of Domestic Violence and Protection of Victims
- The Law on the Suppression of Human Trafficking and Sexual Exploitation



Various soft law instruments encompass international **best practices** relating to the elimination of GBV, access to justice and remedy for GBV victims, and the adjudication of GBV trials, to which Cambodian courts should adhere.

These include, but are not limited to:

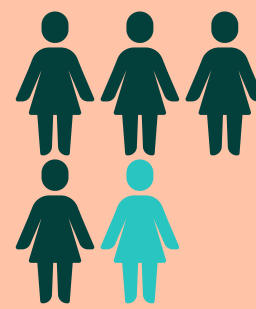
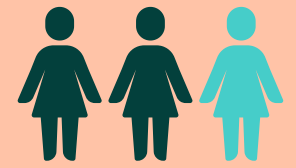
- The UN Declarations on the Elimination of Violence Against Women and of Basic Principles of Justice for Victims of Crime and Abuse of Power
- The Beijing Declaration and Platform for Action
- The Guidelines on Justice Matters Involving Child Victims and Witnesses of Crime
- The Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
- The ASEAN Declarations on the Elimination of Violence Against Women and Against Trafficking in Persons Particularly Women and Children

GBV IN NUMBERS



WORLDWIDE

1 in 3 women experience physical or sexual violence at the hands of their partner.



CAMBODIA



More than 1 in 5 women experience violence at the hands of their partner.



The **COVID-19 pandemic** has intensified GBV across the world, including Cambodia.

Sources: Ministry of Women's Affairs, 'National Survey on Women's Health and Life Experiences in Cambodia', (2015), UN Women, 'Fact and Figures: Ending Violence Against Women' & 'The Shadow Pandemic: Violence Against Women During COVID-19'.



ACCESS TO JUSTICE FOR GBV VICTIMS IN CAMBODIA



GBV victims must be provided with access to justice and be afforded the right to a prompt, accessible, and effective remedy, including through the investigation and prosecution of perpetrators. In **Cambodia**, GBV victims face various challenges in accessing justice.

The Royal Government of Cambodia (RGC) has demonstrated a commitment to addressing GBV and has adopted several policies and initiatives seeking to combat GBV in recent years, including through the justice system.

Challenges

- Harmful social and cultural norms, negative gender stereotypes & entrenched culture of victim-blaming
- Insufficient legal framework protecting against & adjudicating cases of, GBV
- Gender insensitive legal processes
- Significant underrepresentation of women in the judiciary
- Limited access to legal aid for women & lack of comprehensive legal aid policy & budget
- Absence of specific procedures for GBV victims
- Additional barriers to accessing justice for women from marginalized communities
- Limited access to legal information such as laws, regulations, judgments, and mechanisms & procedures for seeking remedies

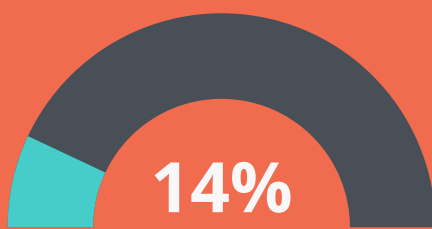
RGC's policies & initiatives

- Adoption of National Action Plan to Prevent Violence Against Women 2019-2023
- Creation of the 2017 Media Code of Conduct for Reporting on Violence against Women
- Creation of the 2016 Referral Guidelines for Women and Girls Survivors of GBV
- Development of the new five-year gender strategic plan, the Neary Rattanak 5
- Signature of a three-year memorandum of understanding between the Cambodia National Council for Women & the Cambodian Bar Association in March 2021 for strengthened legal defense services to indigent female GBV victims & legal training on GBV-related laws to enforcement authorities

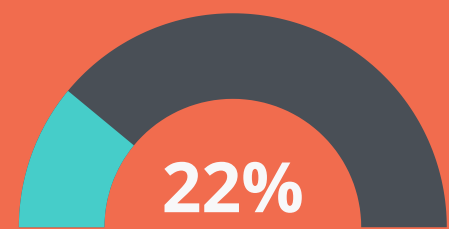
Underrepresentation of women in Cambodia's justice sector



of judges are women



of prosecutors are women



of lawyers are women

Source: General Secretariat of the National Assembly, 'The Challenges of Women in Leadership: Key Findings from Gender Statistic Analysis, (2020)

RECOMMENDATIONS



CCHR encourages the RGC to **continue its efforts to address GBV in Cambodia** and **improve access to justice for GBV victims** by:

- taking **measures to remove the barriers in accessing justice** faced by GBV victims and **strengthen the protection of victims in GBV trials**; and
- making **significant legislative and policy changes** to turn its verbal commitments to eradicating GBV and achieving gender equality into **concrete action**.