

Somroh Somruei

& VIOLENCE AGAINST WOMEN



**By Domrei Research and Consulting
For International Women's Development Agency**

**Ian Ramage and Gabriel Pictet, co-Directors
Chhy Sophearith, Research Coordinator
Alanna Jorde, Consultant**



EXECUTIVE SUMMARY

The study aims to improve understanding of the local reconciliation process (*somroh somruei*) in cases of violence against women. We discussed with key players the mediation methods they used and the strengths and weaknesses of the process. We study its effectiveness in solving domestic conflicts. We describe the key steps, typical sequence of events and outcomes of reconciliation.

Methods

We carried out interviews in eight villages in Siem Reap and Battambang provinces. We selected villages where: 1) Nongovernmental organizations (NGOs) have been actively addressing domestic violence against women through the International Women's Development Agency-funded Community Action Against Violence Against Women (CAAVAW) Project; and 2) campaigns against domestic violence have only recently begun.

We conducted informal in-depth interviews with women, men, conciliators and district, commune, village and police authorities who have directly experienced *somroh somruei*. We met with ADHOC and Banteay Srei employees in Siem Reap, Battambang and Phnom Penh to capture their experience and opinions on *somroh somruei*.

We conducted 66 interviews in three provinces over a six-week period in March and April 2008. The interviews generally took place at the home or workplace of the respondent.

We shared our findings with some of the NGO workers who are addressing violence against women. We challenged them to brainstorm recommendations by asking the following questions: How can the *somroh somruei* process be improved to better meet the needs of families in conflict? What can NGOs do to strengthen the *somroh somruei* process? Their recommendations have been included in the report.

Findings

1. *Somroh somruei* can work in cases of domestic violence.
2. Villagers prefer *somroh somruei* to formal dispute resolution because:
 - It is inexpensive, fast and accessible due to the fact conciliators live in the same village.
 - It is deemed successful when it is effective in resolving the dispute and changing behaviour.
3. Local authorities also believe domestic conflicts should be managed locally. They are confident *somroh somruei* works well.
4. While conciliators find it difficult to articulate their methods and approach, most rely on their common sense, personal experience, basic knowledge of the law and human rights principles, Buddhist precepts and the *Chbab Srei* and *Chbab Proh*.

5. *Somroh somruei* mediation methods and approaches vary considerably depending on the conciliator's personality, level of education and personal history. Methods also vary according to each specific case.
6. The effectiveness of *somroh somruei* is tied to the conciliator's skills, authority in the community and to the willingness of disputants to follow the conciliator's advice.
7. The *somroh somruei* key steps, sequence of events and major players we observed are consistent with previous research.
8. The general perception is that domestic violence is decreasing while awareness of the law against domestic violence is increasing. Respondents attribute this positive trend to efforts of NGOs and improved cooperation among local authorities.
9. NGO mediation in domestic violence cases is taking the burden off village chiefs to manage domestic disputes.
10. Few domestic violence cases go to court because:
 - Most cases are settled locally.
 - Women fear going to court. They think it is expensive and time-consuming; they do not understand the process; they do not believe they will have a chance to negotiate; and they worry court officials may be corrupt.
11. Women who'd like to separate from their husband and/or legally divorce prefer to do so locally rather than through the formal justice system.
12. The general perception is that the role and status of women is changing because:
 - Women are more empowered and educated.
 - Women are taking a greater leadership role in their communities and are participating more in family decisions.
13. The general perception is that the nature of domestic violence is also changing:
 - Women are seeking help more and defending themselves more.
 - Women are less tolerant of behaviours that were traditionally accepted.

The study also uncovered some gaps in the *somroh somruei* process:

- More training is needed in human rights as it relates to current laws against domestic violence.
- Conciliation methods are rather arbitrary and sometimes send mixed messages as traditional values clash with new principles.
- Best practices in conciliating cases of domestic violence are not being shared enough.
- Basic recordkeeping of domestic violence cases is either nonexistent or poor at the village and commune level.
- Procedures for couples to separate and/or divorce are extremely confusing and few people understand them.

- The behaviour of victim and/or perpetrator of domestic violence sometimes derails the process.

Recommendations

To encourage the best possible mediation in cases of violence against women:

- Assist the Ministry of Women’s Affairs in improving how conciliators of domestic violence cases currently share experiences. Encourage the ministry to document best practices. Draft guidelines for the mediation of domestic violence and marriage and family counselling based on best practice. Distribute best practice and guidelines to conciliators nationwide.
- Hold a national workshop with the aim of sharing and documenting best practices in mediation and marriage and family counselling. Encourage reflection on how to incorporate human rights concepts—which may or may not challenge traditional customs and values—into the *somroh somruei* process.
- Inform and promote the mediation and marriage and family counselling guidelines among the general public. The promotion campaign should include information about the current laws governing domestic violence.
- Train personnel who handle domestic violence cases at all levels of the dispute resolution system on the guidelines. Produce and distribute a video that shows how the conciliation guidelines work.
- Identify successful and highly motivated conciliators of domestic violence cases and family and marriage counsellors. Train them to train other conciliators and counsellors.

To support and strengthen current CAAVAW programs:

- Increase the number of Gender Peace Network (GPN) members to six or seven people per village and expand the existing network model to other provinces.
- Launch a peer counselling program that allows reformed perpetrators to counsel current perpetrators of domestic violence.
- Establish a meeting space in each village that conciliators can use to mediate and counsel victims and perpetrators of domestic violence, where disputants can speak freely without fear of being overheard.
- Provide recognition and incentives to village chiefs and GPNs who do a good job conciliating cases of domestic violence.
- Decentralize CAAVAW emergency services funds to village and commune.
- Edit for clarity and consistency, print and distribute the CAAVAW safebook to key community members.
- Scale up efforts to raise public awareness about domestic violence and current legislation aimed at eliminating domestic violence that includes education about how to recognize the signs of abuse.

- Launch a public awareness campaign targetting authorities and citizens alike to inform them about divorce procedures.
- Establish and/or strengthen mechanisms to improve communication, cooperation and the coordination of the activities of those who manage domestic conflicts.
- Launch a referral and information system like a telephone hotline that people can easily access to learn more about domestic violence and the law, to report incidents of abuse and to receive guidance on the steps they should take if they suspect someone is being abused. Advertise the hotline with public service announcements on TV and radio.

To improve how the authorities respond to families in conflict:

- Advocate for the implementation of a standardized system of documenting and recording domestic violence cases in informal and formal dispute resolution processes.
- Advocate for a government edict that requires conciliators to treat cases of severe domestic violence as a criminal matter that must be referred immediately to the local authority or to the police.
- Advocate for the establishment of a framework that gives local authorities the legal authority to dissolve marriages.
- Advocate for standardized procedures and practices in the adjudication of decisions related to the division of assets and the provision of financial support for children. Advocate for the provision of a national training program on these procedures and practices.
- Advocate for the elimination of fees charged by police to arrest and release perpetrators of domestic violence and levied by court officials during divorce proceedings.

To improve understanding of *somroh somruei*:

- Conduct a household survey to measure the relative influences of families, friends and neighbours in mediating domestic violence cases.

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Abbreviations

BS	Banteay Srei
CAAVAW	Community Action Against Violence Against Women
CAMBOW	Cambodian Committee of Women
CDHS	Cambodia Demographic and Health Survey
CWCC	Cambodian Women’s Crisis Centre
LDV	Law on the Prevention of Domestic Violence and the Protection of Victims
GPN	Gender Peace Network
IWDA	International Women’s Development Agency
NGO	Nongovernmental organization
PADV	Programme Against Domestic Violence
UNDP	United Nations Development Programme

Glossary of Khmer terms

<i>Chbab Srei</i>	Culturally defined code of conduct for women
<i>Chbab Proh</i>	Cultural defined code of conduct for men
<i>Psapsaah</i>	Traditional Cambodian third-party dispute resolution
<i>Somroh somruei</i>	Traditional Cambodian third-party dispute resolution

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INTRODUCTION

The Cambodian tradition of *somroh somruei*

Customary conflict management that Cambodian villagers use to resolve everyday disputes—known in Khmer as *somroh somruei* or *psapsaah*—has ancient roots in Khmer society¹. Just as bas-reliefs on the walls of the nationally treasured temples of Angkor Wat depict images of a rural way of life that has changed little over the past millennium, so too is it possible that the dispute resolution mechanisms that Cambodian villagers rely on today to settle their differences are steeped in tradition.

An absence of research on local reconciliation practices prior to tumultuous periods of armed conflict in Cambodia makes it difficult to speak authoritatively about the history and evolution of these practices. But several scholars who have researched dispute resolution in Cambodia² concur that the village has always been an important place for dealing with conflict and historically, “informal means of conflict management were preferred.”³ At least one anthropological study found that contemporary *somroh somruei* dispute resolution mechanisms are quite similar to those used prior to the war.⁴

In an oft-cited 1997 assessment of dispute resolution and administration of justice for Cambodian villagers, William Collins describes *somroh somruei* as “a well-developed style of dispute resolution” that functions as a third-party assisted negotiation or mediation predominantly for domestic disputes, disputes over debts and damages and land disputes.⁵

The fundamental aim of *somroh somruei* is “to achieve a settlement ... that makes possible a positive strengthening of the relationship between the disputing parties.”⁶ Conflict, as it managed under *somroh somruei*, is “not viewed as an isolated event or as the struggle of intrinsically incompatible interests,” but as something that naturally occurs in all long-term relationships.⁷

Conflicts are not perceived as necessarily bad because they highlight “problematic aspects of relationships against the background of perceptions and assessments

¹ Ian Harris (2005), “Onslaughts on beings: a Theravada Buddhist Perspective on accountability for crimes committed in the Democratic Kampuchea period” in J. Ramji and B. Van Schaack, *Bringing the Khmer Rouge to Justice: Prosecuting Mass Violence before the Cambodian Courts*, (Lewiston: The Edwin Mellen Press), p. 74 and “Pathways to Justice: Access to Justice with a focus on Poor, Women and Indigenous People” (2005) (Phnom Penh: United Nations Development Programme (UNDP) Cambodia and Ministry of Justice), p. 3.

² William Collins (1997), “Dynamics of Dispute Resolution and Administration of Justice for Cambodian Villagers” (Phnom Penh: USAID); Caroline Hughes (2001), “An Investigation of Conflict Management in Cambodian Villagers: A Review of the Literature with Suggestions for Future Research” (Phnom Penh: Centre for Peace and Development); Fabienne Luco (2002) “Between a tiger and a crocodile: Management of local conflicts, an anthropological approach to traditional and new practices” (Phnom Penh: UNESCO).

³ Hughes, *op. cit.*, p. 6.

⁴ Luco, *op. cit.*

⁵ Collins, *op. cit.*, p. 40.

⁶ *Ibid.*

⁷ *Ibid.*

about relationships in the community.”⁸ Therefore, the resolution of conflicts can actually help to strengthen the community.

Put another way, *somroh somruei* helps to “preserve ongoing relationships and to gauge their current quality before the public opinion of the community. [At the same time,] settlements imposed by outsiders are thought likely to be expensive and to fracture local relationships rather than illuminating and strengthening them.”⁹

Somroh somruei mediation and the value it places on balancing the needs of the individual with those of the collective while avoiding the declaration of a clear winner and loser underscores important differences in cultural preferences towards models of dispute resolution in Cambodia compared to Western judicial systems.

These differences may help to explain why efforts by French colonialists to establish



Photo 1: Cambodian and Western dispute resolution preferences differ.

a Western style judicial system in the 19th century failed to displace informal *somroh somruei* practices. Instead, according to a United Nations Development Programme (UNDP) study, the two legal cultures were precariously coordinated simultaneously. Local authorities managed local legal practices in rural areas according to local culture and customs while lawyers trained under the French legal culture were in charge of the formal legal system, which was composed of courts in cities and urban areas of the country.

Following the complete demise of the formal judicial system during the Pol Pot regime, new legal cultures from Russia and Vietnam influenced modifications to the Cambodian system, but efforts to fully re-establish the judicial system are still underway. Meanwhile, an ongoing process of reconstruction continues at the village and commune levels, where new rules and values are being applied in the resolution of disputes in addition to local culture, customs and traditions that have remained virtually unchanged for generations.

Cambodians, and especially those who live in rural areas, prefer informal *somroh somruei* reconciliation close to home to formal mechanisms of justice that must be accessed further afar for several reasons.¹⁰

A 2005 national survey found that “conflict mediation at the village and commune level is experienced by citizens as easier, cheaper and more effective than at higher levels.”¹¹ A separate research study also completed in 2005 suggests Cambodians also favour local dispute resolution because they “are able to negotiate themselves

⁸ Ibid.

⁹ Ibid.

¹⁰ Collins, Luco, Pathways to Justice, *op. cit.* and Kim Ninh and Roger Henke (2005), “Commune Councils in Cambodia: A National Survey on their Functions and Performance, with a Special Focus on Conflict Resolution” (Phnom Penh: The Asia Foundation and Center for Advanced Study).

¹¹ Ninh and Henke, p. 63.

and have a better understanding of the proceedings”¹². (Table 1 summarizes perceived advantages and disadvantages of commune council dispute resolution practices as reported in that study.)

Going to court “is very expensive, considering legal and illegal fees, the cost of transportation and legal representation and other costs. Usually, the processes are long and imply the loss of several working days for the disputants.”¹³ Most rural Cambodians are unfamiliar with formal legal proceedings and the cultural background on which the formal legal system is based. It is difficult for the poor to legally defend themselves because lawyers are seldom available in more remote areas.¹⁴

Table 1: Advantages and disadvantages of *somroh somruei*

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> •Less expensive and time consuming than the courts •Relatively prompt response •Easily accessible and issues dealt with efficiently •Parties fully participate in the conciliation process •Familiarity with the language, proceedings, authorities, by the local authorities •Good background understanding of the parties and the disputes •Ability to restore the relationship between the parties •The parties are satisfied with the resolution •Non-bias •Good coordination 	<ul style="list-style-type: none"> •Nepotism, bias and corruption. Lack of cooperation between the commune councillors •Capacity to hear disputes is limited. The lack of legal competence to deal with certain matters, such as divorce and crimes •Lack of training and legal knowledge of the local authorities •Inability to make decisions. Lack of capacity to decide and settle a dispute when one party is reluctant to reach an agreement (because one is more powerful than the other) •Lack of proper or clear procedures and time framework •Works in accordance with custom •The result of the conciliation is not enforceable •Lack of human and financial resources •Failure to comply with working hours •No proper filing system •Conciliation agreements may have no legal basis •The inability to counter act unbalanced relationships •The lack of transparency in the fees

Source: Pathways to Justice, p. 126

Village and commune administrators are just as emphatic that it’s best “to keep a problem from travelling up the hierarchy and especially from moving [beyond the commune to the district].”¹⁵ While human rights organizations interviewed for the Collins assessment suggested the reluctance of village and commune chiefs to forward cases up the hierarchy merely stems from their wish to “avoid appearing incompetent,” commune chiefs said they prefer to resolve matters locally to save villagers the “ruinous” expense of costly court proceedings.¹⁶

¹² Pathways to Justice, *op. cit.*, executive summary, p. x.

¹³ *Ibid.*, p. 2.

¹⁴ *Ibid.*

¹⁵ Collins, *op. cit.*, p. 15

¹⁶ *Ibid.*

The *somroh somruei* process

Traditionally, Cambodians prefer not to disclose their problems. Usually, they attempt to settle matters themselves or with the help of close relatives or neighbours before calling on an independent third party to resolve a dispute through *somroh somruei*¹⁷.

The role close relatives and neighbours play in settling domestic disputes has been almost completely overlooked in previous research and studies. The omission of the family in the prevailing discourse on the resolution of domestic violence cases is surprising given that the family is the key societal unit in Cambodia, as it is in other Asian countries. An absence of data makes it impossible to speculate about the number of domestic violence cases that are resolved with the help of family, friends and neighbours without assistance from local authorities or nongovernmental organizations (NGOs). Further research is needed both to adequately and accurately discern the role family, friends and neighbours play in managing domestic conflicts and to quantify the number of domestic violence cases they resolve in contemporary Cambodian society.

The *somroh somruei* process usually starts at the lowest level—the village—and only when it is not resolved does a case move up the hierarchical ladder, first to the commune and then to the police, district or court. A 2005 national survey confirmed that Cambodians rarely seek assistance to manage their conflicts beyond the village or commune without trying to find local solutions first¹⁸.

Although procedures vary from place to place, the basic framework for *somroh somruei* and the key steps, sequence of events and key people involved follow a general pattern.¹⁹ (See Table 2).

The village chief figures prominently in *somroh somruei*, taking part in an estimated 70 percent²⁰ of all local conflicts. Almost all intractable disputes within families or between neighbours are first taken to the village chief because he is accessible, well-known in the village and his authority is accepted. Moreover, as the local government representative, dispute resolution is regarded as one of his official duties. Villagers also put their faith in the village chief to help solve their quarrels because he is familiar with the local culture and the backgrounds to the disputes.

The village chief alone or with assistance from elders, lay religious leaders or persons of prestige or authority in the community will hold a conciliation meeting between the disputants. The village chief's objective is to diffuse hostilities and encourage the parties to compromise and make amends before reaching a mutually acceptable agreement²¹. The terms of the agreement may be verbal or sealed in a more formal written reconciliation contract. The contract is "proof of the management of the dispute and the evidence of the parties' commitment to fulfill their promise. The parties and their witnesses thumbprint the document to show their approval."²²

¹⁷ Luco, *op. cit.*, pp. 31/32/101.

¹⁸ Ninh and Henke, p. 47.

¹⁹ Pathways to Justice, Ninh and Henke, Collins, Luco, *op. cit.*

²⁰ Ninh and Henke, *op. cit.*, p. 44.

²¹ Luco notes that during interviews for her study, "people strongly emphasized that conciliation is not a judgment." *Somroh somruei* is not meant to establish who is the victim and who is the guilty party. Rather, it encourages both parties to reach a common understanding and make an effort to meet the other halfway. Luco, *op. cit.*, p. 102.

²² *Ibid.*

It is difficult to quantify the number of *somroh somruei* sessions that village chiefs conciliate each year because they do not record or document all of the cases they handle. A UNDP report estimates village chiefs manage about 54,776 conflicts per year.²³ Four major types of conflict dominate the local conflict landscape—domestic disputes, small land conflicts, youth gang problems and small neighbourhood conflicts.

If an agreement is not reached, additional conciliation meetings may be held. If the village chief is still unsuccessful in resolving the dispute, the matter will be passed on to a higher authority. The village chief is more successful in cases in which the disputants “have similar backgrounds and where it is a minor dispute.”²⁴

If the village chief is unsuccessful in mediating cases of gender violence or applications for divorce, he forwards the dispute to the commune council or to the police. Major land disputes or disputes between villagers and a powerful party are channelled to the commune authorities.

Generally, the village chief is unable to assist “if one party does not want to reach an agreement or to enforce an existing agreement. If there is an unbalanced relationship between the disputants, it is quite difficult for the weaker party to achieve a fair resolution. This is the situation for the poor against a wealthier opponent and for disputes between men and women, especially in cases of domestic violence.”²⁵

Sometimes the village chief accompanies the disputants to the commune council or to the police post. Other times the disputants will take their case directly to commune authorities or police. Occasionally the village chief will refer the case to commune authorities through a written note. The commune authority will usually ask to be briefed by the village chief about the case prior to attempting further *somroh somruei*.

The commune chief or another member of the commune council holds a conciliation meeting with the aim of resolving the dispute through compromise and negotiation. If an agreement is still not met then the commune authority may instruct the disputants to take time to think about the dispute, call for another meeting or refer the case up the administrative hierarchy to authorities who will most likely pass the matter on to the police or the courts. The UNDP estimates that each commune handles about 25 cases per year, which “totals more than 40,000 each year across the country”—a figure that exceeds the number of cases resolved by the courts.²⁶



Photo 1: If a village chief cannot resolve a dispute, it is usually referred to the commune council.

Lack of documentation makes it difficult to make even an educated guess about the number of cases that are solved through *somroh somruei* mediation by village chiefs

²³ Pathways to Justice, *op. cit.*, p. 110.

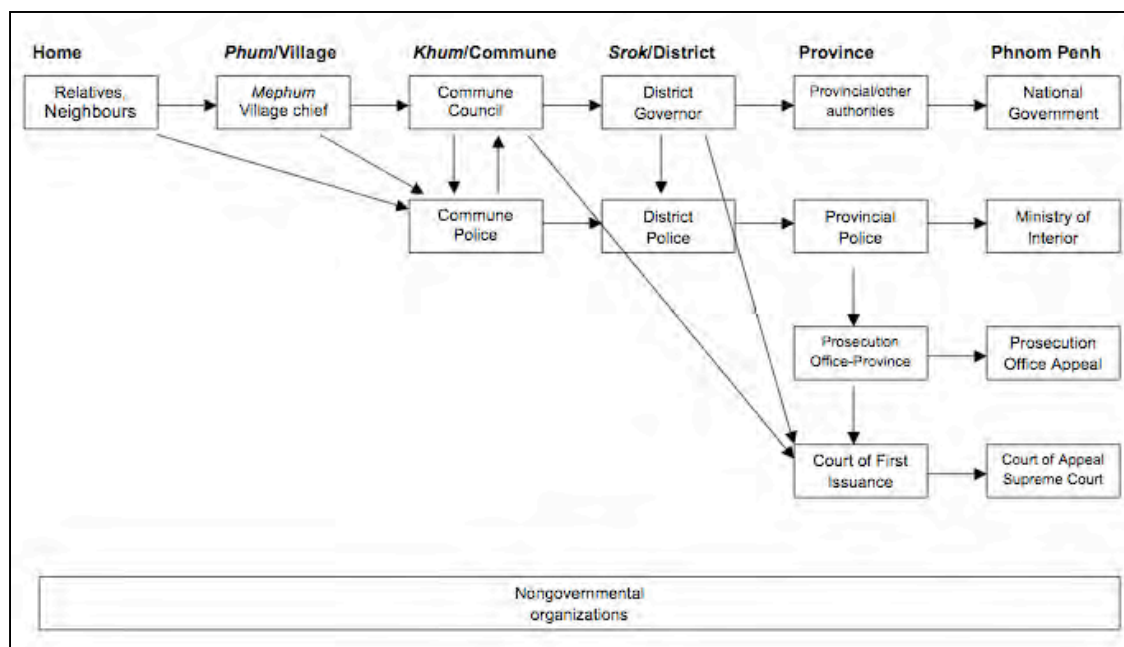
²⁴ *Ibid.*, p. 111.

²⁵ *Ibid.*

²⁶ *Ibid.*, executive summary, x.

at the village level. But previous surveys suggest two thirds to three quarters of all conflicts for which mediation is sought at the commune level are solved.²⁷ Moreover, “Cambodians are remarkably positive about the enforcement of mediated agreements by commune councils: 74 percent of voters and 95 percent of councillors believe that such agreements are likely to be implemented.”²⁸

Table 2: People and agencies women turn to for assistance in resolving cases of violence against women through *somroh somruei* and the courts



Source: “Pathways to Justice”, p. 107, Loco and Collins

While the *somroh somruei* process follows a general pattern, conciliation methods vary considerably depending on the conciliator. Methods and approaches to *somroh somruei* are linked more to the personalities, level of education and personal histories of those involved than any regulated or standardized procedures. In most instances, local authorities use their common sense and personal experience, a basic knowledge of the law²⁹, Buddhist precepts, tradition, culturally defined behavioural norms for women (known in Khmer as *Chbab Srei*) and men (known in Khmer as *Chbab Proh*)³⁰ and growing awareness of human rights principles in the management of disputes.

Strong demographic growth, economic development and the dissemination of international concepts of human rights are transforming Cambodia as new values challenge traditional customs and values. Against this backdrop, those who conciliate in domestic disputes “attempt to combine snatches of very vague tradition with new

²⁷ Ibid., 117.

²⁸ Ninh and Henke, *op. cit.*, p. 11.

²⁹ Several laws govern domestic violence in Cambodia: the Law on the Prevention of Domestic Violence and the Protection of Victims, passed in 2005; the Law on Aggravating Circumstances of the Felonies, passed in 2001; the 1993 Constitution of the Kingdom of Cambodia, which was amended in 1999; and provisions relating to the Judiciary and Criminal Law and Procedure Act Applicable in Cambodia during the Transitional Period (UNTAC) established in 1992. For more about how these laws relate to domestic violence in Cambodia see “Violence Against Women: How Cambodian Laws Discriminate Against Women” (2007) (Phnom Penh: The Cambodian Committee of Women).

³⁰ See ANNEX 2: *Chbab Srei and Chbab Proh*.

demands and desires of the population that is opening up to outside principles.”³¹ Many local chiefs are confused about how to mesh tradition with new concepts and “have confessed their lack of knowledge in dispute management.”³² Training in mediation, conflict resolution and counselling is by far what most commune council members feel they need to be more effective in their work, according to a national survey.³³

Although the village chief has figured prominently in dispute resolution for some time in Cambodia, the law on the Administration of the Commune/Sangkat, which governs the functions of the village chief, was only adopted in 2001. On average, village chiefs receive 22,000 riels per month (\$5.50 US), which is paid to them by the commune council and he usually uses his house as “an office.”³⁴

The law does not clearly regulate the village chief’s role in local dispute resolution.³⁵ It does attempt to “harmonize”³⁶ the commune council’s conciliator functions with Cambodia’s long tradition of *somroh somruei*. The law provides the commune council with the function “to promote tolerance and mutual understanding” and a subsequent 2002 Sub-decree on Decentralization of Roles, Functions and Power to Commune Councils entitles commune councils to “conciliate disputes between citizens and encourage tolerance and compromise.”³⁷

Violence against women, divorce and *somroh somruei*

Cambodian women are socialized to accept, tolerate and even rationalize domestic violence and to remain silent about their experiences, previous research has concluded.³⁸

But more recent surveys hint at an increasing willingness among abused women to speak out and seek help. One survey found that *somroh somruei* is sought in two out of three cases of domestic conflict.³⁹ A second suggests “more than 40 percent of [conflicts] seen by the commune councils refer to domestic violence and may involve a request for a separation or a divorce.”⁴⁰ The percentage of abused women who reported seeking help also increased to 31.0 percent in 2005 from 20.4 percent in 2000, according to the Cambodian Demographic Health Survey (CDHS).

The 2005 CDHS asked women about the potential for families to support them in cases of domestic conflict and found that 80 percent of married women reported living near their birth family, making them an easily accessible avenue for assistance for four out of five married women. These 4,201 women also were asked questions

³¹ Luco, *op. cit.*, p. 164.

³² *Ibid.*, p. 106.

³³ Ninh and Henke, *op. cit.*, p. 56.

³⁴ Pathways to Justice, *op. cit.*, p. 109.

³⁵ *Ibid.*, p. 108.

³⁶ *Ibid.*, p. 112.

³⁷ *Ibid.*, p. 111. The law established the commune council as an autonomous body in each commune. Members were elected under the law in general elections in 2002 and the law mandates that elections must be held every five years. Candidates run for election on a party ticket.

³⁸ Cathy Zimmerman (1994), “Plates in a Basket Will Rattle: Domestic Violence in Cambodia” (Phnom Penh: The Asia Foundation/PADV).

³⁹ Ninh and Henke, *op. cit.*, p. 50.

⁴⁰ Pathways to Justice, *op. cit.*, p. 117.

to determine what sort of support they felt would be available to them in the event of a domestic conflict. Close to 92 percent of ever-married women said that they could seek shelter for a few nights with their birth family and 64.4 percent said that their birth families would provide financial support if needed.⁴¹

Other encouraging signs in the ongoing campaign to eliminate violence against women emerged from the CDHS. A marked decrease was found in lifetime prevalence of domestic violence, domestic violence experienced in the past 12 months and severity of domestic violence experienced.⁴²

As Table 3 shows, lifetime prevalence of violence by a husband in 2005 was 14.5 percent and the prevalence of violence in the last 12 months was 6.7 percent, which represents a 40.7 percent decrease compared to the 2000 survey. Put another way, prevalence of violence against women by their husband in the last 12 months declined from one in nine Cambodian women in 2000 to one in 15 women by 2005.

Table 3: Recent trends in violence against women

Women who've experienced physical violence	% abused by anyone since age 15	% abused by anyone in the past 12 months	% of women who say it was their husband who abused them	Lifetime prevalence of abuse by husband	Prevalence in last 12 months of abuse by husband
2000 ⁴³	23.2%	15.2%	74.6%	17.3%	11.3%
2005 ⁴⁴	22.3%	10.3%	65%	14.5%	6.7%
% and direction of change	□3.9%	□32.2%	□12.9%	□16.2%	□40.7%

In the CDHS, women who reported experiencing domestic violence were asked detailed questions about the physical consequences of the violence they suffered, which is a good indicator of severity. Women who are victims of domestic violence reported less severe and fewer physical consequences from abuse in 2005 compared to 2000. Table 3 shows the results from each survey, with the percentage and direction of change included in the final row.

Table 4: Recent trends in physical consequences of domestic violence

Physical consequences of domestic violence	Bruises and aches		Injury or broken bone		Had to visit health facility	
	Ever	Last year	Ever	Last year	Ever	Last year
2000 ⁴⁵	6.5	5.4	1.1	0.9	1.2	1.0
2005 ⁴⁶	6.1	4.4	1.0	0.6	0.8	0.5
% and direction of change	□6.2%	□18.5%	□9.1%	□33.3%	□33.3%	□50.0%

⁴¹ Cambodia Demographic and Health Survey (CDHS) (2005) (Phnom Penh: National Institute of Public Health and National Institute of Statistics), p. 276.

⁴² CDHS (2000), pp. 231-234 and CDHS (2005), pp. 285-287.

⁴³ CDHS 2000, *op. cit.*, p. 242.

⁴⁴ CDHS 2005, *op. cit.*, p. 295.

⁴⁵ CDHS 2000, *op. cit.*, p. 242.

⁴⁶ CDHS 2005, *op. cit.*, p. 295.

Another indication that times are changing is the growing number of women seeking divorce through the formal justice system after *somroh somruei* efforts fail. Traditionally, divorce has been derided as shameful in Khmer society and women who contemplate separation or divorce face not only considerable pressure from family, neighbours, local authorities and society in general to reconcile with abusive partners, but also a difficult financial struggle supporting themselves and their children once they leave their husband.⁴⁷

Yet, more and more women are doing just that. The UNDP estimates that 80 percent of Cambodians who seek divorce are women and domestic violence is cited as the main reason they do so. Statistically, the divorce rate in Cambodia remains low. According to the most recent data available, from the Cambodian National Institute of Statistics, the divorce rate was 2.4 percent in 1998.

The confusion that exists over how to terminate a marriage makes separating that much more complicated and difficult for couples. In Cambodia, the steps required to dissolve a marriage are different depending on whether or not the union is legally recognized.

A majority of Cambodian couples are united in traditional marriage ceremonies but neglect to follow the procedures for officially registering the marriage⁴⁸ and therefore, strictly speaking, most Cambodian marriages are not legally binding. Most couples that want to separate—even those whose marriages aren't legally recognized and in a strict sense “probably do not legally need to have the marriage dissolved”—first approach local authorities to obtain a divorce.⁴⁹

Commune councils lack the authority to grant a legal divorce but they can provide mediation to couples that request a divorce through *somroh somruei*. Although they may advise couples to go to court to get a legal divorce, commune authorities often feel considerable pressure to help dissolve the marriage “because of the distance and costs involved for the villagers, women in particular, in going to court.”⁵⁰ Even if their marriage is not legally recognized, couples that have children or shared property often need assistance in ensuring their children are provided for and dividing their assets upon separation.

⁴⁷ “Case Study on Divorce and Separation: Supplement Report to the Pathways to Justice report” (2007) (Phnom Penh: UNDP Cambodia, Ministry of Justice and Ministry of Interior), Executive Summary; Cambodian Committee of Women (2007) “Violence Against Women: How Cambodian Laws Discriminate Against Women” (Phnom Penh: CAMBOW), Melanie Walsh (2007) “Report on the Status of Cambodian Women: Domestic violence, sexual assaults and trafficking for sexual exploitation” (Project on Women’s Rights in Cambodia: LICADHO-UQAM Partnership), pp. 28-32; “Violence Against Women: A Baseline Survey” (2005) (Phnom Penh: German Technical Cooperation (GtZ), United Nations Development Fund for Women (UNIFEM), East West Management Institute (EWMI), United States Agency for International Development (USAID), Canadian International Development Agency (CIDA)), p. 10; “A Fair Share for Women: Cambodia Gender Assessment” (2004) (Phnom Penh: UNIFEM, the World Bank, Asia Development Bank, UNDP and United Kingdom’s Department of Foreign International Development with the Ministry of Women’s and Veteran’s Affairs), pp. 114-115; Rebecca Surtees (2003) “Negotiating violence and non-violence in Cambodian marriages” in *Gender & Development* (London: Oxfam), pp. 30-41; Pathways to Justice, *op. cit.*, pp. 74-76.

⁴⁸ Since 1989, for a marriage to be legally recognized under the Law on Marriage, Cambodian couples have been required to sign a written agreement stating their intentions to wed, make a public announcement and register the marriage with the commune council, according to Pathways to Justice, *op. cit.*, p. 121, footnote 181.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

According to a UNDP report⁵¹, women often seek help from authorities to end an abusive relationship and to secure future financial support from a partner. Rural women, in particular, “do not have the resources or legal knowledge to go to the courts to ask for financial support. The only authorities they can easily access are the commune councils.”⁵²

If a couple agrees to separate or divorce, “the commune authorities write a minute of the conciliation meeting and witness the ‘divorce agreement’ [thinking that it has the same] effect as a divorce and allows either party to marry again.”⁵³ If one party does not agree to a divorce then the couple must take the matter to court. Similarly, if the parties are unable to agree upon the specific terms of the divorce agreement then they must take the matter to court.⁵⁴

The Law on Marriage and Family, passed in 1989, sets out the procedures that Cambodian couples must follow to legally obtain a divorce. (See Table 5). The Cambodian Committee of Women (CAMBOW) argues in a 2007 report that the procedures are complicated, drawn out and especially difficult for victims of domestic violence to follow. The legal requirement that the couple attend at least two reconciliation sessions (or even more if ordered by the courts) in addition to informal reconciliation sessions arranged by village and/or commune chiefs “puts significant pressure on the couple to reconcile that no doubt increases” with each subsequent reconciliation session.⁵⁵

Table 5: Divorce procedures in Cambodia

Section III of the Law provides the procedures for divorce, which are as follows: 1. Complaint for divorce is made in writing, citing grounds for divorce, to commune or other local officials or to the court; 2. If the complaint is filed to local officials, they shall attempt to reconcile the two parties in the marriage. If they cannot, they forward the complaint to the court; 3. The Court invites the complainant to come before the court, where the court “if appropriate” will convince the complainant not to proceed further with the case”; 4. The husband and wife are invited before the Court for a reconciliation session (lawyers are not allowed); 5. If no agreement is made the husband and wife are invited back to the Court for a second reconciliation session (only after month and not more than two months); 6. If no agreement is made the husband and wife are summoned to appear in the Court for a trial; 7. If the defendant denies the grounds for divorce an investigation will be ordered and witnesses can be called to give evidence; 8. A divorce can be granted if both parties agree or the Court finds that the grounds for divorce are valid.

Source: “Violence Against Women: How Cambodian Laws Discriminate Against Women,” p. 15

Collins argues village and commune chiefs do their best “to serve the couples in their community, to improve their relationships and reduce violence” using the tools they have available.⁵⁶ These tools include “their knowledge of traditional family values in the Cambodian context, the feelings families have about their name and reputation in the community as their family quarrel becomes a public matter and [the village chief’s

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid

⁵⁴ Ibid.

⁵⁵ “Violence Against Women: How Cambodian Laws Discriminate Against Women,” *op. cit.*, p. 15-

16.

⁵⁶ Collins, *op. cit.*, p. 29

or commune chiefs] own personal powers of persuasion.”⁵⁷ Their ability to successfully resolve these cases “seems to depend on a balance of psychologically sensitive counselling and the threat of the official legal consequences of a failure to find a mediated resolution to their problems.”⁵⁸

The social and marital traditions in rural Cambodia “seem to be worlds apart from the legal framework of the court [and] it is apparently the task” of the village and commune chiefs to bridge those two worlds, says Collins. The village and commune chief “have a major interest in finding workable, agreeable compromise between parties to a conflict, which will enable the parties to continue peaceful social interaction in the community. At the same time, [the village chief and commune chief] try to find solutions, which they can avow to be within their legal competence.”⁵⁹

But at least one national poll found that a significant proportion of commune council members would rather not get involved in domestic disputes. Nearly 50 percent indicated domestic problems when asked which kind of conflict should not be dealt with by commune councils. A possible explanation for this could be that if lower level mediators such as village chiefs fail to solve domestic cases then commune councillors feel it is better to involve more formal conflict resolution options directly than trying to settle the dispute themselves.⁶⁰ “Domestic disputes can be particularly challenging if they cannot be resolved easily and perhaps councillors do not feel they are equipped with the skills to address this common problem.”⁶¹



Photo 1: The LDV criminalizes acts of domestic violence and provides for the protection of victims.

Despite a decrease in the prevalence and severity of domestic violence between 2000 and 2005 noted earlier, one of the “most striking findings” in a 2007 feasibility study on the establishment of justice of the peace was the perception about “how widespread the problem of domestic violence is in rural areas ... There was also dissatisfaction among some women respondents about how domestic violence cases are resolved in their villages because the offender often continues the abusive behaviour even after being educated and counselled by village or commune officials during the conciliation process.”⁶²

The Law on the Prevention of Domestic Violence and the Protection of Victims (LDV) represents the Cambodian government’s most ambitious effort to date to address the harmful impacts of domestic violence. Cambodia’s Ministry of Women’s Affairs introduced draft domestic violence legislation in 2001, which was eventually adopted

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Collins, *op. cit.*, pp. 29/31.

⁶⁰ Ninh and Henke, *op. cit.*, p. 53.

⁶¹ Ibid.

⁶² “Feasibility study on the establishment of Justice of the Peace” (2007) (Phnom Penh: UNDP Cambodia, Ministry of Justice, Ministry of Interior), p. 8.

by the National Assembly in 2005. Concerted efforts are underway to educate Cambodians about the new domestic violence law, which criminalizes acts of domestic violence, provides for the protection of victims and allows neighbours or local organizations to intervene in cases of domestic violence.

Table 6: How the law defines domestic violence

<p>Under the Law on the Prevention of Domestic Violence and the Protection of Victims, domestic violence is defined to include:</p> <ul style="list-style-type: none">• Acts affecting life;• Acts affecting physical integrity;• Torture or cruel acts;• Harassment causing mental/psychological, intellectual harm;• Mental/psychological and physical harm exceeding morality and the boundaries of the law;• Sexual aggression (including violent sex, sexual harassment and indecent exposure);• Threats aiming at frightening, shocking; and• Acts affecting individuality and property.

Source: "Violence Against Women: How Cambodian Laws Discriminate Against Women," p. 8

According to a UNDP report⁶³, the LDV tries to improve the access to justice by: a) defining the domestic violence in a wider form than the current criminal law (considering violence to include not only physical violence but also psychological, mental, and spiritual violence), b) establishing preventive intervention; c) considering social intervention for the victim (provision of shelter, explanation of rights), and not just punishment for the offender; d) including community service, as an alternative form of punishment for the offender, and e) allowing local authorities and even Ministry of Women Affairs officers to intervene in suppression and prevention of domestic violence and protection of the victim.

But certain provisions of the law lack clarity and reforms are needed to the existing Criminal Law and the Code of Criminal Procedure to harmonize the laws, according to both the UNDP and CAMBOW.⁶⁴

For instance, the LDV "states that 'the nearest authorities in charge have the duty to urgently intervene in case domestic violence occurs or is likely to occur in order to prevent and protect the victims'" without indicating who those "authorities" are meant to be.⁶⁵

Similarly, the law "provides that when both parties agree, reconciliation or mediation can be pursued in cases of minor misdemeanors or petty crimes or for violent acts which cause mental or economic harm" without providing a definition for "minor misdemeanors" and "petty crimes."⁶⁶

CAMBOW also argues the LDV's provision for reconciliation that "provides that 'household members' are able to choose the arbitrators where there is agreement to reconciliation and mediation ... appears extremely unfair" because 'household members' may include parents or siblings who might be biased and unwilling to respect the wishes of the victim.⁶⁷

⁶³ Pathways to Justice, *op. cit.*, p. 77.

⁶⁴ Ibid. and Violence Against Women: How Cambodian Laws Discriminate Against Women, *op. cit.*, p. 11.

⁶⁵ Violence Against Women: How Cambodian Laws Discriminate Against Women, *op. cit.*, p. 10.

⁶⁶ Ibid., p. 11.

⁶⁷ Ibid.

At least 15 studies have been conducted on violence against women in Cambodia and domestic violence in particular. Researchers have managed to shed light on the Khmer tradition of *somroh somruei* and how informal practices mesh with the formal dispute resolution system. However, prior to this study, researchers had not focused specifically on how *somroh somruei* is used in cases of violence against women. This study focuses on dispute resolution in cases of violence against women. We hope it will strengthen the IWDA's campaign to eliminate violence against women by providing the evidence on which to base its future programs.

Research objectives

The overall purpose of the study is to conduct participatory research that encourages meaningful reflection on *somroh somruei* in cases of violence against women with the ultimate aim of developing recommendations to improve existing practices to better meet the needs of families in conflict. The research seeks to increase understanding of current practices of *somroh somruei* in cases of violence against women by identifying and documenting common contemporary local reconciliation practices and methods as they relate to cases of violence against women as well as the experiences of women and men who have been through the process. In particular, we identified the role and methods of conciliators; the key steps, typical sequence of events and outcome of reconciliation; and the strengths and weaknesses of the process, including potential points of entry for interventions. Put simply, our research seeks to answer the question: Does local reconciliation work in cases of violence against women in Cambodia?

Methodology and limitations

We reviewed previous research on domestic violence and local reconciliation practices in Cambodia. (See above).

Following the review and prior to conducting interviews, two of the Khmer researchers collaborated with the English-speaking researcher in designing interview guidelines. (See ANNEX 1: INTERVIEW GUIDELINES).

We conferred with staff members from the NGOs ADHOC and Banteay Srei (BS). The NGOs have considerable experience providing support related to violence against women and reconciliation through the Community Action Against Violence Against Women (CAVAW) Project in Siem Reap and Battambang. They also have extensive contacts in the areas where the research was conducted and provided us with invaluable assistance in identifying communes and villages where we were likely to find respondents willing to share their experiences of local reconciliation practices.

We carried out interviews in eight villages in Pouk and Angkor Thom districts in Siem Reap province and Bansay Treng and Ommail districts in Battambang. We selected villages where: 1) NGOs have been actively addressing domestic violence against women through the IWDA-funded CAAVAW Project and other initiatives; and, 2) campaigns against violence against women have only recently begun.

We conducted informal in-depth interviews with women, men, conciliators and district, commune, village and police authorities who have directly experienced local reconciliation in cases of violence against women in two provinces. We met with ADHOC and BS employees in Siem Reap, Battambang and Phnom Penh to broaden and deepen our understanding of the process. The interviews generally took place at the home or workplace of the respondent. We conducted 66 interviews in three

provinces over a six-week period in March and April 2008. Interviews with key informants took up to two hours and field interviews generally lasted from 40 minutes to one hour. Interviews in Siem Reap and Battambang were conducted over an eight-day period in March.

The research team consisted of five Khmer and one foreign researcher. The bulk of the interviews were conducted in Khmer by the Khmer researchers, but a few were conducted jointly by a team consisting of one Khmer and an English-speaking researcher, with the Khmer researcher acting as interpreter when necessary. We encouraged respondents to take as much time as needed to share their perspectives and experiences. Due to the sensitive nature of violence against women in the home, female researchers were matched with the female respondents who had experienced abuse. Researchers also interviewed each of the parties to a dispute separately, privately and out of earshot.



Photo 1: A Domrei researcher interviews a *somroh somruei* conciliator.

After preliminary questions relating to the characteristics of the respondents, we asked questions about their personal experiences with *somroh somruei*, their opinion of the practices and methods undertaken during the process, the parties involved and the outcome. While documenting his or her side of the story, we attempted to identify the people who played a key role in the reconciliation. We subsequently conducted mirror interviews to describe and record the reconciliation process from a variety of perspectives. We later compared the views of the various respondents to understand the process more comprehensively and to gauge its real and perceived effectiveness.

Priority was given to the Khmer terms Cambodians commonly use when referring to informal conflict resolution because it was felt that this was an effective way to communicate the reality of everyday life in Cambodia, especially given that this research study is the result of oral accounts that

were described to the research team in Khmer.

We tape recorded 38 of these conversations after obtaining informed verbal consent from respondents. Informed written consent was also secured from those who appear in the photographs in this report. In the interest of protecting confidentiality, the names of respondents have been changed and the names of the villages where they reside will not be disclosed.

Prior to conducting the field work, the field research team established a referral mechanism. We agreed to notify ADHOC and BS field staff if a respondent disclosed she (or he) was currently experiencing domestic violence of which the NGOs were

not already aware. NGOs were aware of ongoing domestic violence in all of the cases in which it was reported to us and therefore no one was referred.

After analyzing our data, we summarized our major findings in a PowerPoint presentation, which we shared with staff members from ADHOC and BS who are participating in the CAAVAW Project. The March 31, 2008 workshop took place at the Domrei office in Phnom Penh. We challenged the workshop participants to brainstorm recommendations based on the following questions: How can the *somroh somruei* process be improved to better meet the needs of families in conflict? What can NGOs do to strengthen the *somroh somruei* process? We noted the feedback and recommendations suggested at the workshop and incorporated them into this report.

This study deeply probes how some Cambodia villages and villagers attempt to resolve cases of violence against women. It is a collection of testimonials and case studies. While it may offer unique insights into how the emotionally charged and highly sensitive matter of domestic violence is dealt with, the study is not meant to be representative of how the nation as a whole responds to this issue.

MANAGING VIOLENCE AGAINST WOMEN THROUGH SOMROH SOMRUEL

The *somroh somruei* process

Four cases

The following cases illustrate how Cambodians use *somroh somruei* in cases of violence against women. The experiences of all but one of the couples interviewed for this study are similar to those described in the first three cases. The fourth case describes the story of the only couple we encountered that has obtained a legal divorce.

By describing the experience from a variety of perspectives, we hope to give readers a more complete and richly textured picture of *somroh somruei*. The case studies include details about the nature of the conflict and some of the common perceptions about the triggers and causes of conflict. They chronicle how women typically seek help in such cases and whom they turn to for assistance. The case studies reveal the steps, sequence of events and mediation methods involved in *somroh somruei* and offer insights into how respondents feel about the process and its outcome.

Some inconsistencies were noted in certain details provided in the cases we documented and men, in particular, tended to under report their violent behaviour. Overall, however, wives and husbands were remarkably candid in revealing very personal details of the conflicts they've had in their relationships, including specific examples of behaviours of their own that contributed to a dispute. After comparing the various responses for each case, on the whole we found the accounts to be consistent.



Photo 2: Respondents were remarkably candid and, on the whole, cases were found to be consistent.

Case 1: A couple describes how alcohol use has frequently been a trigger for conflict in their home. The wife disapproves of her husband's alcohol use while he wonders why she nags him about "a little drinking." After arresting the husband for hitting his wife and her mother, the police tried *somroh somruei*, which concluded with a reconciliation agreement. But when that didn't work the couple sought help from the village chief to separate. They agreed to divide their assets and thumb-printed a separation contract. The wife later regretted her decision to split from her husband and asked the village chief to persuade her husband to return. The wife, husband and village chief all say the violence has stopped, but the wife still wishes her husband would stop drinking.

Wife: 26, farmer, palm juice vendor

I'm not sure when my husband first started beating me. Often when my husband used to get drunk, we'd argue. Sometimes he would hit me. Usually, I'd run to a neighbour's place after he hit me.

The last time we argued was earlier this month after my husband returned from the field. He drank wine and I complained. He was angry because I pushed him and he hit me. In the past year, my husband has hit me once.

One time when I was pregnant, my husband hit me so hard when he was drunk I bled so I went to the police post. The police told the village chief and my husband to come to the police post. The police warned my husband to stop hitting me. Then we put our thumbprints on a reconciliation contract, but my husband was still drunk.

The village chief told me instead of going directly to the police, I should have gone to him for help first.

The abuse didn't stop so I went to the village chief to help me separate from my husband. We put our thumbprints on a separation agreement that the commune chief prepared. But I missed my husband and I wanted him to come back so I asked the village chief to help me reconcile with my husband.

Initially, my husband didn't want to return home, but eventually the village chief convinced him to come back because my husband was worried about our children. After he returned home, we didn't tear up the separation agreement.

My husband doesn't hurt me anymore because he is afraid of the village chief so somroh somrueal is good. But I want husbands to stop hitting their wives and the police should think more about that.

During somroh somrueal, my husband promised to stop drinking but he is still drinking. Somroh somrueal would work better if the village chief told my husband to stop drinking.

Husband: 27, construction worker

I can't remember the first time there was violence in our family, but it was many years ago. In 2007, I hit my wife once when I was drunk because she came to get me when I was drinking and I didn't want to go.

I told her, "I am a man and I'm just drinking a little. What's the problem?" My wife tried to push me down a well, but I didn't fall down. I didn't hit my wife, but the police arrested me and took me to jail. My mother bailed me out. I didn't tell anyone that I was arrested because it was a private family matter.

The police told me to stop beating my wife and I replied, "I was just drinking a little, what's the matter? Why did my wife curse my mother? I'm not happy. If she curses me, that's OK, but don't curse my mother."

The police prepared a reconciliation contract. My mother was there as well as my wife, the village chief, the police and my mother-in-law. The police warned me to stop being violent because it's bad for the family.

Later, my wife and I decided we wanted to separate so we went to the village chief's house for help. We thumb-printed an agreement to separate and to divide our property.

But later on I was called back to the village chief house because my wife had urged him to help us reconcile. The village chief encouraged me to reconcile with my wife for the sake of our children. I went back to live with my wife. The village chief told me if, in the future, I want to divorce my wife, I would have to go to court.

In our case, somroh somruel was good because the village chief helped my wife and I love each other and avoid fighting. He also had suggestions for earning money to support the family.

Police

When the village chief and villagers told me about this case, I immediately began searching for the husband on my motorcycle and continued searching all night until morning. The husband was crazy. He continued hitting his wife even after his mother-in-law tried to stop him. He hit his mother-in-law also.

When I found him, I pulled out the handcuffs and said “you should handcuff yourself because you made the mistake and I didn’t sleep all night.” I ordered him to stop abusing his wife, handcuffed him and kept him in jail overnight.

We told him he shouldn’t drink alcohol because often domestic violence is linked to alcohol use. We told him he should participate in public awareness campaigns on domestic violence in his community and he agreed.

We told him that if he agreed to change his behaviour, he should thumbprint the contract. We stressed that he and his wife would both have to honour the terms of the agreement for it to work. The mother-in-law participated in the reconciliation meeting and made suggestions about the contract. I wrote the contract, then read it aloud to everyone and asked if they all agreed or disagreed. When they said they agreed, they all put their thumbprint on it.

A month later I asked the village chief about the couple. He said the couple wanted to divorce but he didn’t know why. The police agreed that according to traditional law, the couple could dissolve their marriage at the local level after the commune chief prepared a separation agreement.

Conciliator: Village chief, 56

This couple was always having conflicts. I first learned about the violence from the wife’s mother. She complained that her son-in-law hit her when she tried to stop him from beating her daughter. I referred her to the police. The mother complained to the police and they immediately went to arrest the husband. But they didn’t find him until the next morning. He was handcuffed and put in jail overnight.

The wife and her mother went to the police post for somroh somruel. They all thumb-printed a letter of promise that the husband would stop the violence against his wife. But the police couldn’t resolve the conflict because the wife and husband insisted they wanted to divorce each other. The police said they couldn’t grant the couple a divorce. They referred the couple to the commune council and me and they forwarded a copy of the promise letter to me.

I called the wife, her mother and the husband to my home for somroh somruel. I gave them a lot of advice. But the husband and wife kept insisting they wanted to divorce.

The wife wanted me to divide the couple's property. The husband wanted one cow and the land that his mother had given him when he and his wife married. He also wanted custody of one of their children. But the wife didn't agree. She wanted to give her husband \$365 instead of the cow and she didn't want him to have custody of the child. The husband accepted.

I said, "I can't make that decision. You have to go to the commune or to court. I can only be a witness to an agreement you make." I wrote a separation contract. It included the wife's promise to give her husband \$365 and the land. We all thumb-printed it.

But the wife didn't give the money to her husband after 10 days as she'd promised she would. She asked me to help her reconcile with her husband. I did and they got back together. The family has stopped fighting and I think if they live together, it's better.

Case 2: Alcohol use, by both the wife and husband, is also to blame for the violence in this couple's home, say the couple and the village chief. The wife sought help from NGOs when she was wounded during one particularly nasty fight with her husband. While their recollections of certain events differ somewhat, the wife and husband agree that their violent confrontations stopped after *somroh somruei* conciliators convinced them they should both quit drinking. *Somroh somruei* also helped the husband appreciate the impact the violence was having on the family and especially his children.

Wife: 48, palm juice maker

Whenever violence happened in our family, it was always when my husband and I were drinking alcohol. When we both decided to stop drinking alcohol, we never had any more problems.

It happened three or four times before I told the village chief, who lives near us, because I couldn't tolerate it anymore. When the village chief arrived at our house, he said we were both responsible for the domestic violence. He said he wanted to help us live together safely. I also told the GPN [Gender Peace Network] about the domestic violence and asked her for help.

One time, when we had three of our five children, my husband hit me with a stick on the side of the head and Banteay Srei took me to the hospital. The GPN suggested my husband and I stop drinking alcohol and we stopped. We agreed verbally, we didn't make a written contract.

*Since the GPN and village chief helped us with *somroh somruei*, we still get into verbal arguments sometimes, but we are never violent towards each other. It worked because we decided in our heart that we didn't want to use violence anymore.*

Husband: 44, palm juice maker, rice farmer

[The husband's recollection of the couple's violent past is slightly different. While his wife said she and her husband were both responsible for the conflict, the husband puts much of the blame on his wife.]

We had domestic violence because my wife drank alcohol. My wife and I argued because my wife traded the rice we needed to eat for alcohol. We haven't had any

violence in our home since 2006. That's when my wife stopped drinking alcohol. My wife would hit me when we argued and run away even if I wasn't drunk at the time.

The village chief is my uncle. He told me not to ask my wife to come back. She came back on her own. The village chief helped us through somroh somruei. The village chief told my wife if she did not stop drinking alcohol, I would not allow her to come home. He told us to love each other and stop making conflict with each other.

He pointed out that when we fight, we lose money and waste time that we could use earning money and it makes our children embarrassed, especially with their friends. Also, we have to pay money to treat our injuries. After that, my wife stopped drinking alcohol and I stopped too.

Somroh somruei is really, really good. It made me understand the disadvantages of domestic violence. It makes the family poor, the children can't study, it's a waste of time we could be using earning an income to support the family, and helped us decide to stop drinking alcohol.

Now, my children are doing well in school and getting good grades. When we stopped the domestic violence in our home, our oldest son went to the pagoda to become a monk. Before that he had told us, "When you drink alcohol, I can't study. I'm embarrassed because I have parents who drink alcohol and fight each other."

I'm really, really satisfied with somroh somruei that the village chief provided us because he helped us stop the violence and focus on supporting our family.

Conciliator: Village chief, 52

[The village chief didn't mention that he is the husband's uncle. As he is related to one of the parties in this dispute, some of his responses may be biased.]

I knew about the domestic violence in this case because my house is near the couple's house and I heard them arguing. I couldn't help until the couple told me they wanted my help. The husband and wife often argued when they were both drunk.

The wife was more argumentative than the husband and cursed his mother and father. She complained that her husband did nothing but drink all day. He was angry and hit his wife and BS took her for treatment at the hospital.

Later, I asked BS to take part in somroh somruei. We met two or three times but it wasn't successful. The couple always ended up using violence against each other. I told the husband he should tell his wife to leave the home if she continued to drink alcohol. The wife left the home for a year and while she was away the husband stopped drinking alcohol. After the wife returned, the couple asked for help.

I told the wife I would not provide somroh somruei until she stopped drinking alcohol. She agreed and then the deputy village chief and I helped them with somroh somruei. They both caused the problems that led to domestic violence. But the husband was more physically violent than the wife.

Case 3: The husband's alcohol use and squabbles over money trigger conflict between the wife and husband that dates back to when they were first married six years ago. The wife's father and a GPN member have both tried somroh somruei, but it has not been as successful in this case as the previous two because the husband (by his own admission) refuses to participate. The

husband and wife have promised not to argue with each other, but the wife continues to fear that her husband will abuse her. She is frustrated that *somroh somruei* hasn't been more helpful.

Wife: 26, farmer, housewife

Shortly after my husband and I were married [when I was 20], my husband began beating me once or twice a month. The last time my husband hit me was about two weeks ago.

Usually, my husband becomes violent when I refuse to give him money that I need to use for the family and to repay debts. We argue when my husband uses his pay to buy alcohol instead of food and he often gets into arguments with me when he comes home drunk. We don't usually have any problems when he is sober.

For a long time, I never told anyone about the abuse. I kept quiet and tolerated it. Even when my brothers and sisters would visit, I never said a word about the abuse to them. But one day I ran to my aunt's house after my husband beat me badly when he was drunk.

[Later] some neighbours who knew about the abuse took me to the GPN's house to get help. I told her my story about the abuse and I asked the GPN to please help me find a safe place to stay because my husband was hitting me a lot and I couldn't tolerate it anymore.

*At her home, the GPN told me to remain calm and not to talk back to my husband when he argues with me to avoid being beaten. [Although the woman didn't mention it by name, it is likely the GPN was counselling the woman according to the *Chbab Srei*]. My husband didn't participate in *somroh somruei* provided by the GPN.*

The GPN told the commune council about my case. I also complained to the police. But the police only talked to the GPN and me and not to my husband, which is not fair. They didn't solve the problem. They should have taken my husband away and educated him about domestic violence.

My husband promised to stop beating me and for a while the violence stopped but then my husband started hitting me again and I stopped believing anything he said. I didn't know what more I could do to stop the abuse. Promises. Promises. I'm the only one keeping them.

I asked the GPN to educate him, but my husband refused and after that I didn't know what to do or think. The GPN, group leader and village chief stopped doing anything about the abuse.

My husband continued beating me. One time, he beat me until I was unconscious. An older [brother or sister of the victim] told the GPN about it and the GPN came to our house and asked my husband, "Why did you hit your wife until she was unconscious. Weren't you afraid she would die?" But my husband only replied, "If she had died, we would have had a funeral for her." The GPN said, "You don't have money for a funeral."

My husband hasn't hit me since then. I was really happy when the GPN came to help reconcile us. But I worry that my husband will beat me again. We didn't make a [written] reconciliation contract. We only made a verbal agreement to reconcile. I

hate it when he drinks alcohol. The GPN told us to try not to make conflict with each other and to focus on earning an income to support the family.

The GPN doesn't visit my home anymore because she has too many other things to do. I don't want to get a divorce because I worry that it would make my children miserable. Instead, if he beats me, I will tolerate the abuse.

Husband: 32, farmer, furniture builder

[The perpetrator's story in this case changed frequently. Initially he denied that any domestic abuse had happened and then he said it had occurred but only once. Eventually, he admitted that he had abused his wife as recently as "7 a.m. last week," but later he claimed that besides that one incident he and his wife had only had verbal arguments. He downplayed the violence, did not appear to be remorseful about it and denied beating his wife until she was unconscious.]

Since I've been married, violence has only happened once in my family—last week at 7 a.m. But we reconciled and now everything is OK. On that day instead of going to work in the field, I went with my friend to drink alcohol. My wife was angry with me when I returned home. We exchanged a few angry words and I could not tolerate it. I hit my wife.

I drink until I am drunk when I'm stressed. The last time I was violent, I hit my wife three times. My wife just stays quiet when I hit her because she is too small to defend herself. I don't hit her that hard. If I did she would die.

I think my wife told the GPN, the police and her parents about the abuse, but I'm not sure. After the fight, I cooked some rice and went to work. I didn't tell anyone about the abuse. My wife urged me to talk to the GPN with her about the abuse, but I was too busy working. No one else tried to reconcile us.

The somroh somruel process is not good because I didn't get any advice about the disadvantages about domestic violence. Somroh somruel would work better if both people participate. In the future if there is domestic violence in my family, I will join in the reconciliation process.

When I don't work a full day, my wife blames me and I get angry. When we get into a fight, my wife usually runs to her mother's house, eats rice with her mother and leaves me alone at our house. That also makes me angry and I hit my wife. If she stays at home and doesn't run away, I don't hurt her. I just fight with her using words. I've warned my wife not to run away to her mother's house because we are a family and should not be depending on her mother. Her mother doesn't earn money for our family.

Family member: Father of the wife, 56, farmer, bicycle and motorcycle tire repairperson

My son-in-law often hits my daughter. At least two or three times per month, they get into a fight and one of them runs away. Sometimes they fight because my son-in-law drinks alcohol and sometimes it's because my daughter nags him so much after he gets home from work. Sometimes they fight late at night and wake the neighbours.

Another child of mine who lives near my daughter told me about the abuse because that child was too afraid to speak directly to my daughter and son-in-law about it. The abuse always happens when my son-in-law is drunk. I used to talk to him about it after he sobered up, but he never said anything. I always asked him "to think of the

effect your fighting is having on your children” and told him, “When you fight with each other, my grandchildren have nothing to eat.”

I’ve tried reconciling my daughter and son-in-law. I talked and talked to them in their home, but they never listen or refuse to talk to me so I gave up trying to help them. I told my son-in-law to stop drinking alcohol. I told my daughter and son-in-law that being poor is miserable for us. I asked them, “If you don’t have any rice to eat, why are you fighting?”

In my opinion, domestic violence is not the fault of the husband or wife. If the husband goes to work, the wife should cook rice for the husband so that he has something to eat when he gets home and then he will not get angry.

My daughter complained about the abuse to the village chief and the village chief told an NGO, which referred the case to the police post. And then I don’t know what happened. The GPN and village chief have talked about the abuse.

I think the problem would be solved if the village chief had my daughter and son-in-law agree to and thumbprint a reconciliation contract. And if they break the contract, the case should go to court.

I didn’t complain about the abuse because I didn’t want to make the problem worse and I am the group leader.

Somroh somruei has not been successful in this case because only my daughter has taken part, which is like trying to clap using only one hand. Cases in which somroh somruei is not successful should be referred to the legal system and the police.

Conciliator: GPN member, 55, farmer, former commune council member responsible for women and children

A child in the village told me about the domestic violence after the couple had been heard arguing all night. In the morning, I went to the home. When I arrived at the home, I called out, but no one replied. I asked the couple’s children where their mother and father were. The children said their mother was in the house so I went inside.

I found the wife asleep on a mat and the husband asleep in a hammock. I asked them, “What happened?” The husband said he had hit his wife until she went unconscious so I shook the wife. She slowly opened her eyes. I asked her if she was OK.

I asked them again to tell me what had happened. The husband said he hit his wife because he was angry. I told him he should focus on earning money for the family rather than drinking alcohol, arguing with his wife and beating her. I asked him, “If your wife dies, who will take care of your children?” I told him that he would go to jail if his wife dies. “If you’re in jail, who will take care of the children?” He said he’d have his mother take care of the children. I said, “The next time you argue, do not use violence.”

I explained the law on domestic violence to them. The husband said he understood. I told him, “If you understand then you should stop using domestic violence” and he promised to stop.

But three days later, he hit his wife again. The victim stayed at my house for three days. I wrote a letter about the abuse that my children delivered to the village chief. The village chief had his nephew inform the police about the case. Then the police wrote a letter, which I delivered to the husband, summoning him to the police post. But he did not go.

I don't know what happened next. I just know that the family is now living together. But now when the wife curses the husband, he keeps quiet.

Case 4: The wife and husband in this case have had several experiences with *somroh somruei* over the course of their rocky relationship, which has included a marriage, legal divorce, reconciliation and separation. The police, a family member and village chief all tried to help the couple settle their differences. The wife blames alcohol for her husband's violence. While the husband agrees that he and his wife had their share of conflict, he denies ever beating his wife. The couple separated for good after the wife stabbed the husband with a knife.

Wife: 40, farmer, cake vendor

I tolerated the abuse for four or five years until I divorced from my husband in 2000. When he returned home after drinking alcohol, he would throw pots and plates, curse me and hit our children and me. When I was pregnant with our youngest child, the family was very poor.

I moved away to live at Prey Veang province, but returned after a year. Some time after that, my husband beat me until I bled. I decided I could no longer tolerate the abuse and wanted to get a divorce.

I asked the police for help divorcing my husband. The police said they couldn't give me a divorce, they could only order my husband to stop the abuse. The police told me to contact BS, the village chief and the GPN.

My husband went to his parent's house and took our youngest daughter with him.

The GPN referred me to an NGO. The NGO wanted me to stay at their place for three months, but I only stayed one day and then returned home. I didn't want to stay any longer at the NGO because I was worried that there was no one to take care of my home and no food for my children to eat. When I returned home, the NGO asked the village chief to check in on me because I was afraid my husband might hurt me.

The village chief confirmed with me that I wanted to get divorced and then wrote a letter to an NGO requesting they help me get a divorce. At the NGO office, a lawyer interviewed me about the case and wrote a report. The lawyer confirmed with me that I wanted to get a divorce and told me I could demand custody of our youngest daughter. I stayed at the NGO three nights.

The court gave us a divorce.

After our divorce, I didn't have any problems with my ex-husband for a long time. He had married another woman and they had one child together. But they separated and then my husband told me he wanted to reconcile with me. Some of the local authorities and members of my family persuaded me to reconcile with my ex-husband if he promised to correct his behaviour and not abuse me.

He promised he would change, so I took him back. I also took him back for the sake of our children. We did not make a contract [or legally remarry] when we reconciled, but we had a small party to celebrate our reconciliation.

About four months after we got back together, my husband started beating me again. A couple of months after that, he threatened to hit me with a ladle. I kept quiet.

My husband then went to the field to gather wood. I was so angry I cursed him later when I took him some rice. I asked him, "Why did you say you would quit hitting me when you continue to beat me?" We argued. I stabbed him with a knife and it made him bleed.

I told my husband he should go to the village chief and to the police post so we could get a divorce, but he didn't go. I told my husband to leave our house and take his money with him.

After our fight, we didn't ask anyone for help. We decided to separate ourselves and since then, everything has been peaceful in the family.

Husband: 37, farmer

I first had conflict with my wife in 1997. We had small problems that turned into big arguments because our family was very poor. But I never hit her. We couldn't get along so I moved away from the home.

The last time violence happened was 2006. In the morning, my wife and I argued because she had not prepared the rice and she left angry.

Then, I went to the field to cut some wood for my mother and later my wife brought me some rice. But I was sleeping and anyway it was too late for lunch and I felt drunk. My wife was angry. She set down a packet of rice for me and then pulled my hair and stabbed me with a knife. I didn't say anything. Some people nearby were worried I'd hit her back, but I didn't.

My wife's older sister tried to help resolve our conflict through somroh somruei, but my wife and I were too angry with each other. So my sister-in-law suggested we go to court so we could finish somroh somruei at the court level.

Before we went to court, domestic violence had happened five or six times. My wife sometimes would hurt me, but I didn't complain because I was lazy and I didn't want people to know.

Several times over the course of our marriage before we divorced, the village chief also tried to help resolve our conflict using somroh somruei, but it never worked. It made our problems worse.

We eventually decided to divorce because we couldn't live peacefully together. It took us about five months to get a divorce. For two months, somroh somruei was tried at the village and commune level and at the police post and then our case went to court. We appeared before the court five times in three months before we got a divorce.

Sometimes I'm glad we got a divorce, but other times I worry that I'll grow old all alone.

Conciliator: Older sister of victim, 48, housewife, wife of police officer, conciliates domestic disputes

When I overheard my sister and brother-in-law arguing and being violent, I separated them and tried to calm them down. No one taught me about somroh somruel. I do it because I pity victims of domestic violence. Somroh somruel is good when it minimizes conflict in the family.

Conciliator: The respondent conciliated in the case when he served as village chief from 2003 to 2006.

In this case, the husband drank alcohol and cursed and hit his wife. After that, the husband came twice to my house and told me, “My wife won’t let me sleep with her,” We tried somroh somruel twice. The first time, I told the husband to stop the domestic violence because it disturbs others. Then, he listened and followed my advice. The second time, the husband called me again. I talked to them, but the wife refused to listen and left. Later on, they decided to divorce and their case went to court. I went to court with them. After that, the husband married another woman and they had one child. But they separated and later he reconciled with his first wife. But they separated after they had a big fight. The wife stabbed the husband with a knife.

Police:

The wife wanted to divorce her husband because he hit her. On two different occasions, I made a contract to stop the violence. But the conflict continued so I referred the case to the CWCC and the couple went to court to get a divorce. After the divorce, the husband married another woman and they had one child together. They separated and the husband got back together with his first wife. But they had many conflicts and they separated again. I haven’t any problems with them since.

Seeking help

Victims of domestic violence do not usually report the abuse immediately. Their first reaction is to keep quiet. Victims are abused at least two or three times before they seek help.

“I never told anyone my husband hit me, not even my brother or my mother. My brother figured it out himself. After he saw a scar on my skin, he asked me, ‘Did your husband hit you?’ I hid the problems from my brother because I was ashamed of what my husband did and didn’t want others to know.”

—Mrs. Kor, 26, Leang Dai commune



Photo 3: Women keep quiet about abuse until it becomes intolerable and then they seek help first from family.

“I did not tell anyone that my husband beat me until the third time he hit me and then I complained to the village chief. Then the village chief asked me

and my husband to come to his house and provided us with some advice. He helped us make a [verbal] reconciliation agreement.”

—Mrs. Sor, 57, Reul commune

Victims usually seek help from close relatives first and if they don't have family who live nearby, they turn to friends and neighbours for assistance. In serious cases of domestic violence, in which the physical harm to the victim is particularly severe, she often will seek help directly from local authorities, police or NGOs.

“I just told the village chief, ‘I had a fight with my husband. I am very hurt please go arrest my husband.’ Immediately, the village chief contacted the police and then the police arrested my husband and took him to the police post, but I did not go with him.”

—Mrs. Nhor, 43, Omal commune

“My neighbours came to help me even though I did not ask them for help after I was beaten by my husband. Then I complained to the police by myself because I was afraid my husband would beat me to death. I contacted them because I thought the police would have the power to help me. If this had been a small problem, I would not have told the police.”

—Mrs. Sasa, 26, Doun Keo commune

Sometimes victims do not request assistance. Instead, neighbours will alert the local authorities or an NGO worker about a case of violence against women with the expectation that the victim will receive help.

“When neighbours suspect domestic abuse is happening in a family, they aren't usually quiet about it. They tell someone and that person tells someone else. Word about the abuse usually spreads through the village.”

—Mrs. Voe, 60, Omal commune

“I learn about domestic violence in different ways. Sometimes neighbours will phone me. Sometimes neighbours come directly to the police post to report domestic violence because they know the victim is very afraid and dares not complain because if her husband finds out, he will mistreat her even more.”

—Mr. Chor, 41, police officer, Doun Keo commune

“Generally I learn about domestic violence cases from neighbours, but sometimes the victims tell me about the abuse. In my village, I'm usually the first to learn about domestic violence then the village chief and commune chief are informed about it.”

—Mrs. Vicheath, 48, Gender Peace Network (GPN) member with 10 years experience conciliating in domestic violence cases, Angkor Thom district

Sometimes village and commune councils or police intervene directly in a case of domestic violence.

“In the past, if victims didn't complain, the local authorities didn't intervene in cases of domestic violence. But now police respond more quickly and will intervene even if the victim doesn't complain.”

—Mr. Sovannara, commune chief and Mr. Sopheap, commune council member, Angkor Thom district

At least one village chief prefers not to get involved in domestic violence cases unless the couple asks for assistance.

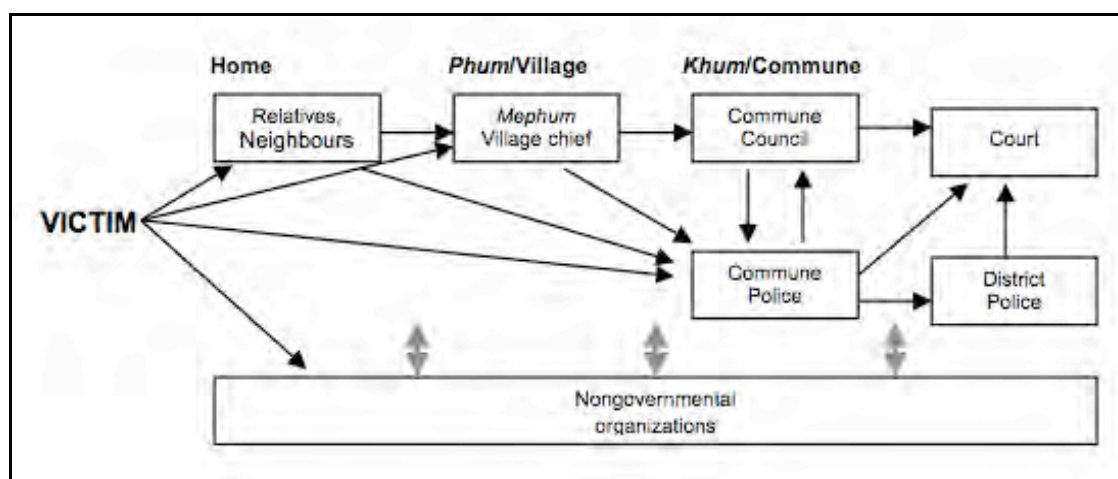
“If couples don’t want *somroh somruei*, I don’t like to interfere because the couple will look down on me and criticize me for getting involved in a private family matter.”

—Mr. Kao, 52, village chief, Reul commune

Key steps, players and the sequence of events

Table 7 summarizes the key players, steps and sequence of events in *somroh somruei* in cases of domestic violence, according to those interviewed for this study. If a victim is unable to solve the conflict after seeking help from close relatives, friends and/or neighbours she usually goes to the village chief, GPN or both for help. In cases where the physical harm to the victim is particularly severe, the victim will sometimes go directly to the police. Cases that the village chief is unable to resolve are referred to the commune council, police or the court. NGOs provide support throughout the process.

Table 7: Key steps and players in *somroh somruei* and the usual sequence of events



Generally, the costs associated with *somroh somruei* increase the further up the hierarchical ladder disputants go for help in resolving a dispute. It is difficult to accurately quantify the costs. While they may be expected in exchange for providing services, many of the fees and especially those charged by the police are unofficial and vary depending on the people involved. Police deny charging any fees but they say they do accept cash incentives from victims if offered. Victims, on the other hand, say the police demand money in exchange for arresting and releasing their husbands. Similarly, NGOs and at least one court official provided different estimates for some of the fees charged by the court. Some fees such as the cost of filing a complaint are official and standardized. Costs also rise sharply the further disputants are required to travel to access services. Table 8 summarizes the costs associated with *somroh somruei*. The cost of taking a dispute to police and/or court are considerable given that the most recent estimates⁶⁸ peg average gross annual national income in Cambodia at \$480.

⁶⁸ See World Bank report at <http://www.doingbusiness.org/ExploreEconomies/?economyid=33>.

Table 8: Costs associated with *somroh somruel*

HOME	VILLAGE	COMMUNE	POLICE	COURT
No fees or travel costs	No official fees or travel costs	No official fees, but possibly some travel costs depending on the distance to commune council headquarters	No official fees, but some sort of compensation is almost always expected. Fees paid vary. Arrests: About 10,000 riels Bailing perpetrator out of jail: 30,000-1 million riels, depending on the severity of case	Official and unofficial fees are charged Filing complaint: 55,000 riels Summons: A court official said the cost is a one-time fee of 100,000 riels; an NGO said the fee is 17,000 riels and is charged every time the disputants are summoned The victim must pay this fee Judgment: 30,000-100,000 riels, according to NGO Travel costs also may be considerable depending on the distance to court



Photo 3: Mediation methods vary depending on the conciliator.

Conciliation methods and approaches

According to conciliators, they must understand the cause, nature and frequency of domestic violence in each specific case and the character of the women and men involved to successfully reconcile their conflicts.

“If the causes are adequately understood, reconciliation is most often successful.”

—Ms. Daphea, commune council member, Leang Dai commune

Most conciliators are at a loss for words when asked to explain the methods and approach they use to conciliate cases of violence against women. They usually make only vague references to “counseling.” But when asked to describe specific examples of cases they’ve conciliated, it is clear they rely on their common sense, personal experience, a basic knowledge of the

law and human rights principles, Buddhist precepts and traditional codes of conduct for Khmer women and men—the *Chbab Srei* and *Chbab Proh*. (See ANNEX 2: *Chbab Srei and Chbab Proh*).

“The best part of [local reconciliation] is that it is kept at the community level ... Local authorities have good skills in reconciliation in both serious and not-so-serious cases.”

—Mr. Rith, deputy chief with over 20 years experience with the district, Angkor Thom district

“When domestic violence happens in my village, I always separate the man from the woman because the woman can’t defend herself like a man. Usually, people come to me and ask me for *somroh somruei*. I rely on my own experience and use the *Chbab Srei* and *Chbab Proh*.”

—Mrs. Sokha, 50, GPN member for five years, Leang Dai commune

“When I conciliate a case, I refer to the law on domestic violence and warn perpetrators they could spend up to 10-15 years in jail for domestic abuse. I educate and counsel. Most couples listen to me and follow my advice. I stress the consequences of domestic violence and the disadvantages to the family such as the money it costs, the time spent fighting that could be used taking care of children and earning money and health problems from physical violence such as making women unable to breastfeed.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

Police interview the husband and wife separately to determine the cause of a dispute and then try to convince the couple to change the behaviour that is triggering the conflict. If the husband and wife agree, police have them thumbprint an agreement promising they’ll change.

“*Somroh somruei* works well when we are able to help the couple understand the circumstances of each case and to determine the causes of the violence—for example, whether it is related to alcohol, gambling or a lack of money to support the family—and the behaviour that is causing the conflict. When they agree to change their behaviour, we make a contract for them to thumbprint. The contract is considered a legally binding agreement. But sometimes a husband or wife disagree and deny that certain of their behaviours are causing problems.

In general, we interview the wife and husband separately and ask them what they think is causing the conflict and what they think would solve the problem. We make note of their answers and then we ask the husband and wife to explain why they are doing the behavior that is offensive to their partner. We ask the husband and wife if they are willing to change their behaviour and if they are, we make a contract and have them thumbprint it.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

One commune council member pointed out he doesn’t refer to culturally defined codes of conduct for women and men because they contradict human rights principles.

“When I meet couples who are fighting, I immediately separate them. Then I advise the perpetrator based on the law. Some perpetrators think it is legal for them to use violence in the family and I explain to them that they are wrong. I

explain the domestic violence law. I tell him about the role local authorities have in stopping domestic and I also tell them my job is to help couples live peacefully together.

Mostly, I do not rely on custom [such as the *Chbab Srei* and *Chbab Proh*] because it contradicts the law [and human rights principles]. But I usually draw on the Buddhist precepts because human rights [principles] are consistent with the Buddhist precepts. I also try to give real life examples of good behaviours in the commune and point out good role models in the village.”

—Mr. Bean, deputy commune chief, Omal commune

Table 9: *Chbab Srei* verses

The *Chbabs* are a collection of ancient texts. The *Chbab Srei* is a treatise on women that continues to strongly influence relations between women and men today and is commonly referred to by conciliators of domestic violence cases.

The *Chbab Srei* proverb outlines a mother’s advice to her daughter on her duties to her husband. In it, women are warned of the misfortunes that may befall them should they behave improperly towards their husband.

Arrogance is unacceptable while patience, submissiveness and resigned attitudes are praised. Verse 76 of the *Chbab Srei* advises women to “show your conciliatory nature by keeping silent.” The text encourages women to show themselves to be inferior to their husbands. “You must support and fear him because you are a woman and in your speech avoid posing as his equal,” verse 52 says.

When arguments happen, women should bend to the will of their husband. “If your husband offends you ... retire to your room to think. When you come out of your room, speak kind words to dissipate the affront. If you do not fear nor listen to your husband’s advice, you will bring discord to your household. The peace will be broken, your name shall be reviled and there will only be quarrelling. Should this happen, you shall not be considered a lady. You shall be seen as unruly, a shrew, a shameless woman,” say verses 79 and 80, 83-85.

Women are advised not to confide in others about their domestic problems because it will only make matters worse. Verses 54-60 of the *Chbab Srei* say: “If your husband makes improper remarks do not repeat them to your mother. Resentment would grow if you whispered your mother’s words into your husband’s ear. There would be dissension, angry words and never ending questions [and] no more peace. Tongues would become increasingly active and fuel quarrels with impertinent remarks. Exchanges of words would grow angrier, lengthier and destroy the peace. The discussions might almost tear the village apart. There would be no more chance of lasting happiness.”

Women are warned in verses 39-41 not to “bring the outside fire into your home; leave it to smolder. If you are not careful, you will use the fire inside to fan the flame of the fire outside. [In this way] we stir up the anger in all, including in the children and this is bad and loathsome.”

Source: Loco, *op. cit.*, pp. 21-22

Monitoring and enforcing reconciliation agreements

Monitoring methods also vary from place to place as do penalties and punishments levied for domestic violence. Some communes make repeat offenders do chores, some are detained at the police post or commune office for periods of time and some are fined or threatened with fines as a deterrent against domestic violence.

“Sometimes the local authorities threaten to fine perpetrators of domestic violence 20,000 riels and that discourages them from acting violently. Men or women who persist in aggravating domestic violence cases are apprehended and detained at the district office.”

—Mr. Rith, deputy chief with over 20 years experience with the district, Angkor Thom district

“Men who abuse their wives are sometimes punished by having to clean the commune council office.”

—Mr. Sopheap, commune council member, Angkor Thom district

“Sometimes we handcuff men who abuse their wives and keep them in jail overnight. In the morning, we use *somroh somruel* to counsel them and then let them go home. After that, we observe the family to monitor whether they are still having conflicts.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

NGO-supported Gender Peace Networks and some village chiefs prudently observe the couple and/or make discreet inquiries with neighbours to monitor domestic violence cases.

“... both ADHOC and the Village Chief/Commune Chief will monitor the case after a reconciliation contract is signed. ADHOC [field] staff [say] there is usually no further violence after reconciliation. If a term of the contract is broken (for example, the husband promises not to drink alcohol again but does), there is no enforcement mechanism, but ADHOC will show the contract to the party who broke it and remind them of their commitment. ADHOC staff will also provide further counselling and explain the consequences of their actions. The woman may decide to file a complaint with the court and request a divorce. However, ADHOC staff will give a woman a long time to think about what she wants to do before she files a complaint because they have noted that women sometimes regret filing a complaint.”

—Ms. Doe, ADHOC staff member e-mail

“I know of two cases in 2007 in which the reconciliation contract was broken. In one case, the village chief referred the matter to the police post and in the other case the police post referred the case to the commune council. Since 2002, there has been a significant reduction in the number of couples who break reconciliation contracts. I did not keep a record of those cases, but I know of only two or three families in which the domestic violence is ongoing.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

When reconciliation contracts are broken, the police try to persuade a couple to honour the terms of their agreement, but if that doesn't work, they refer the case to a higher authority such as the district police or court.

“Usually when a couple breaks a contract, we either try to convince the couple to keep the promises they made in the agreement or we refer the case to a higher authority.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

One village chief also threatens to evict violent offenders from the village.

“Nowadays, if the couple breaks the reconciliation contract, I refer the case to the commune and threaten to remove the couple from the village.”

—Mr. Kao, 52, village chief, Reul commune

Police

Neighbours and village authorities often intervene in domestic violence disputes before police get involved.

“The village chief and neighbours will usually intervene in domestic violence cases before police arrive. When police arrive, we ask the village chief and neighbours about the couple and whether the family has a history of domestic violence. We also interview the couple. Later, we will do *somroh somruei*.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

The police are made aware of domestic violence in a variety of different ways, but serious cases should be reported directly to the police post, police say.

“Sometimes the victims, village chief or GPN telephone the police to tell them about domestic abuse. Sometimes the victims come directly to the police post. Other times, neighbours tell the police about domestic abuse. There are many different ways we find out about domestic violence. Neighbours don’t always like to intervene directly in domestic violence cases because they fear they may get hurt if they do.



Photo 4: Police say serious cases of violence against women should be immediately reported to them.

Serious cases of domestic violence should be referred to us. In serious cases, we must immediately summon the victim and perpetrator to the police post for *somroh somruei* and to make a contract. If we cannot solve a serious case of domestic violence we will refer it to the district police for *somroh somruei*.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

The strengthening of laws to combat domestic violence is making it easier for police to stop and prevent violence against women in the home.

“The law is more effective today in stopping domestic violence than in the past and in most cases people respect the law. Using the law is an effective way to correct the behaviour of the abuser.”

—Mr. Sombo, 41, police officer since 1988, police post chief since 1993

However, further training is needed.

“NGOs should hire specialists on the law to teach everyone in a village project area about domestic violence, the law on domestic violence and the law on marriage.”

—Mr. Sombo, 41, police officer since 1988, police post chief since 1993

Some cases of domestic violence are difficult for police to solve. Police refer intractable cases to court, but that doesn’t always resolve the conflict.

“We refer some cases to court. Recently, we referred a case to court in which the wife complained to us because her husband drinks alcohol and hits her every day. We prepared the documents to take the case to court. I know that the couple went to court several times. But a year later the case is still not resolved and I wonder why. In the meantime, the wife sleeps at one of her sister’s or brother’s house because she is too afraid of her husband to stay home. Her husband wants to have sex with his wife, but he cannot because the wife doesn’t stay at home.

After we noticed there was no progress in the couple’s court case, we called the couple to the police post to find out what sort of help they needed. The wife wanted her husband to stop drinking alcohol and stop gambling and the husband wanted the wife to quit leaving the children home alone and to cook the family rice. They all agreed to these terms. We made a contract that we all agreed to with our thumbprints, but the couple later broke the contract.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

Villagers tend to fear the police. The threat of taking a perpetrator to the police post is often a powerful deterrent against domestic violence, local authorities say. However, the fees police charge to arrest and then release perpetrators may also make abused women reluctant to seek the help of police.

“If there is a serious case of violence and police take the perpetrator to the police station, they will require payment to release him and not send him to jail. This is sometimes as much as 1,000,000 riel (US\$250). Sometimes the police will explain the law to the perpetrator, but other times they will just demand the money.”

—Ms. Smith, ADHOC staff member e-mail

Attitudes towards *somroh somruei*

Women and men are most positive about *somroh somruei* when the local reconciliation process results in behavioural change. A majority of the respondents interviewed said *somroh somruei* helped to reduce the conflict in their home.

“After *somroh somruei*, my husband stopped mistreating me. The reconciliation process is good because my husband fears the village chief so my husband listened to him when he told him to stop abusing me.”

—Mrs. Lean, 26, Doun Keo commune

“I think that *somroh somruei* by the village chief is good because he taught me about the impact of domestic violence such as my children do poorly in school and it makes me lose time I could spend earning money for my children.”

—Mr. Meng, 44, Reul commune

“I think that the *somroh somruei* in my village is good because when violence against women happens, we have the village chief, commune chief and volunteers from NGOs who can assist with reconciliation.”

—Mr. Heng, 40, Leang Dai commune

The reviews are less favourable from those who either continue to be abused even after *somroh somruei* has taken place or refuse to take part in the reconciliation process.

“Reconciliation is not good because domestic violence still happens in my family. [Local authorities] should be taking my husband to be trained or educated about domestic violence so that he changes his behaviour.”

—Mrs. Chhealin, 26, Leang Dai commune

“*Somroh somruei* wasn’t good in my case because I did not participate.”

—Mr. Yim, 32, Leang Dai commune

Documenting domestic violence cases

Wild fluctuations exist in the documentation and recordkeeping of domestic violence cases and the *somroh somruei* process.

As noted earlier, village chiefs usually are the first local authority involved in domestic violence cases. They do not follow any standardized procedures in documenting complaints of domestic violence or the process they use to mediate domestic disputes.

Recordkeeping practices vary depending on the literacy levels of the village chief. Records do not exist for most reconciliation agreements because they are made verbally, according to village chiefs interviewed for this study. Some village chiefs keep a handwritten log, where they record details of the case. In the event the couple agrees to reconcile or decides to separate, the log is also used to document reconciliation and separation agreements that are sealed with the thumbprints of the couple, witnesses and the village chief. One village chief told us he is illiterate and therefore the responsibility for documenting disputes in his villages falls on the deputy village chief.



Photo 4: Considerable variation exists in the quality of documentation of cases of violence against women.

Recordkeeping is better for disputes handled by communes and the police. But, again, the methods are not standardized and quality varies considerably from commune to commune and police post to police post.

The commune council assistant is responsible for documenting all disputes reported to the commune and therefore the quality of documentation at the commune level is directly linked to the commune council assistant’s skill level and recordkeeping preferences.

One commune provided the research team with legible and easy to comprehend handwritten files of domestic violence cases the commune council has handled in recent years. All of the cases include a complaint form. Depending upon the

assistance provided by the commune council, cases may also include two other documents: a letter of promise by the perpetrator and a reconciliation contract. Each form includes the thumbprints of the victim, perpetrator, conciliator and witnesses.

But the records produced by a commune from another part of the province are not as methodical or thorough. The details included in the documents are vague and difficult to understand. Cases usually include a complaint form and a reconciliation contract, which may or may not include a promise by the perpetrator to stop the domestic violence. The forms include the thumbprints of the victim, perpetrator, conciliator and witness.

The police post deputy is responsible for documenting all complaints made to police and all criminal cases investigated by police.

One police post in the study uses three different standardized forms to record complaints, cases investigated and reconciliation contracts. The deputy at that police post simply has to fill in the blanks on each form to ensure all information relevant to a domestic violence case is recorded. Once completed, the forms are thumbprinted by the victim, perpetrator, police officer and witness.

But another police post included in this study does not use standardized forms. Complaints, contracts and details of cases investigated are handwritten in notebooks or scraps of paper.

Neither the deputy district chief nor the GPN members interviewed for this study said they keep any records on domestic violence cases.

We collected records from two commune councils and one police post. These records cover 2006, 2007 and part of 2008. Table 10 summarizes the most common types of recorded disputes handled by the commune councils and the police post. The table shows who participated in resolving the dispute and the recorded outcome.

We do not know the total number of conflicts that occurred in the commune or the police post's jurisdictional area. The figures reflect the number of cases that were reported to the commune council and police post and recorded by the commune or police. The police officer who provided the records from the police post told us that he does not always record complaints or cases that are resolved. He also said he was unable to locate some records so the data provided by police is incomplete.

The number of recorded cases is small. Two commune councils and one police post are certainly not representative of Cambodia. We therefore caution the reader not to generalize these figures or jump to any conclusions.

Table 10: Disputes handled by commune councils and police 2006-2008

	Reul		Doun Keo		Police	
	n	%	n	%	n	%
Number of cases	50	100.0	34	100.0	64	100.0
Type of Cases*						
Violence	16	32.0	14	41.2	59	92.2
Violence against Women	8	16.0	5	14.7	8	12.5
Domestic violence	11	22.0	5	14.7	8	12.5
Divorce	2	4.0	2	5.9	6	9.4
Rape	10	20.0	3	8.8	1	1.6
Land dispute	28	56.0	16	47.1	0	-
Dispute over other Asset	7	14.0	12	35.3	14	21.9
Relationship						
Neighbors	32	64.0	25	73.5	54	84.4
Family	18	36.0	9	26.5	10	15.6
Participation*						
District officer	3	6.0	0	-	2	3.1
Police officer	0	-	0	-	64	100.0
Commune council	47	94.0	23	67.6	0	-
Village chief	12	24.0	0	-	0	-
Family	2	4.0	4	11.8	8	12.5
Outcome*						
Divorce	6	12.0	2	5.9	1	1.6
Compensation	18	36.0	16	47.1	19	29.7
Reconciliation	24	48.0	18	52.9	7	10.9
Unresolved	8	16.0	9	26.5	43	67.2

*Percentages for the type, participation and outcome of cases do not add up to 100 because some cases belong to more than one category, involved different people and can have multiple outcomes (e.g. reconciliation with compensation).

The statistics confirm what commune council members in Siem Reap told us: the time they spend managing conflict is increasingly being occupied by land disputes. About half of all cases brought to the commune council are land disputes. About one in six cases in both communes is related to violence against women. Domestic violence accounted for about one in five cases in one commune and about 15 percent of cases in the other commune.

Cases of violence are usually referred to the police and represent over 90 percent of recorded cases at the police post. The police handled proportionally more cases of couples seeking to divorce even though the police do not have the authority to grant divorce. It is possible the couples were confused about the procedures involved in obtaining a divorce.

Reconciliation is a more likely outcome when the commune council is involved than the police. About half of all disputes taken to the commune council are reconciled. According to records provided by the police, close to 70 percent of cases are unresolved. However, it is likely the number of resolved cases is underreported, as the police records are incomplete (see above).

The two commune councils seem to have different approaches when it comes to participation. Village chiefs took part in almost one quarter of the disputes mediated by one commune but did not participate at all in the other commune. Family members took part in close to 12 percent of all disputes mediated by one commune, but only four percent of all conflicts in the other.

Judging from the records provided, it does not appear as if these commune councils and police post are overwhelmed by disputes.

Going to court

Time and time again respondents told us that women are extremely reluctant and even fearful to go to court. This comment was echoed by local authorities, volunteer conciliators who have been trained by NGOs, NGO workers and the victims themselves.

The main reason cited for avoiding court is the expense. Other factors also discourage women from taking a case to court: it is time consuming, the procedures are difficult to understand and some fear the process is corrupt.

“I don’t usually recommend a woman takes a domestic abuse case to court the first time the violence occurs because women don’t usually want to go to court. They think it is expensive. Others are discouraged about court because their abusive husband refuses to appear in court, which means they’ve gone through the expensive court process for nothing. It’s a waste of their time and money. Going to court requires several trips to court, which are expensive for women. NGOs usually only provide financial assistance for one or two trips to court and victims must pay for subsequent trips. Some women don’t trust the court system because they think it is corrupt. They think their abuser can simply bribe the court officials to get a decision that is favourable to him...”

A very small percentage of domestic violence cases go to court. I know of only eight cases that have gone to court since 1993.”

—Ms. Daphea, commune council member, Leang Dai commune

“Many times when we refer cases of domestic violence to the court, the victim and perpetrator can’t afford the \$100 fee charged for making a complaint so the court doesn’t issue a warrant.”

—Mr. Sombo, 41, police officer since 1988, police post chief since 1993

Sometimes, couples reconcile prior to getting a divorce.

“Most couples get back together a month or two after making a complaint with the court. But I know of cases from this village that have gone to court and the couple has legally divorced.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

NGOs have limited financial resources to assist with domestic violence cases. It is not enough to cover all expenses women incur in a court case.

“Going to court is very expensive and the CAAVAW Project [only covers] one part of the costs. The process is:

- File a complaint with the court requesting a divorce (50,000 riels—CAAVAW Project can pay).
- Complaint form stamped by court (5,000 riels).
- Summons (8,700 riels for each party, but both paid by victim, so 17,400 riels).
- If perpetrator does not attend court, there is a second summons (another 17,400 riels paid by victim).
- At trial, must pay court clerk for judgment (varies from 30,000-100,000 riels). The court clerk will tell the victim how much she must pay. If she does not or cannot pay, the matter will be skipped and no judgment given. If ADHOC staff go to the court and explain that the victim does not have the money to pay, the court will say they are too busy and not provide a judgment.



Photo 4: Women fear going to court.

ADHOC staff say that they can use their ‘legal provision’ to cover the initial fee for filing a complaint and to provide legal advice and counselling. They will prepare and write the complaint for the victim. They can also provide an ADHOC lawyer from Phnom Penh. However, they cannot cover costs such as transportation to and from court.”

—Ms. Smith, ADHOC staff member e-mail

“Village chiefs handle most cases, but more serious cases are referred to the police or commune. Severe cases of domestic violence are also referred directly to the court sometimes; however, women generally are reluctant to take the case to court. They are afraid of the court and think it is too expensive ... Women who take their case to court need support from NGOs.”

—Mr. Rith, deputy chief with over 20 years experience with the district, Angkor Thom district

The court takes a much longer time to manage domestic violence cases than other levels of the bureaucratic hierarchy.

“The court usually takes three months to make a judgment in a domestic violence case. The village chief and police post usually respond to a case within a day and the commune council responds within two days.

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

One court clerk interviewed, who has worked for the court since 1993, estimates that at least half of all people who seek a divorce do not understand the procedures. He

said the biggest hurdle women confront in obtaining a divorce is a lack of documentation to prove they are legally married.

Couples seeking to divorce generally need to produce a marriage certificate, birth certificate and a family book before they are allowed to proceed with a divorce. Many women and men reconcile during divorce proceedings and only about half of all women who seek a divorce eventually obtain one, he said.

Before a judge grants a divorce, couples must attend three mandatory reconciliation meetings mediated by a judge, who usually refers to the law, Buddhist precepts and culturally defined codes of conduct for women and men. The number of women seeking a divorce is increasing and more wives than husbands seek to divorce.

“I’ve noticed a huge increase in the number of women seeking to divorce and more women than men seek to divorce. On average I see about one man per month versus about 30 women per month who want a divorce. Men are more ashamed of getting a divorce than women. More women want to divorce nowadays because of the assistance they are getting from NGOs, economic development and a growing intolerance of behaviour by their husbands that was once accepted.”

—Mr. Pheap, court clerk since 1993, Siem Reap province

Sometimes women want to divorce, but their husband doesn’t want to.

“I know of one case in which the wife wanted to divorce but the husband didn’t want to. The couple got back together for a couple months even though the wife really didn’t want to be married. Two months later, we went to the village chief and made a separation contract that the couple thumbprinted. The wife stayed at my home for two months and then I referred the wife and husband to the CWCC. I told the wife to take the family book and marriage certificate with her [so she could divorce]. Several months later, the husband was so unhappy he couldn’t eat or drink anything. He’d just sit and cry. The CWCC tried to speak to the husband but he wouldn’t say anything. The wife went back to her husband after the CWCC made a reconciliation contract.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

The nature of domestic violence and NGOs

Respondents overwhelmingly attributed a perceived reduction in domestic violence cases to the efforts of NGOs to:

- 1) broaden awareness about the harmful effects of domestic violence and legislation aimed at eliminating domestic violence through public education campaigns and training programs; and,
- 2) assist in the *somroh somruei* process through the provision of counselling, mediation and/or other support to disputants.

Local authorities and villagers alike told researchers they are very pleased with the efforts of NGOs to address domestic violence in their communities. They are convinced that such activities are having a noticeably positive impact.

Programs are raising awareness about domestic violence and the rights of women.

“The number of domestic violence cases has decreased especially in 2008 because BS is increasing awareness of domestic violence. In the past three months, not one case of domestic violence has been brought to the commune council.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

“Cases of domestic violence have dropped a great deal due to work of NGOs in promoting human rights and raising awareness of domestic violence in the commune.”

—Mr. Sovannara, commune chief and Mr. Sopheap, commune councilor, Angkor Thom district

“NGOs have raised awareness about the issue of domestic violence and educated citizens about domestic violence and human rights. Men and women are more aware of their rights as a result of these NGOs.”

—Mr. Rith, deputy district chief with over 20 years experience, Angkor Thom district

“*Somroh somruei* at the village level is working in cases of domestic violence. The couples are listening to the advice of conciliators and the number of domestic violence cases is decreasing. Before BS started teaching about domestic violence in this village, there were many more cases of domestic violence ... I also know *somroh somruei* works in my village because I follow up and monitor cases of domestic cases that have gone through *somroh somruei* and there has been a reduction in the number of families who experience domestic violence.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

Commune councils, village chiefs and police are also benefitting.

“NGOs are teaching commune councils, village chiefs and police about the domestic violence law and other issues that affect women.”

—Mrs. Daphea, commune councilor, Leang Dai commune

NGO programs are having an impact, but men should be participating more.

“Domestic violence has decreased in our village because of the work of NGOs.

In the past, it was common to hear couples cursing each other and throwing things in their house when they were arguing, but it isn't anymore. But one of the problems is when NGOs try to educate villagers about domestic violence, usually only women participate and not men. Today, men aren't the only ones who cause domestic violence, sometimes it's caused by women also.”

—Mr. Theary, 56, father of daughter who has suffered domestic abuse, group leader, Leang Dai commune



Photo 4: The efforts of NGOs to address violence against women are having an impact.

Fewer men are hitting their wives.

“The nature of domestic violence is changing. It is better than before. The number of men who use physical violence towards women has decreased. Now, men just curse or blame their wives when they argue. They don’t hit them.”

—Mrs. Kun, 33, Leang Dai commune, Agkor Thom district

“Things have changed. [NGOs] know about the situation of women and they can change the [behaviour of] women. Nowadays, women don’t keep quiet about their problems. I am very happy because my husband stopped beating me.”

—Mrs. Khar, 40, Leang Dai commune, Agkor Thom district

Evaluating the effectiveness of NGO interventions is beyond the scope of this study. However, one possible explanation for the perceived success of NGO programs is that they challenge traditional customs, values and ways of thinking that may condone or even perpetuate domestic violence while working within the long-established and trusted *somroh somruei* system.

Local authorities and villagers interviewed for this study mentioned several NGOs who currently are working to combat violence against women. One district authority in Siem Reap province named four NGOs that are currently addressing this issue in his district: Program Against Domestic Violence (PADV), Cambodian Women’s Crisis Centre (CWCC), BS and ADHOC. The district authority went on to make the link between domestic violence and poverty, suggesting that the new mantra ought to be: “Stop domestic violence to develop families.”

Most of the respondents are familiar with the GPN and its members. Banteay Srei had established GPNs in 26 villages in Siem Reap and 16 villages in Battambang as part of the Community Action Against Violence Against Women (CAVAW) project. One of the project’s aims is to enable local authorities to respond to domestic violence in a respectful and non-discriminatory way.

Each GPN has two volunteers, one female and one male, who receive no pay for what they do. BS recruits GPN members who are deemed to be active, helpful and respected community members committed to the cause of eliminating violence against women and have the time needed to fulfill their obligations as a GPN member. GPN members provide mediation and counselling in cases of domestic violence and refer victims to emergency social and medical services when necessary. They also educate members of their community about domestic violence. Training that is provided to GPNs by BS does not include tips on counselling or mediation.⁶⁹

“If the wife tells me about domestic violence, I ask the husband to come to talk to me about the abuse. I rely on personal experience when I counsel them. I ask the couple to describe the conflict and try to explain the consequences of domestic violence. If the victim wants to make a complaint to the village chief, police, commune office or courts, I help. I tell BS staff about the victims who want to make a complaint to the court and I accompany victims to the village chief’s house, the police post and BS. If they do not want to make a complaint, I just talk and explain about domestic violence and the consequences of domestic violence.

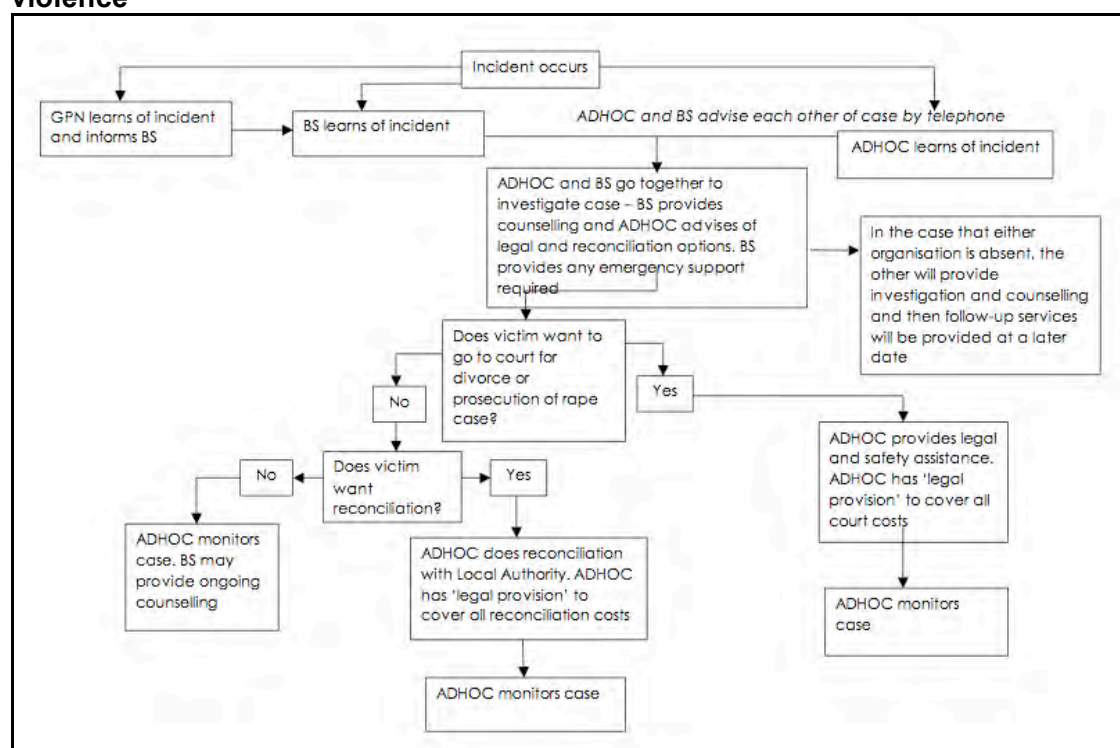
⁶⁹ Interview with Banteay Srei staff member in Phnom Penh, March 11, 2008. Field interviews subsequently confirmed the information provided by the informant.

I learned about domestic violence from BS and other NGOs ... [and] I receive training once or twice a month about domestic violence and *somroh somruei*.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

In addition to raising awareness about domestic violence and current legislation governing domestic violence, the GPN, BS and ADHOC—through the CAAVAW project—collaborate in cases of domestic violence to guarantee the safety of abused women while helping them to make choices they are comfortable with in a culturally sensitive manner as Table 11 illustrates.

Table 11: Coordinated activities of CAAVAW project in cases of domestic violence



Source: ADHOC

This study took place in six villages where the GPN has been established for some time and two villages where it was recently put into place. We found no observable differences in the effectiveness of *somroh somruei*.

Not surprisingly, GPNs are most active in villages where they’ve been in place the longest. In some of these villages, the GPN is managing a majority of the domestic violence cases that occur in the village. Communication and coordination among the GPN, village chief, police and commune council in these villages is very good. The GPNs have a thorough understanding of the *somroh somruei* process and are usually personally acquainted with the key players involved. Most have assisted victims of domestic violence access medical services and/or referred them to other NGOs.

GPN members in villages where the network was established very recently told us they have received training from BS about *somroh somruei* in cases of domestic violence but many have not, as yet, participated in local reconciliation. Residents of those villages are not as familiar with the GPN and usually go directly to the village chief to ask for *somroh somruei* in cases of domestic conflict.

NGOs provide emergency social services to battered wives, but the CAAVAW project is limited by the amount of financial support it can provide victims.

“If a woman fears for her safety, ADHOC staff will discuss options with her. Sometimes she will go to stay with relatives. There is a Banteay Srei ‘safe house’ in Battambang and a CWCC shelter in Siem Reap. ADHOC staff can refer a woman to one of these shelters and can take her to a shelter if she has no means of transport. However, ADHOC staff is not able to give her money, just information. [Other] ADHOC staff [have] noted that the Banteay Srei safe house in Battambang can provide women with money and food. The CWCC shelter in Siem Reap can provide food and accommodation, but not money.”

—Ms. Smith, ADHOC staff member e-mail

Local authorities recognize they can’t tackle the issue of domestic violence alone and they value the assistance of NGOs in addressing violence against women.

“Domestic violence still happens, but less frequently today. The deputy village chief and I cannot solve domestic violence alone. We need help from NGOs.”

—Mr. Kao, 52, village chief, Reul commune

Some GPN members feel NGOs could do more to make perpetrators of domestic violence accountable for their behaviour. Violence against women will not be eliminated unless the perpetrators of the violence change their behaviour.

“It would be good if NGOs made more of an effort to educate husbands about domestic violence. It is difficult to communicate with perpetrators of domestic violence and to teach them about it because they don’t listen. We should ask families who’ve experienced domestic violence to participate in the training on domestic violence provided by NGOs.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

One man linked the decrease in domestic violence to decreasing alcohol use among villagers.

“Nowadays, domestic violence has decreased because people aren’t drinking alcohol as much as before.”

—Mr. Soheat, 44, palm juice maker and rice farmer

Others say alcohol use, jealousy and personal family histories play a role in domestic violence.

“Many of the victims and perpetrators of domestic violence cases today grew up seeing their fathers being violent towards their mother and the cycle of domestic violence continues. Jealousy and alcohol use play a role in many of the domestic violence cases today.”

—Mr. Sombo, 41, police officer since 1988, police post chief since 1993

Sometimes the behaviour of victims makes it difficult to resolve cases of domestic violence. Women sometimes regret making a complaint about domestic violence to police and having their husbands arrested.

“Women often have mixed feelings about involving the police in cases of domestic violence. A wife will ask for the police to arrest her husband but later regrets it and asks us to release her husband.”

—Mr. Sombo, 41, police officer since 1988, police post chief since 1993

“Sometimes when a husband beats his wife, he is forced to spend the night in jail. In the morning the wife pleads with the police to release him. In one case, three days after *somroh somruei* the wife ran to the police post for help and to make a complaint of domestic violence. The police handcuffed her husband and took him to jail to stay overnight. In the morning, the wife asked the police to release her husband. But two or three days later, it happened again. The police kept the husband overnight in jail at least two different times and both times the wife asked the police to release her husband. Sometimes even when the wife is beaten until she bleeds and must go for medical attention, she asks the husband to return home.”

—Mrs. Vicheath, 52, GPN member with 10 years experiencing conciliating domestic violence cases, Angkor Thom district

Other times, the perpetrator’s behaviour causes problems. Instead of accepting responsibility for the domestic violence, some perpetrators deflect the blame onto others.

“I don’t mind conciliating, but I prefer it when victims do not stay at my house because I fear if I let them stay, the husband will speak poorly about me to other villagers for interfering in a family matter and damage my reputation in the community. This happened to me once before. In that case, the domestic violence didn’t stop. But when the couple came back to me to ask for *somroh somruei*, I refused to help them.

...[In another case] the couple was convinced supernatural forces were causing their conflict. They claimed they’d never had any conflict until the wife found a rock that looked like a snake while digging a well behind her house. She buried the rock underneath a coconut tree she had planted. While the tree was growing, the family poured urine on it. After that, the husband and wife started drinking alcohol a lot, they argued and the husband became violent. I tried *somroh somruei* but it was not successful because when the husband and wife reconciled, the husband spoke badly about me and blamed the domestic violence on me.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

Another difference in the nature of domestic violence today is women are defending themselves more.

“Today, women have the same rights as men and sometimes they hit back if their husband hits them.”

—Mr. Kao, 52, village chief, Reul commune

The role and status of women

The role and status of women in Cambodian society is changing.

Women are embracing human rights principles, which they are learning about from NGOs.

“In the past, women were inferior to men. But now women and men are equal, according to ADHOC.”

—Mrs. Malis, 26, farmer, palm juice vendor, mother of three, Doun Keo commune

“The role and status of women is changing because women have equal rights to men. Women can do anything that men can do. I heard this from the NGOs.”

—Mrs. Nhor, 43, Omal commune

“Before women did not have equal rights to men and before men could mistreat women, but now they cannot. I heard this from ADHOC. “

—Mrs. Sasa, 26, Doun Keo commune

Women are leaders in their community and participating in local government.

“The role and status of women is changing in my community. Women are becoming members of the commune council. Most of the participants in BS programs are female. BS selects women to be part of the GPN. Things are changing because more women are working outside the home.”

—Mr. Nimith, 48, police officer with 10 years experience, Doun Keo commune

“Women can be commune chief and police officers. Twice now, I’ve been a candidate for commune chief. Nowadays, it’s possible for women to be the boss and they can work as village chief or commune chief. Many NGOs are broadening awareness about the rights of women and equality among men and women so things are changing.”

—Mrs. Vicheath, 52, GPN member with 10 years experience conciliating domestic violence cases, Angkor Thom district

Women are learning that they no longer have to accept or tolerate abuse.

“Domestic violence used to be condoned and women were told to accept it like in the proverb ‘plates in a basket will rattle,’ but now women’s attitudes are changing. They understand they don’t have to accept domestic violence, that they can take action to prevent it.”

—Mr. Sombo, 41, police officer since 1988, police post chief since 1993



Photo 4: Gender relations and roles are changing dramatically. Things will be very different when these twin babies are grown.

Women are working outside the home and contributing more to the household income.

“Women are earning money to support the family and attitudes towards women and their role and status are changing.”

—Mrs. Sitha, 48, housewife, mother of seven children and a conciliator of domestic violence cases

“When women work outside the home alongside men, they can share knowledge with each other and things work better.”

—Mr. Kao, 52, village chief, Reul commune

But the work is not yet done. At least one commune council member says more women need to get involved in programs aimed at promoting the status of women.

“The role and status of women has changed, but not much. Nowadays, the government and NGOs have made it a policy to promote women, but there are still obstacles. Women do participate a lot [in programs to promote the status of women] because they lack of time and motivation.”

—Mr. Bean, commune council member who conciliates domestic violence cases, Omal commune

CONCLUSIONS AND RECOMMENDATIONS

While traditional values continue to shape contemporary attitudes, demographic growth, economic development and a growing receptiveness to outside principles are transforming Cambodian society. Some traditional customs and values are being called into question by new values and concepts and this, inevitably, will continue. Gender roles and relations, in particular, are changing dramatically as women become an integral part of the economic and social development of both their families and the country.

The challenge is to strike a balance between, on the one hand, respecting local culture, tradition and values and, on the other hand, being open to new values and rights. Programs aimed at eliminating domestic violence should avoid imposing methods that are alien to Khmer culture while facilitating change rather than impeding it.

While it may not work perfectly in all cases, the Cambodian tradition of *somroh somruei* is an effective way to address domestic violence. Behaviour is changing in homes where *somroh somruei* is most successful.

By challenging key players in the *somroh somruei* process, including the woman and men who seek reconciliation, to reconsider how they think about domestic violence within the established social order, activities such as those underway by BS and ADHOC deserve some of the credit for bringing about the success stories.

Wives and husbands are changing how they relate to one another. They are questioning behaviours that were once thought acceptable and perhaps even natural. Attitudes are also evolving among local authorities, like village and commune chiefs, who have been resolving conflicts between Cambodian couples for countless generations.

According to the research findings:

- *Somroh somruei* can work in cases of domestic violence. Villagers prefer it to formal dispute resolution because:
 - It is inexpensive, fast and accessible due to the fact conciliators live in the same village.
 - It is deemed successful when it is effective in resolving the dispute and changing behaviour.
- Local authorities also believe domestic conflicts should be managed locally. They are confident *somroh somruei* works well.
- While conciliators find it difficult to articulate their methods and approach, most rely on their common sense and personal experience, a basic knowledge of the law and human rights principles, Buddhist precepts and the *Chbab Srei* and *Chbab Proh*.
- *Somroh somruei* mediation methods and approaches vary considerably depending on the conciliator's personality, level of education and personal history. Methods also vary according to each specific case.

- The effectiveness of *somroh somruei* is tied to the conciliator's skills, authority in the community and to the willingness of disputants to follow through on the conciliator's advice.
- The *somroh somruei* key steps, sequence of events and major players that we observed are consistent with previous research.
- The perception is that domestic violence is decreasing while awareness of its negative effects and the law against domestic violence is increasing. Respondents attribute this positive trend to efforts of NGOs and improved cooperation among local authorities.
- NGO mediation in domestic violence cases is taking the burden off village chiefs to manage domestic disputes.
- Very few domestic violence cases go to court because:
 - Most cases are settled locally.
 - Women fear going to court for a combination of reasons: It is thought to be expensive and time-consuming; they do not understand the process; they do not believe they will have a chance to negotiate; and they worry it may be corrupt.
- Women who'd like to separate from their husband and/or legally divorce would prefer to do so locally rather than through the formal justice system.
- The perception is that the role and status of women in Cambodian society is changing because:
 - Women are more empowered and educated.
 - Women are taking a greater leadership role in their communities and are participating more in family decisions.
- The perception is that the nature of domestic violence is also changing:
 - Women are seeking help more and defending themselves more.
 - Women are less tolerant of behaviours that were traditionally accepted.

Gaps found and opportunities for interventions by NGOs

The study also uncovered some gaps in the *somroh somruei* process:

- More training is needed in human rights as it relates to current laws against domestic violence.
- Conciliation methods are rather arbitrary and sometimes send mixed messages as traditional values clash with new principles.
- Best practices in conciliating cases of domestic violence are not being shared enough.
- Basic recordkeeping of domestic violence cases is either nonexistent or poor at the village and commune level.
- Procedures for couples to separate and/or divorce are extremely confusing and few people understand them.

•The behaviour of victim and/or perpetrator of domestic violence sometimes derails the process.

Recommendations

To encourage the best possible mediation in cases of violence against women:

- Assist the Ministry of Women’s Affairs in improving how conciliators of domestic violence cases currently share experiences. Encourage the ministry to document best practices. Draft guidelines for the mediation of domestic violence and marriage and family counselling, based on best practice. Distribute best practice and guidelines to conciliators nationwide.
- Hold a national workshop with the aim of sharing and documenting best practices in mediation and marriage and family counselling. Encourage reflection on how to incorporate human rights concepts—which may or may not challenge traditional customs and values—into the *somroh somruel* process.
- Inform and promote the mediation and marriage and family counselling guidelines among the general public. The promotion campaign should include information about the current laws governing domestic violence.
- Train personnel who handle domestic violence cases at all levels of the dispute resolution system on the guidelines. Produce and distribute a video that shows how the conciliation guidelines work.
- Identify successful and highly motivated conciliators of domestic violence cases and family and marriage counsellors. Train them to train other conciliators and counsellors.

To support and strengthen current CAAVAW programs:

- Increase the number of GPN members to six or seven people per village and expand the existing network model to other provinces.
- Launch a peer counselling program that allows reformed perpetrators to counsel current perpetrators of domestic violence.
- Establish a meeting space in each village that conciliators can use to mediate and counsel victims and perpetrators of domestic violence, where disputants can speak freely without fear of being overheard.
- Provide recognition and incentives to village chiefs and GPNs who do a good job conciliating cases of domestic violence.
- Decentralize CAAVAW emergency services funds to village and commune.

- Edit for clarity and consistency, print and distribute the CAAVAW safebook to key community members.
- Scale up efforts to raise public awareness about domestic violence and current legislation aimed at eliminating domestic violence that includes education about how to recognize the signs of abuse.
- Launch a public awareness campaign targetting authorities and citizens alike to inform them about divorce procedures.
- Establish and/or strengthen mechanisms to improve communication, cooperation and the coordination of the activities of those who manage domestic conflicts.
- Launch a referral and information system, like a telephone hotline, that people can easily access to learn more about domestic violence and the law, to report incidents of abuse and to receive guidance on the steps they should take if they suspect someone is being abused. Advertise the hotline with public service announcements on TV and radio.

To improve how the authorities respond to families in conflict:

- Advocate for the implementation of a standardized system of documenting and recording domestic violence cases in informal and formal dispute resolution processes.
- Advocate for a government edict that requires conciliators to treat cases of severe domestic violence as a criminal matter that must be referred immediately to the local authority or to the police.
- Advocate for the establishment of a framework that gives local authorities the legal authority to dissolve marriages.
- Advocate for standardized procedures and practices in the adjudication of decisions related to the division of assets and the provision of financial support for children. Advocate for the provision of a national training program on these procedures and practices.
- Advocate for the elimination of fees charged by police to arrest and release perpetrators of domestic violence and levied by court officials during divorce proceedings.

To improve understanding of *somroh somruei*:

- Conduct a household survey to measure the relative influences of families, friends and neighbours in mediating domestic violence cases.

ANNEXES

ANNEX 1: INTERVIEW GUIDELINES

INTERVIEW GUIDELINES FOR WOMEN AND MEN WHO EXPERIENCED DOMESTIC VIOLENCE

1. Characteristics

- Age, occupation, education level, socioeconomic level

2. History of domestic violence cases

- Have you experienced domestic violence* in your family?
- When was the first time the domestic violence occurred? Please describe what happened to you.
- When was the last time you experienced domestic violence? Please describe what happened to you.
- In the last year, how many times has domestic violence occurred in your family?
- Generally, what do you think causes or triggers the domestic violence?
- What impact does domestic violence have on you and your family?
- What did you do when the domestic violence occurred?
- Did you tell anyone about the abuse?
 - If yes, who did you tell first?
 - What did you tell them and why did you choose that person to tell about your experiences?
- What did that person say and do?
- How many times did the violence occur before you told someone?

3. Seeking Help

- Have you ever sought help or asked for help when domestic violence has happened to you?
- Who was the first person that you asked for help? Why did you choose that person to ask for help?
- How many times did the abuse occur before you asked for help?
- Did the violence stop after you asked for help?
 - If yes, why do you think it stopped?
 - If no, why do you think it did not stop?
- What did you do next? Why did you choose to do that next?
- How many times did the abuse occur before the local authorities were made aware of the abuse? How were the local authorities made aware of the abuse? What was the outcome?
- How many times did the abuse occur before family members were made aware of the abuse? How were family members made aware of the abuse? What was the outcome?
- Did you make a formal complaint to the local authorities?
 - If no, why?
 - If yes, how did you feel about what the local authority said and did in response to your complaint?
- Describe what the local authority did in response to your complaint.
- Did you receive any sort of assistance? If yes, please describe the assistance.

- At any point when you first told others about the domestic violence, did the local authorities or family members ask the police to intervene, refer the matter to a higher authority or suggest you take the case to court?

4. Reconciliation and Conciliators

- If family members helped resolve the conflict, could you describe how they did so.
 - Did you have a reconciliation meeting? Was it open or private? Were other people allowed to attend? Who was the conciliator? What sort of methods did the conciliator use? What did he or she say and do. Did he or she listen, ask questions, give advice, refer to traditional moral codes of conduct, quote the law?
- If you sought help from local authorities, how long after the complaint was lodged did the reconciliation meeting with the local authority take place?
- Please describe the meeting and what happened at the meeting with the local authorities.
 - Where did the reconciliation meeting(s) take place? Was it open or private? Were other people allowed to attend?
 - Who was the conciliator?
 - What sort of methods did the conciliator use (what did he say and do)? Did s/he listen, ask questions, give advice, refer to moral codes of conduct and/or quote the law?
 - How did you feel about the conciliator's methods and what he said?
 - Did you or others have an opportunity to speak? How did you feel about what was said during the meeting?
- Did the meeting result in a reconciliation contract? Was it written down?
- What did you think of the reconciliation contract? Did it stop the violence? Did it meet your expectations?
- What did you think would happen to you and your husband if either of you broke the promises you made in the reconciliation contract?
- How long was the conciliation process?
- How many meetings did it take to reach a reconciliation contract?
- If you did not agree on a reconciliation contract, what did you do to stop the violence? (Did you consider taking the matter to court?)
- Is there anyone else, besides family or local authorities, who helped to resolve the domestic violence?
- At any point during this reconciliation process, did anyone suggest you take your case to court?
- Is there anything else you would like to say about your experiences during the reconciliation process?

5. The outcome

- What was the outcome of the reconciliation process?
- Were you satisfied with the outcome?
- Did the local authorities follow up after the reconciliation to ensure the domestic violence had stopped?

6. Attitudes and opinions

- What was the best part about the reconciliation process and the what was the worst part?
- Do you have any suggestions for improving the reconciliation process?
- What could an NGO do to make the process better?
- Do you think the role and status of women in Cambodia has changed? If so, how would you describe the changes and what do you think led to these changes?
- Have your experiences of domestic violence changed? How have they changed? What do you think caused the change?

*(*If, at any point in the interview, a woman discloses that she is experiencing violence that the NGO is not already aware of, the Domrei field team will notify ADHOC or Banteay Srei staff)*

INTERVIEW GUIDELINES FOR CONCILIATORS

1. Background

- Age, occupation, education level, socioeconomic level, number of years experience as a conciliator

2. Seeking Help

- How are you made aware of the domestic violence?
- During your first contact with the victim and perpetrator, what do you say and do? (Is a written or verbal complaint made? Is an official form completed?)
- What is the typical outcome of the first meeting when help is sought to resolve domestic violence? (Do the local authorities or family intervene directly? Is the complaint of domestic violence usually investigated and/or confirmed?)

3. Reconciliation and Outcome

- If a woman, man or family member complains to you about domestic violence, what do you do? (Please describe how you help resolve domestic violence.)
- Under what circumstances would you call in higher authorities?
- What gives you the authority to help resolve domestic violence? (How long have you had the authority?)
- How did you learn how to reconcile cases of domestic violence? (What sort of training have you had to mediate such cases? Are there traditional procedures you use to mediate these disputes? Did you learn by observing other mediators?)
- What methods do you use to mediate domestic violence cases (traditions, the law? Which law? Written texts, personal experience, religion or spiritual beliefs?)
- How do your mediation methods and practices for domestic violence complaints differ from other disputes you handle?
- Typically, how long after you were first made aware of the domestic violence is a reconciliation meeting held?
- Please describe a typical reconciliation meeting. (Where does the reconciliation meeting(s) take place? Is it usually in the open or private? Are people other than the victim and perpetrator allowed to attend? If so, who usually attends? Do the victims and perpetrators have an opportunity to speak?)
- Typically, how many times do you meet with the victim and perpetrator before a reconciliation contract is arranged?
- Does the reconciliation contract stop the violence?
- What do you do if the perpetrator and/or victim break the reconciliation contract?
- If a reconciliation contract is not reached, what do you do?
- Do you ever recommend the couple take the domestic violence case to court. Why or why not?
- Is there anything else you would like to say about the reconciliation process?
- Do you follow up on domestic violence cases you've mediated to ensure the domestic violence has stopped? (If the violence has not stopped what do you do?)
- Do the authorities keep data on the number of perpetrators who continue to commit acts of domestic violence once they've gone through reconciliation?

4. Attitudes and opinions

- What is the best part about it and the worst?
- Do you have any suggestions for improving the reconciliation process?
- What could an NGO do to make the process better?

- Do you think methods and practices for mediating domestic violence cases have changed over the years? If so, how and what caused the changes?
- Do you think the role and status of women in Cambodia has changed? If so, how would you describe the changes and what do you think led to these changes?

ANNEX 2: Chbab Srei and Chbab Proh

CHBAB SREI

Edited by Dr Mai⁷⁰

Phouchhong leelia! (A kind of melody)

1. This is Phouchhong Leelia and we made it into the rule for girls
2. When ____ (name of the princess) went away with her husband whose name was "bongyaksa"
(yaksa = giant/powerful person)
3. Queen Vithmolina" who is the mother said that "my dear daughter"
4. You will go with your husband to the Dragon World
5. When you go to the human being world, you should remember to serve your husband
6. Don't make him unsatisfied, you serve him regularly
7. Don't look down on the owner of the head (poss means don't touch your husband's head)
8. My dearest daughter, no matter how poor you are, follow the woman's rules
9. Your poverty can come from your speech; you have to make the neighbor enjoy the way you talk
10. Another kind of poverty is that you don't know how to think, we should invite the neighbor whether far or near to come and eat the beetle-nut
11. And even though you don't have it, you have to use sweet word so that they will love you
12. Don't be so mean to the neighbor and relative
13. Good position and happiness come from woman
14. Being a woman, no matter what you say, don't be (leh'lah!) talking not serious, not gentle (chatting this and that, this and that)
15. You play childishly and when you see the man try to be near him
16. Laugh without thinking and this kind of thing please the man
17. And this woman is called useless, possess ill behavior
18. You doesn't feel ashamed of your speech (Cambodian women are not supposed to talk very much and be shy)
19. When you see someone stealing a glance at you, you talk and then you tease with the man, it is not good
20. This woman is called a bad woman who is not afraid of being labeled as the one who is not afraid of the "woman's rule"
21. Taking a seat in the wrong place is not suitable for a woman (if you sit in the wrong place you do not deserve to be a woman in Cambodia)
22. If you don't feel afraid of your husband's feeling and let the other man look down on your husband
23. We call you a woman who is lack of good characteristic
24. You should try to do the work like weaving or knitting
25. Don't delay the work
26. Before you weave the silk you have to make things ready and then do it
27. Don't go for a walk at other people's house
28. Try to work hard and protect yourself since you are a virgin
29. Because when you have a husband you are busy with your children who are crying, you have never time to do things

⁷⁰ Translations as they appear in Appendix 1 of Melanie Walsh's (2007), "Report on the status of Cambodian Women: Domestic violence, sexual assaults and trafficking for sexual exploitation" (Project on Women's Rights in Cambodia: LICADHO-UQAM Partnership). The translations were provided by PADV.

30. When you feel worried you have no initiative and your ideas are very small and this and that (children) want something to eat and you become more worried and they also cry
31. So you are worried for both of them; they will be quiet as long as you give them something to eat.
32. No matter what you do, you must be skillful and thorough with the weaving
33. Don't keep things complicated otherwise you will lose it
34. My Dear Daughter remember, don't forget
35. Please study woman's rule; be respectful to your husband
36. Serve him well, and keep the three flame
37. You have to keep the fire (3) burning regularly
38. Otherwise it will burn you
39. Don't bring the outside flame into the house and then burn it (refers to not bringing outside problems into the house)
40. The inside flame, if you are not careful, you will burn it outside (refers to not taking internal problems to people outside)
41. If you incite people you will make your children angry, anxious
42. You have to control your spirit and protect the three flame
43. This flame will benefit you the best
44. You will create good position and property which will be perfect
45. One flame is to keep the gratitude toward your parents
46. You have to walk on the way that was paved by your parents and serve your parents well
47. Try to protect it, give it food as desired (give the parents what they want)
48. If you are hungry don't keep it (food) to yourself give it (parents) delicious food regularly
49. Speech (your word must be polite – use very good word) and any duty must be done regularly and very well
50. Another flame is your husband who you stay with forever
51. you should serve well don't make him disappointed
52. Forgive him in the name of woman, don't speak in the way that you consider him as equal
53. No matter what happen we have to wait to listen with the bad word (even if he say something bad you have to listen)
54. Though your husband speak inappropriately you shouldn't let the mother know
55. (husband) will getting angry wife heard the (bad) word from the mother then whisper to the husband
56. This kind of thing doesn't stop but lead to the questioning (of wife and mother – flame inside/outside)
57. You are not quiet but chatting so the problem happen everlasting
58. Confront without stop so no more happiness
59. Complaining/nagging until everyone in district no problem so no happiness
60. This is what we call the three flame that the mother tell the daughter to keep
61. My dear, no matter what your husband did wrong, I tell you
62. To be patient, don't say anything without the husband present
63. Don't curse, don't be the enemy, no matter how poor or stupid you don't look down on.
64. Though poor or stupid you should advise or say something with good words
65. No matter what the husband say, angry and cursing, using strong word
66. Without ending
67. Complaining and cursing because not pleased (husband)
68. You should be patient with him and calm down your anger,
69. Don't be angry and react bad to the one who is your husband
70. You get angry without thinking about yourself as a woman (you have to consider yourself as a

girl before you use bad words or appear angry)

71. Deny with rude word will ignite the anger (if you use bad words you will make husband more angry)
72. Stubborn, staring and want to quarrel
73. Igniting that lead to quarrelling
74. Cursing dog and cat, insulting indirectly to hurt the husband feeling (curse the dog or cat because you are afraid to insult him directly – as a way of insulting him vicariously through the cat)
75. Throwing things (without thinking) and then it break,
76. Trying to do things to make the husband lose (surrender/give in)
77. Then feel satisfied. We call this woman the woman who ruin the prestige of the family
78. My Dear Daughter don't do like them they are very wrong
79. Even though your husband curse, you go to sleep and consider
80. And you come back with gentle words and solve that problem
81. What your husband advise you bear in mind (keep in your heart)
82. Don't forget the (husband's) word or you may do something wrong because already told
83. If you don't listen to the order it always create the quarrelling and then bad reputation and never ending quarrelling happen
84. We don't consider this as a woman but as (bouwlai) useless
85. This woman use your mouth to suppress the husband by letting other people know that she is better than him (meaning you talk and complain a lot so people will know and not respect your husband)
86. Because she doesn't use, doesn't let to walk, laugh at
87. Even though your husband ask you to do things don't be lazy to go
88. Don't wait regardless near or far distance, get up and go don't let your husband curse you
89. Don't stay at other people's house long, free or busy, be quick back home
90. My Dear Daughter it is rarely for the woman
91. No matter how good physically you are they won't select you if you don't know all the things
92. You will not be respected, you will be with 100% bad luck
93. You are only beautiful but if you know what to do you will be appreciated.
94. One thing you are beautiful that can't be compared to but even a single rule you don't know
95. You are beautiful but have no idea
96. Though you are black if you are polite
97. You know all the good characteristics
98. It is traditionally called (Kalyan neh) perfect
99. My Dear Daughter, I want to tell you about the bad luck,
100. If you check your husband's head for lice without doing "sampeah" (the palms together)
101. The monk will consider you as a "sak cock" (big white bird) that perches in the house and this is a symbol that you will lose the property.
102. It is not appropriate to step over your husband, just because you want to be quick.
103. The woman is the same as the small bird that fly away
104. And then this bird bring about the bad luck, fly in and fly out of the door
105. Careless ...
106. Consider it as when you light the fire so that the thief can see your location and take your property – you show the way to the thief
107. Another kind of girl laugh loudly (so that neighbors of the neighbors can hear you)

108. If you are this girl we consider you as the bird – sak cho:chat (this kind of bird different but also brings bad luck when it fly into the village)
109. Another kind of girl, when she sleep she turn her back to her husband
110. This one we consider as a bad snake and it shouldn't be let into the house
111. It bring bad luck and the couple will separate
112. The kind of woman who has long hair
113. She combs her hair at the top/mouth of the well like the executioner and the cat who hides its claws
114. She is the worst and cannot be compared to anyone (traditionally the woman cannot comb her hair in public because people will think she is trying to attract the man) this woman can comb her hair for one hour (usually it takes short time)
115. the other kind of woman kicking something loudly
116. When she walk very loudly they consider her step like a lightening sound so that her samput (skirt) it torn apart
117. She walk very loudly
118. So that the houses tremble
119. The other woman see something on the ground and then she move forward without picking it up (as in tidying it)
120. In the future she cannot get organized
121. Then her property will be lost
122. Even at the meal time she eat in a messy way
123. My Dear Daughter you have to listen, these are the 10 bad luck.
124. That you should avoid seven times
125. That is the Buddha (deity)

CHBAB PROH

Edited by Dr. Mai

Prum'katet! (thought/idea)

1. This is prum'katet! It is a tradition or idea to advise and it is organized as a story to tell, keep it as a new law (not literal) to remind you
2. Keep it for the next generations, to listen so that you don't forget, teaching women and men to keep it within yourself
3. Generally being human being, though you (referring to men and women) are poor don't be poor in your thinking
4. You should know the proper thing with the relative and the neighbor so that they won't say that you are snobbish and don't use strong word
5. Walk as a dragon, be concerned with your behaviour, you need to do in accordance with the morality, you should behave without mistake (teach the people not to look down on people)
6. You need to follow the rule, don't be aggressive to the other and your speech to other must be polite, don't use the word "you" or "I" (hai – a bad word for you – aung bad word for "I"), they will label you
7. They insult you as the "son who has no breeding" your elder never advise you, curse you that you become naughty
8. They say that you are the son who has no breed, you don't know the rule to deal with elder
9. They insult your parent, the prestige is ruined and what they say will effect your elder
10. Don't be too nasty and too gentle be quick, don't be too afraid and don't be too brave, you have to ponder
11. Though you are sleeping you should sleep very fast (be active don't be passive) you have to wake up earlier than the elder and then wash your face and then you need to look after your property before you go to sleep
12. Don't eat all the beetle nut at once, you need to be thrifty, cut it into pieces otherwise if you eat all your life will create misery for yourself (as in the world will not

fair to you)

13. Your sleep at night must not be too long, and don't put the blanket cover over your body like the dead person. You must wear clothes while you sleep don't sleep naked

14. When you sleep don't be too lazy, (meaning don't sleep all day) and if you wake up, take a seat but don't speak very loudly

15. Be careful, there may be a thief near your wall, attempt to steal your property

16. And if you wake up already don't go to sleep again, you wake up and then find the cigarette to smoke (for man) or the beetlenut (women) to eat

17. Though it is dark you have to be careful with all your property, you put the knife near you because you need to protect yourself, you should put the water (traditional Cambodian women should put drinking water at her husband's feet in case he gets thirsty at night) at your feet

18. You should put the shrine level with your shoulder to worship the god Buddha, you need to keep the fire burning outside the house at night time all night don't finish it (the fire related to responsibility to the house not religion)

19. Don't let the fire go out and then use the excuse that because you forget and don't take the burning firewood from other people's house

20. Look after you kitchen and make sure that you have firewood in your kitchen. You have to ensure that you have firewood in your kitchen

21. You have to be careful, otherwise when you got stomach ache and you don't have the firewood, (meaning when there is no electricity you need the firewood for light to see what to do if you are sick)

22. In the dark you can use it for light so that you can take/accompany your children to urinate

23. Otherwise you will go to ask from other and then you have to walk a long distance to ask from another if you are not well prepared in the day time.

24. You have to be hard working to fill the water into the giant urn

25. Don't allow your urn to run dry out of water, you may need it at night time or the day time.

26. No matter how long the distance you go, you have to carry your knife with you. You may be able to cut the branch of the tree to use as the firewood when you get home (make your day as useful as possible, or use your time as usefully as possible)

27. Or sometime you may get cut by the thorn on the tree and you can use your knife to protect yourself or to protect yourself from the cat or the dog

28. If you go to the forest, don't forget to look up, you may see the leaves to use as the vegetable

29. And turn right and left you may see the dead branch that can be used as the traditional medicine and you can use the firewood to cook as soon as you wish

30. You must be careful in your thinking and planning and then ensure that you have the firewood so that you don't need to be worried

31. You have to look after your property, your rice and don't be too kind (to others) you have to be thrifty with your rice and look after all your things by yourself

32. You should have some amount (of the things you need to live, even if you are poor) and even if

you have so little you have to be hard working and try to find more you cannot just do nothing.

33. You need to be careful with your spending, when you give something away you need to think

and even you keep it you need to remember that you kept it

34. During the planting season you have to be hard working to grow all kinds of crops (vegetables)

35. Don't be lazy and go to ask things from others just because you are too lazy to grow it

36. At the farming season you have to be hard working to look after your farm, don't

be lazy and

don't passing responsibility for taking out the weeds to another person

37. You have to fetch the water to put on your garden so that the crop can grow

38. When you work you don't need to be worried, don't complain, regardless of your strength (even if weak you do according to your capacity don't just say you are weak)

39. At night time the man has to take the bamboo and make a basket (don't be lazy, use the time) don't let (give) the woman something to complain about you because you are hardworking not idling your free time

40. Don't make your hands idle, if you have free (not doing anything) then take time to pull out the weeds so that your house will look well organized

41. You have to be concerned, don't just do one type of farming alone and forget the orchard (other types of food growing) and then you have to look after/take care of your spoon, your knife and other materials

42. When you sleep at night you have to lock the door so that your property will be protected and then you have to have good memory (of where you put things) don't be absent minded with the place you put things

43. When you want to sell or buy something, discuss with your wife and children

44. Don't just think that you are a man and then you spend something without thinking and then do the thing without agreement from your wife

45. No matter where you go, long distance or short distance, you have to inform the person at home so that your sibling/relative can go and find you (if they want you to do something)

46. Don't be thoughtless, other people are worried about you because they don't know where you are.

47. If you are lucky there is no problem, but if you meet with snake or tiger or you are fall unconscious then there is a problem (because no one knows where to find you)

48. When you go to anywhere, inform others, you have to go somewhere with a reason don't just go for a walk to indulge yourself

49. At night you shouldn't be so quiet, hiding yourself is not good, you have to be honest so that no one can criticize you. (you have to be confident with what you are doing and not have to hide it from other people)

50. It is normal that other people may say something bad about you according to the information they receive (which will be wrong if you hide yourself)

51. You son, don't be careless, don't throw in your prestige, normally a son has to learn about the rule

52. The monk say that there are three kinds of madness: 1) madness with the woman (adultery/affairs) 2) madness with drinking 3) madness with gambling (peelia awasei!)

Madness with Gambling

53. Hunt for chicken and wild duck, or other animals, for fighting, this kind of game has no progress, is bad thing (this means you hurt the animals, not use them for eating it is not good)

54. None of Cambodian people are rich because of or by gambling but property destruction from gambling

55. Sometimes other people lose and sometimes you win and sometimes you lose. Don't be confident in your gambling, all kinds of gamble are inconsistent (ie you are not always the winner or the loser)

56. In the morning you wear nice silk clothes and in the evenings you wear the white clothes (in the morning you are rich and wear the silk clothes and by the evening you are poor and wear the poor white clothes – related to gambling). In the morning you order to Chinese to do something for you (ie you can buy from the Chinese business man) and in the evening the Chinese may handcuff you (because you cannot pay)

57. Those people tie your feet sometimes they hang you upside down to torture you to get the money back

58. You will be ashamed of the woman selling in the market because you look like a dead person (because you have been tortured)
59. Then you will moan with tears and then you ask the Chinese to release you and then promise to return the money tomorrow
60. When the Chinese heard your word they release you and then they walk you to the relative to get the property so that they set you free
61. Don't be concerned with all kinds of gambling, don't take part in it and avoid it
62. Don't stand near the gambling place you should move away and don't have a try with the gambling
63. This kind of rule you should keep it in your heart, though your beloved friend or relative ask you find them money to gamble you should remember the rule and not give
64. The property go to your friend or relative but you are the one to be responsible for paying the money
65. When the owner come to ask for the money back and you would become the servant for guaranteeing the money (the mistake fall on you)
66. Does you relative are in difficulty, they owe the money to another, you can share them with your property but never borrow the money for them (don't borrow money for another in your name, only give them what you have)
67. You son, should listen to me father, be careful and don't ever forget these words

Madness with women

68. Madness with the women is the thing that you should avoid because it always make you absentminded and forget what is right and what is wrong and
69. You forget good deeds and bad deeds (Buddhist concept of good and bad deeds) and the handcuff that can lead you to death (if the other woman belongs to another man you might be put in jail for adultery or killed by her husband) you may forget gratitude (that you might have had to the husband or relative of that woman because of your lust/love for that woman)
70. You create the difficulty and turn your happiness into anger and quarrelling
71. You create revenge, you don't care for the death of yourself, you make the uncle and the nephew revenge each other
72. You assume that you are right and you do not need to get ideas from others (you do not ask other people for permission you just do) Grandchildren take revenge with grandmother as for sibling get angry with younger single and mother take revenge with children (71 and 72 imply that the reader is any of these people)
73. This kind of revenge never end and it make you feel hotter and hotter (more and more angry)
74. Sometimes you are handcuffed (caught or punished) but you never change you are not afraid to die
75. Your head is cut but you never change you think only the passion
76. don't be careless with passion, it drive you into unhappiness, don't fail to think about its bad impact (don't think that it can be good)
77. This is what we call madness with girl, don't be nostalgic with it. Bear in mind (keep it as a rule for yourself) with that to remind yourself and to teach yourself

Madness of alcohol

78. The scholars told (about the three madness) for us to use as a guidance. One is called madness of alcohol, don't get drunk with it
79. Because it lead you to lose the control of your spirit, you forget good deed or bad deed, drinking never make your mind constant (your thinking changes all the time) and it make you think you never have to listen to anyone
80. We are small but we consider others as small as our thumb even though our physical force is equal to lice (although we think it is equal to tiger) and never afraid of other

81. You become arrogant (you think you are the best) you are proud just because the alcohol is in your body, never afraid of other, use arrogant word to provoke the quarrelling
82. Cursing unreasonably, insulting indirectly, you cause the quarrelling by provoking others answer back
83. The wife saw that and go to stop and the husband who is wrong say "don't do that" since he become arrogant/presumptuous because the wife said stop he jump and fight
84. Sometimes when getting drunk they were unconscious and lay down and take off the clothes (could be anywhere)
85. When other people see (you take clothes off) the children will laugh at you but you sleep like a dead person and your vomit is on your body
86. As a drinker don't say that you are in control, you think you are in control but actually you are drunk in four forms: you are poor but you say that you are rich
87. The gentle person becomes the cruel one, the frightened one become the brave one and we violate what is right and poison yourself with bad deeds
88. This is what we call madness with wine in the Buddhist teaching we consider it as forever karma (everlasting) The drinker is in sin and then lose the honour and won't get happiness
89. Better not drink wine that would lead to destruction and then go to the hell (Buddhist)
90. Please all the people listen to this (rule) in order to advise yourself
91. This is what we call three madness that the monk said in the Buddhist text. If anyone desire that
92. The monk want to give example to anyone; throw metal into the cooker and then take that to carry and if the metal does not feel hot it mean that you are very determined
93. So that the monk will let you commit the three madness, this is the Buddhist text that the monk give example (it means that you must not commit the three madness but if you are capable of carrying molten metal without feeling pain you can commit the madness – assume this means that no one can do that because no one could carry molten metal)
94. The father taught me this and I arrange this poem to teach you all