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Cambodia: The prevalence of forced marriage; consequences of refusal and government protection (2003 - February 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An assistant to the Executive Director of the Cambodian Women's Crisis Center (CWCC), commenting on forced marriage in a telephone interview with the Research Directorate, said that because the CWCC has not produced any reports on forced marriage, she was expressing her own views and not those of the organization (Assistant 19 Feb 2007). She said that forced marriage was common in Cambodia about 20 or 25 years ago (ibid.).

The Christian Science Monitor (CSM) similarly reports that the Khmer Rouge regime forced "thousands" of couples to wed between 1975 and 1979 (16 Jan. 2007). In fact, one quarter of all marriages during the Khmer Rouge era were forced marriages, according to research quoted by CSM (16 Jan. 2007). However, as of 1989 - when Cambodia's Law on Marriage and Family was passed - forced marriage has been illegal (Cambodia 17 July 1989, Art. 2, 4).

The CWCC assistant explained that the practice of forced marriage still occurs, although it is less common than it once was (19 Feb. 2007). In particular, she said that parents,

...will sometimes force a girl to marry into a rich or powerful family. There was a case in 2003 of a girl who loved a man who was poor, but her parents forced her to marry a Cambodian living in France. When the woman returned from France to Cambodia, to the man she loved, her mother called the military police. The police surrounded the CWCC office [where she had fled] and eventually took the woman back to her husband.

There is a cultural code in Cambodia that says that the parents have the right to decide who their daughters will marry. However, people understand more about their rights these days. Forced marriage is illegal. (Assistant 19 Feb. 2007)

The information provided by the CWCC Assistant is corroborated by a research report on reproductive health in Cambodia that was published by the POLICY Project, an organization funded by the United States Agency for International Development (USAID), and written by a consulting anthropologist (POLICY Project Jan. 2003, ii). According to the report, Cambodians generally believe that parents have the right to choose their daughter's husband (ibid., 8). Moreover, the report states, it is considered desirable for young women to be matched with "rich and powerful" men, regardless of the man's age or whether he has other wives (ibid.). The research report quotes 2001 statistics from Cambodia's National Institute for Statistics as showing that:

...43 percent of ever-married women in Cambodia met their spouse for the first time at the time of marriage, and an additional 7 percent knew their husband for less than one month before their marriage. The data suggest that this practice is declining over time; among ever-married women ages 15-19 only 34 percent met their husband for the first time at the time of marriage, compared with 42 to 43 percent of women ages 29-39 and 48 percent of women ages 40-49. (ibid.)

More recent data on forced marriage in Cambodia could not be found among the sources consulted by the Research Directorate within available time constraints. However, while acknowledging that her estimate was not based on any research studies or statistics, the CWCC Assistant said she thought that two or three percent of current marriages are forced marriages (20 Feb. 2007).

Moreover, she said a woman being forced into marriage will not receive justice in court because the judiciary is "corrupt" (Assistant 20 Feb. 2007). She added that if the woman's parents are politically well-connected, they will be able to use their contacts to ensure a decision that is favourable to them (ibid.). While not referring to forced marriage per se, Amnesty International (AI) calls the Cambodian judiciary "disastrous" and "riddled with flaws, political interference and corruption" (AI 22 Dec. 2004). Likewise, in an interview with ABC Radio Australia, the Executive Director of the Center for Social Development (CSD) - a Cambodian non-governmental organization founded in 1995 to promote democratic values (CSD n.d.) - said that CSD research found the judiciary to be among the most corrupt institutions in Cambodia (ABC 8 Jan. 2007). The CSD executive director also reportedly said that

law enforcement agencies are similarly corrupt (ibid.). Likewise, two Cambodian lawyers interviewed by a BBC News correspondent suggested that 95 to 100 percent of judges accept bribes (19 Sept. 2005).

Further information related to forced marriage in Cambodia could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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POLICY Project. January 2003. Graham Fordham. *Adolescent and Youth Reproductive Health in Cambodia: Status, Issues, Policies, and Programs*. <http://www.policyproject.com/pubs/countryreports/ARH_Cambodia.pdf> [Accessed 16 Feb. 2006]

Additional Sources Consulted

Oral sources: A representative from the Cambodian Defenders Project did not respond within the time constraints of this Response.

Internet sites including: The Advocacy Project, Eldis, Factiva, Human Rights Internet, Human Rights Watch, Population Council, Stop Child Trafficking, United Nations Development Fund for Women, Women's Media Centre of Cambodia, World Bank.