



## Cambodia

- Population: 15.4 million
- GDP per capita (in US dollars): 1 094
- Constitutional Monarchy
- Human development index (HDI): 0.555 (143<sup>rd</sup> rank among 187 countries)
- Gender inequality index (GII): 0.477 (104<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 21 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Association of Southeast Asian Nations since 1999.
  
- No national statistics on prostitution. Last estimate (2011): 80,000 - 100,000 victims of sexual slavery.
- Prostitution is illegal and subject to 1 to 6 days in prison, and a fine of 3,000-10,000 riels (0.70-2.83 US\$/0.65-2.1 €). Trafficking is punishable by 7 to 15 years in prison, or 15 to 20 years if the victim is a minor.
- At least 22 convictions of trafficking with the intent of sexual exploitation in 2014, as opposed to 10 in 2013. Sentences of 2 to 15 years in prison. 12 pedophilic sex tourists were arrested in 2014, out of whom 2 were convicted. 7 Cambodian citizens were convicted of purchasing sexual services involving a child.
- Major destination for sex tourism coming from other Asian countries, the United States, Australia, South Africa, and Europe.
- Increase in trafficking of brides to China.
- Origin, transit, and destination country for victims of trafficking in Southeast Asia
- Victims of trafficking for the purpose of sexual exploitation originate from rural areas of Cambodia and Vietnam
- Destination countries for trafficking victims: China, Malaysia, Thailand, Indonesia.

Cambodia today is still particularly affected by the phenomenon of sex commerce, at both the transnational and national level. Cambodia's difficult history has had a considerable impact on the development of sexual exploitation in the country that is quickly becoming comparative to that the Philippines and Thailand (*Fondation Scelles*, 2013).

With a population that is still very young (nearly a third under 18 years old) and 275,000 new workers each year, unemployment remains high (*UNODC*, 2014).

Poverty and inequality are still prevalent issues that have been largely impacted by the worldwide economic crisis of 2008. Cambodia is among the poorest countries in the world. Three-quarters of the population live near or below the poverty line. Due to a lack of professional opportunities, 73.48% of the Cambodian population migrates from one region to another, or to foreign countries, which increases their vulnerability (*UNODC*, 2012).

The situation in Cambodia regarding sexual exploitation has therefore grown enormously in recent decades. A 2011 report noted that 80,000 to 100,000 people were victims of sexual slavery, while in 2002 they were only 20,000, of whom 2,488 were potential trafficking victims.

### **The endemic corruption in Cambodia fuels forms of sexual exploitation**

A region at once of origin, transit, and destination of victims of sex commerce, Cambodia is a hub for trafficking networks.

Cambodian victims are mainly exploited in neighboring countries such as China. Bride trafficking is particularly developed. In recent years, there has been a record of a number of arrests of people taking Cambodian women to China to marry Chinese men, who are willing to pay. This commerce involves just as many grown women (*The Cambodia Daily*, January 22<sup>nd</sup>, 2015) as underage girls (*The Cambodia Daily*, May 26<sup>th</sup>, 2015) as confirmed by arrests of bride traffickers by Cambodian authorities.

Foreign victims exploited in Cambodia, or in transit to enter Thailand and Malaysia, are mostly women of Vietnamese origin. It is commonly accepted that Vietnamese constitute the largest ethnic minority in Cambodia (*Lainez*, June 2011).

A number of Cambodian and Vietnamese women and young girls coming from rural areas end up in brothels in Phnom Penh, Siem Riep, Sihanoukville, Koh Kong, Poipet and Battambang. They are more and more frequently present in “beer gardens”, massage parlors, karaoke, bars, and non-commercial venues. The majority may be subject to several forms of exploitation, simultaneously as well as successively (sexual exploitation, forced labor, forced marriage, domestic servitude...) (*Committee for the Rights of the Child*, February 26th, 2015).

Clients of prostituted Cambodians are mostly local Cambodians. Coming next are foreigners, and in particular, westerners. The proportion of western tourists having already been convicted of similar crimes in their home country is notable (*APLE Cambodia*<sup>February 2014</sup>).

Child sex tourism in Cambodia has developed due to the reinforcement measures adopted by its neighbors, the Philippines and Thailand who have adopted these measures to fight child sex tourism. Children are the object of underground exploitation, by both individuals as well as organized groups, within leisure establishments (karaoke bars...).

The sale of the virginity of young girls coming from slums continues to grow in a very organized manner (*Fondation Scelles*, 2012). “Brokers” buy the virginity of children from their parents. They find wealthy Cambodian, Chinese, and Thai clients, who will occasionally even demand a certificate of virginity. Cambodia struggles to suppress this phenomenon, as evidenced in the last report by the Committee for the Rights of the Child (CRC) in 2015. The

Committee denounces a rise in sexual abuse on the part of tourists within orphanages that indeed are the very institutions intended to help children (NGOs...).

According to the Global Report on Human Trafficking by the Office of the United Nations Office on Drugs and Crime (UNODC), Pacific Asian traffickers are just as often men as they are women. The organized networks are national or regional (UNODC, 2014).

The development of these networks is facilitated by endemic corruption in Cambodia. Certain diplomatic agents and members of Cambodian police forces are involved in the transport of Vietnamese women to Thailand and Malaysia. The rare attempts made to suppress this have failed, making it impossible to envision an improvement in the fight against corruption. It is because of this that a former chief of the Department Against Trafficking and for the Protection of Minors of the municipal police of Phnom Penh, accused of infractions relating to trafficking, was acquitted in November of 2013 by the Supreme Court (*U.S. Department of State, June 2014*).

### **A Strong Normative Body of Law with an Imperfect Implementation**

Cambodia has adhered to numerous conventions and is equipped with laws to fight against human trafficking. The country has ratified the additional protocol to the Convention of the United Nations against transnational organized crime, aimed at foreseeing, repressing, and punishing human trafficking, in particular involving women and children. It instituted a law in 2008 on the suppression of sexual trafficking and exploitation thanks to 12 accusations covering all forms of trafficking.

Having ratified the majority of international instruments regarding the fight against sexual exploitation and trafficking by means of prostitution, the government put in place plans of action to effectively apply these legal texts (*Committee for the Rights of the Child, February 26<sup>th</sup>, 2015*).

The U.S. Department of State nevertheless estimates that government policy on the matter does not meet minimum international standards regarding the fight against trafficking, and in 2015 ranked Cambodia in the Tier 2 Watch List highlighting an evident decline in the effectiveness of the repression. If only 10 convictions of trafficking with the intention of sexual exploitation were recorded in 2013, the number, which rose to 22 in 2014, indicates that Cambodia has taken these observations into account (*U.S. Department of State, June 2014*).

Having observed an absence of progress, and more importantly, a substantial decrease in number of convictions of traffickers, has led to an assessment of impunity. Certain trafficking convictions impose extremely light penalties, demonstrated by the fact that 4 months of trafficking amounts to only 16 months in prison (*The Cambodia Daily, January 29<sup>th</sup>, 2015*): in other words, the penalty does not match the crime.

Regarding competence and investigations, the police are unable to carry out infiltrations in investigations concerning accusations of trafficking because, the law being unclear on this point, judges consider proof acquired by infiltration to be inadmissible (*U.S. Department of State, June 2014*).

Moreover, identification of trafficking and sexual exploitation victims is particularly deficient and has been in decline in recent years, falling from 497 identified trafficking victims in 2011, to 297 in 2012 and to 76 in 2013 (*ILO*, 2015).

Prostitution is illegal in Cambodia. The *Law on Suppression of Human Trafficking and Sexual Exploitation* of 2008 provides for penalties of up to 1 to 6 days in jail and a fine of 3,000 to 10,000 riels (0.70 to 2.83 US\$/0.65 to 2.1 €). Prostituted persons are therefore arrested for prostitution, and disturbance of public order and security. Approximately 15% of prostituted persons in Phnom Penh report having been arrested at least once in the past twelve months (*National AIDS Authority*, April 7<sup>th</sup>, 2014).

Regarding child sex tourism, it is apparent that necessary measures are lacking. In effect it is reported that over 90% of accused sexual abusers of minors have already been convicted in their country of origin (*APLE Cambodia*, February 2014).

### **Twofold Vulnerability for Sexual Exploitation Victims: A Health System at the End of its Rope**

Approximately 14% of people infected with HIV/AIDS are prostituted persons.

In the 1990s, following thirty years of conflict, Cambodia was one of the countries most affected by the virus, with 60% of prostituted persons contracting HIV/AIDS (*Study in Gender and Sexuality*, 2014). The country has therefore put political focus on preventing HIV/AIDS and educating people about the risks for the past 20 years. In 1999, at the peak of the epidemic, the Prime Minister put in place a 100% condom use policy, which allowed brothels to have their own supply of condoms without fear of arrest or prosecution (*The Cambodia Daily*, June 26<sup>th</sup>, 2014). This decision has paid off, seeing that the rate of adults contracting HIV/AIDS diminished by more than 50% from 2001 to 2012 (*UNAIDS*<sup>6</sup>, November 2013).

According to the UNAIDS, current Cambodian laws fighting human trafficking and sexual exploitation may be an obstacle to the prevention of HIV/AIDS.

Institutional Cambodian actors have debated this issue since 2011. As prostitution has gone from being organized in a clandestine fashion to being organized institutionally within massage parlors and karaoke bars, police have begun to consider the possession of condoms as proof of illegal sexual exploitation (*The Cambodia Daily*, June 26<sup>th</sup>, 2014).

The minister of justice published in 2013 an explanatory note clearly prescribing to police and judiciary institutions not to accord any probationary value to the possession of condoms (*Ministry of Justice of the Kingdom of Cambodia*<sup>2013</sup>). Nevertheless, this memo does not seem to have been applied by local authorities (*The Cambodia Daily*, June 26<sup>th</sup>, 2014). Thus, clients and prostituted persons prefer not to use condoms due to fear of arrest.

Also regrettably, prevention policies in their current form are not especially aimed at entertainment workers (*National AIDS Authority*, April 7<sup>th</sup>, 2014).

### **Between Public and Private Initiatives**

The CRC, in its February 2015 report, observed the insufficiency of measures put in place for the protection of children against crimes, endorsed by the Optional Protocol to the

Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, particularly on the matter of pornography involving children.

The Committee called for a revision of the anti-trafficking law to clarify and better criminalize this infraction, and was endorsed by article 41 of the Law on suppression of human trafficking and sexual exploitation of 2008 (*The Cambodia Daily*, February 6<sup>th</sup>, 2015).

Created in 2009, the government committee against trafficking also adopted a new plan of action for the period of 2014-2018, announcing an increase in budget allotted to the committee and a broadening of their staff (*The Cambodia Daily*, February 11<sup>th</sup>, 2015). The government adopted a proposal, for a trial period in two provinces, whereby a proactive identification system would be used to identify victims in vulnerable groups. This program is extremely important for the numerous public and private institutions to allow the collection of information on victims of information, yet it has been inefficient (*UNODC*, 2012). The government is also trying to educate its various diplomatic agents and ties, by intensifying its anti-trafficking training.

NGOs play an important role in the fight against sexual exploitation in Cambodia. End Child Prostitution, child pornography And Trafficking of children for sexual purposes (ECPAT), which fights against sexual and commercial exploitation of children is a privileged partner of official bodies (including the United Nations Inter-Agency Project on Human Trafficking - UNIAP) and is developing a collaboration with the government, especially on the matter of data collection (*UNODC*, 2012). All shelters and hospitality structures for victims, with one exception in the town of Poipet, are managed by NGOs registered to the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY). There are 35 shelters for victims of trafficking, and over 200 NGOs providing all kinds of support to victims sent to them by other associations or by the police.

However, no shelters accept adult male victims of trafficking, or transgender “lady boys.” They are supported very little by the NGOs, who still suffer from the persistent belief that only women and children are victims of trafficking.

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