

# BREAKING THE SILENCE

SEXUAL VIOLENCE  
IN CAMBODIA

STOP VIOLENCE  
AGAINST WOMEN

AMNESTY  
INTERNATIONAL



**‘I am feeling a lot of shame, and initially wanted to commit suicide because of what had happened. And although I reported the crime... no one has taken any action... Just eternal silence.’**

Meas Veasna, who was raped by a monk in June 2009

Cambodia’s newspapers are increasingly filled with reports of rape. Attacks on very young girls and gang rapes are common. The lack of appropriate services for victims of rape is acute, and reflects limited social sanction against rape and other sexual violence.

Victims of sexual violence who attempt to seek justice are thwarted at every step – by discriminatory attitudes which stigmatize them, by corrupt and inefficient police and court officials, by inadequate and often unsympathetic health services, and ultimately, by a government that has failed to recognize the urgency of the situation.

Cambodia’s new Penal Code will enter into force in late 2010. Amnesty International urges the government to seize this

opportunity to address inadequate law enforcement in cases of gender-based violence. The government already has plans and strategies to tackle gender-based discrimination, with a clear focus on human trafficking and domestic violence. It needs to incorporate rape and other sexual violence into these efforts, ensuring political will to tackle this problem effectively.

The following is a summary of Amnesty International’s report, *Breaking the silence: Sexual violence in Cambodia* (Index: ASA 23/001/2010). The report draws on interviews with some 30 women victims of rape from across 10 provinces, and around a dozen of their family members. The violations described in the report took place between early 2006 and

December 2009. Amnesty International also met with some 50 service providers, government officials, law enforcement agents, and lawyers in several provinces, and interviewed five convicted rapists in two prisons.

## REPORTS OF RAPE ON THE RISE

There are no comprehensive, reliable statistics on rape and other sexual violence against women and girls in Cambodia. What figures do exist are patchy and low. From November 2008 to November 2009, police recorded just 468 cases of rape, attempted rape and sexual harassment.

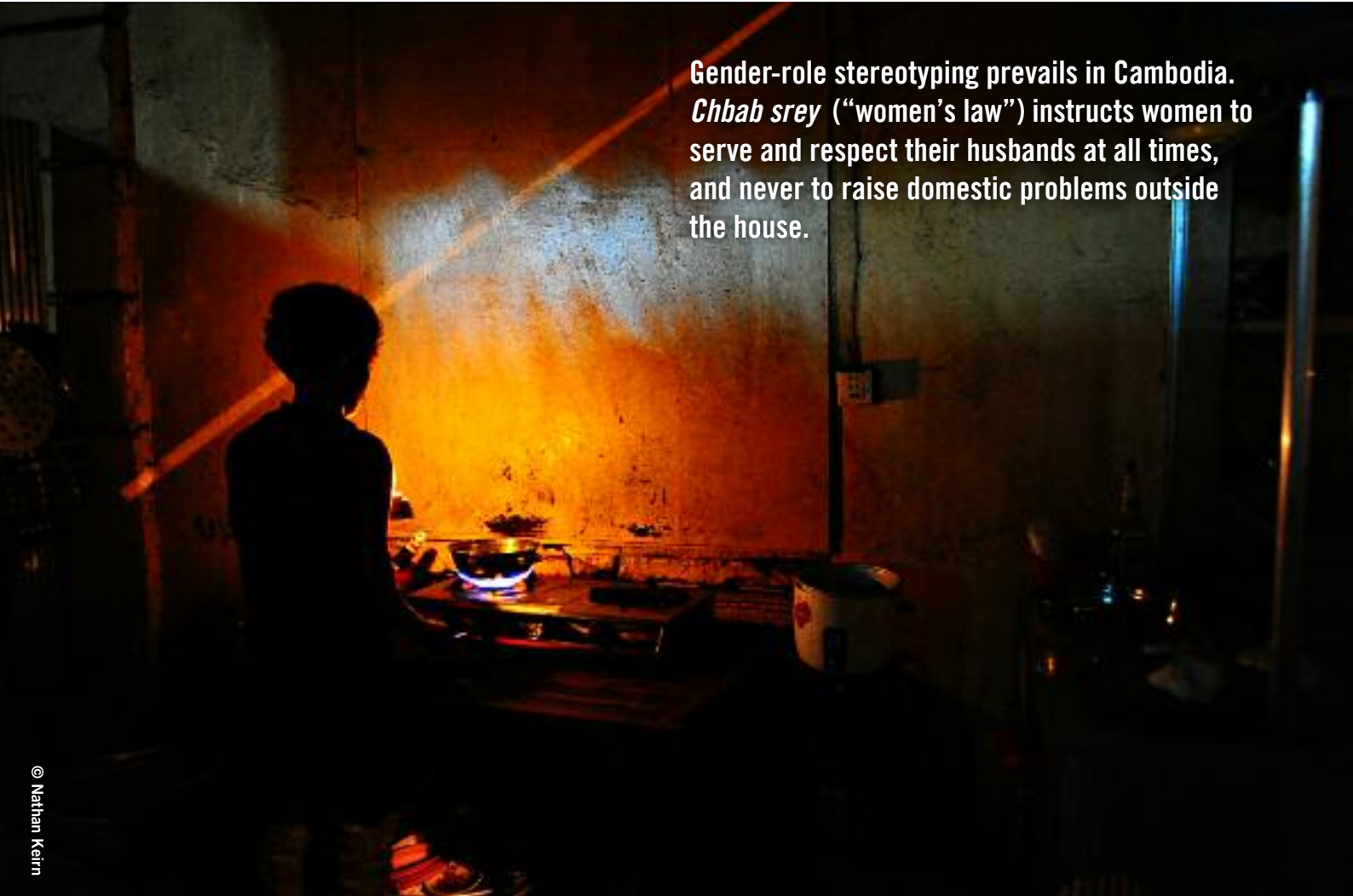
Police and NGO data for rape cases indicate that an increasing number of victims are children. In 2009, 78 per cent of rape victims turning to human rights NGO Adhoc were children, compared to 67 per cent in 2008. It is not known if this increase reflects a real rise, or the fact that rape of under-18s is increasingly likely to be reported.

The acute lack of adequate services and assistance available for survivors of sexual violence may be linked to the incomplete information about how many girls and women are affected, what kinds of medical and psychosocial needs they have, and in

## CHANTHA

Chantha was 14 years old when her 40-year-old stepfather raped her in 2007. The first person she turned to about the rape was her aunt. “Then my mother found out and she filed a complaint with the district police... We also went to... an NGO which took me to hospital for a [medical] examination. I never got any treatment.” The police arrested her stepfather, but then released him within days. “I don’t

know why, but he must have bribed the police. He knew the policemen. And I think he gave some money to my mother too.” He left the area, but because he is free, Chantha is still afraid of him and lives at a shelter. “I am afraid he would kill my family, and also when I am in the village, I feel a lot of shame. I’m afraid that I won’t be able to find someone to love me.”



**Gender-role stereotyping prevails in Cambodia. *Chbab srey* (“women’s law”) instructs women to serve and respect their husbands at all times, and never to raise domestic problems outside the house.**

© Nathan Keirn

what circumstances they live. There is also no system to track what happens to victims after they report rape, which prevents the authorities from critically analyzing how well they deal with rape cases, and identifying where in the process systemic shortcomings appear.

## CHANGES IN DOMESTIC LAW ON RAPE

Cambodian domestic law on rape is due to change, as the new Penal Code, which enters into force in late 2010, replaces the “UNTAC Law” of 1992. The UNTAC Law defines rape as “any sexual act involving penetration carried out through cruelty, coercion or surprise” (Art. 33).

The new Penal Code provides that “All acts of sexual penetration, of any kind whatsoever, or an act of penetrating any object into sexual organs of a person of either the same sex or different sexes by violence, coercion, threat or surprise constitutes a rape” (Art. 239).

The new law brings some clarity by replacing the vague “cruelty” with “violence” and “threat”. It also sets the age of consent to 15, which was previously not regulated by law.

However, the new Penal Code fails to use language that clearly identifies rape as an absence of truly and freely given agreement to engage in sexual acts. This shortcoming is particularly serious as it may increase

prejudice towards rape victims and could serve judges who only focus on tangible attempts by the victim to resist an attack, rather than the lack of consent.

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**above: A Khmer woman cooking, Phnom Penh**

## 'If you have no money a solution [to the case] takes very long and is difficult to get.'

The mother of Mom, who was raped by two men in 2006

### STIGMA AND FEAR

Victims of rape and other sexual violence in Cambodia face a wide range of difficulties when trying to cope with their situation.

Many of the women that Amnesty International spoke to said that they had been reluctant to tell anyone about what had happened to them. Both younger and older victims said that they felt they had done something wrong and brought the rape upon themselves. Some reported that their families had implicitly or explicitly accused them of straying too far from home, of staying up too late, or of being tricked by strangers.

Several victims said they felt discouraged from reporting the incident to the

authorities for fear of not being believed. They also indicated that if they were not believed, reporting the crime would be futile in terms of obtaining justice, and could even make their situation worse by placing them at risk of retaliation, loss of face and reputation.

Ravy, now 15, was repeatedly raped by her stepfather for over a year from the age of 13. He often beat her with a stick and threatened her with a knife. "I didn't dare to tell anyone at first. I didn't tell my mother, as I didn't think she would believe me, and I didn't tell my grandma. Eventually, I told an uncle," she said.

None of the victims interviewed by Amnesty International had reported the incident to

the police by themselves; most were accompanied by a family member. Therefore, a consequence of the delay in telling family members about the crime is a delay in reporting the crime to police, which has a serious impact on securing evidence to support prosecution.

Although victims were frequently stigmatized by their communities and sometimes even their own families, abusers, by contrast, were not. "I haven't heard of anyone looking down on me in the village, and not here in prison either; there are so many here who have done bad things," said Meng. He was convicted for the rape of two girls living next door, aged nine and 10, respectively, and was serving a 14-year sentence.

### 'JUST ETERNAL SILENCE'

On 11 June 2009, Meas Veasna\* was raped at Wat Kaley in Prey Veng. She had gone to the pagoda to get holy water only weeks after giving birth. A monk approached her with a cup of coffee. Drinking it made her exhausted and numb – drugs had evidently been added to knock her out. The monk took her to a room in one of the monastery buildings and raped her. When her husband walked in a while later, the monk jumped out of the bed and ran out another door.

After Meas Veasna complained to the police, the pagoda called a meeting where both police and local authorities were present, along with Meas Veasna, pagoda leaders and the alleged perpetrator. A pagoda representative offered her one million riel (US\$250) for medication. She agreed, but maintained that she wanted the

perpetrator to be prosecuted, and did not want to withdraw her complaint.

Since then, nothing has happened. Whenever she followed up with the local authorities, the police claimed that the investigation was ongoing. All the while, the alleged perpetrator remained at the pagoda, seemingly protected by the authorities and the local *sangha* (Buddhist clergy).

"It is still very hard. He did that to me; I reported it, but no one has done a thing. And my reputation is just crashing.

"I am feeling a lot of shame, and initially wanted to commit suicide because of what had happened. And although I reported the crime... no one has taken any action... Just eternal silence."

"Why is it important that the perpetrator get a punishment? To stop him from doing to others what he did to me. If he can't be touched, and is not brought to account, he can do it again."

Although Meas Veasna's husband has been supportive of her, other relatives made it impossible for her to live at home. She spent a few months at a women's shelter. If the abuser is not found guilty, she will probably have to agree to divorce her husband because of the shame that the rape is perceived as having brought on his family.

\*Meas Veasna requested that Amnesty International use her real name.



Poverty makes women more vulnerable to sexual violence, and makes it very difficult for them to obtain medical treatment or even have their cases investigated.

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## ‘NOBODY WOULD DARE TO RAPE THE RICH’

Although rape occurs in all socioeconomic strata of Cambodian society, all those who spoke to Amnesty International agreed that women and girls living in poverty are at a relatively higher risk of rape. The rape victims Amnesty International interviewed described themselves as either poor or very poor, and most described the perpetrator as economically better off.

Several interviewees explicitly said their poverty made them vulnerable. As Hou Samith, Secretary-General of the Cambodian National Council for Women, said: “Nobody would dare to rape the rich.” Poverty hampers victims’ access to support

services and justice. Aside from bribes, the women reported costs for transport to health clinics, police and courts as particularly onerous. Most had received some financial assistance from NGOs to cover these, but they did not think it was enough. The authorities appear to have handed over the responsibility for such support entirely to NGOs, which may not be able to continually cover such costs. Clearly, support for victims living in poverty is required to ensure that they have access to available services and justice.

The right of victims of human rights abuses to justice, regardless of whether the perpetrator is an official or a private individual (non-state actor) underpins any human rights protection system. States have

an obligation to ensure that this right is respected, protected and fulfilled. This obligation is provided, among other things, in Article 2(3) of the International Covenant on Civil and Political Rights, which is binding on Cambodia as a state party. Like all other rights in this Covenant, the right to justice must be ensured without discrimination, including on the basis of “social origin, property, birth or other status.” The Cambodian authorities fail to fulfil their international obligations under this principle, for victims of rape and other sexual violence.

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**above:** Andong village on the outskirts of Phnom Penh has no sanitation facilities or electricity.

**‘Police only works if you have money, if you can pay. One hundred thousand riel [US\$25] and you get someone arrested, but we didn’t have that. And if you don’t, the police just ignore the case.’**

Father of an 18-year-old woman with a mental disability who was raped twice, most recently in November 2009

## EXPLOITED BY THE POLICE AND COURTS

Rape victims who spoke to Amnesty International expressed a very ambivalent view of the police. On the one hand, they described police officers dealing with their cases as corrupt, dishonest, and often siding with the alleged perpetrator. In some cases, police officers were themselves the perpetrators. On the other hand, most women and their family members chose to first report the crime to police, underscoring their perception of the crucial role of the police force in addressing crime.

A clear majority of interviewees told Amnesty International that they had paid

### THAVY

Police arrested Thavy together with four other sex workers in a Phnom Penh park in November 2009. They were taken to the nearest police station, where a few officers, who appeared to be drunk, beat the detainees with their batons on the ankles and forced them to clean the toilet. A uniformed policeman who did not work at this particular station was also there. After a couple of hours, he approached Thavy and forced her to go with him to a guesthouse in another part of town, where he raped her. “If I refused, he threatened that I would end up in prison. [...] I don’t want this to happen again. They arrest, beat, ill-treat and then rape us. Police should be peaceful; they should stop violence,” she said.

bribes to the police, or had been asked to pay bribes but did not have any money. In 21 of the 30 cases, victims reported that police had “investigated” the incident. Sixteen of these responded that they knew they had had to pay bribes to ensure an investigation. Typically, they were asked for between US\$5 and US\$10 to initiate an investigation, which almost none of them could afford. To investigate a serious crime on condition that a bribe is paid violates Cambodia’s due diligence obligation to protect and investigate human rights abuses, including rape.

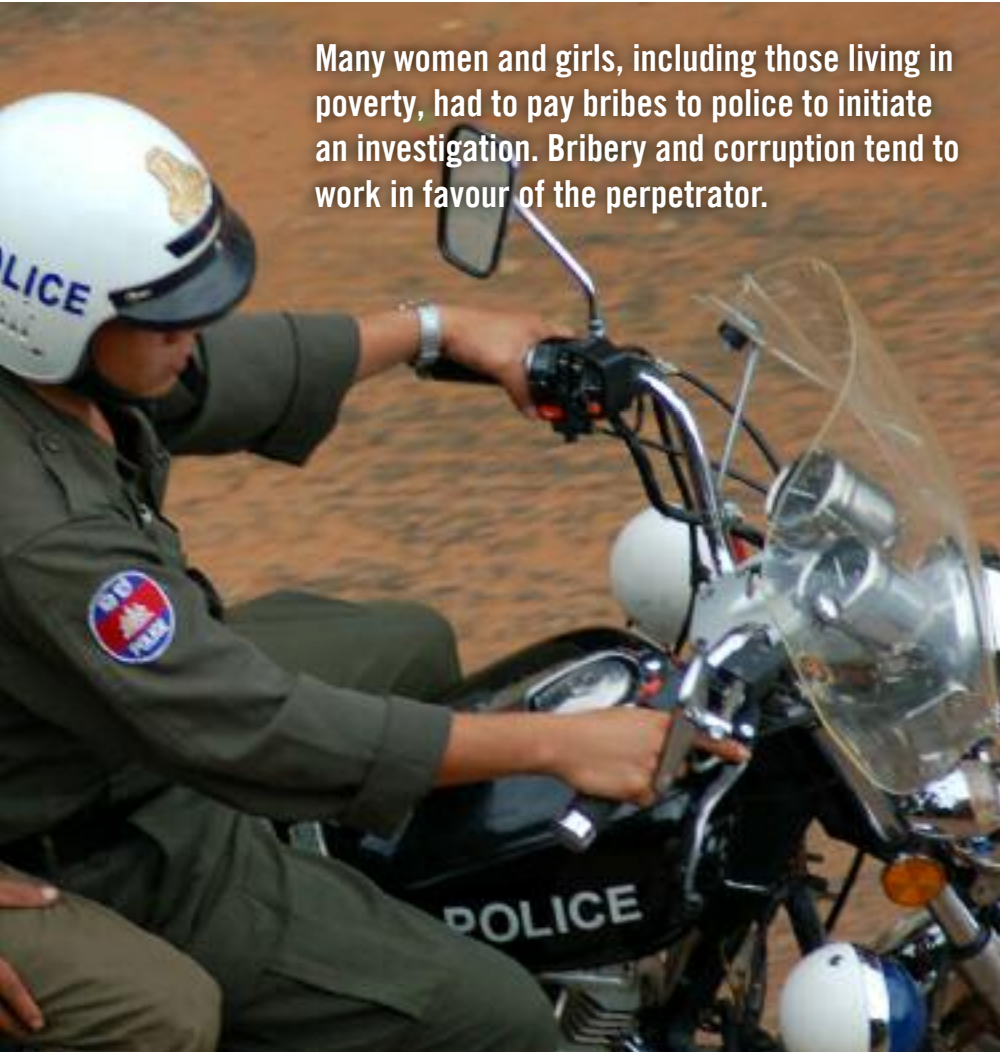
A poorly resourced police service, however, makes officers more vulnerable to bribery and corruption. Police officers who wished to remain anonymous complained that they had no available budget to conduct investigations, and therefore either had to ask the complainant to provide funds; not conduct an investigation; or pay with their own money. They said that a lack of budget blocked them from acting in ways that ensured the wellbeing of the victim. For instance, when victims and suspected perpetrators were transported to court for initial questioning, police officers said they typically transport them in the same car, often sitting together in the back seat. Police officers also explained that families of victims and perpetrators were generally required to split the transportation cost.

Even if a case makes it to court, victims must pay a bribe to have it investigated. If a complainant does not pay anything, progress is slow. It may be well over two



years before anything happens, unless the suspect is in detention. If the suspect is in custody, the case is most commonly adjudicated just before reaching the maximum time permitted for pre-trial detention, which under the 2007 Criminal Procedure Code is 18 months.

**above:** Police in Siem Reap city.



Many women and girls, including those living in poverty, had to pay bribes to police to initiate an investigation. Bribery and corruption tend to work in favour of the perpetrator.

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## HEALTH SERVICES

Medical examinations and treatment of rape victims in Cambodia fall far short of World Health Organization standards, and continue a traditional focus on the state of the hymen. While injury to the hymen should be noted, it cannot be regarded as defining evidence of rape; nor can absence of injury to the hymen be regarded as evidence of the absence of rape.

Amnesty International spoke to one woman whose nine-year-old daughter had been raped. She described what happened when she took her child to the forensic unit at the provincial hospital for an examination: “It was very difficult because she couldn’t hold still, but was feeling shame and crying, and was clearly afraid of being hurt again. The doctor asked some questions about the incident and then said to me: ‘Don’t worry. Your daughter’s hymen is not spoiled.’”

Only one public hospital in each province and a few large hospitals in Phnom Penh are mandated to issue medical forensic certificates that are admissible as evidence in court. But these forensic units do not offer any treatment. So, women with injuries requiring treatment need to visit a clinic or hospital several times. For those living far from a provincial capital, even one visit to hospital may involve prohibitive costs. Medical examinations can also be a traumatizing experience, and it was clear from Amnesty International interviews that the division of clinical and forensic services works to the victims’ disadvantage.

## OUT-OF-COURT SETTLEMENTS

Out-of-court settlements are widely used in rape cases; several high-ranking officials believe it is the most common “solution”. In Khmer, the term *samroh-samruol* is used for this mediation process. The police act as a mediator, seeking to secure a monetary settlement from the perpetrator or his family for the victim or her family, on condition that the victim withdraws any criminal complaint. The mediator receives part of the settlement. Around half of the interviewees had experienced such intervention.

Partly accepted as alternative justice, and perceived by some as “the best option available,” out-of-court settlements are not

recognized as a legitimate form of remedy in Cambodian law. Nevertheless, they continue and the authorities recognize that they are widespread.

Officials pointed out that the advantages of the process were that the perpetrator explicitly or implicitly confessed to the crime, and had to “pay” for what he had done. However, the Secretary of State for the Ministry of Interior admitted:

“The disadvantage is that if the perpetrator does not get a sanction that is proportionate to the act, it seems as though we tolerate or pardon that act. And perpetrators may offend again.”

## CONCLUSION

At its worst, the system in place to help survivors of sexual violence in Cambodia is a set of moneymaking schemes, to provide personal benefit for the public officials involved rather than bring justice to the victims. Failures go unquestioned and for too many victims of rape, their experience within the criminal justice system compounds the initial abuse. Every perpetrator who goes unpunished as a result of these failures is a signal that the authorities are indifferent to the plight of the victims of sexual violence, as well as to their own duty to combat it, under both international and national law.

Rape is an act of gender-based violence and constitutes discrimination, prohibited under international human rights law, including the UN Convention on the Elimination of All Forms of Discrimination against Women, to which Cambodia is a state party. Rape should not be understood as a “sexual” activity, but as one that is motivated by a desire to control, harm and humiliate a woman.

Amnesty International urges the government to ensure that the state meets its national and international obligations to respect, protect and promote the right to freedom from discrimination and violence for women and girls in Cambodia. Using the introduction of the new Penal Code in late 2010 as an opportunity, the government must firmly address grossly inadequate law enforcement in cases of suspected rape. There is an urgent need for the authorities to speak out against sexual violence against girls and women to show that they will not tolerate impunity for sexual violence and to clarify that rape signifies an absence of truly and freely given agreement to engage in sexual acts.

**cover: Houses in Phnom Penh near Psar Thmei.**  
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**above: Fruit sellers, Phnom Penh, March 2010. “Men are gold, women are cloth”, is a Khmer saying explicitly emphasizing the lower social value placed on women. It is widely believed that women can be worn, torn and stained; men cannot.**

## RECOMMENDATIONS

### Amnesty International urges the Cambodian government to:

- Publicly condemn rape and other sexual violence against women and girls, and speak out against the widespread complacency and lack of concern regarding the effects of rape on victims.
- Amend policies and plans of action to explicitly prevent, adequately investigate and punish sexual violence against women and girls, and ensure that the authorities, including courts, clarify that rape is a crime that signifies an absence of consent.
- Address the government’s current failures to provide victims with adequate reparations, including health and psychosocial services.
- Address discrimination against women and stereotypes that perpetuate gender-based violence.
- Incorporate provisions to combat sexual violence into policies and efforts relating to domestic violence and human trafficking.
- Remove financial barriers to services for victims of rape.
- Ensure that victims and survivors of sexual violence have access to safe, timely and effective reporting mechanisms.
- Ensure that the police force receives training, equipment and budgets to combat sexual violence against women, while promoting increasing numbers of women officers in law enforcement agencies to carry forward investigations into allegations of sexual violence against women and girls.
- Ensure that forensic examinations are accessible, appropriate and free of charge.
- Ensure that courtrooms, courts and proceedings are victim-friendly.

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Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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