

WOMEN'S HEARING WITH THE YOUNG GENERATION

PANEL STATEMENT

ការស្តាប់
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WOMEN'S HEARING
with the Young Generation

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ព្រឹត្តិការណ៍សម្តែង

- អ្នករស់រានមានជីវិតដែលរស់រាននៅក្រោយរបបខ្មែរក្រហម ធ្វើសាក្សីក្នុងការប្រយោជន៍សម្រាប់ស្ត្រីជំនាន់ក្រោយ: ដើម្បីកាត់បន្ថយ និងជំរុញការយល់ដឹង ដល់មនុស្សជំនាន់ក្រោយ និងកត់ត្រាជាប្រវត្តិសាស្ត្រនៃប្រទេសកម្ពុជា។
- គណៈកម្មាធិការសិស្សនិស្សិតចេញអនុសាសន៍ បង្ហាញពីការប្រយោជន៍ ដើម្បីផ្តល់អំណាច និងការគាំទ្រដល់ជំនាន់ក្រោយ។

PROGRAM

- Gender based violence survivors of the Khmer Rouge regime publicly testify to break the silence, raise awareness among the young generation and contribute to Cambodia's historic record.
- A Student Panel will make a public statement to empower survivors, voice their concerns and call for support.

24 September 2013

Phnom Penh, Cambodia

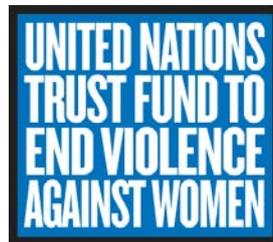
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INTRODUCTION

The Khmer Rouge regime, as the Cambodian people and the world have come to know, was a genocidal regime that killed almost two Million Cambodians between 1975 and 1979. This regime has been considered as the darkest chapter of the Cambodian history. During that era, Cambodian people, especially those living in the capital of Phnom Penh and in various towns across the country were forcibly transferred to remote areas of various provinces – where they were to perform farming. In general, the Khmer Rouge forced the people to overwork in return for extremely limited food that was barely enough. Moreover, throughout the period, the people faced bitter tragedies and grave and brutal violations of their rights. These include violations of the right to live, the right to choose their own spouse, and accusations against innocent people of being enemies who were subsequently tortured and executed. Nonetheless, one form of violence committed by the Khmer Rouge is still neglected – gender-based violence.

Gender-based violence is a form of violence committed against an individual on the basis of his or her gender. The word “gender” is not used to refer to the person’s sex (i.e. if the person was born a male or female), but “gender” refers to the state of mind created in a society regarding men and women (roles and behavior deemed as appropriate in that society and values placed on men and women, boys and girls).

Gender-based violence encapsulates physical, sexual and psychological violence against the victim. Such violence can take the form of intimidation, assault, domestic violence, rape and sexual assault, psychological and economic violence, violence in relation to dowry (the bride pays dowry to her husband for their marriage), violence in relation to exploitation, sexual harassment, threats or intimidation at the workplace or school, trafficking of women, sex exploitation, forced marriage, forced pregnancy, and forced prostitution.

Various research studies, especially the research by Professor Kasumi Nakagawa and the Cambodian Defenders Project, show that there were cases where gender-based violence was committed during the Khmer Rouge regime. These cases include among others rape, rape and murder, gang rape, and rape through means of forced marriage.

However, for the victims although more than 30 years have passed, their sufferings from such violence remain while true justice has not yet been achieved for them as victims. In addition, it is most disappointing that gender-based violence during the Khmer Rouge regime does not really receive attention from the Extraordinary Chambers in the Courts of Cambodia, the Royal Government, and relevant organisations. Especially, the youth has not come to know about this issue. In this effect, the Cambodian Defenders Project has created the 2013 Women’s Hearing with the Young Generation on “Gender-based Violence during the Khmer Rouge Regime”. The purpose of this event is to seek justice for the victims by giving them the opportunity to reveal their secrets and to narrate their stories about gender-based violence in public. Moreover, the event provides Cambodian people (especially the young generation) ideas, new understanding and examples—so that they become informed and reflect the issue and thus partake in seeking justice for the victims of gender-based violence in the Khmer Rouge regime, as well as getting actively involved in eliminating gender-based violence today and in the future.

FINDINGS

The Women's Hearing this year engaged youth as the Panel of the Hearing. They come from various universities: Royal University of Law and Economics, Royal University of Phnom Penh, and Paññasatra University of Cambodia.

After in-depth and thorough research on the issue of gender-based violence and having heard all the testimonies of the victims, the panel noted that most gender-based violence during the Khmer Rouge regime occurred to women, but it also happened to male victims. Female victims include Muslim women and other ethnic groups. The Panel also found and are of the view that Democratic Kampuchea was a regime that considered sexual abuse as an immoral act and that a person who committed such an act should be punished by death. However, through examining the testimonies the panel found that most offenders of immoral act were Khmer Rouge cadres with rank and power. This means that the Khmer Rouge were the same people who both prohibited and committed "immoral acts", whilst the victims were helpless and innocent and lived in misery. The system did not provide any proper justice to victims of such violence.

It is true that the victims of such brutal acts did not have the ability to defend themselves against their offenders and that they suffered physically and psychologically. The victims of this brutality feel scared, painful, and ashamed when someone came to know about their secret. The image of the event continues to exist in their mind—it is unforgettable for them. The victims also suffer physically after having been raped. The physical scars left from such acts have caused the victims terrible pain. The scope of human right violations committed during that regime was extensive but, at present, true justice has not yet been achieved for the victims.

Amongst the four victims heard, two are direct victims and the two others are both victims and witnesses. Having heard their testimonies, the Panel considers that there were many forms of gender-based violence committed during the Khmer Rouge regime. These forms include forced marriage, rape, sexual harassment, and sexual torture. All forms of this violence were committed by powerful people during the Khmer Rouge regime. Factors that contributed to the commission of these crimes are:

- People in power of the Khmer Rouge regime were given the authority to prosecute, execute and torture at their own will. They often tortured the victims by means of sexually harassing them in public, and death threats to prevent the victims opposing the Khmer Rouge regime and making all acts committed to them public.
- People in power of the Khmer Rouge regime considered abuses as their entertainment.
- People in power often killed their rape victims so that evidence was destroyed.
- People in power of the Khmer Rouge regime were not punished in accordance with the applicable laws.
- Victims did not have the right to complain or they were so scared that they dared not to report the incident to the Khmer Rouge authority.

Having seen the sufferings and injustice imposed on the victims and having seen that no proper resolution has been established to address such issues, the panel offers the following recommendations:

RECOMMENDATIONS

Having heard the testimonies provided in the Women's Hearing with the Young Generation and having seen all the problems the victims have faced, the Student Panel has prepared the following recommendations to the parties concerned:

A. To the Royal Government of Cambodia

1. Give care and value to victims of gender-based violence during the Khmer Rouge regime. Provide psychological reparations such as creating medical centres for them to receive counseling by providing funds, providing psychologists for free.
2. Continue to support and cooperate with non-government organisations in order to foster provision of free psychological counseling service so that it reaches out to as many victims as possible.
3. Include gender-based violence (both that happened during the Khmer Rouge regime and that happens at present) into the study curriculums (for secondary schools, high schools, and universities). Improve the quality of education and promote the teaching and learning of this issue by implementing study tours to the places where such violence occurred.
4. Disseminate the law on gender-based violence so that it reaches out to remote areas across the country, and enhance the implementation of law and law enforcement by punishing those committing this crime with fairness and transparency. Eliminate corruption so that justice can be brought to the victims.
5. Put in place a national contest scheme on history subjects, especially the history of the Khmer Rouge, so as to encourage the young generation to conduct research on the history.
6. Preserve the Khmer Rouge crime sites as evidence so that the next generation becomes informed—because we are now losing some of such sites.
7. The government should provide a package of funding to the non-government organisation that works on gender-based violence during the Khmer Rouge regime so that the organisations can continue its work.
8. Strengthen protection mechanisms and national security measures to ensure that such events will not be repeated.
9. Promote the establishment of clubs that study on gender issues, at various universities.

B. To the Extraordinary Chambers in the Court of Cambodia

1. Include crimes related to gender-based violence during the Khmer Rouge regime, besides forced marriage, into Case 003 or Case 004 so that the perpetrators are punished and justice and psychological peace can be brought to the victims.
2. Speed up the court proceedings. In particular, the Panel wishes to see forced marriage to be included in Case 002/02, which is the next segment of the main trial.

C. To Non-Government Organisations

1. Expand the scope of the project on gender-based violence during the Khmer Rouge so that more victims have the opportunity to share their stories with the young generation. Then, the youth will come to know more broadly about this issue.
2. Put in place activities such as workshops, public forums, training programs on the history of the Khmer Rouge, on psychological rehabilitation, and on gender-based violence, and study tours to crime sites.
3. Create psychological counselling services provided by experts to more victims.
4. Monitor law enforcement regarding their implementation of the law on gender-based violence and provide recommendations as to how the law can properly be implemented.
5. Join with the governments of other countries where gender-based violence occurred in order to share experience and seek better and more effective solutions to the issue.
6. Establish, support and participate in activities that prevent and combat gender -based violence.

D. To the Youth

1. Conduct in-depth research on the history of your own country, especially study on the hidden issue of gender-based violence during the Khmer Rouge regime and use the knowledge gained from such research properly in order to prevent the history from repeating itself.
2. Participate in activities that address gender-based violence. Such activities can be training programs, public forums, workshops, and study tours. By participating in these activities, the youth can come to understand about this issue and can refrain from committing such violence.
3. Disseminate information and share knowledge amongst others in order to eliminate all forms of gender-based violence and abolish discriminations against the victim. The youth can instead provide encouragement to the victims by supporting them.
4. Be determined that you will not commit any form of gender-based violence and encourage people around you, especially family and friends, to end gender-based violence. Report to competent authorities in time when gender-based violence occurs.

E. To Donors

1. Provide funds to non-government organisations or the youth that run projects related to gender-based violence during the Khmer Rouge regime.
2. Continue to financially and materially support those non-government organisations and the youth so that they can continue their activities helping victims of gender-based violence.
3. Provide support for the compilation of historic documents about the Khmer Rouge regime which are examined by experts to preserve these documents for the next generations to study and understand about their past generations.
4. Support non-government organisations so that they continue to run the Women's Hearing in the following years to come.
5. Broadcast the Women's Hearing internationally so that other countries that have encountered similar events can take Cambodia's case as an example.

F. To the Media

1. Promote the broadcast of news on gender-based violence so that the general population understands about this issue more deeply.

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