

SEPARATE WAYS

A study of attitudes towards separation,
divorce and women's rights in Cambodia.

A feminist
participatory action
research study

2023





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the World



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1

INTRODUCTION



1. INTRODUCTION

In Cambodia, as in many countries around the world, divorce can be a contentious issue. Marriage remains an extremely popular institution, with less than 6% of Cambodians remaining never-married by their mid-thirties [1]. Weddings serve as an important rite of passage for men and women as well as one of the most visible expressions of Khmer culture both in Cambodia and in migrant populations around the world. Minority populations including Cham and Indigenous peoples also place a high degree of importance on marriage and have preserved distinct and highly valued marriage rites. Members of the LGBTQI+ community in Cambodia are campaigning determinedly for marriage equality as an expression of their fundamental rights, demonstrating the importance of marriage across genders and sexual orientations. Previous studies by Klahaan have explored the importance of marriage-related norms such as premarital virginity for women, finding that these norms remain dominant and influential – even among younger generations.

However, a strong hegemonic ideal of ‘marriage for life’ coexists alongside a backdrop of high rates of gender-based violence and in particular spousal abuse. A large 2015 study by UN Women and the World Health Organization (WHO) found that some 20% of Cambodian women experienced physical and/or sexual violence by an intimate partner in a relationship or marriage [2]. The fact that marriage poses risks to many women’s physical safety and wellbeing raises the question of how and in what ways access to divorce is a human rights issue, and more specifically, a women’s rights issue. It is telling here that despite women in Cambodia facing harsher stigma in relation to marital breakdown, some 70% of divorces are initiated by women [3].

Previous studies in other countries have found that female suicide rates tend to plummet after the legalisation or liberalisation of divorce [4]. One study from 2003 in the US found that states that passed unilateral divorce laws saw a large decline in female suicide rates, which decreased by around 20% in states that adopted unilateral divorce. No discernable effect on male suicide was found [5]. The same study reported that "The results indicate a large decline in domestic violence, with... evidence that unilateral divorce led to a decline in females murdered by their partners." Again, the data revealed no discernible effects for men murdered. Amid ongoing discussions and debates about current legal processes and frameworks in Cambodia in relation to marital disputes, separation and divorce – especially vis à vis mediation or other alternative dispute resolution (ADR) practices – this study seeks to provide an account of current perceptions and experiences of divorce.

In particular, it examines several key issues through a women's rights lens:

- The most commonly identifiable drivers that lead women to seek divorce;
- The social, cultural, administrative and financial barriers women face when seeking to obtain a divorce; and
- The long-term ramifications of obtaining a divorce – both positive and negative.

The study examines both the lived experiences of divorced women and men participants, as well as broader public perceptions and opinions about divorce from Cambodian participants who have never been divorced.

Applying a Feminist Participatory Action Research (FPAR) methodology, this research was co-created with Cambodian community members with lived experience of the relevant issues, being either divorced themselves or having divorced parents. It provides an initial evidence base from which gender equality advocates may better understand and more effectively tailor their messaging and interventions around equality within marriage; power dynamics as they manifest during marital disputes; and the right of any person to freely separate from or divorce their spouse.

Report Structure:

This introduction section is followed by a methodology section (Section 2) providing more detail and insight into the FPAR methodology applied as well as specifics concerning sample size, ethical considerations and reflexive thematic analysis of the empirical data.

Section 3 is the first of three sections containing the findings of the research study. It examines the context within which women seek divorce, by looking at both 'drivers' (common reasons that women pursue divorce), and 'barriers' (common reasons that women are unable to or end up choosing not to pursue a divorce).

Section 4 looks more closely at women's experiences of navigating the divorce process itself, as well as their perceptions of their own quality of life and wellbeing post-divorce. This section includes themes such as pressure to reconcile; specific challenges faced by those in 'customary' or 'informal' marriages; and how demographic variations such as rural/urban divides or generational differences can play a role.

Section 5 examines whether and how public perceptions of divorce in Cambodia are seen to be transforming over time, while Section 6 concludes the study.

Research Questions:

The research team developed the following questions to guide the research:

1. What leads to divorce? Why do people get divorced, and does this differ by gender?
2. What challenges do women face when accessing divorce? Are they different compared to men?
3. What are the current attitudes toward divorce in Cambodia?
 - 3.1 How do attitudes differ by gender, age or geography?
 - 3.2 How do these attitudes affect women's rights and daily lives?
4. What are the changes in women's lives post-divorce? Are they different compared to men?

1.1 SUMMARY OF FINDINGS

1. As well as pressure from family members to remain in a marriage, women who seek or obtain a divorce in Cambodia are subject to significant **social shame and judgement**. 87% of survey participants reported a belief that women are more affected than men by shame or stigma after divorce, against only 1% who consider men to be more affected (the remainder selected that both are judged the same).

2. The most common **'drivers'** of divorce (reasons that women seek a divorce) shared by participants in this study included intimate partner violence (often including a combination of physical, psychological, sexual and/or financial abuse); alcohol abuse and gambling; unmet gender expectations; arguments, and infidelity.

3. The most common **'barriers'** to divorce (common reasons that women are unable to or are deterred from obtaining a divorce) shared by participants included familial and societal shame or judgement; a lack of education and information about divorce procedures; a perceived negative impact of divorce on children; and the existence of a strongly maintained virginity culture that shames women for having more than one lifetime sexual partner.

4. Interview participants reported that their divorce has significant residual impacts on their lives, even years later. Commonly reported **negative impacts** include shame and stigma; trauma and emotional struggles; detrimental impacts on children; and often devastating financial impacts. **Positive impacts** include freedom from violence and abuse; a reduced burden of care for their ex-husbands; improved relationships with their children; and increased personal autonomy and freedom.

5. Divorced women living in rural areas are perceived to be more affected by societal stigma and judgement. 48% of survey respondents indicated that rural women are more affected, against only 8% who felt urban women are more affected (44% reported there to be no difference).

6. Women are perceived to be more emotionally affected by divorce than men. 63% of survey respondents indicated that 'usually women are more affected,' while only 1% felt that men are usually more affected. 36% reported there to be no difference.

7. Women are also perceived to be more financially affected by divorce than men. 66% of survey respondents indicated that 'usually women are more affected,' compared to 3% for men. 26% reported there to be no difference, while 5% felt that neither party is usually affected.

8. Older people are seen as more likely to judge someone else for being divorced. 58% of survey respondents selected older people (40+) as being more judgemental in relation to divorce, versus only 17% for young people (Gen Zs and Millennials). 25% reported there to be no difference.

9. Divorce is shown throughout the report to remain a contested and controversial life choice in Cambodia, especially for women. However, societal attitudes towards divorce are also seen to be observably shifting over time and across generations, becoming significantly more liberal: When asked how attitudes have changed toward divorce compared to the year 2000, the most common response at 89% was that people have become more accepting. Just 2% reported that people have become less accepting, while 8% were unsure and 1% felt there had been no change.

2

METHODOLOGY



2. METHODOLOGY

This research study applied Feminist Participatory Action Research (FPAR) principles in its design and development. According to the APWLD, who have pioneered FPAR research praxis in the region, FPAR is a method of investigating social issues that directly involves the participation of oppressed and ordinary people in problem posing and solving.

It is a "way for researchers and participants to join in solidarity to take collective action, both short and long term, for social change" [6]. FPAR also thoroughly integrates feminist perspectives and processes, as well as capacity building and knowledge sharing. To this end, a team of local researchers with lived experience of divorce (either as divorced women themselves, or as women with divorced parents) was engaged to co-design the research.

The action research team comprised volunteers based in Phnom Penh and Kep Province. The team were trained in ethical research principles and data collection techniques, and participated in the entire process of the study.

Methodology (Cont)

A primarily qualitative approach employed semistructured interviews with women and men, allowing the researchers the opportunity for flexible in-depth discussions. The 40 qualitative interviews, conducted in Phnom Penh and rural areas of Ratanakiri and Kep provinces, were supplemented with an online survey.

Given the nature of the research questions and the line of enquiry, divorced women deliberately comprise the largest group of interviewees (22 out of 40). This is because the research seeks to understand the experiences of divorced Cambodian women – an under-researched group – through a feminist lens and to amplify their voices.

INTERVIEW PARTICIPANTS	NUMBER	CODE
DIVORCED WOMEN	22	DW
DIVORCED MEN	3	DM
NON DIVORCED WOMEN	5	NDW
NON DIVORCED MEN	5	NDM
CSO WORKERS	5	CW
TOTAL	40	

However, in order to better understand the differential impact of phenomena such as social stigma and how it is experienced differently by women and men, several divorced men (3) were also recruited to share their own experiences. A set of 10 participants (5 women, 5 men) who have never been divorced were also interviewed in order to showcase broader public perceptions and attitudes about divorce as held by those in the majority who have never experienced it.

Finally, five participants from CSOs working on gender and/or divorce-related issues (each of them divorced themselves) were interviewed to provide insights on women's rights and divorce in Cambodia, as well as to share their own experiences and learnings.

Coding and analysis

The participatory action research team members were actively involved in all stages, rather than as 'enumerators' who might only be handed surveys to conduct and resubmit. In coding the qualitative data, a practical training on thematic data analysis as per Braun & Clarke (2013) was conducted in Phnom Penh [7]. The interview data was subsequently analysed and coded by the participatory action researchers themselves.

Extracts from interviews with participants are labelled with either the letters 'D' or 'ND' for either divorced or non-divorced participants. For example, DW5 is a divorced woman participant, while NDM12 is a non-divorced male participant, (the 12th interviewed). The five women participants working for CSOs are labelled from CW1 through to CW5. Unfortunately, unlike each of Klahaan's previous research studies, this study does not explicitly include LGBTQI+ perspectives. This is due to the specific nature of the subject matter and the current restrictions in the Cambodian context that limit marriage and therefore divorce to between couples of different sexes.

Online survey

In addition to interviews, an online survey was conducted to provide more quantitatively-oriented insights, and received 100 responses. The data was analysed using Excel and the findings are included throughout each section of this report. Because this is a qualitative study that seeks to explore the depth and richness of experiences, rather than a large-scale quantitative survey, it cannot and does not aim to be representative of the Cambodian population as a whole.



3

BARRIERS & DRIVERS OF DIVORCE

3. BARRIERS & DRIVERS OF DIVORCE

This is the first of three thematic sections of this report exploring participants' experiences of and attitudes towards divorce in Cambodia. This section looks specifically at the context within which women seek divorce, and the ways in which their choices are judged by their families and communities as well as by wider society.

The first half (Section 3.1) looks at the '**drivers**' of divorce (common reasons that women seek a divorce), while the second half (Section 3.2) explores gender-specific social '**barriers**' (common reasons that women are unable to or deterred from obtaining a divorce).

3.1 REASONS WOMEN PURSUE DIVORCE ('DRIVERS')

"He used violence against me... I never wanted to divorce him because I loved him, but it reached the point where I could no longer tolerate the pain" (DW6).

The first common driver that emerged from the interview and survey data was that of intimate partner violence (IPV). The WHO defines IPV as "behaviour within an intimate relationship that causes physical, sexual or psychological harm, including acts of physical aggression, sexual coercion, psychological abuse and controlling behaviours" [8].

Of the survey respondents, the majority reported that IPV is the leading cause of divorce sought by women in Cambodia, while 'falling out of love' is perceived to be the main reason why men pursue divorce. Respondents also indicated that violence is more commonly experienced by women than by men: while two thirds (66%) of respondents reported that IPV is a key reason for women choosing to get divorced, by contrast, just 16% reported that IPV is a key reason for men choosing to get divorced.

For many women interview respondents, IPV reportedly played a key role in their own decision to pursue a divorce. Qualitative interviews contained multiple testimonies describing an ex-husband's **physical abuse**, especially when jealous or otherwise dissatisfied: *"We used to argue all the time, and he grew jealous of my relatives. He didn't want them to visit me. He would always abuse me physically whenever he was drunk"* (DW2). The types and severity of physical violence described by participants varied widely, ranging from assaults that left them with bruised arms (DW2), to *"pushing and slapping"* (DW13), through to violence so severe it involved being hit in the face with a bat on one occasion, and resulting in the loss of an unborn baby through miscarriage on another (DW6).

Notably, most respondents who described IPV as a driver compelling them to pursue a divorce also reported that they had not taken action after just one or two isolated episodes of violence. Rather, there were repeated cases of violence over a long period. These cases tended to increase in severity and frequency over time, until the respondent *"couldn't endure the pain anymore"* (DW2). As one respondent put it, *"[The violence] was so painful, to the point that I just couldn't live with him anymore"* (DW5).

Serious instances of **psychological abuse** also featured throughout the interview data, with one respondent reporting that her ex-husband would throw and smash plates in the house, and would often threaten her with a gun (DW22). Survivors of psychological abuse endured psychological trauma or emotional and mental harm through their partners' attempts to control, frighten, and isolate them through the use of verbal or non-verbal communication [9].

Indeed, controlling behaviour was a prominent theme in the data, with one respondent reporting that: *"My ex-husband wouldn't allow me to decide on anything. He even set a curfew... [and] I couldn't buy new clothes or jewellery"* (DW6). Similarly, another advised that her access to employment opportunities had been restricted due to this controlling behaviour: *"He just wants to be in control, and wants to win... I didn't work outside the home because he was always jealous"* (DW2). In a particularly disturbing case, one participant recalled that she lived under threat of being killed by her ex-spouse: *"[He] used to intimidate me with his gun, but I tried to explain to him by asking him if it happens, who's going to look after our sons?"* (DW16).

Sexual violence, including spousal rape, also featured in the data among multiple respondents as a driver for divorce. The following case by a divorced CSO worker interviewed for this study shows how multiple forms of violence – physical, sexual, and economic – can compound to limit a woman’s choices and autonomy in marriage, while ultimately driving her towards divorce:

"In my case, there was sexual violence, including marital rape. Furthermore, there was also economic violence. I had to be responsible for every expense in the household, especially the children’s cost of living...

He forcibly raped me on our wedding night... Unfortunately, I got pregnant from that rape, so I had no choice but to stay with him... I got more scared, and believed that I had no way out... I tolerated it for a long time until I got physically sick and wanted to stay away from him"

(CW4).



As well as IPV, some respondents also described **violence against their children** (or a fear of future violence towards them) as contributing to their decision to pursue a divorce. For others, their decision to get divorced was less about physical violence, and more closely related to arguments and ongoing discord or discontent within the relationship. For instance, a refusal to perform unpaid care work and household chores (DW13), a general feeling of being unhappy with one another and a lack of communication (DW7), a feeling of being constantly disrespected, and fighting “over the little things” (DW11).

The lines here – between unreasonable/toxic behaviour and abuse – can appear blurred at times. For instance, it can be difficult to distinguish between behaviour that could prima facie constitute ‘emotional abuse,’ (defined in Cambodian law as behaviour comprising “harassment causing mental/psychological, emotional, intellectual harm to physical persons within the household... [that exceeds] morality and the boundaries of the law” [10]), and behaviour that is unpleasant and upsetting but not necessarily criminal.

Similarly, numerous interview extracts discuss former partners having been controlling or unreliable with money or possessions at times, but the behaviour has not been explicitly described as **financial abuse** (a tactic whereby one exerts control through restricting their spouse's ability to access finance in the family):

"[The divorce was] because he didn't help with our problems. For example, I had to pay off our debt alone and he refused to share the burden. So why would I still be with him? If I have to solve each problem alone, isn't it better to just live alone? That was what I thought." (DW19).



Financial pressures were reported by many respondents to have been intensified by factors such as their husband's gambling addiction, alcohol abuse, and by their tendency to "spend more money than what he earns" (DM3). Some also reported that external factors like debt, land loss and the COVID-19 pandemic had increased the financial pressures that resulted in their divorce (DW21). For one participant, the financial irresponsibility of her ex-husband eventually became untenable when she developed health problems:

"Men don't support their wives financially. They don't know how to take care of their wife or children, and mostly just focus on themselves. Women [suffer] when their husband doesn't support them financially and spends money on alcohol and gambling. In my case... because he didn't care about his responsibilities, he never cared about me when I was sick – never sent money, never cheered me up, and never made me feel warm" (DW9).



From the above quote, it can be seen that the perceived financial irresponsibility of husbands is tied to a wider failure of a man to perform gendered expectations within a heterosexual marriage. As one respondent neatly put this: "Women decide to divorce when... the family doesn't have a dependable pillar. It might be because the husband consumes too much alcohol and doesn't work, or uses violence" (DW15).

Indeed, both men and women participants identified unmet gender expectations as a cause of divorce. Heteronormative gender roles and expectations were highlighted for both husbands and wives, which when unfulfilled led to dissatisfaction and sometimes divorce. For women, as well as the view that a husband should earn enough financially to support the family, some respondents also appeared to hold certain attitudes and expectations towards their husband's performance of masculinity. For example, one respondent advised that *"women prefer their partner to be brave, manly or have a social presence"* (DW16).

Women, on the other hand, are expected to hold the image of a 'proper housewife' that satisfies the needs of her husband. Both men and women respondents agreed that women being frequently out of the home, whether for leisure or work, can constitute a common reason for divorce. Indeed, one male respondent explained his neighbour's divorce as being because *"the wife never stayed at home, she would always go out"* (DM2). Similarly, a divorced woman shared that *"I believe our divorce happened because my work required me to travel a lot"* (CW3). Thus, women's careers can get in the way of marriages on the basis that it enters into conflict with gender expectations, in particular if it questions men's position as the main family provider.

Some unmet expectations were not necessarily linked to gender, but to broader expectations within the relationship. Those were related to alignments in lifestyles, perspectives and other responsibilities. For example, a women participant referred to *"a lot of misunderstandings and unmet expectations on both sides"* (CW5) and a man mentioned *"different lifestyles and perspectives"* (NDM3) as a cause of divorce.

The final common driver located within the data for women's decision to get divorced was that of infidelity. 81% of survey respondents indicated that 'cheating and affairs' was a likely cause for women choosing to divorce, while only 68% selected the same response in relation to men. As with the IPV discussion earlier in this section, the interview data appears to indicate a trend whereby women usually only divorce their husbands for cheating after multiple or ongoing affairs, rather than one or two isolated incidents:

”

"He cheated on me since we first got married. I always kept an eye on him to the point that I was so exhausted that I didn't care anymore. So I only asked him to hide his affairs from me. All I wanted was a family, so that my children had both parents staying together. But one day, he went too far; he brought her to sleep at the house that we had built together. In the end, I decided to sell that house and get a divorce" (DW20).

This higher tolerance for infidelity may in part be because the economic and social impacts of divorce are higher when borne by women, as will be discussed in later sections of this report. One divorced male respondent supported this idea by advising that *"In some cases, the wife also knows about the affair, but she chooses to bear the pain and save the marriage because she cannot live alone"* (DM3). By contrast, responses about women cheating appeared to be more isolated: *"Recently, a man caught his wife having an affair with a man at a guesthouse. So the husband decided to file for divorce"* (NDW2).

One CSO respondent gave the opinion that men were less likely to pursue a divorce because of their relative freedom and autonomy within marriage compared to women. For instance, while women were constrained to act in certain ways after marriage (women interviewees in this study reported having given up work or limiting their social lives, for instance), men retained similar freedoms to those that they had enjoyed before marriage, including in relation to fidelity:

"In my opinion, most men prefer not to get divorced because even though they're married, they can still do many things—including cheating on their wives" (CW3).





3.2 REASONS WOMEN FAIL TO ACCESS DIVORCE ('BARRIERS')

"Due to gender stereotypes in Cambodia, divorced women are judged more harshly than men. Society always perceives that something must have been wrong with the woman" (CW1).

This section moves from the reported common drivers for women choosing to pursue a divorce, to the common social and cultural barriers that women face which discourage or prevent them from leaving a marriage.

The first of these is a reported pressure to remain in a marriage in order to maintain harmony and keep up appearances. The sources of this pressure varied but usually included family members, especially parents and siblings, as well as neighbours and local authorities:



"...there is still judgement from others - my father, when he heard of the divorce, felt bad for his grandsons so he tried to reconcile us. He wasn't happy when I moved out, and always encouraged me to move back in with my husband... My younger siblings also put pressure on me, telling me that I must move back home and live together again" (DW16).

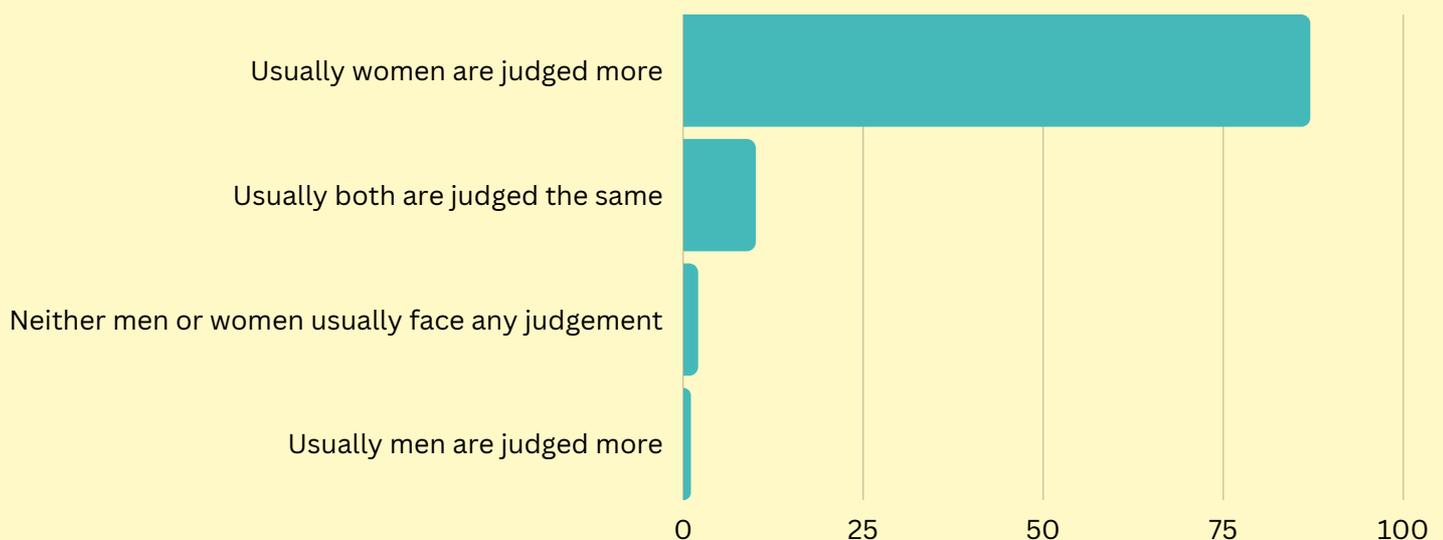
Indeed, many women respondents reported feeling unsupported or judged by their families regarding their decision to pursue a divorce. They described a common view that having a divorced family member would bring shame to the wider family. Therefore, relatives would often strongly encourage reconciliation with their husbands as an alternative to separation and divorce:

"When I attempted to divorce my husband for the first time, my family persuaded me to change my decision and reconcile with my ex-husband. It was never a discussion about my mental health and wellbeing; I suffered from depression for years in my marriage" (CW2).



The pressure from family members to remain in a marriage is reportedly reinforced by social **shame and stigma** towards divorced women in Cambodia. In the online survey, an overwhelming 87% of participants reported a belief that women are more affected than men by societal shame or stigma after divorce, against only 1% who consider it to be the other way around:

Who do you think is usually more affected by shame, judgement or stigma from society after a divorce?



Numerous interview participants reported facing social barriers which served to prevent them from accessing divorce, and meant that at least for some time they chose to remain in an unhappy marriage. One divorced woman participant explained that *"women are still judged more harshly than men, because... society still puts the blame on divorced women. They're talked badly about and looked down upon"* (DW12).

Numerous participant responses also indicated that there is a social stereotype of divorced women as having poor personalities or being morally deficient. As one participant, a divorced man, said: *"I think my ex-wife receives way more judgement than me. I think people say things like 'You have a lousy personality; that's why your husband divorced you'"* (DM3). Another stereotype is that divorced women should be pitied: *"Society still sees divorce as a negative thing, especially for women. Regardless of how successful or economically independent a woman could be, if she's divorced then people in society feel pity for her, and look at her as an unfortunate woman"* (CW3).

Norms for divorced men are reportedly different, with double standards readily evident: *"Society only listens to one side of the story. It's like men's words carry more weight than women's. People don't really care if a man has another wife after a divorce, but if a woman remarries then they will accuse her of having an affair, and assume that's the reason she got divorced"* (NDW1).

Cultural notions of women as protectors and preservers of harmony within the family also reportedly act as barriers that deter women from pursuing a divorce where they would otherwise wish to: *"People expect women to endure and to safeguard the family's harmonisation. This is because people tend to apply a traditional gender lens to the issues"* (CW3).

As noted by Brickell (2014), and by WPM in their previous research on the topic (2020), there is a consistently strong emphasis in Cambodian culture on harmony and reconciliation [11, 12]. Brickell explains that "Women's societal statuses remain calibrated against harmonious marital and parental relationships" [13]. This is also demonstrated by the stated purpose of the 2007 Domestic Violence Law, being: "...to establish a legal mechanism to prevent domestic violence, protect the victims and preserve the harmony within the households in line with the Nation's good custom and tradition." As such, the cultural tendency has always been "to mediate and reconcile marital differences rather than facilitate equal access to marital dissolution" [14]. Indeed, cultural and traditional norms featured commonly throughout the data as influencing factors serving to discourage women from divorce:

"Divorced women are judged more harshly by society than men. It could be because of traditional norms and mindsets, which hold the view that women can't do anything other than household chores" (NDM3).



Another perceived barrier for women that prevents them from obtaining a divorce is that of a **lack of education and information about divorce procedures**. As one participant described:

"I didn't receive a lot of information regarding the divorce procedure. Information about the legal process is very limited and isn't well known by a lot of people. The information isn't available on public platforms for people to access, so people don't know much about them."

When the same respondent was asked by the interviewer if such limited access to information makes it difficult for people to file for a divorce, she responded as follows:

"Yes, I think it's very challenging. People who want a divorce don't know how to do it or where to start. For example, if a woman is a victim of domestic violence and she needs help, she doesn't know where to seek help. If she goes to her parents, it might be hard because of their judgmental mindset. I believe that if we had a system that helps people to report their problems or to get information, it would be more helpful" (NDM4).



An additional barrier commonly raised in the data as a deterrent for women seeking divorce is that of the **perceived social and psychological impact on children**. One interview participant described this as follows:

"Another reason why older people don't want their children to divorce is that they worry that their grandchildren will be stigmatised for not having a mother or father by their friends at school [because] they don't have a complete family" (DW3).

Numerous women participants stated that they had delayed getting divorced because of a desire to avoid their children being 'fatherless.' One participant reported enduring an unhappy marriage for some time because she was repeatedly told that her children's future was at stake: *"When I was considering a divorce, people always told me to think about my children's future. They suggested that my children may not have a good future without my ex-husband's presence"* (CW1).

Interestingly, these norms are so pervasive that even some women participants who had personally been through a divorce still appeared to uphold them strongly:

"I think divorce is not good for society because children are left living without a father or a mother. And it's also not good for society if women were to have more than one husband" (DW9).

The second phrase in the above quote raises the final deterrent or barrier that featured commonly across the data, namely that of **virginity culture**. Participants identified certain cultural perceptions of purity, for example, that a woman is "white cloth" and should only have one sexual partner throughout her life. In addition, some participants noted taboos around divorce and the societal expectation that a woman will remain married, irrespective of how difficult the marriage is:

"It's rooted in our cultural values. Our society expects women to have only one sexual partner... It is accepted without question that women should not go outside the home as much or have multiple partners" (CW1).

Some participants shared being confronted by a societal belief that having multiple sexual partners will make a woman appear promiscuous and make her less attractive for subsequent re-marriage. This, in turn, creates social barriers to seeking divorce. One participant highlighted the social pressures to remain in marriage on the basis that once a woman loses her virginity to her husband, remarrying will be challenging as her "value" will have diminished in the eyes of other men desiring partners with greater perceived purity. As such, many married women would prefer to stay in an unhappy marriage.

"There's a higher chance for men to easily find a new partner than women, which I think is related to virginity. Women after divorce might have lost their beauty as well as their virginity, so people don't really favour divorced women. I think women will face a lot of challenges after divorce" (NDW3).



SECTION 3

CONCLUSION

This section has explored the context within which women seek divorce in Cambodia, and the ways in which their choices are judged by their families, communities and wider society. The first half examined the most common drivers of divorce, and found these to include intimate partner violence (often including a combination of physical, psychological, sexual and/or financial abuse); alcohol abuse and gambling; unmet gender expectations; arguments, and infidelity.

The second half of this section explored the gender-specific social barriers that commonly act to prevent or deter women from obtaining a divorce. These included familial and societal shame or judgement; a lack of education and information about divorce procedures; a perceived negative impact of divorce on children; and the existence of a strongly maintained virginity culture that shames women for having more than one lifetime sexual partner.



4

NAVIGATING DIVORCE: PATRIARCHAL PROCESSES

4. NAVIGATING DIVORCE: PATRIARCHAL PROCESSES

This part of the report moves to look at women's experiences of navigating the divorce process in Cambodia, in both legal and customary marriages. These experiences include pressures to reconcile with a spouse rather than proceeding with a separation or divorce, and other barriers such as financial costs and administrative hurdles.

The section also explores women's perceptions in relation to their quality of life and wellbeing post-divorce, looking at both the positive and negative impacts of divorce in their own lives.

4.1 'FORMAL' DIVORCE

For couples in formal, i.e. legally registered marriages, the procedures for divorce are set out in the 2007 Civil Code. They are summarised by legal expert Dorine van der Keur (2014) [15] below:

A legal marriage, i.e. one that is duly registered at the civil registry, can only be terminated by a legal divorce order issued by a court. A request for divorce can either be submitted directly to the court or submitted to the commune council. If the request is submitted to the commune council, the council has 15 days to attempt reconciliation. If the commune council's attempts have been unsuccessful, it should forward the divorce application to the court.

After receiving a request for divorce, the court will ask both parties to come to the court. Most judges will lobby with the complainant to withdraw the divorce request. If the complainant persists, the court can make provisional arrangements... At this stage, the court will usually attempt three mediation rounds to see if the couple can be reconciled. If the plaintiff(s) persist, the court will then make a decision on the requested divorce, division of marital property, partner alimony, child custody, child visitation rights, and child support.



Just over half of the divorced women respondents interviewed in this study had accessed a divorce through the formal system (14 out of 27 respondents). Of the divorced male respondents, one had been through a formal divorce (versus two informal). In some cases, respondents described interacting with the formal court system despite having no legal marriage certificate, in order to access arrangements in relation to child custody or division of assets.

Issues raised by respondents who had been through a formal divorce included the burdensome **financial costs** of accessing the court system and/or a private lawyer; the lengthy duration of the process; and a lack of support and encouragement for women to push for their own interests.

For those interview participants who accessed private legal support and volunteered the information, the total costs reportedly ranged between \$500 and \$3000. Additional costs were described by some respondents:

"To submit a complaint for divorce in court it mightn't cost very much. However, if one wants to speed up their case, it might take around \$2000-3000 depending on how complicated the case is. And this still needs to include the lawyer's fee... a friend spent about \$13000 to process her divorce" (CW4).

Another, male respondent, spoke to the importance of money in the divorce process:

"In Cambodia, if we have money, it's really easy. But if we don't have money, it's not easy. Usually if we know the lawyers then the cost of divorce will be under \$1000, but if we do not know anyone, we might spend around \$1.5k to \$2k, depending on how fast we want the divorce to be done" (DM3).

Finally, one woman respondent reflected on the fact that if she hadn't had access to substantial sums of money then she would not have been able to obtain a divorce at all:

"The divorce process is really challenging in Cambodia... I could only get a legal divorce because I had money for the process. If I didn't have money, I wouldn't have been able to get a divorce, and my ex-husband would still be in my life" (DW20).



As well as the significant financial costs they incurred, several divorced respondents reflected on the protracted nature of the formal divorce process. One participant advised that even though *"both of us consented to divorce and didn't contest for any assets, the process through the formal court system took almost a full year"* (CW5). Another (CW4) suggested that the divorce process could take anywhere up to three years to complete.

Another recurring theme throughout interview responses from those who had been formally divorced was that of **administrative barriers**. While some – especially those with family connections to legal professionals or court officials – found the process to be straightforward and were able to access a divorce relatively quickly, numerous participants described having faced bureaucratic and time-consuming processes that proved challenging:

"For me, the divorce proceedings were very challenging. When I went to court asking for a divorce application by myself without support from a lawyer, the court officials made me wait and wait. Then I had to hire a lawyer to help with my application. Despite having support from a lawyer, I had to go to court several times for the reconciliation sessions, and the timeframe between each session was unfixed - it usually depends on your resources and network inside the court system. It costs a lot of money and time" (CW2).

One respondent felt that the administrative challenges that women face when seeking a divorce are not necessarily a result of the prescribed legal processes being overly complex, but more to do with those working within the system itself:

"The legal procedures aren't complicated, but the court officials have made it difficult and time-consuming. There is no need to amend the divorce proceedings, but there is a need for improvement regarding the law's implementation. It is also vital to eliminate corruption in the court system" (CW5).

A final experience that respondents shared in relation to formal divorce was that of pressure by officials to **reconcile** with their spouse instead of proceeding with the separation. One respondent recalled that: "During that time, the court tried to reconcile us... The court asked me to dismiss the divorce file, but I didn't withdraw it" (DW16). Another reflected on the fact that pursuing a divorce was the right course of action in her case despite a difficult court process which had involved reconciliation sessions:

"To access divorce with a marriage certificate is hard, but if people really want to divorce, they'll still make it happen. Even after the court asks a couple to reconcile... In my case, because a lot of bad things had happened, I was worried that if I continued in the marriage, who knows what would happen in the future" (DW6).

Suggestions for improvement in the formal process:

As well as reflecting on the experiences and challenges faced during the legal divorce process, multiple participants gave suggestions for improvements in the process that they felt would be beneficial. These included speeding up the process and reducing or eliminating the time for reflection and reconciliation currently mandated by the court: *"If it could be faster, it would be great. I don't think we need 3-6 months to reconsider the decision because we'd already decided - otherwise we wouldn't have filed for divorce"* (DW21).

Another suggestion also pertained to the overall ease of the process and the need for greater respect for those undergoing a divorce: *"Of course, divorce should be made easier. For instance... the proceedings should be fast and respectful rather than trying to influence, convince and discourage couples from getting a divorce."* (CW1).

Finally, one participant reflected on the risk that protracted reconciliation and divorce processes can pose to those experiencing intimate partner violence:

"I think it should be easier. Following reconciliation [sessions], men could go home and use violence against their wives - so I think there should be a protection system especially for women... There should be safe spaces for divorcing women to feel protected and braver to express themselves" (NDW3).





4.2 INFORMAL, CUSTOMARY OR 'PSEUDO' DIVORCE

In Cambodia, many couples marry without obtaining a legal marriage certificate, especially in rural areas. These marriages are often referred to as 'informal,' 'customary,' or 'traditional' marriages. Van der Keur (2014) [16] describes these marriages as 'pseudo' marriages, and provides insight into what 'pseudo divorces' often look like for Cambodian spouses who do not have a marriage certificate:

In Cambodia many couples do not register their marriage at the civil registry because they find the registration procedure too cumbersome... This omission primarily endangers the rights of women, especially those who later seek a divorce. Women's rights to marital property and partner alimony are not assured since they are not considered legally married and therefore are not legally entitled to property in the name of their pseudo-husband. They may also have no right to child support.

Approaches taken to ending pseudo marriages are mixed, with varied outcomes for the participants... Pseudo-divorces are common, and lead to a legal vacuum. They occur when legally married couples do not obtain a legal divorce through the courts. As they have with pseudo-marriages, justice sector and government officials have sought to find ways on how to deal with the legal consequences of pseudo-divorces. Commune councils have come up with a practical solution through the issuance of a "separation certificate." These certificates have no legal meaning, as they are not based on the law. Nevertheless, in practice commune councils will allow people to remarry after they obtain a separation certificate.

Participants in this study who had married without obtaining a formal marriage certificate also described their experiences in seeking and obtaining a divorce, including specific challenges. It is important to note that many such respondents found the process to be relatively fast and cost-effective, including one informally divorced woman who explained that:

"[The customary divorce process] wasn't hard. The village hall prepared the divorce paper and agreement so we only had to put thumbprints on the divorce document along with the witnesses... It was really quick, we thumbprinted right after they prepared the divorce document" (DW9).



Indeed, many participants reflected on the fact that their customary marriage was easier to dissolve than a legal one would have been. This included one respondent who had requested a customary divorce through her local police station (DW5), and another whose divorce was arranged within the family:

"We got married without a legal certificate of marriage so the divorce was easy. We only discussed the divorce within the family, we didn't go to the village hall or court to divorce because we didn't have a legal marriage certificate" (DW10).



Another participant suggested that customary divorce is easier due to the fact that there is no need to interact with the formal court system:

"It's easier without a legal certificate because we don't have to go to court. It's easier to access divorce in rural areas because [many] don't have a legal certificate, and so the divorce process is less complicated" (DW22).



While many participants reported the view that customary marriages are generally easier to dissolve than formal ones, some highlighted that the lack of documentation and standardised procedures can still make the process very difficult. For instance, local authorities, police or religious leaders often have greater discretionary power to deny a customary divorce despite one or both parties making repeated requests. One woman who had been informally divorced argued that:

"It's not easy [to access divorce], It's really hard. The authorities didn't want us to divorce, so they kept trying to reconcile us. And it takes a long time after the reconciliation period before the divorce" (DW14).

Further, as one CSO respondent observed, local authorities having the power to facilitate or deny access to customary divorce can impact women through gendered power imbalances. One divorced CSO respondent who works with women survivors of IPV highlighted this as follows:

"In the case of marriage without a legal certificate, both parties go to the local authorities or the police. This is where women experience hardship, and sometimes they are threatened and intimidated" (CW4).

Suggestions for improvement in the customary process:

As with those who had undergone a formal divorce, participants who had been informally married also made suggestions for improvement in the customary divorce process. These again largely centred around making the process easier, as demonstrated by one participant in the following quote:

"I think the processing period should be easier and shortened. I don't want the process to take such a long time" (DW32).

4.3 DEMOGRAPHIC VARIATIONS

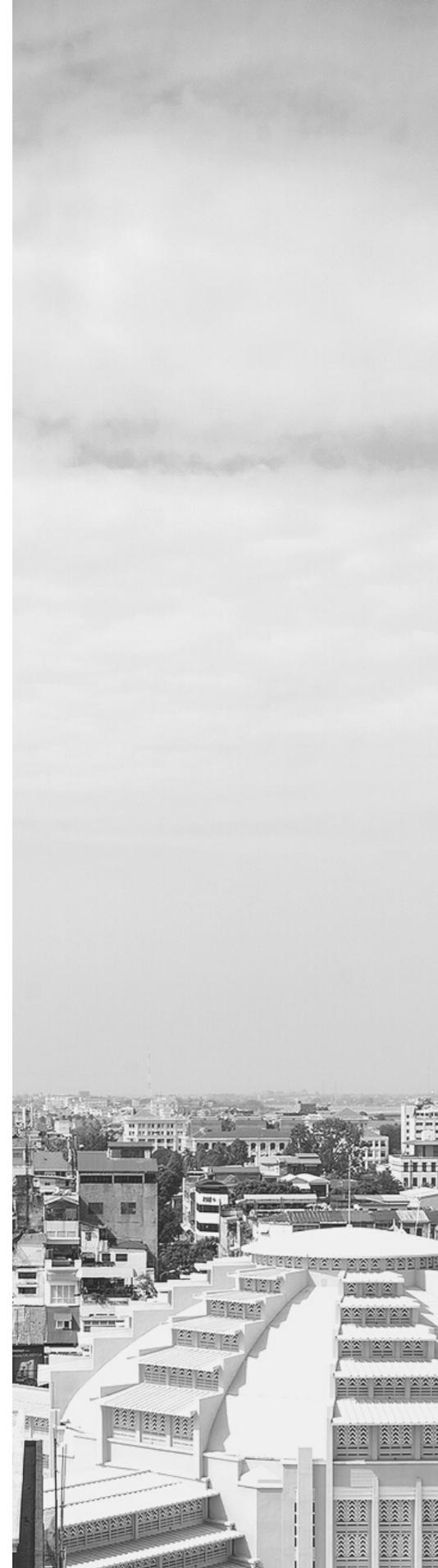
Responses by participants during interviews indicated that experiences of divorce in Cambodia are often influenced by specific demographic variations. These include whether a person lives in a rural or urban area; their level of education and household income; their age; and whether they share children with their spouse. This section briefly describes some of these perceived variations and their impacts.

Rural versus urban experiences

Opinions varied among participants as to whether a couple's geographic location tends to make it easier or more challenging to access a divorce. Some expressed the view that divorce is easier to obtain in rural areas because of the interpersonal familiarity with authorities living in the same community:

"We live in a smaller village compared to the city, so we know the head of the village and authorities personally, which makes divorce easier to access. I think it's harder to access divorce in the city as there are so many people living in each district..." (DW3).

Others put forward that because customary marriages are more common in rural areas, it is generally easier to obtain a divorce in these areas too. For example, one comment highlighted that *"it's easier in rural areas because people normally get married without a legal certificate - so they only have to go to the village hall for divorce and it's faster, the process is less complicated"* (DW21). Another similarly observed that *"In rural areas, because there aren't so many processes at the village hall, people don't have to spend a lot of time or money to get a divorce"* (DW16).



On the other hand, numerous respondents put forward that divorce can often be more difficult to access in rural areas than in cities, for several reasons. Firstly, there are the logistical challenges for those who are in formal marriages and living rurally to access the court system:

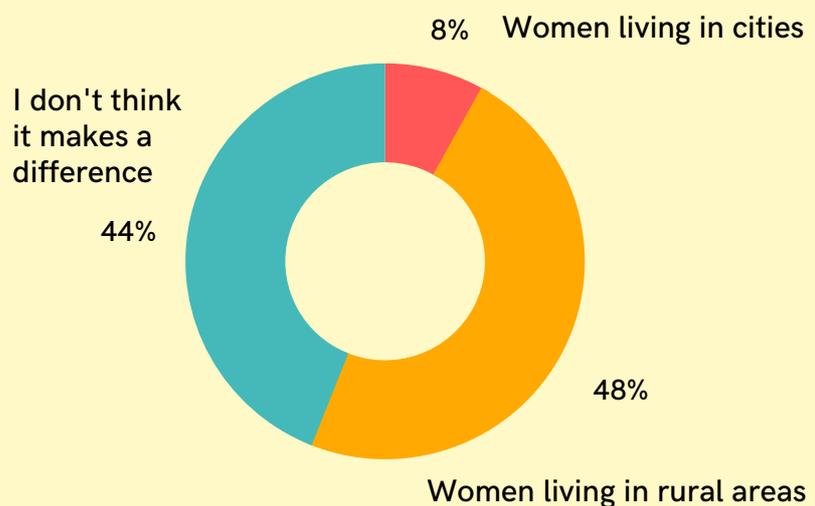
"People in rural areas... don't know a lot about the law and have to travel far to the city if the divorce takes place in court" (DW11). Another explained that "It's easier for people to get divorced in the city, because it's easier to seek help from a lawyer than it is in rural areas" (NDW4).



Secondly, many perceive that women living rurally are more subject to shame and stigma after taking steps to obtain a divorce. This stigma can therefore present rural women with a more significant barrier in the lead up to and during a divorce process. Indeed, of the survey respondents, 44% felt that divorced women living in rural areas are confronted with more stigma and judgement than those in cities, while just 8% believed the opposite to be true.

Other interview respondents observed that women in cities usually have higher levels of educational attainment and income than those in rural areas, again making it easier for urban-living women to access divorce: *"Women in the city have more power to make decisions because of their better financial situation. For women with their own income, it's easier to get a divorce"* (NDW3). Finally, one CSO respondent summarised that: *"Women in cities have easier access to divorce than those in rural areas due to their ability to access information, networks, and financial resources"* (CW2).

Rural & urban: Who do you think faces more stigma and judgement from society after a divorce?

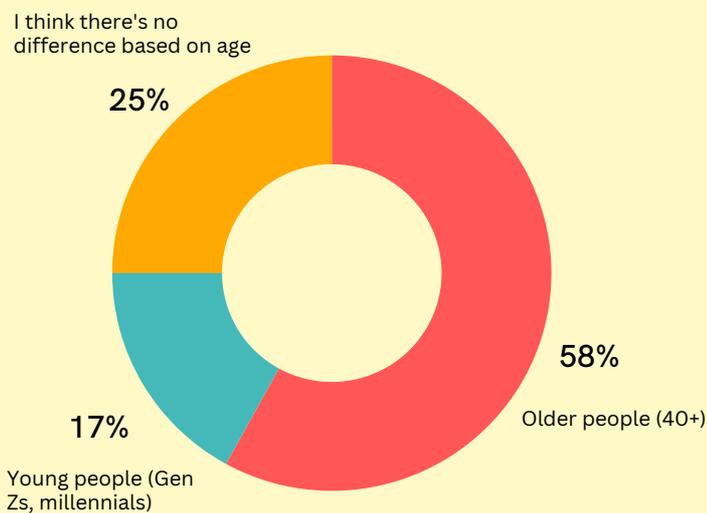


Young versus old experiences

While opinions were split on whether rural or urban women had easier access to divorce, interview respondents were unanimous in the view that divorce is more readily obtainable for younger women than those from previous generations. 58% of survey participants responded that people from older generations are more likely to judge someone else for being divorced, compared to 17% for young people. This may be because, in the words of one divorced woman interviewee:

"Older generations always try to reconcile the couple. Even if there was domestic violence in the family, they wouldn't want their children to divorce" (DW1).

Generation gap: Who do you think is more likely to judge someone else for being divorced?



Conversely, numerous respondents articulated a range of reasons for younger generations having easier access to divorce, including the fact that young Cambodians tend to hold more liberal attitudes towards divorce generally. One respondent suggested that this liberal attitude even goes so far as being a generally "positive" one:

"I think young people have a positive view of divorce, and understand that there are many reasons that lead to [that outcome]. They also know the pros and cons of divorce and they are more open-minded compared to older generations" (DW10).

In a similar way to urban women described previously, young women also tend to enjoy higher incomes and have better access to education and information than older women. Respondents gave the view that young women tend to *"think that divorce is a normal thing"* because they can *"live by themselves, and can support themselves..."* (CW5). With greater "economic independence than the older generations, young women are not afraid of divorce" (ibid). For older women, on the other hand, respondents argued that they are *"less likely to divorce"* because *"they have a low level of education and don't work, so they have to depend on their husbands"* (DW9).

As well as young people having better *"access to education, information and economic independence,"* one CSO respondent argued that they also *"think differently to older people"* in relation to *"enduring all forms of violence in marriage to maintain family harmonisation"* (CW3). The same respondent argued that *"While older people focused on maintaining assets and reputations... young people seem to prioritise their mental health instead of enduring violence... [they] see divorce as an option if they don't get along with their partner"* (CW3).





4.4 LIFE POST-DIVORCE

Having explored the experiences faced by women participants in navigating the social, administrative and financial challenges presented by the divorce process in Cambodia, this subsection moves to examine some of the lasting impacts reported by women in the years following. The discussion is divided into those experiences or impacts that are negative – for instance, economic disadvantage, a disproportionate care work burden, and lasting social stigma – and those that are positive, including an increased sense of freedom and autonomy, and a daily life free from violence and fear.

NEGATIVE IMPACTS

Shame and stigma

As already discussed throughout this report, divorce in the Cambodian context continues to carry with it significant social shame and stigma, despite becoming more common and therefore more mainstream. When asked how divorce had impacted their lives in the years since, many women participants explained that their reputation and image in the eyes of their communities continued to suffer. One woman reported that *"as a woman, being divorced has damaged my image"* while her husband had only been affected *"a little bit"* (DW3). This is because, as the same participant explained, *"for women, people say that once the white cloth is dirty it can't be cleaned again."* This comment refers to a well-known Khmer proverb that describes men as gold, in that their reputation can always be polished clean, while women as white cloth must diligently protect themselves from any perceived *'staining.'*

This pressure on women to remain pure in the eyes of the community is informed by and closely intertwined with a persistent virginity culture discussed previously in Section 3.2. One participant discussed this in relation to her own experience: *"Since I divorced, I have also received judgement from my surroundings... they simply don't understand divorced women's feelings"* (DW11). Another respondent similarly reported that she had *"received a lot of judgement from relatives,"* (DW13) while another said *"a lot of people look down on me for not having a complete family"* (DW6).

Numerous respondents reported that they are viewed with distrust if they spend time in the company of married men, because society holds the perception that divorced women are inherently promiscuous. One woman respondent explained that *"The word 'may maay' (Divorced Woman), is like an open wound in our life. We have to be careful whenever we talk or joke with someone, because people might judge us"* (DW20). The same respondent described how if she were to make too many visits to a married friend, that *"people might talk behind my back and say that I probably visit her often because I want to seduce her husband,"* or, *if she were to talk with a male friend, "his wife wouldn't like it, just because I'm a divorced woman"* (DW20). Another similarly described that *"people usually give me a glance or stare at me if they see me talk to their husbands... whenever people hear the word 'may maay,' they already assume that we are bad women"* (DW16).

One CSO respondent put forward that these harmful norms pertaining to suspicions around women's sexual autonomy post-divorce are *"deeply rooted in our cultural values..."* and shared that *"I myself have experienced a lot of stigma and judgement since my divorce"* (CW1).

As for whether men are subjected to the same level of shame in relation to divorce, one participant explained that this was far from the case in her own experience: *"I think he was blamed by his family as well, but not as much blame as I received. His family didn't care much because they think that it's okay for men to divorce. Men can easily find a new partner."* (DW15). Another agreed, outlining that in her experience, *"I would say that he received much less judgement than me, because he's a man"* (CW1).

Divorced men respondents also agreed that women are scrutinised and judged more harshly following a divorce, with one explaining that *"I think my ex-wife receives way more judgement than me"* (DM3), and another advising that *"We as men can have another wife whenever we want but for women it's more difficult. No one wants to marry a divorced woman, especially one with children"* (DM1).

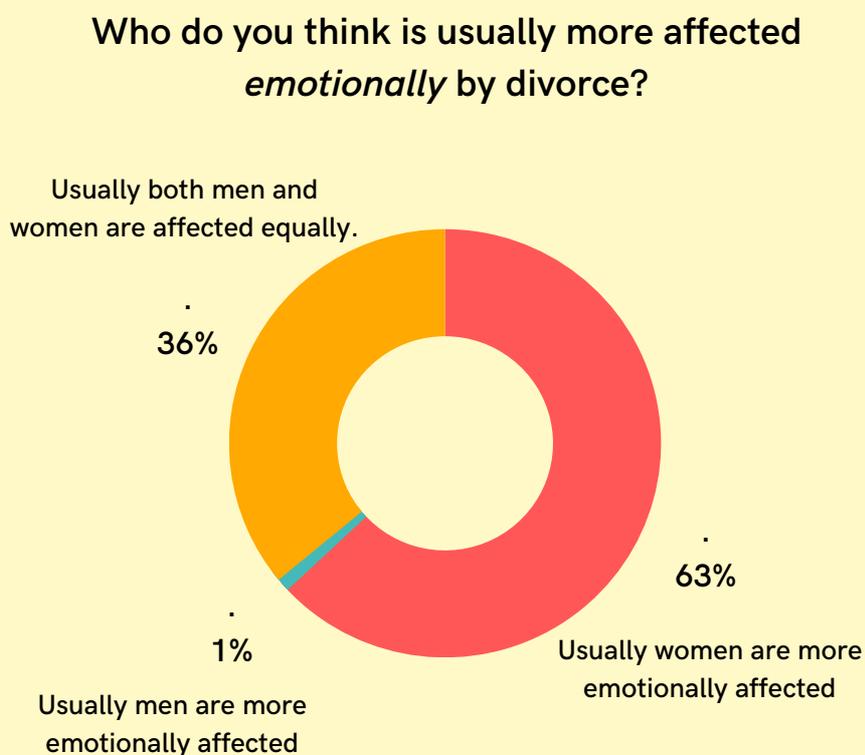
Trauma and emotional struggles

Another area where respondents reported negative lasting impacts in the years following their divorce was in relation to trauma (which was especially acute for survivors of IPV) and emotional distress. Feelings of self-blame, doubt and guilt followed many respondents throughout their post-divorce years, with one respondent explaining that:

"I felt discouraged. When I would see other people's families, I blamed myself for getting divorced, [even though] he used violence on me" (DW6).

These feelings of emotional distress were exacerbated by constant judgement from family members or other community members, to the point that it has reportedly affected the mental health of numerous participants. One described how because of this judgement since the divorce, *"My mental health is not good, I get mad easily, and have less patience"* (DW12). Another told of how *"...people's opinions and judgement still affect my emotions. During the first few months, although I continued to function normally... I lost a lot of weight"* (CW3).

For men, there was a perception that they take only "six months to a year" to heal from a painful divorce, and that "men can move on and find a new partner faster than women" (DW8). One CSO respondent reported that "I don't think it takes a long time for men [to heal]," explaining that in her case, "my ex-husband didn't experience any pain or suffering after the divorce, [and] immediately moved on to start a new life with his mistress" (CW2).



Impact on children

A key negative impact of divorce as experienced by women in Cambodia is that of the perceived damage that the process can have on their children. Numerous participants described guilt about the emotional and psychological toll that their own children experience, including one who explained that *"If we'd had no children during the marriage, it would have been better. I regret that we have a child and got divorced because I feel bad for my child not having a father"* (DW13). The same participant reported that *"The divorce has affected my child's feelings badly."*

Some divorced women respondents advised that the impact on their children was severe and lasting. One CSO participant described her children *"crying themselves to sleep,"* and *"becoming secluded and insecure"* (CW4). Her oldest son, she reported, *"started acting as if he were my father or my husband. He wanted to control me and always asked me where I had been, who I had met, and so on."* Several years post-divorce, she reported that things have since become *"a bit better,"* and that her children had become less introverted. However, the challenges of solo parenting while earning an income have meant that she has less time to spend with them, and this challenge remains.



Financial impact

Numerous women respondents with children reported having been forced to carry heavy financial burdens in the years following their divorce. Many described having to “raise the children alone financially,” and therefore “worrying all the time about financial issues” (DW20). One respondent with five children described her worry about being able to support her children through their education alone (DW4), while another lamented that she had to sell all of her jewellery since the divorce in order to feed her children (DW6). The following participant described also having to manage debt burdens in the form of bank loans, as well as taking on all financial costs in raising their shared children:

“He withdrew himself from all the responsibilities and has let me take care of everything since the divorce. He doesn’t care about anything. He left all the burden on me alone. I had to take care of the kids, I had to work to pay off the debt alone... I still have to take care of the family as a whole and worry about daily expenses. It’s been really hard for me” (DW19).



Despite alimony and child support being enshrined in Cambodian law through specific legal provisions,¹ numerous respondents reported the complete refusal of their ex-husbands to provide any form of support to them, financial or otherwise, in the years following their separation:

“The children decided to stay with me, and my ex-husband promised to pay for our children’s welfare in our divorce agreement. However, he hasn’t paid any child support whatsoever since the divorce. It’s been 7 years now! I’ve had to work hard to cover my children’s education” (CW4).

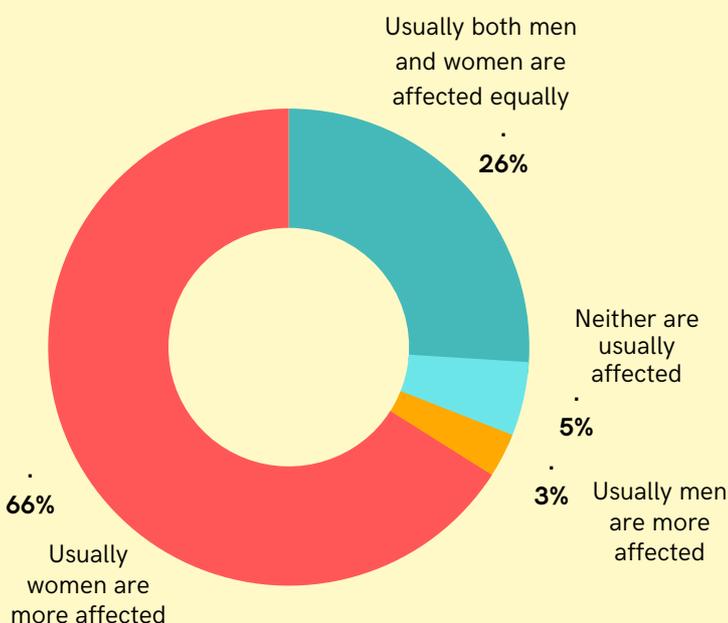


¹ For alimony, see the Law on the Implementation of the Civil Code (2011) art. 78, read with art. 76 and art. 77 of the Law on Marriage and Family (1989). For child support, see art. 1040 of the Civil Code (2007).

Many other participants also described their ex-husbands having obligations to pay child support set out in their (formal or customary) divorce agreements, but ultimately receiving no support. Several put forward suggestions for improving processes related to child custody and alimony, including the following:

"In my opinion, the divorce process in Cambodia is not good enough... the court does not take child support seriously, nor do they take action against any party to make sure the child receives the support. I hope the court makes serious reforms or strengthens the laws regarding this issue" (DW17).

Who do you think is usually more affected financially by divorce?



While this is a qualitative study and therefore limited in scope, the interview data did not indicate or suggest that men in Cambodia typically find themselves financially worse off in the years following a divorce in the same ways as those described above. One divorced man posited that this is because:

"After a divorce, men can still live normally. We can earn the same amount of money. But not a lot of women can earn as much as men... Women are not brave like men and not very committed to hard work" (DM1).

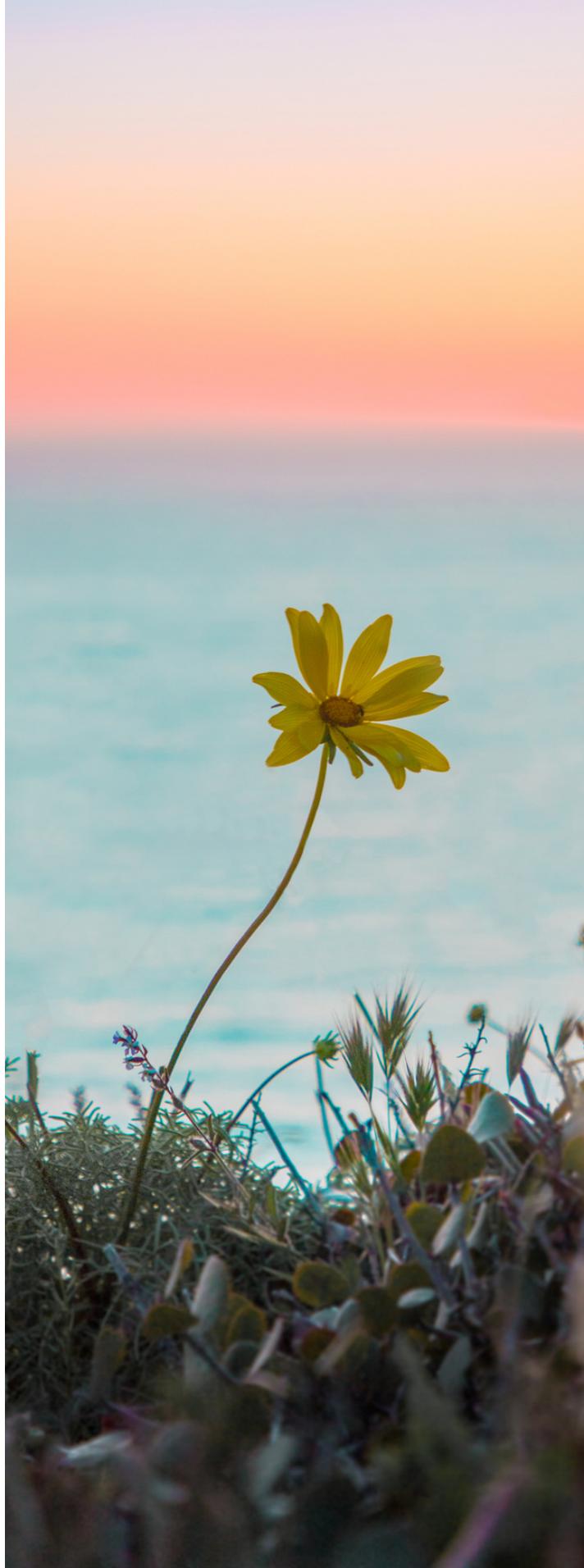
Another divorced man described his life being financially "easier," because while married he had to "ask each other for permission before spending money on anything," but since being divorced it had become "easier for me to spend money without feeling bad" (DM3). Some participants did note that men often have to take on significantly more domestic work following a divorce, at least until they remarry:

"It's hard for my ex-husband because when we were together, I was the one who did the chores and cooking but now he has to do it" (DW16).

POSITIVE IMPACTS

As well as exploring the negative impacts that have resulted in the years since their divorce, interviews with participants also discussed some of the positive turnarounds they have experienced in their daily lives as a result of their marital separation. One woman described feeling "**born again,**" as a result of *"not having to be worried about making mistakes no matter what I do or where I go... I can be myself, I don't have to be afraid of anyone"* (DW11).

Another simply described having become *"content with my life"* (DW1). Indeed, much of the qualitative data from women participants in this section showcases how divorce in Cambodia, while remaining fraught with challenges, can offer many women a pathway to a more independent, healthier and happier life.



Freedom from physical, mental and/or emotional abuse

Almost all divorced women who participated in the study reported having experienced at least one form of abuse committed by their ex-partner, be it physical, mental or emotional abuse, during their married life. The absence of such abuse therefore comprised a significant positive impact for many. Indeed, numerous respondents reported living a more calm and relaxed life without having to endure constant arguments or feeling unsafe in the home. This led to significant improvements in their mental health and overall sense of wellbeing.

One woman described how living free from the abuse perpetrated by her ex-partner meant that: "My mental health has become better because I don't have to deal with the arguments anymore." The same participant explained that: "He used to abuse me physically, but now I'm living a happier life." (DW15). Another described similar improvements in her emotional state, feeling released from "prison":

"I feel I have freedom. I feel like I have been freed from the sadness and suffering I had experienced for many years and endured for so long. I felt like I'd been released from a dark prison after my divorce" (CW2).

Reduced burden of care

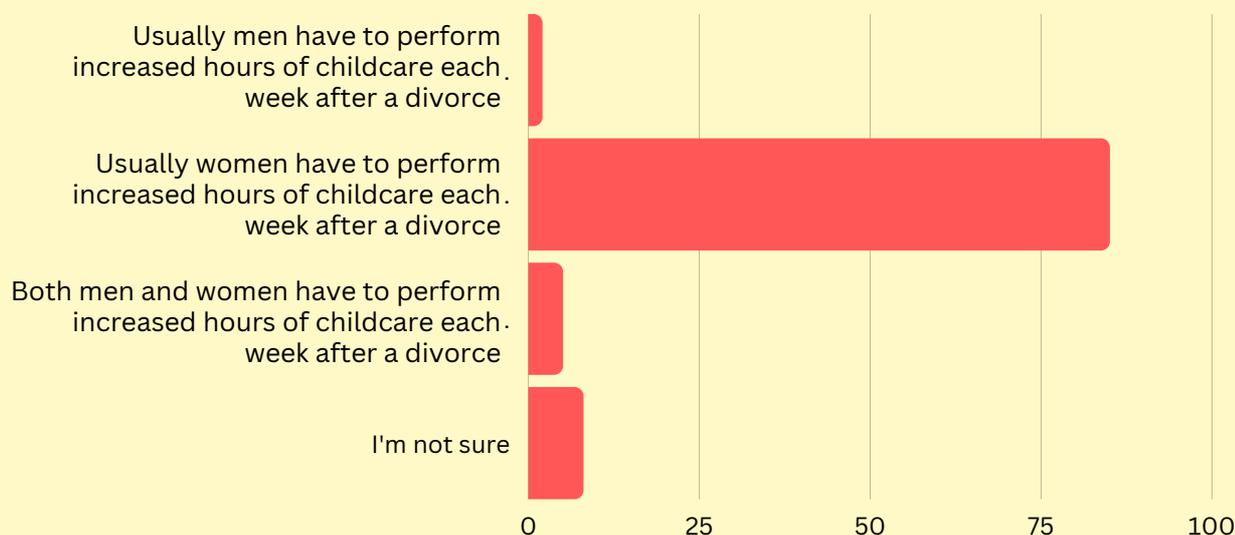
Numerous divorced women participants mentioned no longer feeling burdened with having to undertake daily unpaid care work to meet the basic needs of their former spouses. This included time-consuming tasks such as cooking and laundry for their ex-husbands and taking care of his relatives, as one summarised:

"I don't have to worry about my husband. I don't have to worry about what to cook for him, or how to treat him" (DW19).

Another divorced woman expressed that *"there are many positive things [resulting from] my divorce. I feel more relaxed and released from a situation that I tolerated for many years. I don't need to take care of his relatives."* (CW4).

Finally, one participant explained that since her divorce, she no longer has to stress about *"when he's coming home or the food he wants,"* and could therefore now enjoy *"a lot of time to focus on myself"* (DW16).

Who do you think has to take on increased childcare responsibilities after a divorce?



85% of participants agreed that women are the ones with increased childcare responsibilities after a divorce, against 2% for men.

Improved relationship with children

While many women participants highlighted the negative impacts of divorce on their children, some also reflected upon how it had improved their relationships with their children and also improved their children's wellbeing in the long run. For instance, some reported being able to spend more quality time together: *"I could spend more time with and have a closer relationship with my children, as we've created a space for open conversation and being honest with each other"* (CW4).

The absence of constant arguing in the home following a divorce was also raised as a positive factor: *"I can live more freely, [and] I don't have to argue every day in front of my child. So it's also easier and better for him because he doesn't have to experience his parents arguing every day"* (DW12). Similarly, another respondent explained how she had previously thought that *"divorce would be bad for my children,"* and so *"I stayed in my marriage for a long time."* However, in the years following her divorce, she found that *"my children now understand the decision and seem happier"* (CW4).

Increased personal autonomy

Almost all women participants described in some way how their divorce had given them greater freedom to be and to focus on themselves. This includes the ability to make their own decisions, and to live their lives with a greater sense of independence and autonomy. Thus, when asked whether their divorce had led to any positive outcomes in the years since, many answered emphatically in the affirmative, as the following extracts show:



"I'm mentally better, I have more freedom, I don't have to worry about arguments, and I don't feel stressed" (DW21).

"I think I'm happier because I can be myself after the divorce. I have my freedom and I don't have to pretend or force myself to do anything I don't want to do" (DW10).



"I feel more independent. I have more freedom. I'm healthier in terms of my mental health. When I was in a marriage, I had to force myself to smile. After I got a divorce, I have more freedom, I can actually smile, I can follow my dreams, and do whatever I want. Whatever I wish to do, I can do it. No one will stop me or bother me every day. I feel like I freed myself from tied chains" (DW20).



5

CHANGING TIMES...

5. CHANGING TIMES...

PERCEIVED SHIFTS IN ATTITUDES TOWARDS DIVORCE

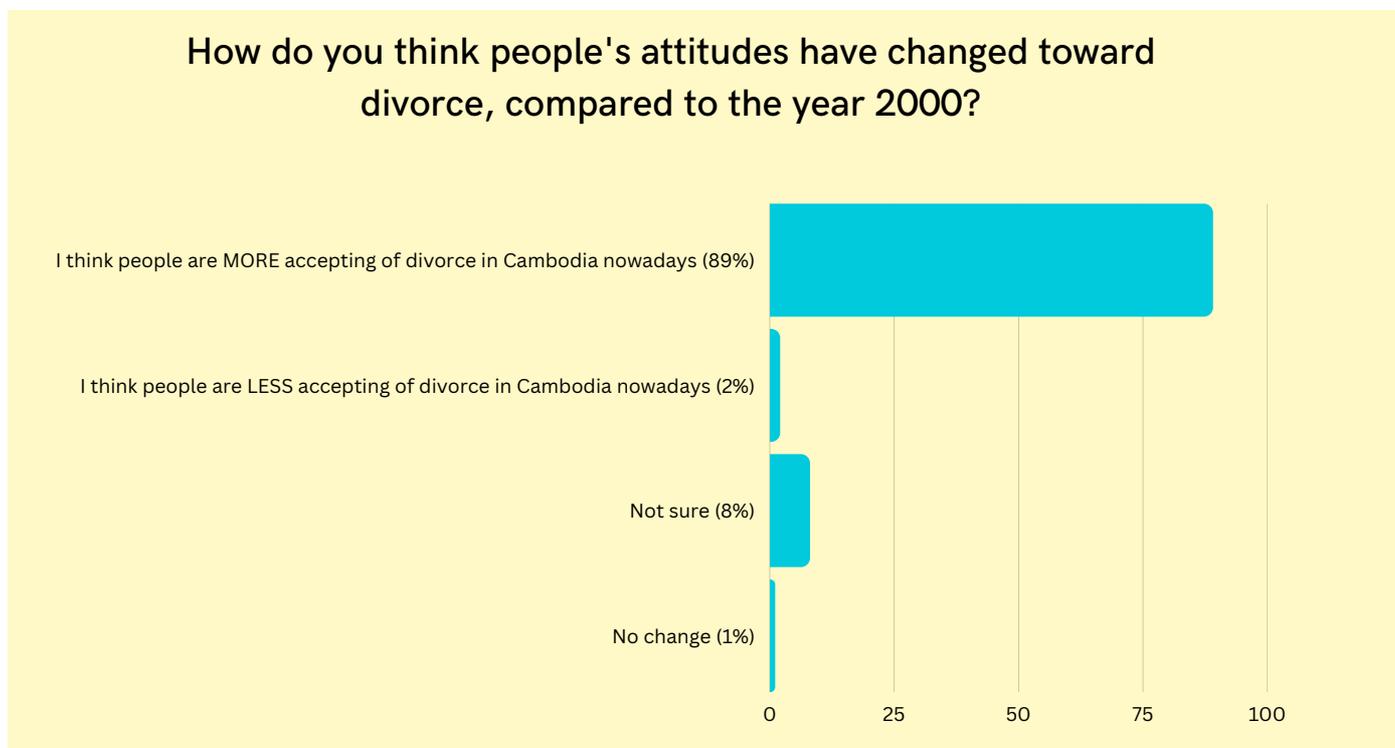
"My mother-in-law said that in the past, there weren't many divorces. I said that the past is different from the present, it's not the same anymore. In the past, there was a lot of domestic violence and cheating in the family but there was no divorce because society valued men more - but now, we promote gender equality. So women shall find their own freedom and stand for themselves. We shall go forwards, not backwards" (DW11).

This final thematic section of the report briefly examines perceptions among both divorced and non-divorced respondents as to whether societal attitudes towards divorce are shifting over time and across generations.

Many of the testimonies and experiences shared by women participants in this report have demonstrated that divorce in Cambodia remains a highly contested and controversial life choice, especially for women. The level of shame and stigma levelled at women for choosing to exercise this basic right shows that urgent work is needed by gender advocates and other stakeholders to protect the rights of women to live in safety and dignity both before and after a divorce, and that system and policy reform is needed to streamline divorce processes in order to make them readily accessible and affordable to all.



However, while divorce remains controversial, both interview and survey participants in this study also overwhelmingly held the view that as divorce becomes more common and therefore more mainstream in Cambodia, attitudes towards it are becoming observably more tolerant, as the below graph shows.

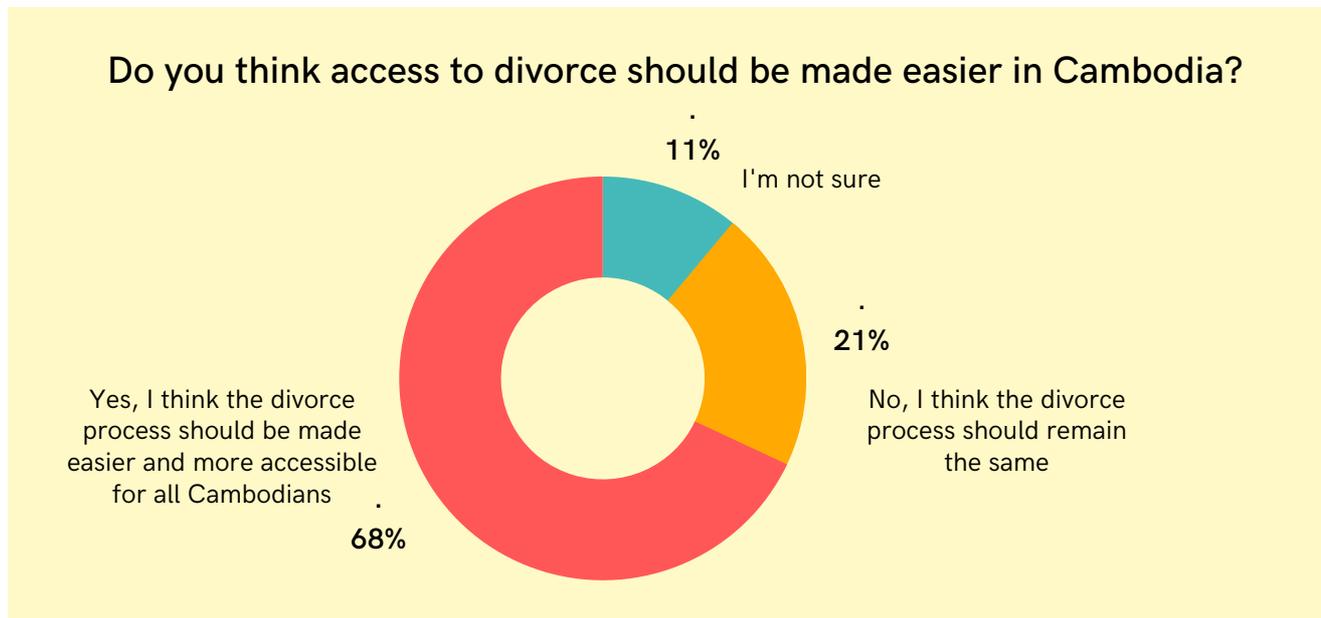


As discussed earlier in this report (especially in Section 4.3), attitudes towards divorce are reportedly influenced by demographic characteristics, including geographic location and age. For instance, one non-divorced participant said that for her, “as a young person, I think divorce is a normal thing because if we live in an unhappy marriage, why should we have to endure it?” (NDW1). The same participant also observed, however, that “for the older generations, they have a difficult time normalising divorce. They still have judgmental thoughts towards divorced people, especially women.”

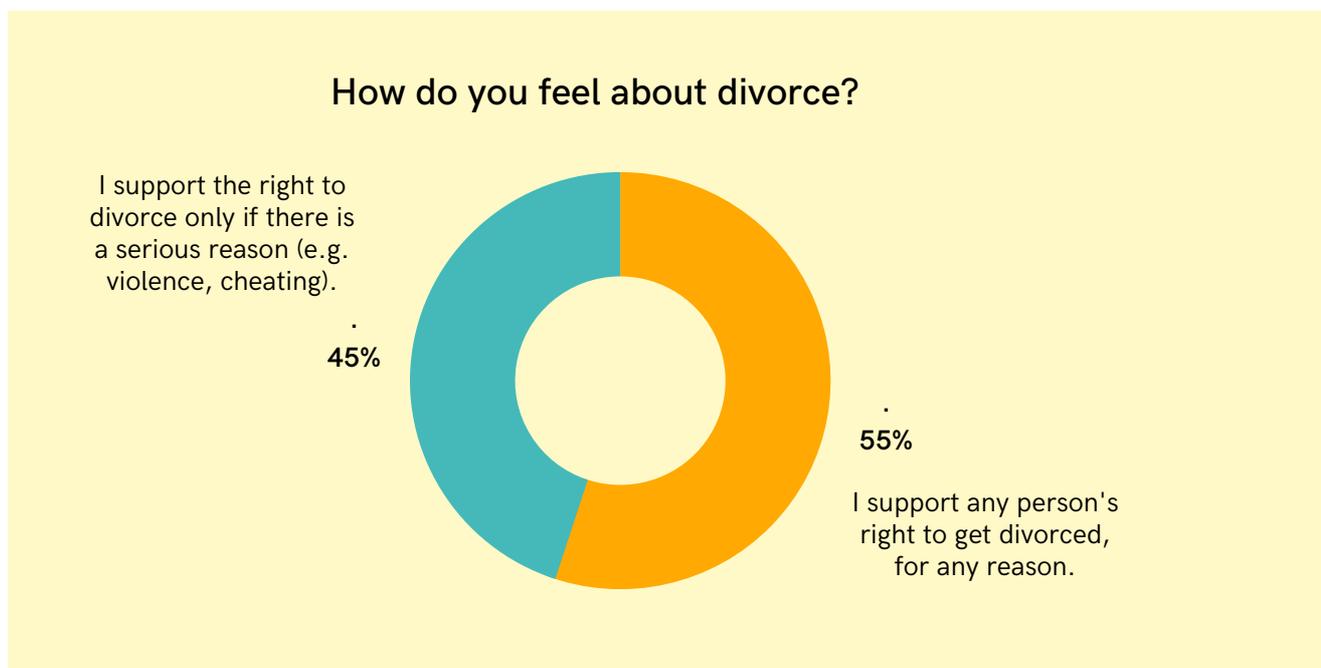
Participant responses offered multiple reasons behind this change in attitudes, by which “our societal perceptions of divorce have changed, and we see it as more acceptable than before” (CW5). One CSO respondent summarised the causes for this shift as including the following:

“...ongoing campaigns by the government and CSOs to raise awareness about women’s rights... and gender-based violence. Further, technology and social media also play a role in spreading information to the community – people can see the negative impacts of DV and IPV, and they no longer endure or normalise violence” (CW5).

When asked if access to divorce should be made easier in Cambodia, 68% of respondents agreed that it should be made easier and more accessible, while 21% felt that the process should remain the same, followed by 11% unsure.



However, the survey results also indicated that attitudes remain relatively conservative towards the acceptability of divorce in certain circumstances. Almost half of survey respondents indicated that they personally supported divorce only in cases involving a 'serious reason,' for instance infidelity or violence.



Nonetheless, there was agreement across the interview data that attitudes towards divorce are shifting, and that women's enhanced empowerment in recent decades was a key driving factor behind this change. Many observed that *"women nowadays are not like before. In the old days, women tended to endure the pain... but in the modern day, women have more knowledge and wouldn't endure an unhappy marriage anymore"* (DW17).

Some participants shared how their own attitudes towards divorce had changed over time as a result of their personal experiences. One explained that while she *"used to think divorce is a bad thing,"* and she was also *"afraid of getting a divorce because I was scared of being judged as a divorced woman,"* her view on divorce had since *"changed, to no longer see divorce as a bad thing... if you can't get along when living together, you should move on with your life"* (DW3).

Despite whether society has fully begun to treat women who divorce with empathy and dignity, many of the women respondents in this study expressed that for them, there is no looking back.

"[Women should] see the value of freedom, mental health, and wellbeing as more important than enduring a violent and unhappy marriage. We should be firm when we choose our paths in life - we shouldn't subject ourselves to pressure from family, friends, and community. We should be happy." (CW2).



6

CONCLUSION

6. CONCLUSION

This study has sought to provide an account of current perceptions of and experiences towards divorce in Cambodia. In doing so, it has examined several key issues through a women's rights lens, including:

- *The most commonly identifiable drivers that lead women to seek divorce;*
- *The social, cultural, administrative and financial barriers women face when seeking to obtain a divorce; and*
- *The long-term ramifications of obtaining a divorce – both positive and negative.*

The study examined the lived experiences of divorced women participants, as well as broader public perceptions and opinions about divorce from Cambodian participants who have never been divorced. Applying a Feminist Participatory Action Research (FPAR) methodology, this research was co-created with Cambodian community members with lived experience of the relevant issues, being either divorced themselves or having divorced parents.

It is hoped that this study may provide an initial evidence base from which gender equality advocates and others can better understand current trends and attitudes around equality within marriage, power dynamics as they manifest during marital disputes, and the right of any person to freely separate from or divorce their spouse.

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