

# NGO JOINT STATISTICS

## DATABASE REPORT ON TRAFFICKING AND RAPE IN CAMBODIA

2007-2008



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NGO Joint Statistics Project  
Database Report on Trafficking and Rape in Cambodia  
2007-2008

## **WHO WE ARE**

End Child Prostitution, Abuse and Trafficking in Cambodia (ECPAT-Cambodia), is a Non Governmental Organization (NGO) network established in Cambodia in 1995. It consists of 28 member organizations working together to ensure that children everywhere in Cambodia enjoy their fundamental rights and are free and secure from all kinds of sexual abuse and exploitation. ECPAT-Cambodia is an affiliated member of ECPAT International, a global network which has members in more than 70 countries worldwide dedicated to the elimination of Commercial Sexual Exploitation of Children (CSEC).

NGOCRC is a coalition of 49 national and international NGOs that was established in 1994 in order to promote, advocate and monitor the implementation of the UN Convention on the Rights of the Child in Cambodia.

COSECAM is a coalition of 25 member Non-Governmental, Non-participant, independent and democratic organizations. COSECAM was established in 16 November 2001, aiming to address the (sexual) exploitation of children in Cambodia.

### ***Disclaimer***

The NGO coalitions- ECPAT-Cambodia, NGOCRC, and COSECAM- cannot be responsible for the accuracy of the data on trafficking and rape submitted by NGOs participating in the NGO Joint Statistics Project. Although a training workshop and instruction manual were provided, there is no guarantee that the trained NGO staff member was the person who completed the record sheet.

## ***Acknowledgements***

ECPAT Cambodia is deeply grateful for the support of its donors, the ANESVAD Foundation and The Asia Foundation, whose contributions have made the *NGO Joint Statistics Database Project on Trafficking for the Purpose of Commercial Sexual Exploitation and Rape* possible. The database project, which began in 2005, has had ongoing support from the ANESVAD Foundation and this has made it possible for ECPAT Cambodia to continue to undertake this valuable project and work with its partners to combat rape and trafficking as well as other forms of commercial sexual exploitation in Cambodia. For this current project, ECPAT Cambodia thanks the ANESVAD Foundation and The Asia Foundation for their continual belief and support of ECPAT Cambodia.

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ECPAT Cambodia would like to express our gratitude to all involved in the process of finalizing this report.

## Map of Cambodia showing target areas of the participating NGOs



Source: ECPAT-Cambodia

## ***List of Acronyms***

ADHOC	Cambodian Human Rights and Development Association
AFESIP	Agir pour les Femmes en Situation Précaire
AIDS	Acquired Immunodeficiency Syndrome
AIM	AGAPE International Mission
APLE	Action Pour Les Enfants
ARM	American Rehabilitation Mission
BS	Banteay Srei
CCASVA	Cambodian Children against Starvation and Violence Association
CCBO	Community Child Based Organization
CCHDO	Cambodian Children and Handicap Development Organization
CCPCR	Cambodian Center for the Protection of Children's Rights
CDP	Cambodia Defender's Project
CHDR	Cambodia Human Development Report
CLA	Children and Love Association
CLEC	Community Legal Education Center
COSECAM	Coalition to Address (Sexual) Exploitation of Children in Cambodia
CSEC	Commercial Sexual Exploitation of Children
CWCC	Cambodian Women's Crisis Center
CWDA	Cambodia Women Development Agency
ECPAT-	End Child Prostitution, Abuses and Trafficking in Cambodia
Friends	Mith Samlanh
GMS	Greater Mekong Sub-region
HAGAR	HAGAR
HCC	Healthcare Center for Children
HIV	Human Immunodeficiency Virus
HRVC	Human Rights Vigilance of Cambodia
IOM	International Organization for Migration
KMR	Komar Reak
KNK	Children Without Border
LAC	Legal Aid of Cambodia
LEASETC	Law Enforcement Against Sexual Exploitation and Trafficking in Children
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LSCW	Legal Support for Children and Women



MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLVT	Ministry of Labor and Vocational Training
MoSVY	Ministry of Social Affairs, Veterans, and Youth Rehabilitation
MPK	HOMELAND
MoWA	Ministry of Women's Affairs
NGOCRC	NGO Committee on the Rights of the Child
OH	Our Home
PJJ	Protection of Juvenile Justice
PK	Ponleur Kumar
PTD	Pteas Teuk Dong
PVT	Promvihear Thor
RAO	Rural Aid Organization
RGC	Royal Government of Cambodia
SCADP	Street Children Assistance and Development
SISHA	South East Asia Investigations into Social and Humanitarian Activities
STD	Sexually Transmitted Diseases
STI	Sexually Transmitted Infection
TAF	The Asia Foundation
UNHCHR	United Nations High Commissioner for Human Rights
UNIAP	United Nations Inter Agency Project
UNICEF	United Nations Children's Fund
UNODC	United Nations Office of Drugs and Crime
UNTAC	United Nations Transitional Authority in Cambodian
TIP Report	Trafficking in Persons Report
VCAO	Vulnerable Children Assistance Organization
WVC	World Vision of Cambodia

## EXECUTIVE SUMMARY

This report presents trafficking for the purpose of commercial sexual exploitation and rape data from 2007 and 2008 in Cambodia collected and collated from 23 out of 32 participating non-governmental organisations (NGOs). Whenever possible, comparison to the ECPAT Cambodia 2003-2004 and 2005-2006 data and available data from other sources is made to better assess trafficking and rape situation in Cambodia. The findings are as follows:

### *Trafficking*

Of the trafficking cases submitted by 32 NGOs, 165 cases met the standardized assessment criteria. Some victims were either single or double orphans<sup>1</sup>. The victims were aged between 8 and 46 years old, 41% were under 18. Most of the trafficking victims were between 18 and 25 when they were trafficked. The majority of the victim's educational attainment was very low, which is consistent with ECPAT Cambodia 2005-2006 data. 71.5% were either illiterate or had only reached a primary school level of education. Most victims of trafficking were single which is consistent with 2005-2006 data. 85.4% of the victims were Cambodian and the rest were Vietnamese. 96.9% were recruited in Cambodia and 3.6% were recruited in Vietnam and trafficked into Cambodia. While most victims were trafficked once, some were trafficked more than once. Some victims were not the only people trafficked from a family. Students, entertainment workers<sup>2</sup> and the unemployed were more often the victims of trafficking than other groups.

14.8% of trafficking victims were raped before they were trafficked. It is unknown if the rapist was also their trafficker. 91.3% said they willingly went with their recruiter because they needed money to buy things, to repay a debt, to pay for medical care or to support their family. However, some were deceived about the true purpose of their migration. Some went with their trafficker out of choice or were willing to take risks simply to escape their situation at home. 35.1% were aware that they were being recruited to be entertainment workers, such as prostitutes, karaoke girls or masseuses. Most were trafficked domestically; some were

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<sup>1</sup> Single orphans (maternal or paternal orphan) are those living with the remaining biological parent. A double orphan is a child whose mother and father have both died. Children Count, <http://www.childrencount.ci.org.za/content.asp?PageID=72> accessed 08 June 2009.

<sup>2</sup> Entertainment workers in this report is a term understood in Cambodia to refer to direct and indirect sex workers.

trafficked from Vietnam to Cambodia and from Cambodia to Thailand and Malaysia. The main trafficking destinations in Cambodia were Phnom Penh, Battambang, Siem Reap, and Preah Sihanouk. 17.6% of the trafficked victims were sold more than once between employers. Most trafficking victims were rescued by the police or authorities, some managed to escape their exploitative situations themselves.

242 people were reported to be involved as recruiters meaning that there were cases involving more than one trafficker. Most of the traffickers (61.1%) were female; they were of different nationalities including Cambodian (89.6%), Vietnamese (6.7%) and Thai (3.7%). Most of the trafficking cases (81.5%) were reported to the police. 7.8% of the victims were known to have accepted compensation instead of pursuing legal action against their traffickers. 96.4% of the reported cases were investigated by the police leading to 44 arrests of which only 20 were formally charged. 10 cases went on trial at the municipality/provincial courts but no information on conviction rates was available at the time of writing this report.

### ***Conclusion***

There are various factors that influence vulnerability to trafficking shared by the majority of the victims whose cases were examined for the *NGO Joint Statistics Project*. A limited education, unemployment, poverty, family breakdown and being known to the trafficker were found to be key factors influencing vulnerability to becoming a trafficking victim in Cambodia. A lack of vigorous law enforcement was also seen as a major contributing factor.

ECPAT Cambodia data points toward an apparent decrease in incidences of trafficking for commercial sexual exploitation in Cambodia despite some fluctuations. We noted an 8.4% decrease from 179 reported cases in 2005-2006 to 165 cases in 2007-2008. In spite of the decline in cases reported by the participating NGOs, it is too early to conclude that trafficking in Cambodia is decreasing. However, there is in Cambodia still a continued presence of certain factors that influence vulnerability such as: poverty, slow, if not deteriorating, economic growth and corrupt practices among some law enforcers. These create an environment where there is little to act as a restraint on trafficking activity. Internal trafficking appears to be of greater significance than cross-border trafficking and trafficking is noted to have spread to more provinces.

## ***Recommendations***

### **To Non Governmental Organization:**

Work needs to be undertaken to comprehensively evaluate the current efforts in identifying challenges to preventing and countering trafficking and to engage in more effective programs implemented with genuine cooperation among all stakeholders.

Anti-trafficking efforts should therefore focus more on local trafficking, especially in the major trafficking destinations in Cambodia.

Few offenders were sentenced, it is imperative that programs to improve law enforcement be carried out vigorously. Without enforcing the law and punishing traffickers, the victim's recovery, rehabilitation, and reintegration programs only tackles the effects of trafficking while leaving the root causes intact.

Little is known about the traffickers, especially with regard to their profiles, motives, and mode of operation. Most of the knowledge about trafficking in Cambodia comes from victims and NGOs. Studies that aim to understand trafficking and traffickers would be of great importance to counter-trafficking efforts.

### **To the Royal Government of Cambodia:**

Most victims said they were willing to be trafficked. This suggests that, to be effective, anti-trafficking programs need to target factors influencing vulnerability to trafficking. Poverty alleviation through economic development that has positively impact for the poor in Cambodia is one way of effectively reducing people's vulnerability to trafficking.

## *Rape*

In the period 2007-2008, 1,499 reported rape cases (822 in 2007 and 677 in 2008) involving 1,563 victims and 1,686 offenders were documented by the NGOs Joint Statistics Project, showing a 221.6% increase when compared to 466 reported cases in 2005-2006. This huge increase is because of the participation of ADHOC and LICAHDO in the NGO Joint Statistics Project this year. These two organizations have handed down many rape cases. It is noticed that 69.7% of the rape victims were children. Analysis of the six-year trend of reported rape incidents indicates that the cases of rape in Cambodia have dramatically increased despite some minor fluctuations. There were 318 cases of rape reported in 2003 rising to a peak of 854 in 2007 before going down to 709 in 2008. The data indicates that one in 4,000 females in Cambodia has been the victim of rape (this figure does not include those who have suffered sexual assaults).

Assailants raped an infant as young as one year old and a woman as old as 78. Those aged between 7 and 25 years of age are the most likely to be the victims of rape. Almost every victim was an unmarried Cambodian. Most victims have between 1 and 10 siblings. Those with between 2 and 4 siblings were the most likely to have reported being raped. According to the data those with more siblings are often less at risk. Most rape victims have a low education with 89.8% being illiterate or having reached a primary school level of education. Most rape victims were students, farmers or unemployed. Victim's homes were the most likely place for rape to occur (26.9%); however the data showed that rape has happened almost everywhere, including schools, pagodas, health centers/hospitals, NGO offices and many other places. Battambang is the province in which the most reported rape cases occur, followed by Kampong Cham and Siem Reap.

28.1% of the rape victims had been raped more than once. There were cases involving more than one victim and one offender. Offenders used knives and guns in 73.7% of the cases and sedative drugs in 1.8% of the cases. 36 of the victims were reportedly murdered following their rape, a similar number to those murdered in 2005-2006. Rape survivors reported suffering from a range of consequences including pregnancy, drug and alcohol abuse, physical and psychological suffering, venereal diseases and becoming victims of trafficking.

Offenders' age ranged between 9 to 93 years old. Children comprised 13.2% of the offenders. Most offenders were Cambodians, and a few were American, French, Italian, Korean, Thai, and Vietnamese. 32.6% worked as farmers and fishermen which was consistent with the 2005-2006 data. People from different professions and social backgrounds such as:

teacher/professor, medical staff, monk/clergyman, civil servant, and uniformed personnel were reported to be offenders.

While most victims pursued legal actions, 11.9% accepted compensation varying from \$12.50<sup>3</sup> to \$3,750 instead of pursuing legal complaint. Several reasons were cited for failing to bring a charge against suspects. Some victims did not file a complaint and of those who did some withdrew their complaint later. Some cases were dismissed citing insufficient evidence, or because of interventions from affluent or influential people. 73.7% of the victims of rape received legal assistance, mostly from NGOs. At the time of report, 297 suspects had been held in pre-trial detention. 74 cases were heard in the municipality/provincial courts. 57 suspects were sentenced to imprisonment with sentences ranging 1 to over 20 years, nine suspects appealed. The Appeal Court upheld the municipality/provincial court's decision in 3 of 9 cases it reviewed. Only two victims received full reparations as ordered by the court.

### ***Conclusion***

While rape incidents are increasing, the data has not indicated a cause for rape or its apparent increase in Cambodia. Data does not imply that drug and alcohol abuse or access to pornography were key factors motivating rape. Without a better comprehension of the causes of rape prevention programs would be ineffective.

Most victims were raped by those they knew, loved, respected and/or trusted. The victim-offender relationship especially with those from isolated communities could be a main reason that they did not report the crime. 11.9% dropped their cases and accepted compensation, which amounted to as little as \$12.50. Such an extra-judicial settlement disadvantages victims and Cambodian society in many ways. Firstly, it allows, if not encourages, the offenders to perpetuate their crime toward the victims or/and others. Secondly, it sends a negative signal to the public that rape is tolerable as long as money is paid, and this may encourage others to commit rape. Thirdly, it shows a bad example to future victims that they are better off accepting compensation rather than trying to pursue legal recourse.

In Cambodia a legal case initiated by poor victims against offenders will be a challenging task without NGO legal assistance. Even with such assistance, the current sub-standard forensic expertise of both police and medical doctors often means that little

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<sup>3</sup> \$ refers to US Dollar. In general, 4000Riels (the Cambodian currency) is equal to \$1.

compelling evidence is gathered for a successful prosecution. Such a deficit leaves corrupt officials with the flexibility to pervert justice.

Substantial evidence suggests that rape does not play a significant role in trafficking recruitment process. Studies show that trafficking victims are often raped by their traffickers and by customers at various stages of being trafficked. Traffickers use rape either as a mean to assert their control over the victims or to evaluate their potential price prior to prostituting them.

### ***Recommendations***

#### **To Non Governmental Organization:**

An in-depth study of the motivations of rapists as well as their understanding of the consequences of committing rape to the victim, themselves and wider society should be commissioned to explore rapist's motivations and the underlying causes of their crime. This would allow for focused, informed action on rape prevention from an offender focus rather than victim focused perspective.

NGOs shall advocate for the elimination of illegal extra-judicial settlement in the case of felony, especially rape and trafficking.

Because rapists are known to the victim, NGOs should educate parents and guardians about the need to protect their children and to be aware that anyone can be a potential abuser.

As so many rapes occur in the home, school and local pagodas, NGOs need to advise parents and guardians on ways to protect their children even in nearby supposedly safe areas.

#### **To Royal Government of Cambodia:**

The existing legislations relating to sexual assaults must be accompanied by effective implementation, and law enforcement will only be successful when it is executed by honest, motivated, skillful, and financed officials. Therefore the government should strengthen law enforcement to effectively enforce current legislation whilst making sure that the legislation itself is adequate.

The practices of extra-judicial settlement, especially for felony cases, should be put to an end.

The government should continue to strengthen the forensic expertise and facilities among judicial police and medical doctors in order to increase the rates of prosecution in rape cases.

As rape has been reported to occur in places including pagodas, schools, hospitals/health centers, the government should ensure protective measures and regulations are in place to protect vulnerable people in such trusted and respectful venues.



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## PART 1: INTRODUCTION

Established in 1995, End Child Prostitution, Abuse, and Exploitation in Cambodia (ECPAT-Cambodia), is currently a network of 28 local and international NGOs in Cambodia, working on children-related issues. The Network aims to ensure that Cambodian children enjoy their fundamental rights and are free and secure from all kinds of sexual abuses and exploitation. In 2002, ECPAT-Cambodia became a member of ECPAT-International, a global network with members in over 70 countries around the world working towards the eradication of Commercial Sexual Exploitation of Children (CSEC)<sup>4</sup>.

Since 2003, ECPAT-Cambodia has implemented a project named '*NGO Joint Statistics: Database report on Rape and Trafficking*' working in partnership with two key networks, COSECAM and NGOCRC. The database project aims to provide accurate and reliable information on rape and trafficking for the purpose of sexual exploitation incidences in Cambodia. ECPAT-Cambodia maintains a rape and trafficking database with data from participating NGOs working on these issues in Cambodia. Database reports, providing reliable information and statistical analysis of rape and trafficking are produced regularly. These reports contribute to filling gaps in current knowledge about the scale, risks, dynamics and the trends of rape and trafficking in Cambodia. Such comprehension is vital to the development of effective measures to prevent and protect children from these crimes.

This is the third database report produced by the three networks, the first report covered the period 2003-2004, and the second for the period 2005-2006. This report has five parts; Part 1 provides an introduction to the report and discusses the report's methodology. Part 2 gives an overview on trafficking, prostitution, sexual exploitation, and rape in Cambodia. Part 3 and 4 analyze and report trafficking and rape cases respectively. Whilst these parts mainly harness the data inputs of the participating NGOs, efforts to compare the findings with available statistics from previous years and external sources will be made. When suitable and applicable, comparison of data from different timeframes (2003-2008) will be made to identify the trends and dynamics of the rape and trafficking in Cambodia. This comparison will help to validate the data and to give a broader picture of the situation. Part 5 gives a

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<sup>4</sup> ECPAT-Cambodia, n.d., Database Report, Project on NGO Joint Statistics on Rape and Trafficking 2003-4, p. 8.

ECPAT-Cambodia, n.d., Database Report on Trafficking and Rape in Cambodia 2005-2006, p. 131.

ECPAT-Cambodia, 2007, Network Annual Report, p. 3.

conclusion based on the findings followed by recommendations to improve the effectiveness of counter trafficking and rape programs by NGOs and the Royal Cambodian Government.

## ***1.1 Objective and Methodology***

### **1.1.1 Objective of the Project**

The overall objective of the *NGO Joint Statistics on Rape and Trafficking Project* is to gain a better understanding of the root causes, situation, process and dynamics of rape and trafficking in Cambodia in order to assist stakeholders in identifying priority areas of intervention for better utilization of their resources.

Specific objectives are:

- To provide a valid and reliable statistical analysis of reported rape and trafficking cases, and accurate records to monitor progress and change over the coming years so as to generate essential background information for NGOs and their future projects;
- To make best use of NGOs' records for the production of accurate reports and the sharing of essential information to strengthen the cooperation and resources of NGOs working towards preventing and helping victims of rape or/and trafficking<sup>5</sup>.

### **1.1.2 Source of data**

The NGO Joint Statistics Project collected and collated rape and trafficking for commercial sexual exploitation data of children and women<sup>6</sup> in Cambodia, regardless of age, gender and nationality, from 23 out of 32 participating NGOs for the period between 2007 and 2008. Most of the reporting NGOs are members the network organisations ECPAT-Cambodia, NGOCRC, and/or COSECAM. Some NGOs that currently do not belong to any of these networks have also submitted record sheets as they understood the value of their contributions. All source NGOs provide direct assistance to survivors of trafficking and/or rape. Some operate short/long term shelters, some provide referral services, and others offer legal support. Due to the varying nature of their work, some NGOs were able to provide data/information on both trafficking and rape cases, whereas some only provided data or information about some aspects of rape and trafficking cases.

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<sup>5</sup> ECPAT-Cambodia, n.d., Database Report, Project on "NGO Joint Statistics on Rape and Trafficking", 2003 – 2004, p. 8.

<sup>6</sup> No men or boys reported being trafficked or raped in the period 2008 – 2009 to ECPAT Cambodia or partner agencies, the report is not gender exclusive and would have included data from men and boys had any been reported.

### **1.1.3 The record sheet<sup>7</sup>**

The record sheet (questionnaire) is divided into two parts; a record sheet for trafficking cases and a record sheet for rape cases. The trafficking record sheet contains a total of 60 questions and the rape contains 57 questions. Each comprises seven sections. They aim to collect information on the profile of the victims and their families; the circumstances surrounding their victimization; the recovery and legal services/assistance received; the offenders' profile and their punishment for the crime and any extra-judicial settlements (achieved through reconciliation or local conflict mediation).

Subject to the roles and activities of the participating NGOs, they were asked to complete each or both forms as relevant. Some, particularly those working on the provision of legal assistance to victims, were asked to complete only the legal sections of the form. Whilst most were able to complete and return the questionnaire, some simply gave ECPAT's database team access to the NGOs' records which required the team to fill out the forms themselves based on the provided records.

The differences in NGOs missions, interests and the methods used to document victims accounts presents numerous challenges. Firstly, some data necessary to complete the record sheet was never documented by the source NGO. Secondly, some NGOs used their own forms that were incompatible with ECPAT-Cambodia's meaning the data was not transferable. Thirdly, some concentrated on certain information (such as the psycho-social problems of the victims) and did not document other relevant data. Some were restricted by client confidentiality policies to only give certain data/information about a client. In this regard, some data was missing, making efforts to gauge the entire account of a victim impossible. The issue of assigning different codes (ID) to a victim by the different NGOs is by far the biggest problem. ECPAT-Cambodia's database team invested a tremendous amount of time in checking for duplications. This also made it harder to match a case with record sheets being completed, when various agencies assisted the same victim. Lastly, some NGOs did not seem to adopt the 'trafficking' definition used by ECPAT-Cambodia based on article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. As ECPAT adopted the UN definition many cases submitted as trafficking, failed to meet the assessment criteria.

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<sup>7</sup> Please see appendix 2 for record sheets

#### ***1.1.4 Definition of trafficking and rape***

This report adopted the UN ‘trafficking’ definition which states that:

*(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;*

*(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*

*(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;*

*(d) “Child” shall mean any person under eighteen years of age<sup>8</sup>.*

According to the United Nations’ definition, ‘trafficking’ involves three key elements: action/process, ways/mean, and purpose/intent/goal<sup>9</sup>. In order for a situation to be classified as trafficking, at least an action in each of the three elements must be present. ‘Child trafficking’, however, involves only two elements- action/process and purpose/intent/goal<sup>10</sup>.

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<sup>8</sup> United Nations, 2000c, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, Article 3, p. 2.

<sup>9</sup> See also, Association of Southeast Asian Nations, 2006, ASEAN Responses to trafficking in persons: Ending Impunity for Traffickers and Securing justice for victims, p. x.

US Department of State, 2008, Trafficking in Persons Report, p. 290.

<sup>10</sup> Association of Southeast Asian Nations, 2006, ASEAN Responses to trafficking in persons: Ending Impunity for Traffickers and Securing justice for victims, p. x.

US Department of State, 2008, Trafficking in Persons Report, p. 290.

United Nations, 2000c, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, Article 3, p. 2.



Proving that someone is implicated in trafficking adults requires evidence linking the person to any act in each of the three elements<sup>11</sup> and children in two of the elements.

**Table 1: Three key elements of human trafficking**

Action/Process	+	Way/Mean	+	Purpose/Intent/Goal
Recruitment, or Transportation, or Transfer, or Harboring, or Receipt/Receiving	<b>and</b>	Force or the threat of force Coercion Abduction Fraud/Deception Abuse of power or of a position of vulnerability Giving or receiving of payments or benefits to achieve the consent of a person having control over another person	<b>and</b>	Prostitution Sexual exploitation Pornography Forced labor or services Slavery/Similar practices Servitude Removal of organs

Source: Keo, C., 2009, Human Commodity: A Study of Cambodian Human Traffickers' Activities and Perspectives, On-going PhD Thesis, The Australian National University.

As this report focuses on collecting data/information on rape and trafficking for commercial sexual exploitation, we set two key assessment criteria in conformity with the UN trafficking definition:

- People who were promised other work (e.g., waitress, factory worker, domestic worker) by a recruiter, but were forced into any sort of commercial sexual exploitations by the person through the use of any the means mentioned in Table 1; or
- People who were recruited knowing that they would enter any form of commercial sexual exploitations, using any of the methods mentioned in Table 1 (*For detailed assessment criteria, see appendix 1*).

<sup>11</sup> Extracted from Keo, C., 2009, Human Commodity: A Study of Cambodian Human Traffickers' Activities and Perspectives, As yet unfinished PhD Thesis, Australian National University.

The definition of ‘rape’ established in the 2001 Law on Aggravating Circumstances of the Felony was adopted. Article 5 of the Act defined ‘rape’ as ‘*any acts involving penetration by organ or other means carried out cruelly, forcefully, or by surprise*’<sup>12</sup>.

### **1.1.5 Validity and representativeness of the data**

The completed record sheets were thoroughly checked and verified before being entered onto ECPAT Cambodia’s database system. Duplicated cases were excluded and when possible, clarification of data with the source NGO was made. This work was undertaken to ensure the quality and validity of the generated statistics.

As a result of the variance in data quality submitted ECPAT Cambodia is not in a position to guarantee that the statistics are complete, accurate and reliable. The data was collected from 23 NGOs out of an estimated 200 institutions working on human trafficking around Cambodia<sup>13</sup>. This potential for underreporting the complete picture of rape and trafficking for sexual exploitation purposes is further compounded by the fact that rape and trafficking in persons are clandestine criminal activities where data tends to be under-reported and under-recorded. ‘Dark figures’<sup>14</sup> of unreported crime’ are common and vary from country to country<sup>15</sup>; this partly reflects confidence in police and differences in the severity and frequency of some crimes<sup>16</sup>. While a full representative picture of the situation of rape and trafficking in Cambodia cannot currently be ensured, this report provides a unique analysis of data/information on trafficking for commercial sexual exploitation and rape in Cambodia in order to further understand and guide relevant institutions anti-trafficking and rape prevention work.

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<sup>12</sup> Kingdom of Cambodia, 2001, Law on Aggravating Circumstances of the Felony, Article 5.

<sup>13</sup> A senior official of The Asia Foundation (TAF) in Cambodia noted that there were at least 200 institutions comprising local/international NGOs and government agencies with approximately 5,000 people working on counter trafficking activities in the country. BBC news, 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/6532181.stm> cited in Keo, C., 2008, Human Commodity: A Study of Cambodian Human Traffickers’ Activities and Perspectives, PhD Confirmation Paper, Griffith University, p. 42.

<sup>14</sup> “Dark figures” refer to statistics hidden or underreported as a result of their illegal nature.

<sup>15</sup> Broadhurst, R. & Bouhours, T., 2007, Changing Crime in Phnom Penh, Draft as of 21 August 2007, p. 1.

<sup>16</sup> Ibid.

## **PART 2: LITERATURE REVIEW**

### ***2.1 An overview of human trafficking, focusing on Cambodia***<sup>17</sup>

#### **2.1.1 The rise of trafficking for sexual exploitation in Cambodia**

Whilst human trafficking is not a new phenomenon in the world, it is relatively new in Cambodia. It was generally unknown or unrecognized in Cambodia until the 1990s<sup>18</sup>. At the start of the 1990s the sex industry in Cambodia became more active following the arrival of approximately 20,000 United Nations Transitional Authority in Cambodia (UNTAC) troops and civilian administrators in 1991. Their arrival created a demand for sex services in an environment that was less politically restrictive. The commercial sex industry continued to grow as a result of economic liberalization in 1993 after UNTAC's withdrawal<sup>19</sup>.

Since 1991, many factors have fuelled commercial sex trafficking in Cambodia, including the rapid expansion of the sex industry in the region, uneven economic development, economic liberalization and a growing tourism industry<sup>20</sup>. The lack of a comprehensive legal framework, compounded by poor law enforcement and corrupt conduct of some officials, also provided a situation in which the human trafficking was able to flourish<sup>21</sup>. Porous borders between Cambodia and its neighboring countries, specifically Vietnam and Thailand, also created conditions conducive to cross-border human smuggling and trafficking<sup>22</sup>.

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<sup>17</sup> This section is mainly adopted from Keo, C., 2008, *Human Commodity: A Study of Cambodian Traffickers' Activities and Perspectives*, PhD Confirmation Paper, Griffith University.

<sup>18</sup> Cambodia Country Progress Report, n.d., Post-Yokohama Mid-Term Review of the East Asia and the Pacific Regional Commitment and Action Plan Against Commercial Sexual Exploitation of Children (CSEC), Bangkok, 8-10 November 2004, p. 1.

<sup>19</sup> Hughes, D., 2000, *"Welcome to the Rape Camp", Sexual Exploitation and the Internet in Cambodia*, Journal of Sexual Aggression, Vol. 6, No. 1-2, Winter 2000, p. 4.

Brown, L., 2001a, *Sex Slaves: The Trafficking of Women in Asia*, p. 138.

<sup>20</sup> United Nations Inter-Agencies Project (UNIAP), 2006, *A UN Joint Programme Framework for Addressing Human Trafficking in Cambodia*, Draft, pg. 4-5.

<sup>21</sup> United States State Department, 2004, *Trafficking in Persons Report 2004*, p. 90.

Yasumobu, T., 2004, *Combating Human Trafficking in Cambodia: Establishing a Legal Environment for the Effective Counter Trafficking Measure*, Heller School of Social Policy and Management, Brandeis University.

<sup>22</sup> IOM, 2002, cited in Keo, C., 2006, *Life After Reintegration: Situation of Child Trafficking Survivors*, IOM- Battambang, Cambodia.

### 2.1.2 Severity of current trafficking situation in Cambodia

Cambodia is a source, destination, and transit country for human trafficking<sup>23</sup>. As well as internal trafficking, Cambodian women, men, and children are trafficked across the national borders, chiefly to Thailand, Vietnam, and Malaysia for sexual and labor exploitation<sup>24</sup>.

Like other countries in the Greater Mekong Sub-region (GMS), Cambodia is not considered to have strong anti- trafficking regulation or to a strong program of action against trafficking according to the 2008 U.S. Trafficking in Persons Report (TIP Report). This situation exists despite efforts to counter trafficking by the Royal Government of Cambodia, such as the enactment of the 2008 anti-trafficking law and the establishment of an anti-trafficking taskforce. In 2001, Cambodia was placed by the US TIP report in tier 2<sup>25</sup> and downgraded to tier 3 in 2002. Cambodia was upgraded to tier 2 in 2003 and 2004, and again downgraded to tier 3 in 2005. For two consecutive years (2006-2007) Cambodia was placed on the Tier 2 Watch-List (WL) and upgraded to Tier 2<sup>26</sup> in 2008. This means that according to the US TIP report Cambodia is considered to be improving in its efforts to combat trafficking but that it still has considerable problems and work to do to fully combat the issue.

**Table 2: Ranking of GMS countries by the US TIP Report**

Tier	Country Comparison by Year							
	2001	2002	2003	2004	2005	2006	2007	2008
<b>3</b>	Myanmar	Myanmar Cambodia	Myanmar	Myanmar	Myanmar Cambodia	Myanmar Laos	Myanmar	Myanmar
<b>2WL</b>				Thailand Laos Vietnam	China	China Cambodia	China Cambodia	China

<sup>23</sup> Derks, A. Henke, R., & Ly, V., 2006, *Review of a Decade of Research on Trafficking in Persons, Cambodia*, The Asia Foundation in Cooperation with Centre for Advanced Study, pp.1-59.

United Nations Office of Drugs and Crime (UNODC), 2006, *Trafficking in Persons: Global Patterns*.

<sup>24</sup> United States State Department, 2007b, *Cambodia: Country Reports on Human Rights Practices-2006*, Released by the Bureau of Democracy, Human Rights, and Labour, <http://www.state.gov/g/drl/rls/hrrpt/2006/78769.htm> (accessed 15 August 2007).

<sup>25</sup> There are 3 Tiers, from 1 (the less serious) to 3 (the most severe or worst country) in relation to trafficking.

<sup>26</sup> United States State Department, 2008, *Trafficking in Persons Report June 2008*, pp. 82-3.

2	Thailand Laos Vietnam China Cambodia	Thailand Laos Vietnam China	Thailand Laos Vietnam China Cambodia	China Cambodia	Thailand Laos Vietnam	Thailand Vietnam	Thailand Laos Vietnam	Thailand Laos Vietnam Cambodia
1								

Source: Keo, C., 2009, *Human Commodity: A Study of Cambodian Human Traffickers' Activities and Perspectives*, On-going PhD Thesis, The Australian National University, based on United States State Department, 2008, *Trafficking in Persons Report June 2008*.

### 2.1.3 Issues in statistically measuring trafficking activity.

Human trafficking is an illegal, clandestine, and under-reported activity. Therefore, to accurately record the actual number of trafficking cases is a challenging task. However, in recent years, civil society groups including NGOs, International Organizations and UN Agencies, have tried to support initiatives to establish and strengthen trafficking recording systems in Cambodia. These efforts include developing victim case files, mechanisms and databases to record and store data and data collection through periodical surveys. In July 2007 for example, UNIAP launched a Trafficking Estimates Competition for the whole GMS including Cambodia, to measure the number of trafficking victims in the region<sup>27</sup>.

Presently, there are at least six databases in Cambodia that include trafficking activity. (1) The LEASETC<sup>28</sup> database of the Ministry of Interior contains trafficking, domestic violence, and rape cases held in the Cambodian legal system. (2) The Ministry of Justice database contains all crime cases reported in Cambodia, including trafficking. (3) The MoSVY<sup>29</sup> database, widely known as Coordination and Documentation Centre contains data on trafficking victims repatriated from Vietnam and Thailand. (4) The Ministry of Women's Affairs database (Counter-Trafficking Information Campaign), contains trafficking survivors' data and information. (5) The Ministry of Labor and Vocational Training database contains information about migrant workers, employers, contacts and job details<sup>30</sup>. (6) The NGO Joint Statistics Database maintained by ECPAT Cambodia contains data on cases of trafficking and

<sup>27</sup> UNIAP, 2007, SIREN Report, Counter-Trafficking Databases in Cambodia, pp.1-8.

<sup>28</sup> Law Enforcement Against Sexual Exploitation and Trafficking in Children

<sup>29</sup> MoSVY stands for Ministry of Social Affairs, Veterans, and Youth Rehabilitation.

<sup>30</sup> UNIAP, 2007, SIREN Report, Counter-Trafficking Databases in Cambodia, pp.1-8.

rape. However, there is an absence of a joint effort to establish a national data repository that collates and consolidates trafficking data from various databases. Currently the National Taskforce (NTF) cooperates with ECPAT-Cambodia and uses the data provided by ECPAT Cambodia as National Reporting System.

#### **2.1.4 Limitations of current research on human trafficking in Cambodia**

Accurately recording statistics of incidents of trafficking in Cambodia has been affected by many limitations. First, the use of different trafficking definitions in the existing studies makes accurate data comparison difficult<sup>31</sup>. Second, due to the covert nature of human trafficking, efforts to generate reliable estimates of the number of victims and offenders are difficult<sup>32</sup>. Third, different methodologies have been employed in trafficking research; many studies are based on a series of assumptions rather than evidence. This has resulted in different estimates on the number of trafficking victims<sup>33</sup>. Fourth, the reliability of the data is often questionable because different agencies involved in data collection have distinct agendas and interests<sup>34</sup> compounded by the different interests and agendas of the data

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<sup>31</sup> Anderson, B. and Davidson, J.O., 2002, *Trafficking- A Demand Led Problem? A Multi-Country Pilot Study*, Save the Children, pp. 8-15.

<sup>32</sup> Development Studies Network, 2004, *People Trafficking: Discussion and Key Issues from the Symposium Round Table*, Development Bulletin, People Trafficking, Human Security and Development, No. 66, December 2004, p. 113.

Putt, J. 2007, *Human Trafficking to Australia: A Research Challenge*, Trends and Issues in Crime and Criminal Justice, Australian Institute of Criminology, No. 338, p. 2.

United Nations Office of Drugs and Crime (UNODC), 2006, *Trafficking in Persons: Global Patterns*, p. 46.

<sup>33</sup> Anderson, B. and Davidson, J.O., 2002, *Trafficking- A Demand Led Problem? A Multi-Country Pilot Study*, Save the Children, p. 14.

Derks, A. Henke, R., & Ly, V., 2006, *Review of a Decade of Research on Trafficking in Persons, Cambodia*, The Asia Foundation in Cooperation with Centre for Advanced Study, p. 29.

Makkai, T. and Cusker, M., 2004, *What Do We Need to Know? Improving the Evidence Based on Trafficking in Human Being in the Asia-Pacific Region*, Development Studies Network, Development Bulletin, People Trafficking, Human Security and Development, No. 66 December 2004, p. 38.

<sup>34</sup> Anderson, B. and Davidson, J.O., 2002, *Trafficking- A Demand Led Problem? A Multi-Country Pilot Study*, Save the Children, p. 15.

suppliers. Fifth, agencies are sometimes unwilling to share their data with others<sup>35</sup>. Finally, in some countries including Cambodia, a centralized data repository is not available<sup>36</sup>.

The Asia Foundation in Cambodia commissioned a study to review a decade of research literature on trafficking in Cambodia. This review found an abundance of research on trafficking and related issues, but as yet there has not been an authoritative accumulation of knowledge about the patterns, extent, and consequences of trafficking in Cambodia. The study concluded that most of the data collected by research conducted in Cambodia over the past decade was unreliable. That information on trafficking in Cambodia was patchy and inconsistent and that studies were often overlapping. There was a lack of independence in existing research because, in most cases, the studies reflected the interests of the organizations working in the field or funding the research<sup>37</sup>. Bruckert & Parent also argue that trafficking data is often skewed and incomplete, and more importantly existing studies on trafficking in Cambodia have only focused on victims<sup>38</sup>. Worldwide, there is limited research on individual traffickers or the criminal networks that facilitate trafficking<sup>39</sup>.

### 2.1.5 Prostitution in Cambodia

Trafficking for the purpose of sexual exploitation is influenced by the legalization of the countries victims are trafficked to. In countries in which prostitution is legal and normalized trafficking victims become engaged in the legalized commercial sex industry. In the some parts of the world, prostitution has become increasingly tolerated, normalized and legitimized resulting in expansion of sex industries<sup>40</sup>. The sex industry and trafficking

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<sup>35</sup> Makkai, T. and Cusker, M., 2004, *What Do We Need to Know? Improving the Evidence Based on Trafficking in Human Being in the Asia-Pacific Region*, Development Studies Network, Development Bulletin, People Trafficking, Human Security and Development, No. 66 December 2004, p. 14.

<sup>36</sup> Ibid, p. 38.

<sup>37</sup> Derks, A. Henke, R., & Ly, V., 2006, *Review of a Decade of Research on Trafficking in Persons, Cambodia*, The Asia Foundation in Cooperation with Centre for Advanced Study, p. 41.

<sup>38</sup> Bruckert, C. and Parent, C., 2002, *Trafficking in Human Beings and Organized Crime: A Literature Review*, Research and Evaluation Branch, Royal Canadian Mounted Police, p. 27.

<sup>39</sup> Development Studies Network, 2004, *People Trafficking: Discussion and Key Issues from the Symposium Round Table*, Development Bulletin, People Trafficking, Human Security and Development, No. 66, December 2004, p. 114.

<sup>40</sup> Hughes, D., 2000, "Welcome to the Rape Camp", *Sexual Exploitation and the Internet in Cambodia*, Journal of Sexual Aggression, Vol. 6, No. 1-2, Winter, 2000, p 3.

networks in Asia are amongst the most sophisticated and well developed, and Cambodia is not an exception<sup>41</sup>.

Sex workers can, in Cambodia, be divided into two major categories, indirect or part time sex workers and direct or full time sex workers<sup>42</sup>. In Cambodia, part-time or indirect sex workers are those selling sex on an irregular basis. Indirect sex workers in Cambodia normally operate at establishments, including cafés, massage/karaoke parlors, coining houses<sup>43</sup>, nightclub/bars, hotels, beer gardens, barbershops, on the streets, snooker clubs, and restaurants, which serve as fronts for commercial sex activities<sup>44</sup>. Full-time sex workers are direct sex workers operating out of brothels.

As in other places in Asia, the “prostitution hierarchy” in Cambodia can be understood as forming a pyramid shape that is divided into three sections: a top, middle, and lower part<sup>45</sup>. At the top are a limited number of elite or high class prostitutes. The middle section involves far more people. Prostitutes belonging to this section cater to less affluent clients. The lower part is the largest, and those belonging to this section belong to the mass market being exploited the poor. Very few of those belonging to the lower end of this hierarchy have freely chosen to engage in the commercial sexual industry, most have been forced by acute poverty and enormously restricted life choices. The data indicated that some will have been physically coerced or sold into the trade<sup>46</sup>.

Estimating the number of prostitutes in Cambodia is very challenging. Their number in 1991 was estimated at about 6,000, increased to over 20,000 by the end of 1992, and it was estimated by The Human Rights Task Force on Cambodia that there were between 4,000 and

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<sup>41</sup> Brown, L., 2001a, *Sex Slaves: The Trafficking of women in Asia*, p. 4.

<sup>42</sup> Ibid, pp. 16-7.

<sup>43</sup> ‘Coining house’ is a place where un-well individuals visit to have the back and front sides of their body rubbed with a coin that turns the skin into dark red. This is a kind of Cambodian traditional practice that is believed to heal minor unwell feeling. Virtually all of the workers at Coining House are female. Some do serve sex on negotiation.

<sup>44</sup> COSECAM, 2005, *Impact of Closing Svay Park: Study of Police and International NGO Assisted Interventions in Svay Park*, Kingdom of Cambodia, <http://www.humantrafficking.org/updates/277> accessed 01 Jan 2009.

<sup>45</sup> Data collected from Chenda Keo’s PhD fieldwork in six trafficking prone regions of Cambodia.

See also, Brown, L., 2001a, *Sex Slaves: The Trafficking of women in Asia*, pp. 16-7.

<sup>46</sup> Brown, L., 2001a, *Sex Slaves: The Trafficking of women in Asia*, pp. 16-7.

See also, ECPAT-Cambodia, n.d, *NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006*, pp. 54-5.



10,000 prostitutes working in 400 establishments in Phnom Penh alone in 1994<sup>47</sup>. A study by the Commission on Human Rights for the Cambodian National Assembly in 1997 found that there were 14,725 prostitutes in brothels in Cambodia. However this study excluded indirect prostitutes<sup>48</sup>. The Cambodia Human Development Report, which is an official government report, in 2000 supported an estimation made by the NGO Human Rights Vigilance of Cambodia (HRVC) said that there were between 80,000 and 100,000 commercial sex workers in Cambodia, from a population of 10-12 million. In Phnom Penh alone in 2000(?), the Cambodian Ministry for Planning estimated there to be 17,000 sex workers, 30% of whom were believed to be minors aged less than 18 years<sup>49</sup>.

In 2002, Steinfatt et al. estimated based on fieldwork that there were 20,829 (direct and indirect) sex workers in Cambodia, of whom 2,488 were trafficked women and children<sup>50</sup>. In 2003 Steinfatt conducted a follow-up study to verify 2002's data. Based on a representative count of 163 visited villages of 12,739 villages in Cambodia, the study estimated that there were 18,256 (direct and indirect) prostitutes in the country, of whom 2,000 were regarded as trafficked victims<sup>51</sup>. Steinfatt's estimate is approximately 5 times lower than HRVC 2000's estimation, despite a growing population and boom in the tourism sector. Recent estimates suggests that the number of sex workers operating in Cambodia could be about 17,000 with 75% of them (or 12,750) now operating outside a brothel context becoming independent or indirect sex workers<sup>52</sup>.

Cambodia is not free of children forced to engage in prostitution<sup>53</sup>. A study by the NGO CWDA<sup>54</sup> concluded that in 1992 the average age of sex workers in Cambodia was 18

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<sup>47</sup> The Human Rights Task Force on Cambodia, 2001, *Cambodia: Prostitution and Sex Trafficking: A Growing Threat to the Human Rights of Women and Children in Cambodia*, <http://www.hrsolidarity.net/mainfile.php/1996vol06no04/219/> accessed 01 Jan 2009.

<sup>48</sup> National Assembly, 1997, p.3, cited in Steinfatt, T.M., 2003, *Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study*, Part III of a Series, Sponsored by USAID, p. 18.

<sup>49</sup> Ministry of Planning, 2000, *Cambodia Human Development Report 2000: Children and Employment*, Kingdom of Cambodia, p. 36.

<sup>50</sup> Steinfatt, T.M., 2003, *Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study*, Part III of a Series, Sponsored by USAID, p. 18.

<sup>51</sup> Ibid, p. 18.

<sup>52</sup> HACC Video Documentary, 2008, *Reflection on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation*.

<sup>53</sup> Phnom Penh Post, Vol. 17, No. 4, Phnom Penh, 22 Feb-06 Mar, 2008, p.5.

<sup>54</sup> CWDA stands for Cambodian Women Development Association

but that the average age of Cambodian sex workers had fallen to 15 by April 1993. A follow-up study by CWDA in February 1994 reported that 35% of prostitutes in Cambodia were under 18. By March 1995, children aged 12 to 17 represented virtually 31% of prostitutes in Phnom Penh and 11 other provinces studied by CWDA<sup>55</sup>. The Bangkok Post in 1997 reported that prostituted girls, mostly aged 15 to 18, were found in Svay Park<sup>56</sup>. Many prostituted girls found there were much younger. In a report by LICADHO in 1997 it was stated that 35% of prostitutes in Cambodia were children<sup>57</sup>. A UNICEF survey noted that 35% (or 19,250) of Cambodia's 55,000 prostitutes were children under 16. Some were as young as 6<sup>58</sup>. A recent CACHA survey (2008)<sup>59</sup> that surveyed 1,115 entertainment workers<sup>60</sup> in Phnom Penh, Siem Reap, Preah Sihanouk and Banteay Meanchey provinces concluded that 3.1% of them were aged 17 and below<sup>61</sup>.

## **2.2 Rape: An Overview**

### **2.2.1 Rape: a general definition**

'Rape' is part of the larger category of illegal violence known as 'sexual assault.' The United Nations in 1998 defined 'sexual assault' as *'any violence, physical or psychological,*

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<sup>55</sup> CWDA and Vigilance cited in cited CATW, n.d., *Fact book on Global Sexual Exploitation, Cambodia*, <http://www.uri.edu/artsci/wms/hughes/cambodia.htm> accessed 01 Jan 2009.

The Human Rights Task Force on Cambodia, 2001, *Cambodia: Prostitution and Sex Trafficking: A Growing Threat to the Human Rights of Women and Children in Cambodia*, <http://www.hrsolidarity.net/mainfile.php/1996vol06no04/219/> accessed 01 Jan 2009.

<sup>56</sup> Svay Park was one of the most notorious red-light district in Cambodia which had been closed down around four years ago.

<sup>57</sup> LICADHO, 1997, cited in cited CATW, n.d., *Fact book on Global Sexual Exploitation, Cambodia*, <http://www.uri.edu/artsci/wms/hughes/cambodia.htm> accessed 01 Jan 2009.

<sup>58</sup> UNICEF cited in, *The Younger the Better: 19,250 Children Trapped in Cambodia's Sex Industry*, <http://acr.hrschool.org/mainfile.php/0112/61/> accessed 01 Jan 2009.

<sup>59</sup> Raw data from the CACHA 2008 Survey.

<sup>60</sup> In this report, 'entertainment workers' refers to direct and indirect sex workers. They may include prostitutes, masseuses, karaoke girls, and bartenders.

<sup>61</sup> This paragraph is an extract from Keo, C., 2009, *Hard Life for a Legal Work: The 2008 Anti-Trafficking Law and Sex Work*, Consultancy Report to The Cambodian Alliance for Combating HIV/AIDS (CACHA), p. 13.

*carried out through sexual means or by targeting sexuality*<sup>62</sup>. Sexual violence covers both physical and psychological attacks directed at a person's sexual characteristics. Whilst various countries have adopted the UN definition of 'rape' in their respective legislation, international humanitarian and human rights law has failed to explicitly define the term<sup>63</sup>.

The Cambodian 1992 Criminal Code in article 33 defines 'rape' as *'any sexual act involving penetration carried out through violence, coercion or surprise'*<sup>64</sup>. This definition is open to interpretation. In a 1998 UN report rape was described in clearer terms as:

*'the insertion, under conditions of force, coercion or duress, of any object, including but not limited to a penis, into a victim's vagina or anus; or the insertion, under conditions of force, coercion or duress, of a penis into the mouth of the victim. Rape is defined in gender-neutral terms, as both men and women are victims of rape.'*<sup>65</sup>

The 1998 UN definition is more precise and treats men and women equally when victims of rape. It is also considered it to be rape when the act is committed whilst the victim is in a vulnerable state such as sleep, unconsciousness, intoxication, physical or mental disability. Any present or previous relationship between the offender and the victim is irrelevant<sup>66</sup>. The Women's Crisis Centre Network in its handbook entitled *'Working with Rape Survivors'* noted that:

*'Rape, with or without use of a weapon and other forms of physical assault, is a brutal and atrocious act of violence against another person's body, senses and emotions. It is primarily an expression of violence, anger and power meant to hurt, control and humiliate the victim. Rape is not sex. It is violence...the primary motive for rape is to discharge feelings of*

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<sup>62</sup> Bassiouni, C., 1996, p. 3, cited in Gay J. McDougall, 1998, Contemporary Forms of Slavery, Systematic Rape, Sexual Slavery, and Slavery-Like Practices during Armed Conflict, United Nations, Economic and Social Council, Commission on Human Rights, p. 20.

<sup>63</sup> Gay J. McDougall, 1998, Contemporary Forms of Slavery, Systematic Rape, Sexual Slavery, and Slavery-Like Practices during Armed Conflict, United Nations, Economic and Social Council, Commission on Human Rights, p. 20.

<sup>64</sup> Kingdom of Cambodia, 1992, Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, Enacted 10 September 1992.

<sup>65</sup> Gay J. McDougall, 1998, Contemporary Forms of Slavery, Systematic Rape, Sexual Slavery, and Slavery-Like Practices during Armed Conflict, United Nations, Economic and Social Council, Commission on Human Rights, p. 20.

<sup>66</sup> <http://web4health.info/en/answers/sex-rape-effects.htm> accessed 06 May 2009.

*anger, contempt, vulnerability or inadequacy... This is the most powerful myth about rape. It leads to the belief that rape does not hurt the survivor any more than sex does, that women even enjoy rape and ask for it. In fact rape is closer to torture than sex.*<sup>67</sup>

Rape is a crime that combines sex and violence making sex the weapon in an act of violence<sup>68</sup>.

Rape is a violent crime, a physical and mental abuse which is a frightening experience for the victim. Rape is traumatic for survivors<sup>69</sup>. The traumatic effects of rape vary and involve both psychological and physical trauma<sup>70</sup>. A majority of rape victims are women and the offenders are almost always men<sup>71</sup>. Studies have dispelled the myth that rape is motivated purely by a sexual desire<sup>72</sup>. Rape is usually motivated by extreme anger toward the victim or a need to overpower the victim. Rape and sexual violence are acts aimed to abuse, humiliate, and dehumanize the victim<sup>73</sup>. Studies also concluded that most rapists are known to their victims, and drug and alcohol abuse are frequently linked to rape offences<sup>74</sup>.

Rape cases are often not reported to official bodies. Shame, fear of repercussions and/or rejection and the trauma involved in confronting the offender in court are some of the common reasons cited by victims as discouraging them from reporting their rape<sup>75</sup>. Familiarity between the victim and the offender also plays a role in under-reporting. A number of rape cases are believed to occur within marriages. Marital rape is still a taboo subject for many people, and it is most likely the least recognized form of sexual assault<sup>76</sup>.

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<sup>67</sup> Women's Crisis Center Network cited in Diane O'Connell, 2001, Rape and Indecent Assault, LICADHO, p.8, [http://www.ngoforum.org.kh/Development/Docs/rape\\_report\\_2001.htm](http://www.ngoforum.org.kh/Development/Docs/rape_report_2001.htm) accessed 06 May 2009.

<sup>68</sup> Kimmel, <http://www.123helpme.com/preview.asp?id=63797> accessed 06 May 2009.

<sup>69</sup> University of Illinois, <http://www.ncf.ca/ip/sigs/life/feminism/safety/rape.prev> accessed 06 May 2009.  
<http://www.123helpme.com/preview.asp?id=63797> accessed 06 May 2009.

<sup>70</sup> Ibid

<sup>71</sup> [http://organizedwisdom.com/helpbar/index.html?return=http://organizedwisdom.com/Effects\\_of\\_Rape&url=www.doctorndtv.com/topics/Rape.asp#q12651818](http://organizedwisdom.com/helpbar/index.html?return=http://organizedwisdom.com/Effects_of_Rape&url=www.doctorndtv.com/topics/Rape.asp#q12651818) accessed 06 May 2009.

<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup> Ibid

<sup>75</sup> Ibid

<sup>76</sup> <http://web4health.info/en/answers/sex-rape-effects.htm> accessed 06 May 2009.

### 2.2.2 The current context of rape in Cambodia

Comprehensive national rape statistics of rape in Cambodia, especially those from the annual national police report were unavailable. Those that are available come from NGOs and newspapers. ECPAT Cambodia's data indicates an apparent increase in rape cases in Cambodia, despite some fluctuations. Many rape cases are reported to involve murder, torture or other forms of violence towards the victims. Gang rapes were increasingly reported in the national media. There are also cases of multiple acts of rape in which a perpetrator raped a victim for a number of times before being arrested. In 1995, LICADHO documented 18 child rape cases that it had investigated and in 2000 the number of child rape cases LICADHO investigated had escalated to 126 cases. Making statistical comparison of rapes of children and adults from various sources is very difficult due to data incompatibility (*see note and source of Table 3 for details*).

**Table 3: Comparison of reported rape cases by age, year and source**

Victim	Reported rape case by age, year, source from 1995 to 2008													
	995	996	997	098	999	000	001	002	003	004	005	006	007	008
Minor	18 <sup>a</sup>	12 <sup>a</sup>	12 <sup>a</sup>	43 <sup>a</sup>	77 <sup>a</sup>	126 <sup>a</sup>							375 <sup>g</sup> 588 <sup>j</sup>	280 <sup>i</sup> 457 <sup>j</sup>
Adult													148 <sup>g</sup> 234 <sup>j</sup>	220 <sup>j</sup>
Both					81 <sup>b</sup>		146 <sup>c</sup>	179 <sup>c</sup> 221 <sup>d</sup> 279 <sup>h</sup> 356 <sup>h</sup>	177 <sup>c</sup> 226 <sup>d</sup> 318 <sup>e</sup> 356 <sup>h</sup>	240 <sup>e</sup>	226 <sup>f</sup>	240 <sup>f</sup> 478 <sup>g</sup>	822 <sup>j</sup>	677 <sup>j</sup>

**Note and Source:**

a = Rape cases of children aged under 18 investigated by LICADHO (Diane O'Connell, 2001, Rape and Indecent Assault, LICADHO, p.86, [http://www.ngoforum.org.kh/Development/Docs/rape\\_report\\_2001.htm](http://www.ngoforum.org.kh/Development/Docs/rape_report_2001.htm) accessed 06 May 2009).

- b = Rape case of both children and adults investigated by LICADHO in 16 provinces/cities (Diane O'Connell, 2001, Rape and Indecent Assault, LICADHO, [http://www.ngoforum.org.kh/Development/Docs/rape\\_report\\_2001.htm](http://www.ngoforum.org.kh/Development/Docs/rape_report_2001.htm) accessed 06 May 2009).
- c = Rape case of both children and adults investigated by LICADHO (LICADHO, 2004, Rape and Indecent Assault, p. 5).
- d = Rape case of both children and adults (Newspaper source cited by LICADHO, 2004, Rape and Indecent Assault, p. 5).
- e = Rape cases of both children and adults reported to ECPAT by 22 NGOs (ECPAT-Cambodia, n.d., Database Report, Project on Joint Statistics on Rape and Trafficking 2003-2004, p. 16).
- f = Rape cases of both children and adult reported to ECPAT by 25 NGOs (ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, p. 76).
- g = 375 of 523 rape cases were minor victims recorded by ADHOC (ADHOC, 2008, Human Rights Situation 2007, pp. 25-7).
- h = Rape cases reported by the Ministry of Interior cited by ADHOC (Collins, J., & Kuch, N., 2004, Two Unsolved Rapes and Killings Belong to a Larger Trend as More Cambodians Report Sexual Assault, The Cambodia Daily, Thursday, May 13-14, 2004, [http://www.camnet.com.kh/cambodia.daily/selected\\_features/cd-13-05-04.htm](http://www.camnet.com.kh/cambodia.daily/selected_features/cd-13-05-04.htm) accessed 06 May 2009).
- i = Minor victims (ADHOC, 2009, Human Rights Situation 2008, p. 27).
- j = ECPAT-Cambodia database report 2007-8.

Included in the apparent increase in reported cases of rape is the high representation of children as victims. According to ECPAT Cambodia's data in 2007-2008 the ages of rape victims ranged between one year old to a woman aged 78 years old<sup>77</sup>. 177 (87.6%) of the 202 victims cases LICADHO investigated in 2002 were children, including 13 (6.4%) aged five years or less. 114 (77.8%) of the 185 victims cases investigated by LICADHO in 2003 were children, including 16 (8.7%) aged five years or less. 114 (77.8%) of the 185 victims in LICADHO cases in 2003 were children, including 16 (8.7%) aged five years or less<sup>78</sup>. 450 (80.7%) of the 558 victims in ECPAT cases in 2003-2004 were children, including 45 (8.1%) aged six years and below<sup>79</sup>. 371 (76.8%) out of 466 victims in ECPAT cases in 2005-2006 were children, including 33 (9%) aged six years or less<sup>80</sup>. ADHOC reported that 375 (72.2%) out of 523 victims in 2007 were children aged between 5 and 18 years old<sup>81</sup>. This shows that children represented between 72% and 87% of rape victims and some of them are six years old and below.

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<sup>77</sup> ECPAT-Cambodia, n.d., Database Report, Project on Joint Statistics on Rape and Trafficking 2003-2004, p. 21.

<sup>78</sup> LICADHO, 2004, Rape and Indecent Assault, p. 5.

<sup>79</sup> ECPAT-Cambodia, n.d., Database Report, Project on Joint Statistics on Rape and Trafficking 2003-2004, p. 21.

<sup>80</sup> ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, p. 91.

<sup>81</sup> ADHOC, 2008, Human Rights Situation 2007, pp. 25-7.

As rape victims often find it difficult to report their rape to authorities or NGOs, statistics that have been collected on rape are highly likely to be an illustration of the underreporting of the full scale of the rape offenses in Cambodia<sup>82</sup>. ECPAT's report noted that among the many factors that discourage survivors from reporting rape, cultural factors play a significant role. The Cambodian traditional expectation is that women shall remain virgins before their marriage; this is believed to de-motivate, especially young single women, from reporting rape for fear of being seen as a 'broken woman' and thus unsuitable for marriage. Being raped brings about shame and loss of face to the victim and their family<sup>83</sup>. There were cases where families actually have prohibited or even punished their daughters for reporting their rape<sup>84</sup>. Underreporting of rape could also be a result of placing the responsibility and burden of criminal proceedings on the victim and their family rather than the offender<sup>85</sup>.

### **2.2.3 Cambodian legislation on sexual assaults**

Cambodian law prohibits various acts associated with sexual assault. 'Rape' is a felony whereas indecent assault is a misdemeanor. Article 33 of the UNTAC Criminal Code provides that:

- 1. Anyone who rapes or attempts to rape another person of either sex is guilty of rape and shall be liable to imprisonment for a term of five to ten years.*

*Rape is any sexual act involving penetration carried out through violence, coercion or surprise. If rape is accompanied by threats with a weapon, or if it is committed on a pregnant woman or a person suffering from illness or mental or physical infirmity, or by two or more offenders or accomplices, or if it is committed by anyone in a position*

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<sup>82</sup> World Bank, 2004, A Fair Share for Women, Cambodian Gender Assessment Report, p. 115.

<sup>83</sup> ECPAT-Cambodia, n.d., Database Report, Project on Joint Statistics on Rape and Trafficking 2003-2004, p. 12.

<sup>84</sup> The Cambodia Daily, 2007, cited in ECPAT-Cambodia, n.d., Database Report, Project on Joint Statistics on Rape and Trafficking 2003-2004, p. 12.

<sup>85</sup> ECPAT-Cambodia, n.d., Database Report, Project on Joint Statistics on Rape and Trafficking 2003-2004, p. 12.

See also, LICADHO, 2004, Rape and Indecent Assault, p. 6.

LICADHO, 2001, cited in World Bank, 2004, A Fair Share for Women, Cambodian Gender Assessment Report, p. 115.

*of authority over the victim, the punishment shall be a term of imprisonment of ten to fifteen years*<sup>86</sup>.

Under the 1992 Cambodian Criminal Code, rape offenders can be punished with between 5 to 10 years imprisonment. This punishment is increased from 10 to 15 years imprisonment in aggravated circumstances specified in paragraph 2 of article 33. The Cambodian 2001 ‘Law on Aggravating Circumstance of the Felony’ which adopts the same rape definition states that those committing rape or attempting to commit it are punishable by between 10 to 15 years imprisonment. If cases considered to have aggravating circumstance, especially when the rape is accompanied by threats with a weapon, or if the victim is pregnant, is physically or mentally disabled, or is a child aged under 14, or if the perpetrator held a position of authority over the victim, the offender will be sentenced to a prison term of 15 to 20 years including labor<sup>87</sup>.

The punishment set forth in the 1992 criminal code (5-10 years imprisonment) and the 2001 law on aggravating circumstance of the felony (10 to 15 years imprisonment) are different to those for rape in normal circumstance. Different punishment is also prescribed in aggravating circumstances (10 to 15 years of imprisonment in the 1992 Code, and 15 to 20 years of imprisonment plus labor in the 2001 Code). It is unclear which punishment is applicable in which situation. Such a discrepancy may be conducive to corruption by judicial officials.

The Cambodian definition of the term ‘rape’ only refers to an act of ‘penetration’, and other forms of sexual abuse are legally regarded as ‘indecent assault’. The latter is defined as sexual assault of another person of either sex by touching, caressing, or any other sexual act not involving penetration<sup>88</sup>. The punishment for indecent assault is between 1 to 3 years imprisonment. The punishment is doubled in aggravating circumstances, such as when the act is accompanied by fraud, violence or threat, or if it is committed by any person with authority

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<sup>86</sup> Kingdom of Cambodia, 1992, Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, Enacted 10 September 1992, article 33.

<sup>87</sup> Kingdom of Cambodia, 2001, Law on Aggravating Circumstances of the Felony, Article 5. See also, LICADHO, 2004, Rape and Indecent Assault, p. 7.

Action Pour Les Enfants, n.d., Legal Tools Used to Prosecute Child Sex Offenders in Cambodia.

<sup>88</sup> Kingdom of Cambodia, 1992, Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, Enacted 10 September 1992, article 42.



over the victim, or if the victim is under 16 years of age<sup>89</sup>. The 2008 anti-trafficking law<sup>90</sup> prescribes a lesser prison term for the same act. Article 43 of the law defines ‘indecent act’ as

*‘an act of touching or exposing a genital or other sexual part of another, or of having another touch the actor’s or a third person’s genital or other sexual part, with the intent to stimulate or satisfy the actor’s sexual desire’.*

People who commit an indecent assault on a minor under 15 years of age will be punished with imprisonment for 1 to 3 years and a fine of between 2,000,000 Riels (~\$500<sup>91</sup>) to 6,000,000 Riels (~\$3,000)<sup>92</sup>.

There are numerous provisions in Cambodia’s 2008 anti-trafficking law prohibiting acts of sexual assault against minors. Article 34 of the law on the ‘Purchase of Child Prostitution’ states that:

*Any person who has sexual intercourse or other sexual conduct of all kinds with a minor who is 15 years of age or above (16-18) by providing, or promising to provide, anything of value to the minor, an intermediary, a parent, a guardian or any other person who keeps the child under his or her supervision or control shall be punished with imprisonment for 2 to 5 years.*

*Any person who commits the above stated offense with a minor under the age of 15 years shall be punished with imprisonment for 7 to 15 years<sup>93</sup>.*

Under article 42 of the law, whoever engages in sexual intercourse with a minor under 15 years of age will receive 5 to 10 years of a prison term<sup>94</sup>.

#### **2.2.4 Links between trafficking and rape**

Rape is found to have a stronger link to entering commercial sexual exploitation than trafficking. Studies have suggested that at least 15% to 20% of rape survivors enter

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<sup>89</sup> Ibid.

<sup>90</sup> For a comprehensive discussion on the 2008 anti-trafficking law, see Keo, C., 2009, Hard Life for a Legal Work: The 2008 Anti-Trafficking Law and Sex Work, Consultancy Report to CACHA.

<sup>91</sup> \$ refers to US Dollar. In general, 4000Riels (the Cambodian currency) equals to \$1.

<sup>92</sup> Kingdom of Cambodia, 2008, Law on the Suppression of Human Trafficking and Sexual Exploitation, Article 43 on Indecent Act against Minors under Fifteen Years.

<sup>93</sup> Ibid, Article 34.

<sup>94</sup> Ibid, Article 42.

commercial sex work<sup>95</sup>. However, there is little evidence suggesting that being the victim of rape affects vulnerability to trafficking. Some rape victims may enter prostitution due to the social stigma attached to the loss of virginity or social alienation<sup>96</sup>. Brown's (2007) study found few women in Cambodia were trafficked into prostitution by their rapists. Those that were trafficked by their rapists said that social shame attached to being stigmatized as sexually impure women pressured them not to resist their rapist traffickers<sup>97</sup>. ECPAT-Cambodia data also failed to provide substantial evidence indicating a link between rape and trafficking. Only 1% of 558 rape survivors and 4.3% out of 118 trafficking victims reported to be trafficked as a direct result of rape<sup>98</sup>.

However, studies<sup>99</sup> have found evidence suggesting that victims of trafficking are often raped at various stages of the trafficking process for various reasons. Rape is committed by the trafficker either as a means to assert his control over the victim or to evaluate the potential price of the victim prior to prostituting her. Trafficking victims can also be raped as a part of their forced engagement in prostitution<sup>100</sup>.

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<sup>95</sup> Brown, E., 2007, *The Ties that Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*, IOM, pp. 48-9.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> ECPAT-Cambodia, n.d., *NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006*, pp. 33, 77.

<sup>99</sup> Brown, E., 2007, *The Ties that Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*, IOM. Rape Revealed Human Trafficking, [http://news.bbc.co.uk/2/hi/uk\\_news/england/manchester/6573725.stm](http://news.bbc.co.uk/2/hi/uk_news/england/manchester/6573725.stm) accessed 09 May 2009.

'Callous' human traffickers jailed, [http://www.manchestereveningnews.co.uk/news/s/1053507\\_callous\\_human\\_traffickers\\_jailed](http://www.manchestereveningnews.co.uk/news/s/1053507_callous_human_traffickers_jailed) accessed 09 May 2009.

Brown, H., *The Rape of 100,000 Girls*, <http://freespirit.members.gn.apc.org/100-000.htm> accessed 09 May 2009.

National Human Trafficking Resource Center, [http://humantrafficking.change.org/blog/view/is\\_the\\_washington\\_post\\_a\\_paper\\_pimp](http://humantrafficking.change.org/blog/view/is_the_washington_post_a_paper_pimp) Accessed 09 May 2009.

Hughes, D.M., 2000, *Welcome to the Rape Camp, Sexual Exploitation and The Internet in Cambodia*, *Journal of Sexual Aggression*, Vol 6, Winter 2000.

Sarah Shannon, 1999, *Prostitution and the Mafia: The Involvement of Organized Crime in the Global Sex Trade*, p. 123.

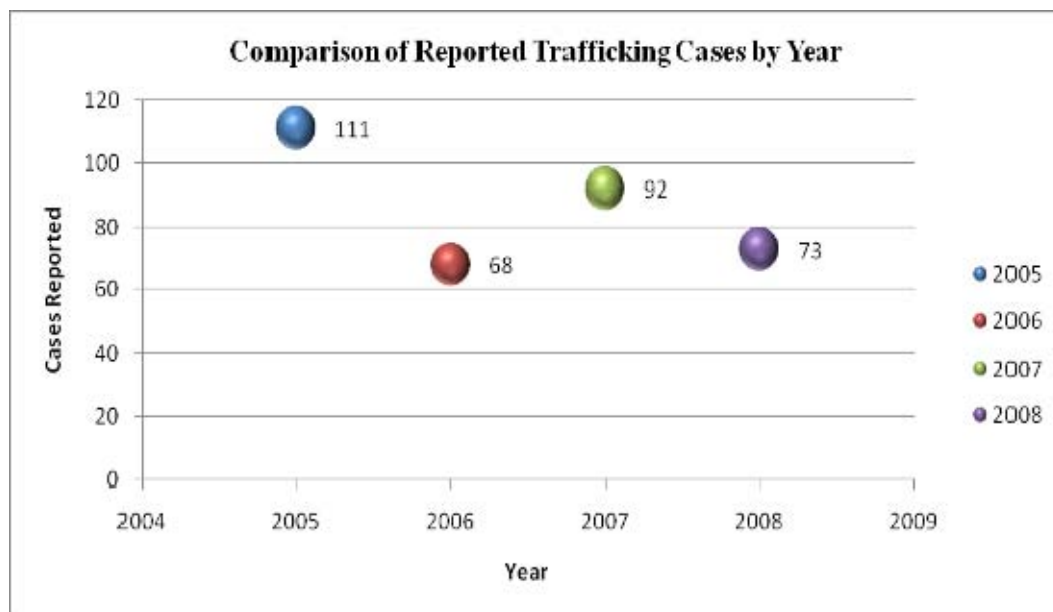
<sup>100</sup> Ibid.

## PART 3: DATABASE REPORT ON TRAFFICKING 2007-8

### 3.1 Trafficking victim's profile/characteristics

The NGO Joint Statistics Project data found that of the suspected trafficking cases<sup>101</sup> reported by participating NGOs, 165 cases (92 in 2007 and 73 in 2008) met the adopted UN trafficking definition which reflects an 8.4% decrease from 2005-2006. 179 (111 in 2005 and 68 in 2006) trafficking cases for commercial sexual exploitation were identified in ECPAT's 2005-2006 database report. The Cambodian National Police reported that in 2008 it identified and took action on a total of 29 internal and international trafficking cases<sup>102</sup>. The following graph shows the overall decrease in reported cases by year with some fluctuations.

*Figure 1: Trafficking cases reported to NGO Joint Statistics Project by year.*



While the NGO Joint Statistics Project's data indicates a decline in reported cases, it should be noted that because of the clandestine nature of trafficking there may be a lack of reporting and awareness of cases of trafficking in Cambodia, it is therefore not possible to generalize from this data that trafficking in Cambodia is decreasing. Due to the absence of a comprehensive and reliable study, the full scale of trafficking incidences cannot be correctly

<sup>101</sup> All are cases related to trafficking for commercial sexual exploitation. Trafficking for labor and organ exploitation is not discussed in this report.

<sup>102</sup> Rasmei Kampuchea Daily Newspaper, 2009, Cambodian National Council for Women shows that there are lots of human trafficking cases but little conviction, Year 17th, Wed, 25 Feb 2009, p. 6B.

ascertained. However, there are still many factors that influence vulnerability to trafficking in Cambodia. Poverty is still prevalent in the country. Economic development which is the backbone of poverty reduction efforts in Cambodia has not continued at the high rate seen in the early 2000s and certainly the benefits of economic development have not reached many areas of Cambodia. The global financial crisis, affecting real estate, garment, tourism, and agricultural sectors has contributed to increasing poverty<sup>103</sup>. Cambodia's proposed anti-corruption law is still in a draft stage and has not yet been ratified by the Cambodian government. Despite the passage of the 2008 Anti-Trafficking Law, few people have been convicted for trafficking offences. Enforcement officers, including police and judges, still are paid low salaries, which may encourage corrupt practice; practices that facilitate rather than restrain trafficking activities. In such an environment it is difficult to accurately draw conclusions as to the trend of trafficking activity in Cambodia based on a minor annual decline.

Some victims of trafficking are either orphans or come from single parent households. Victims generally have between 1 and 9 siblings, with a majority of them having 4 siblings (22, 19.8%, n=111). The youngest victim of trafficking reported to the NGO Joint Statistics Project was 8 years old and the oldest was 46. Many (68 or 41.2%) were children under 18. Most (80, 48.4%, n=165) were between 18 and 25 at time of their trafficking and 55 (33.3%) were aged between 13 and 17. Data clearly implies that people, especially women aged between 13 and 25 are the most often trafficked. Those in this age group are considered suitable either for sexual and/or labor exploitation (see Table 4), and this may play a big part in their victimization. The 2005-2006 statistics indicated that those aged between 16 and 20 were most often trafficking victims<sup>104</sup>.

Approximately one-third of the victims came from households in which one or both parents had passed away, divorced, deserted the family, worked far away from home or been jailed for various offences. The fact that they were living in often less stable families appears to have contributed to their vulnerability to trafficking. In most cases, (80, 63.4%, n=126),

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<sup>103</sup> Gross Domestic Products growth continues to be driven by garment manufacturing. Garment exports increased by 20% in 2006, providing 334,000 new jobs. In 2007, expansion slowed because of increased competition following Vietnam's entry into WTO. In 2008, the IMF expects that further erosion of garment exports will slow overall growth to less than 8%. Cambodia Development Review, 2007, cited in. Caroline Hughes, Cambodia in 2007, Development and Dispossession, Asean Survey, Vol. 48, Issue 1, pp 69-74, p.69.

<sup>104</sup> ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, pp. 29,33.

more than one person was recruited from the same village at the same time. At least 100 victims (80%, n=125) claimed that they were working with others who are trafficking victims, this indicated the lack of reporting by many trafficking victims

**Table 4: Victim's age range**

Age range	No.	%
[07-12]	13	7.88
[13-17]	55	33.33
[18-25]	80	48.48
[26-40]	16	9.70
[41-60]	1	0.61
<b>Total</b>	<b>165</b>	<b>100.00</b>

**Table 5: Victim's occupation prior to being trafficked**

Occupation	No.	%
Casino staff/Waitress	2	1.53
Handicraft worker/Tailor	4	3.05
Garment factory worker	7	5.34
Seller/Street vendor/Scavenger	12	9.16
Karaoke girl/Sex worker	17	12.98
Farmer/Labourer	20	15.27
Unemployed	27	20.61
Student	42	32.06
<b>Total 165 (34 missing cases)</b>	<b>131</b>	<b>100.00</b>

Students, the unemployed, and laborers are more vulnerable to becoming victims of a trafficker than others. Most victims were reported to be students (42 or 32.4%), followed by the jobless (27 or 20.6%). Those in the entertainment industry, such as karaoke girls and prostitutes (17 or 12.9%) are also among the most often trafficked groups. Traffickers may have increased their focus on entertainment workers<sup>105</sup> may be perceived as easier because these women, having already suffered and been made to engage in sexual activities, may have

<sup>105</sup> Entertainment workers here is used to refer to direct and indirect sex workers.

little resistance to being re-exploited. The unemployed were also highly vulnerable. Their unemployment may have motivated them to take any job opportunity promised by the recruiters without taking adequate steps to ensure their own protection.

**Table 6: Trafficking victim's educational level**

Educational level					
Level	No.	%	Level	No.	%
1	7	4.96	7	17	12.06
2	14	9.93	8	6	4.26
3	17	12.06	9	5	3.55
4	8	5.67	10	2	1.42
5	7	4.96	Never attended school	42	29.79
6	16	11.35			
Total: 165 (24 missing cases)				141	100.00

Victims of trafficking in general had a very low educational level; this is consistent with ECPAT's 2005-2006 data. The 2007-2008 data shows that 42 (29.7%) of the victims never attended school and so can be assumed to be illiterate. Most victims (69 or 41.8%) had a primary level of education. 30 (21.2%) victims had reached grade 7 to 10. It is unlikely that they were pursuing their studies after they were trafficked. Some may currently be attending vocational/skills training supported by NGOs. None of the victims had passed grade 11, this suggests that their level of education may have contributed to their being trafficked.

**Table 7: Victim's marital status**

Marital status	No.	%
Divorced	12	7.45
Married/ In relationship	20	12.42
Single	129	80.12
<b>Total: 165 (4 missing cases)</b>	<b>161</b>	<b>100.00</b>

141 (85.4%) of the trafficking victims were Cambodian, the others (24 or 14.5%) were Vietnamese. A large majority of trafficking victims, 129 (80.1%) were single which is consistent with 2005-2006 data. It might be that those who are single were young and

possibly naïve, as it is traditional in Cambodia for people to become married at a relatively young age. They may also lack the protection of a spouse or parents. These factors may make them more susceptible to trafficking than others. At least 20 (12.4%) were married or in relationships, such as having a partner or unregistered marriage prior to being trafficked<sup>106</sup>.

### 3.2 The trafficking incident

Most trafficking victims (158, 96.9%, n=163) were trafficked within Cambodia, the rest (5 or 3.0%) were trafficked from Vietnam into Cambodia. These Vietnamese victims were trafficked to work in Cambodia's sex entertainment industry or across Cambodia to a third country. Most victims (84, 73.0%, n=115) were trafficked once, 25 (21.7%) were trafficked twice, and 6 (5.2%) were trafficked between 3 and 5 times.

The NGO Joint Statistics Data fails to draw a strong link between the victim's vulnerability to trafficking and the place and the people with whom they lived. A majority of victims (79, 54.1%, n=146) had been living in their village of origin and 69 (53.4%, n=129) had been living with their parent(s) at time of their trafficking.

**Table 8: People with whom the trafficking victim lived**

People who the victim lived with	Total	
	No.	%
Employer	2	3.51
Other	5	8.77
Husband	6	10.53
Relative/Sibling	14	24.56
Friend	30	52.63
<b>Total 60 (3 missing cases)</b>	<b>57</b>	<b>100.00</b>

Trafficking victims that lived away from their parents were living either with a relative/sibling, friend, employer or other people. Available data showed that at least 57 victims were not residing with their parents before they were trafficked. 30 (52.6%) were living with friends. 38.7% of the victims reported that their friends/acquaintances were their traffickers.

<sup>106</sup> Unregistered marriage refers to those living together as a couple but have not legally registered their union.

21 victims (15.5%, n=135) stated that their siblings were also trafficked. It is unknown if they were recruited by the same trafficker. 21 (14.8%) of 141 victims were raped before they were trafficked. There is no information regarding whether or not their rapist and trafficker was the same person or if the rape was directly linked to trafficking.

**Table 9: Reasons given by trafficking victims for going with trafficker**

Reason	Total	
	No.	%
Need money for medical care	4	3.31
Need money to support family	4	3.31
Need money to repay a debt	8	6.61
Had no choice	29	23.97
Want money to buy things	32	26.45
Escape current situation	44	36.36
<b>Total 148 (27 missing cases)</b>	<b>121</b>	<b>100.00</b>

148 (91.3%) of the 162 trafficking victims said they willingly followed their recruiter. Most (44 or 36.3%) said that they wanted to escape their current situation, some needed money to buy things (26.4%) and some had no choice (23.9%). Some needed money to repay a debt (6.6%), to support their family (3.3%) and/or to pay for medical care (3.3%). This suggests that poverty and people's situations are strong motivating factors encouraging people to take risks to improve their lives that may lead to being trafficked. As a result of the high numbers of vulnerable people willing to migrate for work, traffickers did not need to use deception to persuade people to come with them. There were six cases where the victim's parents or guardians made decisions to send them with a trafficker against their will. Some victims (13, 7.8%, n=165) reported being abducted before being trafficked.

Research<sup>107</sup> has shown that some child trafficking survivors did not realize that they had been victims of cross-border trafficking, instead they considered themselves as "heroes" or "heroines" for their chances to work in order to support their family. Their ability to

<sup>107</sup> Keo, C., 2006, Life After Reintegration: Situation of Child Trafficking Survivors, IOM- Battambang, Cambodia.



contribute to the survival of their families made them feel so proud that they saw themselves as the model of a good child<sup>108</sup>.

*Table 10: Commercial sex activity victim trafficked to work in*

Commercial Sex Activity	Total	
	No.	%
Pornography	2	3.45
Massage parlour	6	10.34
Karaoke parlour	22	37.93
Brothel	28	48.28
<b>Total</b>	<b>58</b>	<b>100.00</b>

58 (35.13%) of 165 trafficking victims were aware that they were being recruited to work in various forms of employment that directly or indirectly were linked to prostitution. 28 (48.2%) of the victims knew that they would be working in a brothel, 22 knew they would be working in a karaoke parlor, and 6 were aware they were going to work in massage parlors. 2 of the victims knew that they were being recruited to be involved in pornography.

*Table 11: Work promised to trafficking victim prior to trafficking*

Promised work	No.	%
Factory work	1	1.2
Massage parlor (not a sex related job)	1	1.2
Seller	4	4.82
Domestic work	18	21.69
Karaoke parlor (not a sex related job)	19	22.89
Restaurant work	40	48.19
<b>Total: 165 (82 missing cases)</b>	<b>83</b>	<b>100.00</b>

While some trafficking victims reported being told honestly where they would work others were deceived. At the time of recruitment, those who were deceived were promised various jobs that did not involve sexual exploitation, including restaurant work (40 cases),

<sup>108</sup> For details see, Keo, C., 2006, Life After Reintegration: Situation of Child Trafficking Survivors, IOM- Battambang, Cambodia.

work in a Karaoke parlor as waitress or karaoke machine operator<sup>109</sup> (19) and domestic work (18).

**Table 12: Destination promised to trafficking victim**

Promised destination	No.	%
Malaysia	5	3.03
Thailand	11	6.67
Cambodia	149	90.30
<b>Total</b>	<b>165</b>	<b>100.00</b>

Recruiters normally told the victims and/or their parents that the victims would be taken to work in Cambodia (149 or 90.3%), Thailand (11 or 6.6%), or Malaysia (5 or 3.0%). Only few were trafficked to destinations outside Cambodia, indicating that local trafficking is of greater significance than international trafficking.

**Table 13: Locations in Cambodia to which victims were trafficked**

Trafficking Destination in Cambodia	2007		2008		Total	
	No.	%	No.	%	No.	%
Kratie	1	1.28	0	-	1	0.67
Pailin	0	-	1	1.41	1	0.67
Stung Treng	1	1.28	0	-	1	0.67
Svay Rieng	1	1.28	0	-	1	0.67
Kampong Chhnang	2	2.56	0	-	2	1.34
Kamptot	0	-	2	2.82	2	1.34
Pursat	1	1.28	1	1.41	2	1.34
Banteay Meanchey	1	1.28	2	2.82	3	2.01
Kampong Thom	3	3.85	0	-	3	2.01
Koh Kong	1	1.28	2	2.82	3	2.01
Oddar Meanchey	2	2.56	1	1.41	3	2.01

<sup>109</sup> It should be noted that at least in Cambodian context working in a karaoke parlor is not necessarily related to prostitution. While those work as karaoke girls are likely to engage in indirect prostitution, others like waitresses or karaoke machine operators are normally not involved in sex work.

Kampong Cham	1	1.28	4	5.63	5	3.36
Rattanakiri	0	-	5	7.04	5	3.36
Preah Sihanouk	11	14.10	2	2.82	13	8.72
Siem Reap	12	15.38	4	5.30	16	10.74
Battambang	0	-	36	50.70	36	24.16
Phnom Penh	41	52.56	11	15.49	52	34.90
<b>Total 165 (16 missing)</b>	<b>78</b>	<b>100</b>	<b>71</b>	<b>100</b>	<b>149</b>	<b>100</b>

Most people were trafficked to major tourist and industrial destinations in Cambodia, Phnom Penh (the capital city) as in previous years reports, is the place where most are trafficked to. 52 or 34.9% of people trafficked were taken to Phnom Penh which is lower than in 2005-6 when 89 or 52% (n=171) were trafficked there. Phnom Penh was the main destination for trafficked people in 2007, but Battambang had the most reported cases of trafficked people in 2008. Siem Reap and Preah Sihanouk respectively were the third and fourth areas with the most trafficking activity. The data shows that most of Cambodia is affected by trafficking. The fact that people have reported being trafficked to more provinces than in previous years suggests a change from Phnom Penh perhaps due to changing demand or an excess of people already working there. Sex trafficking is part of the wider commercial sex industry and so the spread of trafficking destinations could also indicate the spread of the sex industry within Cambodia.

**Table 14: Trafficking movement: source and destination**

From	Destination	No.
Banteay Meanchey	Banteay Meanchey	1
	Battambang	15
	Siem Reap	4
	Thailand	6
Battambang	Banteay Meanchey	1
	Battambang	3
	Preah Sihanouk	1
	Phnom Penh	1

	Siem Reap	2
	Thailand	1
Kampong Cham	Kampong Cham	4
	Kampong Thom	1
	Malaysia	1
	Phnom Penh	2
Kampong Chhnang	Battambang	1
	Kampong Chhnang	1
	Phnom Penh	3
Kampong Speu	Phnom Penh	2
	Siem Reap	1
Kampong Thom	Kampong Thom	2
	Phnom Penh	2
Kampot	Kampong Chhnang	1
	Kampot	1
	Phnom Penh	2
Kandal	Preah Sihanouk	1
	Phnom Penh	1
	Pursat	1
	Rattanakiri	5
Koh Kong	Koh Kong	2
	Phnom Penh	1
Kratie	Kampong Cham	1
	Kratie	1
	Phnom Penh	3
	Stung Treng	1
Pailin	Pailin	1
Preah Sihanouk	Preah Sihanouk	7
	Thailand	2
Oddar Meanchey	Oddar Meanchey	2

Phnom Penh	Banteay Meanchey	1
	Battambang	1
	Koh Kong	1
	Preah Sihanouk	4
	Malaysia	3
	Oddar Meanchey	1
	Phnom Penh	22
Prey Veng	Phnom Penh	4
Pursat	Battambang	2
	Pursat	1
Siem Reap	Siem Reap	8
	Thailand	1
Svay Rieng	Svay Rieng	1
Takeo	Phnom Penh	1
Vietnam	Koh Kong	1
	Phnom Penh	4
<b>Total 165 (21 Missing)</b>		<b>144</b>

Victims of trafficking reported coming from 19 municipality/provinces of Cambodia (all the Cambodian provinces except Kep, Modolkiri, Preah Vihear, Ratanakiri, and Stung Treng) and from Vietnam to many destinations in Cambodia and abroad, Thailand and Malaysia. The data does not suggest that Kep, Mondulkiri, and Preah Vihear are a source or a destination. Vietnam is not seen as a destination for sex trafficking from Cambodia. However, Vietnamese people reported being trafficked to Koh Kong and Phnom Penh to be commercially sexually exploited. At least 10 people (1 missing case) from Banteay Meanchey (6 cases), Battambang (1), Preah Sihanouk (2), and Siem Reap (1) were trafficked to Thailand. 4 people (1 missing case) from Phnom Penh (3) and Kampong Cham (1) were trafficked to Malaysia. International trafficking to Cambodia was only reported to have occurred between Vietnam and Cambodia.

**Table 15: Forms of commercial sexual exploitation in which victim was forced to be involved**

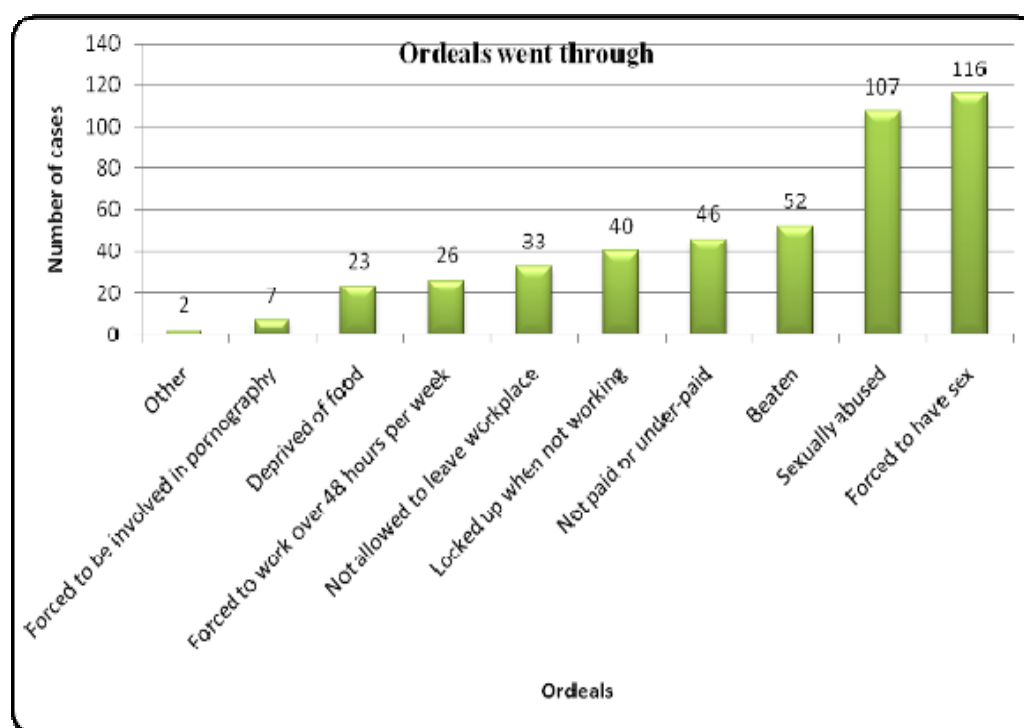
Form of Sexual Exploitation	No.	%
Work in Beer garden	2	1.85
Work in Massage parlour	2	1.85
Other	3	2.78

Pornography	6	5.56
Work in Karaoke parlour	22	20.37
Work in Brothel	73	67.59
<b>Total: 110 ( 2 missing cases)</b>	<b>108</b>	<b>100.00</b>

Almost every victim (154, 96.2%, n=160) was trafficked to an agreed destination, but less than half of the victims (52, 31.9%, n=163) worked in the job they had agreed prior to being trafficked. A majority of the victims (113, 68.4%, n=165) were forced to perform unexpected work. At least 110 (97.3%, n=113) were compelled to work in various forms of commercial sexual exploitation. Most of those forced into the commercial sex industry were forced to become direct prostitutes in brothels (73 or 67.5%). The rest were forced to be indirect sex workers. 22 were forced to work in karaoke parlors, and at least 6 (equivalent to 5.5%) were made to engage in the production of pornography.

23 (17.6%, n=130) claimed that they were sold to more than one employer. 14 (82.3%, n=17) of the new employers were in Cambodia and the others were either in Malaysia (1 or 5.8%) or in Thailand (2 or 11.7%). 8 (72.7%) of the 11 secondary employers in Cambodia most were in Phnom Penh, followed by Preah Sihanouk (2 or 18.1%) and Battambang (1 or 9.0%).

**Figure 2: Abuses experienced prior to the victims being freed**



Victims reported that before they were able to leave their exploitative situation that they often experienced various forms of physical and psychological abuse. Many were forced to offer sex (116 cases) and/or were sexually abused (107). Some were imprisoned to prevent their escape; some were deprived of the basic needs such as food and/or were beaten. There were different ways in which the victims were able to leave their exploitative situations. Most were freed by police and NGOs (139, 84.2%, n=165). Whilst some (21 or 12.7%) managed to escape, 5 or 3% were arrested by police in the destination country and were deported back to Cambodia.

The International Organization for Migration (IOM) in 1997 concluded that when victims manage to escape their trafficking situation after being internationally trafficked; they may face arrest and imprisonment for their illegal status and activities. Despite being freed from prostitution, trafficking victims often lack education and skills necessary to support themselves and any dependants. Often trafficking victims are forced to return to prostitution as their sole means to live<sup>110</sup>.

### 3.3 Profiles of suspected traffickers

**Table 16: Nationality of recruiters**

Nationality of recruiter	No.	%
Thai	9	3.72
Vietnamese	16	6.61
Cambodian	217	89.67
<b>Total</b>	<b>242</b>	<b>100.00</b>

Of the 165 trafficking cases identified by the NGO Joint Statistics Project, 242 recruiters were reportedly involved meaning that there were cases involving more than one recruiter. Traffickers may operate individually or within organized crime syndicates<sup>111</sup> to traffic people. Most recruiters (148 or 61.1%) were female. A study found that recruiters are

<sup>110</sup> IOM, 1997, cited in Jini L. Roby, 2005, Women and children in the global sex trade: Toward more effective policy, International social work 2005, 48, pp. 136-147.

<sup>111</sup> "Organized criminal group" shall mean a structured group of three or more person, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. United Nations, 2000a, United Nations Convention Against Transnational Organized Crime, Article 2.

often selected for their ability to swiftly establish trust with victims they are recruiting. Female traffickers are often used to recruit female victims who may perceive them as credible and authoritative<sup>112</sup>.

Recruiters comprise people of different nationalities. NGO Joint Statistics data for the period 2007-2008 showed that they were predominantly Cambodians (217 or 89.6%). There were also recruiters from Vietnam (16 or 6.6%), and Thailand (9 or 3.7%). 24 (14.5%) victims who are Vietnamese were trafficked by these Vietnamese recruiters.

**Table 17: Trafficker's occupation**

<b>Occupation of trafficker</b>	<b>No.</b>	<b>%</b>
Student/Teacher	3	2.07
Farmer	4	2.76
Employer	5	3.45
Seller	6	4.14
Low-profile profession	6	4.14
Police	31	21.38
Sex worker/masseuse/karaoke girl/beer girl	38	26.21
Brothel/karaoke parlour owner	52	35.86
<b>Total 242 (97 Missing cases)</b>	<b>145</b>	<b>100.00</b>

The occupations of recruiters were not limited to those working in the sex industry. The occupation of traffickers varied widely, ranging from students, teachers, businesspeople, farmers, police officers and those from the sex industry including prostitutes and those who own sex establishments. At least 38 (26.2%) of the recruiters were prostitutes/masseuses/ karaoke girls/beer girls and therefore have some link to the commercial sex industry. This illustrates an emerging trend that some of the recruiters were sex workers or former victims of trafficking<sup>113</sup>.

<sup>112</sup> UNODC cited in The United Nations Global Initiatives to Fight Human Trafficking (UN.GIFT), The Vienna Forum to fight Human Trafficking 13-15 February 2008, Austria Center Vienna, Background Paper, Workshop: Profiling the Traffickers, p. 5.

<sup>113</sup> Rebecca Surtees, 2008, Traffickers and Trafficking in Southern and Eastern Europe, Considering the Other Side of Human Trafficking, European Journal of Criminology, 2008, Vol. 5; pp. 39-68, p. 52.



**Table 18: Trafficker-victim relationship**

Relationship	No.	%
Foster parents	2	1.55
Mother/Sister/Step-sister	8	6.20
Aunt/Uncle/Cousin/Relative	11	8.53
Neighbour/Village fellow	21	16.28
Employer	37	28.68
Acquaintance/Friend	50	38.76
<b>Total 242 (113 Missing cases)</b>	<b>129</b>	<b>100.00</b>

None of the recruiters was a stranger to the victim. Most were their friends/acquaintances or employers. Some recruiters were from the victim's family. Surtees (2008) concluded that in many countries, recruitment relied heavily on a trafficker's existing relationship with the victim<sup>114</sup>. From the NGO Joint Statistics data, it is clear that people are trafficked by those they know and that familial or community bonds are not preventative to selling someone to traffickers.

### ***3.4 Consequences of trafficking, referrals and assistance to victims of trafficking***

The United Nations High Commissioner for Human Rights has stated that human rights violations are both an effect and cause of human trafficking<sup>115</sup>. The NGO Joint Statistics Project data showed that in addition to suffering from violations of their rights and dignity, victims suffered numerous side effects of trafficking. 48 (49.4%, n=97) and 28 (35%, n=80) became drug and alcohol abuses respectively after their trafficking. At least 85 (78.7%, n=108) felt dismay that they could not concentrate on their work. 1 (1.2%, n=82) had an unwanted pregnancy. Many of them (58, 60.4%, n=96) reported contracting venereal diseases. At least 3 (3.6%, n=83) were infected with HIV. Studies concluded that trafficking victims

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<sup>114</sup> Ibid.

<sup>115</sup> United Nations Economic and Social Council, 2002, Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council, Addendum to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

can also suffer from psychological problems, especially trauma and depression as a result of their terrible treatment<sup>116</sup>.

**Table 19: Refer of victim to NGO**

Refer of victim to NGO	Total	
	No.	%
Relative	6	3.24
Others	6	3.24
Court staff/Government social worker	13	7.03
NGO	71	38.38
Local authority/Police	89	48.11
<b>Total</b>	<b>185</b>	<b>100.00</b>

Despite the ordeals that the victims of trafficking have been through, most of them (153, 92.7%, n=165) did not seek an NGO's services personally. Instead, they were referred to NGOs by the Police/Authority (89 or 48.1%), by an NGO (71 or 38.3%), by court staff/government social workers (13 or 7%), others (6 or 3.2%), or by relatives (6 or 3.2%). It should be noted that victims may be referred more than once to an NGO by different people/agencies. The fact that victims do not personally approach NGOs for assistance may suggest that they were either unaware of an NGO's services or not empowered enough to come forward for assistance.

**Table 20: Assistance provided by NGO**

Service offered	No.
Other	7
Financial support for victim and family	15
Legal assistance	22
Reintegration support	33
Vocational training	39
Formal education/literacy training	67
Foster care	78

<sup>116</sup> Jini L. Roby, 2005, Women and children in the global sex trade: Toward more effective policy, International social work 2005, 48, pp. 136-147.

Accommodation and food	97
Counseling/health care	173
<b>Total</b>	<b>531</b>

Trafficking survivors receive different recovery, rehabilitation, reintegration, and legal assistance from NGOs. While most received counseling/health care, shelter and food (173 and 97 respectively), few (22) were provided with legal assistance to pursue their legal recourse against their offenders. Due to the limitations of the data, it is not possible to ascertain if this is because they did not seek legal assistance themselves or because they had limited access to affordable and accessible legal services. There are some NGOs in Cambodia known to provide legal assistance to the poor and the marginalized. They include LICADHO, Legal Aid of Cambodia (LAC), Cambodian Defender's Project (CDP), Legal Support for Children and Women (LSCW), Action Pour les Enfants (APLE), Acting for Women in Distressing Circumstances (AFESIP), and Protection of Juvenile Justice (PJJ). The criteria for accessing the legal services of these NGOs are different. Legal NGOs do not operate in every provinces/municipality. Their assistance is also subject, to types of case, age and gender of victims.

A staff member from a legal aid NGO stated that in contrast to the NGO Joint Statistics data, it is unlikely that a reported trafficking case would not receive legal assistance from a legal aid NGO, stating that NGOs are serious about providing legal assistance to trafficking cases and the apparent lack of legal aid may be caused by a lack of clarity in the record sheet.

The NGO Joint Statistic Data showed that 44.8% (39, n=87) of the victims still lived in NGOs' shelter, although many had left after having lived there for a varying length of time. The data shown that 79.4% (31, n=39) left the NGOs before they felt ready to be reintegrated into their family or community. Only 28.1% (9, n=32) were considered by supporting NGOs to have successfully been reintegrated into their family or community of origin.

### ***3.5 Arrests and Convictions***

Most (106, 81.5%, n=130) trafficking cases were reported to police. 7.8% (6, n=76) accepted compensation instead of pursuing legal complaint against their offender. The data shows that reparation paid to trafficking victims ranged from \$150 to \$2,000. It has not been possible to explore why the compensation varies so greatly. 96.4% (54, n=56) of the reported cases were investigated by police leading to the arrest of 44 (n=51) suspects. However, less

than half (20, n=44) of those arrested were formally charged. 2005-2006's data showed that a smaller proportion, 34.1% (40, n=117), of reported cases were investigated by police. In spite of the lower rates of investigation 83% of the investigations led to arrest and charge of the suspects. While 2007-2008's data demonstrates a much higher percentage of investigations (96.4% compared to 34.1%), the percentage of actual arrest and convictions are much lower than in 2005-2006 (45.4% compared to 83%)<sup>117</sup>. The reason(s) for such variance is unknown.

**Table 21: Victim's lawyer**

Victim's lawyer	No.	%
Other	1	3.33
Government Lawyer	2	6.67
NGO Lawyer	27	90.00
Total	30	100.00

Lawyers were approached for assistance in 30 of 40 cases. A majority of the lawyers (27, 90%, n=30) were from NGOs, and 2 were from the government. Most lawyers (23, 79.3%, n=29) were reported to have met the plaintiffs, and more than half (19, 82.6%, n=23) assisted their clients to lodge a complaint at court. Legal assistance is crucial in the victims' pursuit of legal recourse against their traffickers. Hiring a private lawyer for a legal battle often involves prohibitive costs. At the time of writing the report it is known that 20 suspects were detained awaiting trial, and at least 10 (50%, n=20) cases had gone to trial at the municipality/provincial court. There is no data regarding conviction rates.

The 2007 US TIP Report noted that Cambodia's police investigated 49 cases of human trafficking involving 65 perpetrators of which 10 resulted in convictions with penalties ranging from 1 to 18 years' imprisonment<sup>118</sup>. The 2008 US TIP Report showed that The Ministry of Interior (MOI) reported receiving 53 trafficking cases in the period between April 2007 and March 2008, 35 of these cases were trafficking for the purpose of sexual exploitation involving 60 victims. Police investigated 43 cases (81.1%) resulting in 65 traffickers being arrested. The Phnom Penh Municipal Court convicted 52 trafficking offenders. The MOI Department of Anti-Trafficking and Juvenile Protection reported 52

<sup>117</sup> ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, pp. 33, 49.

<sup>118</sup> United States State Department, 2007, Trafficking in Persons Report June 2007, p.74.

cases, involving 65 trafficking offenders that resulted in eight convictions<sup>119</sup>. A reported total of 62 traffickers were convicted in 2007-8. According to the 2008 National Police Report, police investigated 117 of 125 reported cases of trafficking and sexual exploitation. A total of 172 suspects, including 11 foreigners, were arrested and referred to court. 16 suspects were sentenced and amongst those one was convicted to 10 years imprisonment for trafficking<sup>120</sup>.

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<sup>119</sup> United States State Department, 2008, Trafficking in Persons Report June 2008, p.83.

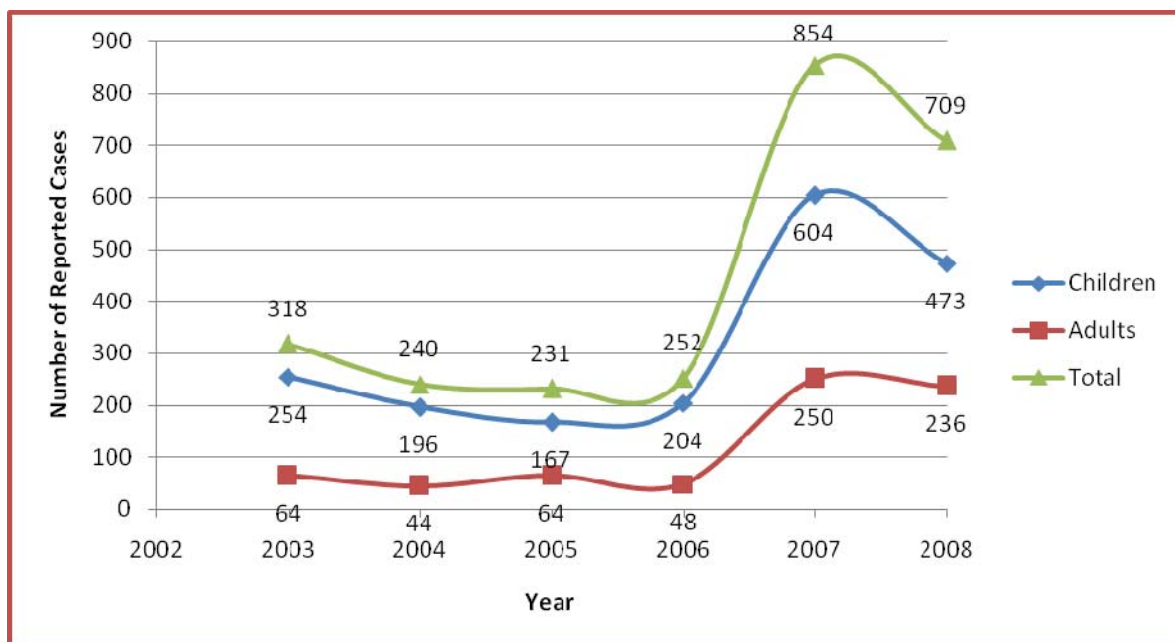
<sup>120</sup> Rasmei Kampuchea Daily Newspaper, 2009, Cambodian National Council for Women shows that there are lots of human trafficking cases but little conviction, Year 17th, Wed, 25 Feb 2009, p. 6B.

## PART 4: DATABASE REPORT ON RAPE 2007-2008

### 4.1 Victim's profile/characteristics

In the two-year period 2007-2008, NGOs participating in the joint statistics project reported a total of 1,499 rape cases (822 in 2007 and 677 in 2008 reflecting 221.6% increase compared to 466 cases equal to 483 victims in 2005-6's). This dramatic increase is because of the joining of the two organizations – LICADHO and ADHOC. Of the total, 1,045 equivalents to 69.7%, of the cases involved the rape of children aged under 18. Figure 3 illustrates the six-year trend of reported rape incidents. Data suggested that the number of victims is rising despite fluctuations, starting from 318 in 2003 to a peak of 854 in 2007 before going down to 709 in 2008.

**Figure 3: Number of reported rape case compared by age, year**



Of the 1,499 cases reported, a total of 1,563 victims (all females)<sup>121</sup> and 1,686 offenders (all males) were reported to have been involved. There were incidents where an offender attacked more than one victim or more than one offender raped a victim. By comparing the number of victim (1,563) to the 2008 General Census, it is likely that one in every 4,410 females in Cambodia was a victim of rape, and this is based on an acknowledged

<sup>121</sup> There was one male victim of rape (16 years old) in 2005-6 report. ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, p. 91.

underreporting of incidences suggesting that the proportion of sexual violence victims in Cambodia is far higher.<sup>122</sup>

**Table 22: Victim's age group**

Victim's age group					
Age group	No.	%	Age group	No.	%
[01-06]	122	8.16	[18-25]	308	20.60
[07-12]	305	20.40	[26-40]	109	7.29
[13-17]	614	41.07	[41-60]	35	2.34
			[61-78]	2	0.13
<b>Total: 1499 (4 missing cases)</b>				<b>1495</b>	<b>100.00</b>

**Table 23: Victim's ethnicity**

Victim's ethnicity					
Nationality	No.	%	Nationality	No.	%
English	1	0.07	Muslim/Cham	8	0.53
Vietnamese	7	0.47	Khmer	1483	98.93
<b>Total: 1499</b>				<b>1499</b>	<b>100.00</b>

In the period 2007- 2008, assailants have reportedly raped infants as young as one year old and a woman as old as 78 (the youngest victim was 2 and the oldest was 58 in 2005-2006)<sup>123</sup>. The available data suggests that women and children aged between 7 and 25 were more often raped than others. 41% of rape victims were between the ages of 13-17, the greatest number of victims were 14 years old at time of their rape (mode = 14). Virtually all of the victims were of Khmer ethnic descent representing 98.9% of the victims. While it is highly likely that the eight victims identified as Muslim/Cham are Cambodian nationals, it is unknown if the seven Vietnamese were also of Cambodian nationals or immigrants.

<sup>122</sup> The 2008 General Census found that there are 13,388,910 people in Cambodia of which 6,893,398 were females. National Institute of Statistics, Ministry of Planning, 2008, General Population Census of Cambodia 2008, Provisional Population Totals, Ministry of Planning, Kingdom of Cambodia.

<sup>123</sup> ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, p. 91.

**Table 24: Victim's marital status**

Victim's marital status	No.	%
Divorced	11	0.74
Widowed	15	1.00
Married/In relationship	103	6.90
Single	1364	91.36
<b>Total: 1499 (6 missing cases)</b>	<b>1493</b>	<b>100.00</b>

A large majority of the victims (91.3%) were reportedly single when the rape incident occurred. 6.9% of married women or of those who were in relationship reported being raped. Very few victims were divorcees or widows. This may indicate that those who are single are more vulnerable to rape. This may be because they were both young and under-protected by their families and spouse.

**Table 25: Reported rape cases by provinces/cities**

Reported rape cases, 2007-8					
Location	No.	%	Location	No.	%
Rattanakiri	4	0.27	Prey Veng	59	3.94
Stung Treng	5	0.33	Kampot	69	4.60
Mondulkiri	6	0.40	Kampong Speu	70	4.67
Keb	7	0.47	Kampong Chhnang	75	5.00
Outside Cambodia	9	0.60	Phnom Penh	75	5.00
Oddar Meanchey	11	0.73	Pursat	97	6.47
Preah Vihear	18	1.20	Kampong Thom	98	6.54
Pailin	22	1.47	Kandal	104	6.94
Kratie	26	1.73	Banteay Meanchey	110	7.34
Svay Rieng	28	1.87	Siem Reap	127	8.47
Preah Sihanouk	29	1.93	Kampong Cham	161	10.74
Koh Kong	39	2.60	Battambang	193	12.88
Takeo	57	3.80			
<b>Total: 1,499 cases</b>				<b>1,499</b>	<b>100.00</b>



2005-2006 data showed that the majority of rape cases occurred in Kandal and Phnom Penh (63 cases=14% and 59 cases=13% respectively). In 2007-2008, Battambang is the province that reported the most rape cases (193 cases=12.8%), followed by Kampong Cham and Siem Reap (161=10.7% and 127=8.47% respectively). There were nine cases reported to have happened outside Cambodia (all occurring in Thailand) which is an increase from two reported cases in 2005-2006. Rattanakiri and Modokiri, provinces mostly inhabited by ethnic minority (non-Khmer) groups, had the lowest number of reported cases 0.27% and 0.4% respectively. It is not clear if rape is committed less because of their strict culture or if the reporting of rape cases was very low because few participating NGO work in these areas or because there is a lack of knowledge among the ethnic minority groups about the rights to report rape.

**Table 26: Victim living with parents at time of rape**

Living with parents	No.	%
Yes	821	76.94
No	246	23.06
<b>Total: 1,499 (432 missing cases)</b>	<b>1,067</b>	<b>100.00</b>

**Table 27: Other people the victim lived with at time of rape**

People the victim lived with	No.	%
Friend	22	9.13
Uncle and/or aunt	26	10.79
Husband	31	12.86
Employer	34	14.11
Sibling	34	14.11
Grandparent(s)	45	18.67
Others	49	20.33
<b>Total: 246 (5 missing cases)</b>	<b>241</b>	<b>100.00</b>

1,284 (85.6%) were living in their village when the incidents occurred. Among them at least 821 or (76.9%) were living with their parent(s). The rest were living either with sibling/relative, by themselves, with friends, or others including their employer. This suggests

that whether or not the victims lives with their parents, relatives, or/and siblings they were still vulnerable to rape.

**Table 28: Number of sibling in the victim's family**

Number of victim's sibling					
# of Sibling	No.	%	# of Sibling	No.	%
1	3	0.48	6	57	9.12
2	143	22.88	7	34	5.44
3	147	23.52	8	11	1.76
4	121	19.36	9	9	1.44
5	96	15.36	10	4	0.64
<b>Total: 1499 (874 missing cases)</b>				<b>625</b>	<b>100.00</b>

The number of sibling that the rape victims had varies greatly from 1 to 10 with an average of 5.5. Most, however, have 2 to 4 siblings. Data demonstrates that those with between 5 to 10 siblings are less vulnerable than those with 2 to 4 siblings. It is not clear if this is because those with more siblings are better protected by parents or/and siblings.

**Table 29: Victim's educational level**

Victim's educational level					
Level	No.	%	Level	No.	%
Never attended school	411	36.63	7	40	3.57
1	109	9.71	8	34	3.03
2	115	10.25	9	16	1.43
3	103	9.18	10	12	1.07
4	88	7.84	11	7	0.62
5	99	8.82	12	5	0.45
6	83	7.40			
<b>Total: 1,499 (377 missing cases)</b>				<b>1,122</b>	<b>100.00</b>

Data indicates that victims of rape in Cambodia generally have a low level of education. In Cambodia, the age children start to attend primary school is 7 years old. 122 victims were aged between 1 and 6 (refers to Table 29), and therefore at least 289 school aged victims (411-122=289) have never attended school at all, and are presumably illiterate. 1,008 (89.8%)

of the 1,122 victims had only had reached a primary school level of education or were completely illiterate. None had passed secondary school. The Cambodian Ministry of Education, Youth, and Sport shown that in 2004-2005, the percentage of girls in primary education was 47.22%, and 41.97% in secondary school<sup>124</sup>. It is not known if low education increases the risk to rape but low education may prevent victims from escaping situations involving potential sexual abuse.

#### 4.2 The rape incident

**Table 30: Victim's occupation**

Occupation					
Occupation	No.	%	Occupation	No.	%
Translator	1	0.08	Housemaid/keeper	16	1.26
Hairdresser	2	0.16	Unknown	21	1.65
Housewife	3	0.24	Garment factory	29	2.28
Fisherman	8	0.63	Small business	39	3.06
Scavenger/beggar	9	0.71	Laborer	86	6.76
Employee	10	0.79	Unemployed	235	18.46
Beer girl/masseuse / karaoke girl/sex worker	11	0.86	Farmer	270	21.21
Tailor/weaver	14	1.1	Student	519	40.77
<b>Total: 1,499 (226 missing cases)</b>				<b>1,273</b>	<b>100.00</b>

**Table 31: Location of rape**

Location of rape					
Location	No.	%	Location	No.	%

<sup>124</sup> Ministry of Education, Youth, and Sport, cited in Keng, C. S. and Clayton, T., *Schooling In Cambodia*, Going To School In East Asia, (edi) Postiglione, A.G, and Tan, J., 2007, p. 53, [http://books.google.com/books?id=HuE--CIdDuEC&pg=PA45&lpg=PA45&dq=Percentage+of+women/girls+attending+secondary+education+in+Cambodia&source=bl&ots=aGGkXUfx8r&sig=AtQir\\_fM6YgKjYHf-8vXLGgAcMM&hl=en&ei=qewtSoSnAsqGkAWWy-GGCg&sa=X&oi=book\\_result&ct=result&resnum=1#PPA53,M1](http://books.google.com/books?id=HuE--CIdDuEC&pg=PA45&lpg=PA45&dq=Percentage+of+women/girls+attending+secondary+education+in+Cambodia&source=bl&ots=aGGkXUfx8r&sig=AtQir_fM6YgKjYHf-8vXLGgAcMM&hl=en&ei=qewtSoSnAsqGkAWWy-GGCg&sa=X&oi=book_result&ct=result&resnum=1#PPA53,M1) accessed 10 June 2009.

Hospital/health center	2	0.17	School	37	3.11
NGO office	2	0.17	Plantation	41	3.44
Rapist's workplace	7	0.59	River bank/Boat/beach	43	3.61
Outside Cambodia	9	0.76	Guest house/hotel	52	4.37
Near victim's house	12	1.01	Farmland	83	6.97
Rapist's friend's / relative's house	16	1.34	Public place	99	8.31
Victim's friend's / relative's house	16	1.34	Rapist's home	184	15.45
Victim's workplace	16	1.34	Forest/mountain	221	18.56
Pagoda	30	2.52	Victim's home	321	26.95
<b>Total: 1,499 (308 missing cases)</b>				<b>1,191</b>	<b>100.00</b>

A majority of the victims were students accounting for 40.7% of the cases followed by farmers (270 or 21.2%). Many were unemployed (235 or 18.4%). This suggests that those without a job, such as students and the unemployed are more vulnerable than those with a job. Students may be too naïve to perceive the situations of potential sexual abuse or they may simply not know the best ways to escape such situations, they are also generally minors. Being weak physically and with limited education puts them at a greater risk to becoming a victim. When people are unemployed, they may spend more time at home or wandering around in the village, this may give opportunities to potential and motivated predators to sexually abuse them at home or in the field whilst they are alone.

Table 31 shows that 321 (26.9%) were raped at their home, and 221 or 18.5% were raped while they were in the forest or at a mountain. The data shows rape happens almost everywhere. Places supposed to be safe such as: schools, pagodas, health centers/hospitals, and NGO offices are places where rape has been reported to occur.

**Table 32: Frequency of rape**

Frequency of rape	No.	%
Once	849	71.83
More than once	333	28.17
<b>Total: 1,499 (327 missing cases)</b>	<b>1,182</b>	<b>100.00</b>

333 victims (28.1%) were raped more than once. In at least 49 incidents (4.1%), there was more than one attacker and/or more than one victim involved. A large majority of cases involved only a single victim and offender, and there were occasions where the offender raped the victim more than once. There were few cases involved a group of men raping one or more women.

#### ***4.3 The type of violence or the methods used in the rape***

***Table 33: Type of weapon used by offender***

<b>Weapon used</b>	<b>No.</b>	<b>%</b>
Gun	12	7.19
Stick	15	8.98
Other	30	17.96
Knife	110	65.87
<b>Total: 168 (1 missing case)</b>	<b>167</b>	<b>100.00</b>

In 168 cases, weapons were used by offender either to threaten or to hurt the victim. 65% of the weapons used were knives, and 7.1% were guns. Most, if not all, offenders who used guns in the rape were uniformed personnel (police/military) it has been reported that 48 or 2.8% of the offenders were police or military officers. In 652 (55.4%) of the incidents, the offender threatened to kill the victim. Seductive drugs were used in 21 cases (1.8%) to prevent victim's resistance.

#### ***4.4 Aftermath of rape***

***Table 34: Number of victims murdered following rape***

<b>Murdered</b>	<b>No.</b>	<b>%</b>
Yes	36	2.43
No	1444	97.57
<b>Total: 1,499 (19 missing cases)</b>	<b>1,480</b>	<b>100.00</b>

***Table 35: Number of victims trafficked following rape***

<b>Trafficked</b>	<b>No.</b>	<b>%</b>
Yes	5	0.34

No	1478	99.66
<b>Total: 1,499 (16 missing cases)</b>	<b>1,483</b>	<b>100.00</b>

Rape victims may suffer both physically and mentally. 36 of the victims (2.4%) were reportedly killed after being raped which is similar to 2005-2006's data in terms of percentage. In 2005-006, 15 (3%) were murdered after being raped<sup>125</sup>. Those who survived rapes often suffered various consequences, such as pregnancy, drug and alcohol abuse, venereal diseases and trafficking.

At least 23 victims (6.7%, n=339) reported an unwanted pregnancy following rape. 4 (1.1%) and 2 (0.5%) reported becoming drug and alcohol abusers respectively. 3 (0.8%) reported contracting STD infections and 2 (0.5%) reported contracting HIV/AIDS. 5 or 0.3% were trafficked after the incident. While it is unknown if their rapist were in fact their trafficker, the data fails to suggest a direct link between rape and human trafficking. This supports a 2007 study by IOM that rape did not play a key role in a trafficking recruitment process<sup>126</sup>. 141 (38.8%) of the victims reported feeling distress that meant they could not continue to perform their usual occupation. However, only 317 (21.1%) of them received counseling services, mostly provided by NGOs.

#### ***4.5 Offenders' profile***

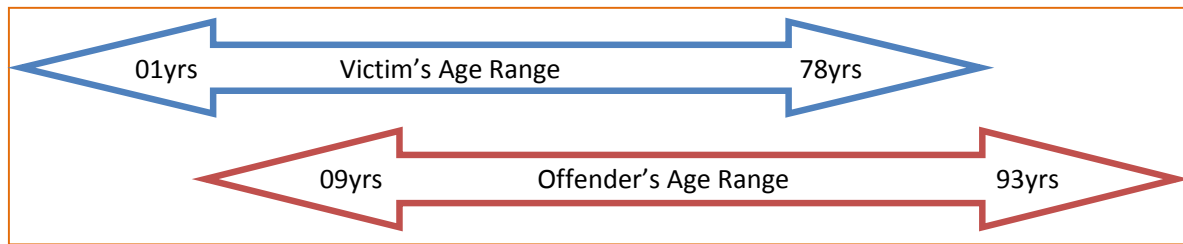
***Table 36: Offender's age group***

<b>Offender's age group</b>	<b>No.</b>	<b>%</b>
[9-14]	45	3.23
[15-17]	140	10.04
Over 18	1209	86.73
<b>Total: 1,686 (292 missing)</b>	<b>1,394</b>	<b>100.00</b>

<sup>125</sup> ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, p. 100.

<sup>126</sup> Brown, E., 2007, The Ties that Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia, IOM.

**Figure 4: A comparison of victim's and offender's age range**



**Table 37: Offender's nationality**

Nationality					
Nationality	No.	%	Nationality	No.	%
American	1	0.06	Korean	5	0.30
Italian	1	0.06	Vietnamese	7	0.42
French	2	0.12	Cambodian	1668	98.93
Thai	2	0.12			
<b>Total</b>				<b>1686</b>	<b>100.00</b>

Of the 1499 rape incidents reported, there were 1686 offenders. Their age varied from 9 to 93 years old. While a large majority of the offenders were adults, at least 185 (13.2%) were children aged under 18. Just over 1%, of the rapists were of nationalities other than Cambodian they included an American, two French, one Italian, five Koreans, two Thai, and seven Vietnamese people.

**Table 38: Offender's occupation**

Offender's occupation					
Occupation	No.	%	Occupation	No.	%
Dentist/Medical staff	2	0.12	Monk/Clergyman	24	1.42
Employee	5	0.30	Self-employed - small	38	2.25
Mechanic	8	0.47	Soldier/Police/Guard	48	2.85
Civil Servant	10	0.59	Taxi/motorbike taxi	53	3.14
Unemployed	16	0.95	Student	127	7.53

Employer	18	1.07	Laborer	176	10.44
Low-profile	18	1.07	Farmer/Fisherman	551	32.68
Teacher/Professor	19	1.13	Unknown	573	33.99
Total				1686	100.00

Occupation of 573 (33.9%) offenders was not known by the victims. Most of those known were farmers and fishermen (551 or 32.6%) consistent with 2005-2006's data which showed that most offenders during the period were farmers (165). 127 or 7.5% were students. Data shows that people with different professions and social backgrounds can be offenders. Some of those supposed to be respectable and trusted in the society such as: teacher/professor, medical staff, monk/clergyman, and civil servants were found to be offenders. Uniformed personnel, including police and military officers were also among the reported offenders. In examining the offender's profession, it is clear that despite a person's role in society they may still commit acts of sexual violence.

**Table 39: Offender-victim relationship**

Offender-victim relationship					
Relationship	No.	%	Relationship	No.	%
Boyfriend	13	0.77	Relative	96	5.69
Teacher	15	0.89	Acquaintance	99	5.87
Father	35	2.08	Friend of Family/ victim	123	7.30
Employer	46	2.73	Unknown	197	11.68
Brother/cousin/Brother-in-law	50	2.97	Village fellow/ Neighbor	949	56.29
Step-father/step brother/Foster father	63	3.74			
<b>Total</b>				<b>1686</b>	<b>100.00</b>

Most victims were raped by people that they knew, loved, respected, and/or trusted. Many studies suggested offenders are often known to the victims. 949 or 56.2% of offenders were the victim's neighbor or village fellow. Many were domestic offenders, such as those related to the victim either by blood or through marriage. Only 197 or 11.6% of offenders



were those unfamiliar to the victim compared to 5.6% in 2003, 0.8% in 2004, and 11% in the 2005-2006.

Alcohol, drug use, and pornography were not said to be the main factors contributing to rapist's motivation. A minority of 127 (10.8%) of rapists were reported to be under influence of alcohol when committing the act. 11 (0.9%) were thought to be under influence of drugs at time of committing rape. 33 (2.8%) of the rapists were believed to have regularly watched pornographic films.

#### **4.6 The law in action**

A majority of the victims or their families took legal action to find justice. However, 127 (11.9%) of the victims decided to undertake reconciliation, they agreed to receive monetary compensation in exchange for not pressing charges against the perpetrators. The reparation varied immensely from 50,000Riels (~\$12.5) to 15,000,000Riels (~\$3,750) with an average payment of 3,629,715Riels (~\$907). LICADHO (2004) reported that of the 179 sexual assault cases it investigated in 2002, 43 (24%) were settled unlawfully and most of the settlements (27 out of 43) were arranged with the involvement of police and court officials. The report also quoted a representative of the NGO Legal Aid of Cambodia as saying that between 60-70% of sexual assault cases were settled extra-judicially<sup>127</sup>. ADHOC (2008) noted that of the 523 rape cases reported, 11.4% of them were dealt with by mean of reconciliation<sup>128</sup>.

LICADHO (2004) claimed that brokering of settlements by officials is unlawful. According to the Law on Criminal Procedure, criminal offence can lead to two separate legal actions. A public action (criminal prosecution) is initiated by a prosecutor, whereas the civil action is initiated by the victim to claim for damages from the accused<sup>129</sup>. The report concluded various reasons deterring victims from reporting the assault and pursuing legal recourse. Reason identified included:

- Distrust of the justice system and skepticism that a victim's complaint will be properly considered. Corruption, in particular, affects public opinions about the justice system.
- The costs of pursuing a prosecution – obtaining medical certificates, paying bribes to the police, court clerks, etc. By law, there is no court fee involved in a criminal case,

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<sup>127</sup> LICADHO, 2004, Rape and Indecent Assault 2004, pp. 15-6.

<sup>128</sup> ADHOC, 2008, Human Rights Situation 2007, pp. 25-7

<sup>129</sup> LICADHO, 2004, Rape and Indecent Assault 2004, p. 8.

- but the reality is different due to corruption at various levels. Victims also usually have to pay for medical certificates.
- Fear of reprisal from the perpetrator – most rapists threaten their victims not to tell anyone about the crime. Such threats may be particularly effective when the perpetrator is in a position of authority over the victim (family member, police, military, or a powerful or wealthy person).
- Social and cultural myths – the mistaken belief that the victim is somehow at fault for what happened (perhaps by knowing the perpetrator) – can cause shame in the victim or the victim’s family and discourage the filing of a complaint.
- The unlawful practice of officials brokering “compensation” settlements between perpetrators and victims. Fueled by corruption and greed of the officials involved, this encourages victims to drop the case or not to file a complaint in the first place.
- Loss of virginity – when virginity is lost during rape, shame (rather than punishment of the accused) often becomes the focal point for the victim and her family. Monetary compensation may be more important or easier to achieve than court action and imprisonment of the perpetrator<sup>130</sup>.

Statistics illustrate that in addition to suspected underreporting of rape cases, the percentage of offenders arrested and convicted is low<sup>131</sup>. The trend has not improved over the years. Of the 179 cases of rape and indecent assault investigated by LICADHO in 2002, there were 71 (39.6%) that resulted in the prosecution of the offenders, and 63 (88.7%) of the 71 arrested were convicted. LICADHO also reported that only in 4 (3.4%) cases of the 117 cases it investigated in 2003 resulted in arrest and conviction by March 2004<sup>132</sup>.

The NGO Joint Statistics Project data suggests that law enforcement related to rape in Cambodia may be more effective than LICADHO’s experience. Despite the difficulty in making an accurate comparison between ECPAT’s, LICADHO’s and ADHOC’s statistics due to the timeframe discrepancy. NGO Joint Statistics data reveals that 245 (80.3%) of the 305

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<sup>130</sup> Adopted from LICADHO, 2004, Rape and Indecent Assault 2004, p. 6.

<sup>131</sup> LICADHO, 2004, Rape and Indecent Assault 2004, p.5.

ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, pp. 103, 105.

ADHOC, 2008, Human Rights Situation 2007, pp. 25-7.

<sup>132</sup> LICADHO, 2004, Rape and Indecent Assault 2004, p.5.

cases reported to police between 2005-2006 were brought to trial, of which 216 (88.1%, n=245) resulted in convictions<sup>133</sup>. ADHOC's 2007 statistics suggest that rape convictions were very low, as in 2007 163 (31.2%, n=523) accused rapists were arrested, but only 12.8% of those arrested were convicted<sup>134</sup>.

Of the cases reported to the NGO Joint Statistics Project in 2007-2008, police investigated 934 cases leading to the arrests of 568 (74.6%, n=761) offenders. Of those arrested, only 83 were charged with different offences. Most offenders were charged with attempt to rape (61 or 73.4%) followed by 19 (22.8%) charged with indecent assault which is considered as a less serious offence. Some offenders were charged with more than one offence.

**Table 40: Criminal charge**

<b>Criminal Charge</b>	<b>Total</b>	
	<b>No.</b>	<b>%</b>
Produce pornography	1	1.20
Debauchery	2	2.41
Indecent assault	19	22.89
Attempt to rape	61	73.49
<b>Total</b>	<b>83</b>	<b>100.00</b>

According to NGO Joint Statistics 2007-2008 data, NGOs reported several reasons for the courts failing to charge the suspects. Available, but limited, data shows that cases against rapists were dropped for various reasons. Some victims did not file a complaint about their offenders. Some did, but withdrew their complaint at a later stage. In some cases, the courts dismissed the charge citing insufficient evidence or due to interventions from affluent or influential persons (see Table 41).

**Table 41: Reasons given for not charging suspected rapist**

<b>Case dismissed because of:</b>	<b>No.</b>	<b>%</b>
Intervention by rich or powerful people	2	2.74

<sup>133</sup> ECPAT-Cambodia, n.d., NGO Joint Statistics, Database Report on Trafficking and Rape in Cambodia 2005-2006, pp. 103, 105.

<sup>134</sup> ADHOC, 2008, Human Rights Situation 2007, pp. 25-7.

Not enough evidence	10	13.70
Victim did not make a complaint	12	16.44
Victim withdrew complaint	23	31.51
Other reason	26	35.62
<b>Total: 1686 (1613 missing cases)</b>	<b>73</b>	<b>100.00</b>

662 (73.7%, n=898) of the victims received legal assistance from lawyers, almost all the assisting lawyers were provided by NGOs. Most of these lawyers met the victims to gain a better understanding of the rape and lodged complaints on behalf of their clients.

At the time of completing the record sheets reporting NGOs were aware that at least 297 (55.6%) suspects were held in pre-trial detention. 74 cases had been heard in lower courts (provincial/municipality courts). In 9 of 57 cases the rapist made an appeal to the Appeal Court. The Appeal Court supported the Lower Court's decision in 3 out of 9 cases it reviewed. There is not information suggesting that the offenders carried their protest to the Supreme Court. Only 2 victims (5.2%, n=38) received full reparation from the offenders as ordered by the court.

The following is a real case study reflecting a situation in which a rape offender can escape punishment. See case study 1.

### ***Case Study 1: A moral dilemma: justice or mother***

Bopha (pseudonym), 11, is in grade 1. Her mother has three partners, and her second partner is Bopha's father. Bopha's mother had lived with the first two men after they raped her (Bopha's mother). Later, she met a third person, aged 70, and who was also Bopha's rapist.

Bopha's mother is a casual laborer spending most of the time working on a farm away from family leaving Bopha under the care of her unemployed step-father. At dawn of one day, she was raped by the step-father while she was sleeping. The man threatened to kill her if she would tell her mother or others. Worried over her security, she kept silence despite all the vaginal pains. Before long, the man raped her again, and this time she confided the incident to her mother as she felt that it was unbearable. Her mother's reaction was to blame, curse, and threaten to cut Bopha's throat if she told others about the incest.

In early morning of a day, with the absence of her mother the man forced her into having sex again. This time was so long and agonizing that she begged him to stop. He told her to be quiet with a promise to give her 100Riel (\$0.025), and that he would do it again that afternoon. Their conversation was overheard by Bopha's aunt who by chance came to the house to borrow a rice sack. Suspicious of the dialogue, the aunt shone a flashlight toward the source of sound, and saw the incident. After Bopha shared her account, the aunt reported the incident to the local authority for legal action.

When Bopha's older sister was about to file a complaint against the offender, her 51 year-old mother warned her that she would commit suicide if her husband, who she claimed to love, was jailed. This has discouraged them from pursuing a legal action for fear of losing their mother. They urged the commune chief to cease the complaint. Currently no complaint is being lodged, and the man is living a happy life with her mother. Bopha has since moved to live in an NGO shelter where she receives various psycho-social services.

## **PART 5: CONCLUSION AND RECOMMENDATIONS**

### ***5.1 Trafficking***

#### **Conclusion**

The NGO Joint Statistics Project on Rape and Trafficking in Cambodia, 2007 -2008 study has shown that there are many factors influencing vulnerability to trafficking reported by trafficking victims. Limited education, unemployment, poverty, family breakdown and being known to a trafficker are key factors associated with and shared by most of victims of trafficking in and to Cambodia. The lack of vigorous law enforcement and prohibitive punishment is also a major contributing factor.

The NGO Joint Statistic's data indicates an apparent decrease in incidences of trafficking for commercial sexual exploitation in Cambodia despite year on year fluctuation. Comparing 2005-2006's and 2007-2008's data, we noted an 8.4% decrease from 179 in 2005-2006 to 165 in 2007-2008. In spite of the decline in reported cases by NGOs, it is too early to conclude that trafficking in Cambodia is decreasing. The continued presence of factors influencing vulnerability to trafficking such as: poverty, slow, if not deteriorating, economic growth, and corrupt practices among some law enforcers in Cambodia creates an environment where trafficking can occur. The apparent decline, in the absence of indications that vulnerability factors are decreasing could be a result of underreporting. The reduction in reported trafficking cases in 2007-2008, might also reflect a decline in NGO funding and consequently their ability to work with trafficking survivors rather than the real situation, it may also represent a change in trafficking patterns meaningless trafficking victims come into contact with NGO services.

Most victims were willing to be recruited, even those who knew they would be made to work in some forms of the commercial sex industry. Whilst some did not have a choice, some would rather be trafficked than face the terrible conditions they encountered at home. They may be motivated by personal or social situations that could not be resolved without engaging in migration. This means that successful anti-trafficking programs should also target vulnerability factors that leave people with few choices but to go with a potentially abusive recruiter.

Internal trafficking appears to be a much greater issue in Cambodia than cross-border trafficking. Phnom Penh, Battambang, Siem Reap, and Preah Sihanouk, continue to be the

main destinations for local trafficking because they are most populated, richest areas. The NGO Joint Statistic's data shows that trafficking has however, spread to more provinces.

While most trafficking survivors received shelter, food and counseling services, few received legal assistance to pursue their legal cases against their traffickers. Some victims accepted compensation instead of pressing charges against their offender. 96.4% (54, n=56) of the reported cases were investigated by police leading to the arrest of 44 suspects. However, less than half (20, n=44) of the arrested were formally charged. 20 were detained awaiting trial and half of them went to trial at lower courts. At the time of writing this report there is no available information about convictions.

### ***Recommendations:***

#### **To Non Governmental Organization:**

The NGO Joint Statistic's data indicates a marginal decline in trafficking this year, however as it only reflects a small decline over a two years period it should not be taken to represent a declining trend, or even as a result of the limited data available evidence of a decline in trafficking in Cambodia. As such we considers that there needs to be a comprehensive evaluation of current efforts to combat trafficking in Cambodia, in order to assess the extent of trafficking in Cambodia and the causes of failures in prevention. There is a need to identify challenges in endeavors to counter trafficking, and to engage in more effective programs implemented with genuine cooperation among all stakeholders.

The data suggest that anti-trafficking efforts should focus more on local trafficking, especially on the major destinations in the country.

It is imperative that programs to improve law enforcement be carried out in a more effective manner. Without convicting and punishing perpetrators, the recovery, rehabilitation, and reintegration programs aimed at helping trafficking survivors will simply tackle the negative effects of trafficking whilst leaving the root causes intact and allowing the perpetrators to continue.

Little is known about traffickers, especially with regard to their profile, motives and modes of operation. Most of the knowledge about them comes from victims and the NGOs. Studies that aimed to understand trafficking from traffickers' perspectives would be of great importance to counter-trafficking efforts.

## **To the Royal Government of Cambodia:**

The fact that most people were willing to go with a trafficker, suggests that effective anti-trafficking programs will need to target factors affecting vulnerability to trafficking. Poverty is one of the main causes of vulnerability to trafficking in Cambodia, therefore poverty alleviation through economic development which positively impacts on the lives of Cambodia's poor will contribute enormously to diminishing their vulnerability to trafficking.

## **5.2 RAPE**

### ***Conclusion***

The NGO Joint Statistics Project on Rape and Trafficking in Cambodia six-year study of data trends of reported rape cases shows incidences of rape are increasing at an alarming rate, despite minor fluctuations. Girls and women in particular are becoming increasingly vulnerable. The NGO Joint Statistic's data shows that assailants have sexually attacked infants as young as one year old and a woman as old as 78. 1,686 offenders were implicated in a total of 1,499 cases reported in 2007-2008. The age of the offenders varied widely from 9 to 93. Despite the apparent increases in reported cases, the causes of such an increase cannot be ascertained. There was no substantial evidence suggesting that drug abuse, alcohol abuse and/or access to pornography were key factors motivating rape. Without a better comprehension of the causes of rape prevention programs will be limited in their effectiveness, as with trafficking addressing symptoms rather than causes.

Nearly every victim was raped by those they knew, loved, respected, and/or trusted. There is a body of research that concludes that offenders are often known to the victims<sup>135</sup>. The victim-offender relationship may be a reason that causing victims to refrain from reporting. Of those reported, 11.9% dropped their cases and accepted compensation that was sometimes as little as \$12.50. Such an extra-judicial settlement disadvantages victims in many ways. Firstly, it allows, if not encourages, the offenders to perpetuate their crime toward the victim or others. Secondly, it gives the impression to prospective offenders that rape is a felony that is tolerable as long as money is paid. Thirdly, it shows a negative example to the future victims that they better off accepting compensation rather than trying to pursue legal recourse.

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<sup>135</sup> See, Rebecca Surtees, 2008, Traffickers and Trafficking in Southern and Eastern Europe, Considering the Other Side of Human Trafficking, European Journal of Criminology, 2008, Vol. 5; pp. 39-68, p52.



Of the reported cases, police investigated 934 cases leading to 568 offenders being arrested. Of those arrested, only 57 were sentenced to imprisonment ranging from 1 to over 20 years. Conducting a legal case by poor victims against their offender is very challenging without legal assistance from NGOs. The sub-standard forensic expertise of both police and medical doctors in Cambodia does little to gather compelling evidences for prosecution. The problems in acquiring compelling evidence for prosecution leaves corrupt officials with the flexibility to further their personal interests instead of acting impartially.

Substantial evidence suggests that rape has a very limited role in the trafficking recruitment process. However, studies concluded that trafficking victims were often raped by their traffickers and clients at various stages on the trafficking continuum. Traffickers often use rape either as a means to assert their control over the victims or to evaluate the potential price tag of their victims prior to prostituting them. Victims can also be raped as a consequence of their forced engagement in prostitution.

### ***Recommendations***

#### **To Non Governmental Organization:**

An in-depth study of the motivations of rapists as well as their understanding of the consequences of committing rape to the victim, themselves and wider society should be commissioned to explore rapist's motivations and the underlying causes of their crime. This would allow for focused, informed action on rape prevention from an offender focus rather than victim focused perspective.

NGOs shall advocate for the elimination of extra-judicial settlement in the case of felony, especially rape and trafficking.

Because rapists are known to the victim, NGOs should educate parents and guardians about the need to protect their children and to be aware that anyone can be a potential abuser.

As so many rapes occur in the home, school and local pagodas, NGOs need to advise parents and guardians on ways to protect their children even in nearby supposedly safe areas.

#### **To the Royal Government of Cambodia:**

The existing legislations relating to sexual assaults must be accompanied by effective implementation, and law enforcement will only be successful when it is executed by honest, motivated, skillful, and financed officials. Therefore the government should strengthen law

enforcement to effectively enforce current legislation whilst making sure that the legislation itself is adequate.

The practices of extra-judicial settlement, especially for felony cases, should be put to an end.

The government should continue to strengthen the forensic expertise and facilities among judicial police and medical doctors in order to increase the rates of prosecution in rape cases.



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## APPENDICES

### *Appendix 1: Detailed assessment criteria for trafficking in commercial sexual exploitation*

1. The person was recruited for other work (e.g. garment worker, waitress) but instead ended up doing sex work (fraud) (Q2.4 and Q2.7)
2. The person knowingly entered sex work (Q2.4), and at least one of the following applied to her situation (coercion):
  - a. Woman/girl was abducted (Q2.3)
  - b. Sold/exchanged to an employer
  - c. Decision made by parents
  - d. Felt there was no alternative
3. The person was recruited for other work (e.g. garment worker, waitress) but instead ended up doing sex work (fraud) (Q2.4 and Q2.7)
  - A. Deceived about destination
    - B.1. Forced to work more than 48 hours per week
    - B.2. Forced to perform sex acts against their will
    - B.3. Beaten
    - B.4. Deprived of food
    - B.5. Sexually abused
    - B.6. Detained when not working
    - B.7. Not paid or not paid much
    - B.8. Employer held identity documents
    - B.9. Not allowed to leave their place of employment
    - B.10. Forced to appear in pornography

## Appendix 2: Record sheet for trafficking case

Ref No	R
(For ECPAT use only)	



### Record Sheet for Trafficking Case

Your Organization's name			
Branch/Location			
Your Organization's code for this victim			
Date of completion	(dd/mm/yy)	...../...../.....	
Name of completer		Tel :	

### 1. The Victim and her/his Family

1.1 Name

(Optional- if it is provided the victims name will not be entered in the database and will only be used to prevent duplication of victim records.)

1.2 Age when recruited for trafficking

(If trafficking more then once, age when recruited most recently)

years

1.3 Date of birth

(dd/mm/yy)

...../...../.....

1.4 Sex

Female / Male

1.5 Occupation before trafficked

- ☐ Had no work and was not studying
- ☐ Student
- ☐ Farmer
- ☐ Laborer
- ☐ Weaver
- ☐ Recycler

- ☐ Garment factory
- ☐ Karaoke girl
- ☐ Beer promoter
- ☐ Sex worker
- ☐ Street Vendor
- ☐ Other (Specify).....

1.6 Which grade did the victim attain prior to trafficking? (For formal education only)

☐ No Education

Primary school (Please circle only one)

Secondary school

High school

☐ Greater than Grade 12

1	2	3	4	5	6
7	8	9			
10	11	12			

1.7 Was the victim born in Cambodia?

If **Yes**, where was the victim born?

Village

District

Commune

City/Province

Yes / No / Don't know

If **No**, in what country were they born?

1.8 What is the victim's ethnicity?

<input type="checkbox"/> Khmer	<input type="checkbox"/> Vietnamese
<input type="checkbox"/> Muslim/Cham	<input type="checkbox"/> Others (specify) .....

1.9 Is the victim a member of a minority? Yes / No / Don't know

If **Yes**, which minority?

1.10 Was the victim recruited while living in Cambodia? Yes / No / Don't know

If **No**, in what country was the victim recruited?

1.11 At the time she/he was recruited was the victim living in the village in which she/he was born? Yes / No / Don't know

If **Yes**, go to **Qn 1.12**

If **No**, where was she/he living when she was recruited?

Village <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>	Commune <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>
District <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>	City/Province <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px;"></span>

1.12 Marital status (Tick one)

<input type="checkbox"/> single	<input type="checkbox"/> married
<input type="checkbox"/> widowed	<input type="checkbox"/> married but no married certificate
<input type="checkbox"/> divorced	<input type="checkbox"/> partner (informal marriage)

1.13 Did the victim live with his/her parents before she/he was trafficked? Yes / No / Don't know

If **Yes**, go to **Qn 1.14**

If **No**, did the victim live with her/his

<input type="checkbox"/> husband	<input type="checkbox"/> grandparent	<input type="checkbox"/> employer
<input type="checkbox"/> wife	<input type="checkbox"/> uncle and aunt	<input type="checkbox"/> sibling(s)
<input type="checkbox"/> friend	<input type="checkbox"/> other (specify).....	

1.14 Victim's Father Name

(Optional- If it is provided the father's name will not be entered in the database and will only be used to prevent duplication of victim records)

Age, If living.  Years

Was he living with the victim family at the time the victim was trafficked? Yes / No / Don't know

If **No**, Was he (Tick one box)

<input type="checkbox"/> dead	<input type="checkbox"/> deserted the family
<input type="checkbox"/> in prison	<input type="checkbox"/> working somewhere else
<input type="checkbox"/> divorced	<input type="checkbox"/> other (Specify .....)

1.15 Victim's Mother Name

(Optional- If it is provided the father's name will not be entered in the database and will only be used to prevent duplication of victim records)

Age, If living.  Years

Was he living with the victim family at the time the victim was trafficked? Yes / No / Don't know

If **No**, Was she (Tick one box)

<input type="checkbox"/> dead	<input type="checkbox"/> deserted the family
<input type="checkbox"/> in prison	<input type="checkbox"/> working somewhere else
<input type="checkbox"/> divorced	<input type="checkbox"/> other (Specify .....)

1.16 Did the victim have siblings? Yes / No / Don't know

If **Yes**, how many sibling does the victim have (including the victim)?

1.17 Was the victim raped before she was trafficked? Yes / No / Don't know

1.18 Have any of the victim's siblings been trafficked? Yes / No / Don't know

## 2. The Trafficking

2.1 When was the victim recruited for trafficking on this occasion?

Yes / No / Don't know

2.2 Did the victim agree to go with the recruiter/transported by him/herself?

If **Yes**, Why?

(Tick all boxes that apply)

☐ Wanted money to buy things

☐ Had a debt that needed to be paid

☐ Wanted to escape his/her current situation

☐ Felt that she/he had no alternative

☐ There was a family illness and needed money to pay medical costs

☐ other (Specify .....)

If **No**, Was the decision made by their parent(s) or caregiver?

Yes / No / Don't know
-----------------------

2.3 Was the victim abducted against his/her will?

Yes / No / Don't know
-----------------------

2.4 Did the victim knowingly enter sex work?

Yes / No / Don't know
-----------------------

If **Yes**, what kind of sex work/place did he/she work at?

☐ brothel

☐ beer garden

☐ karaoke

☐ pornography

☐ massage par lour

☐ other (Specify .....)

If **No**, what work was he/she promised at the destination? (Tick applicable box below)

☐ Domestic work

☐ Factory work

☐ Restaurant work

☐ Fishing and fish processing

☐ Farm work

☐ Begging

☐ Construction work

☐ Other (Specify .....)

2.5 What destination was the victim(s) or their parents or guardian promised?

☐ Cambodia

City or province (Name)

☐ Another country (Name)

--

--

2.6 Was the victim taken where he/she was promised?

Yes / No / Don't know
-----------------------

If **Yes**, go to **Question 2.7**

If **No**, where was he/she taken?

☐ Cambodia

City or province (Name)

☐ Another country (Name)

--

--

2.7 At the destination did she/he do the work that had been promised?

Yes / No / Don't know
-----------------------

If **Yes**, go to **Question 2.8**

If **No**, was she/he forced to do sex work?

Yes / No / Don't know
-----------------------

If **Yes**, what type of sex work place did she work at?

☐ brothel

☐ beer garden

☐ karaoke

☐ pornography

☐ massage par lour

☐ other (Specify .....)

2.8 Did the victim experience any of these kinds of abuse before he/she was released?

(Tick all that apply)

☐ Forced to work more than 48 hours per week

☐ Forced to perform sex acts against their will

☐ Beaten

☐ Deprived of food

☐ Sexually abused

☐ Detained when not working

☐ Not paid or paid much less than promised

☐ Employer held identify documents

☐ Not allowed to leave their place of employment

☐ Forced to take pornography

☐ Other (Specify .....)

2.9 Was the victim sold by one employer to another?

If **No**, go to **Question 2.10**

If **Yes**, where the victim had been sold?

☐ Cambodia

City or province (Name)

☐ Another country (Name)

2.10 How many times has the victim been trafficking including this time?

2.11 Was more than one person recruited from the same place and the same time as the victim?

2.12 Did the victim work with any of the other trafficked people?

2.13 Who was/were the recruiter(s)?

	Recruiter Number one	Recruiter Number two
Name		
Age (estimated)		
Occupation		
Sex		
Nationality		
Province/City		

Was the recruiter(s) known or related to the victim?

Yes / No / Don't know

If **No** go to **Question 2.14**

If **Yes**, what is the recruiter's relationship to the victim?

(Insert "1" for the relationship of Recruiter one to the victim. "2" for the relationship of Recruiter two to the victim )

☐ father

☐ step-father

☐ uncle

☐ grandparents

☐ mother

☐ step-mother

☐ aunt

☐ grand uncle

☐ brother

☐ step-brother

☐ cousin

☐ grand aunt

☐ sister

☐ step-sister

☐ teacher

☐ distant blood relative

☐ neighbor

☐ friend of victim

☐ person living in same village

☐ employer

☐ friend of family

☐ other (specify.....)

2.14 How was the victim released from the situation they were trafficked into?

☐ Arrested and/or deported to Cambodia

☐ Escaped

☐ Released after repaying debts

☐ Rescued

☐ Other (specify.....)

By whom? (Tick one or more)

☐ Parents

☐ Relatives

☐ Police

☐ NGO

☐ Government social workers

☐ Other (specify.....)

### 3. The reporting of the trafficking and referral of the victim from one organization to another

3.1 Did the victim come to your organization by her/himself?

Yes / No / Don't know

If **Yes** go to **Qn 3.2**

If **No** who brought the victim to your organization? (Tick one or more)

<input type="checkbox"/> Another branch of your organization (Specify.....)	<input type="checkbox"/> Local authorities
<input type="checkbox"/> Another organization (Specify.....)	<input type="checkbox"/> Court staff
<input type="checkbox"/> Government social worker	<input type="checkbox"/> Poipet transit center
<input type="checkbox"/> The police	<input type="checkbox"/> A relative
<input type="checkbox"/> Other (Specify.....)	

3.2 Was the trafficking reported to the police? Yes / No / Don't know

#### 4. Victim Support Services (This section to be completed only by organization operation shelters)

4.1 What support services did your organization provide for the victim? (Tick all applicable)

	Did your organization provide this service to the victim?	Did your organization refer the victim to another agency to provide this service?	If referred, what was name of agency?
Accommodation and food	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Formal education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vocational training (Specify).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Literacy training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial support for victim & family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reintegration support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.2 Is the victim still in your organization's shelter? Yes / No / Don't know

If **No**, how long did she/he stay?                      months

If **No**, did the victim leave before she/he was ready? Yes / No / Don't know

If **No**, was she/he successfully reintegrated into their community? Yes / No / Don't know

4.3 Did the victim begin using drugs after being trafficked? Yes / No / Don't know

4.4 Did the victim begin drinking alcohol regularly after being trafficking? Yes / No / Don't know

4.5 Did the victim feel so sad she couldn't work? Yes / No / Don't know

4.6 Did the victim get pregnant after being trafficking? Yes / No / Don't know

4.7 Did the victim contract a sexually transmitted infection? Yes / No / Don't know

4.8 Did the victim contract HIV after being trafficking? Yes / No / Don't know

#### 5. Conciliation and Compensation

5.1 Has the victim agreed to accept money in return for not pressing charges?

Yes / No / Don't know

5.2 Did you know how much compensation the victim or his/her family receive?

Yes / No / Don't know

If **Yes**, how much?

Riel

## 6. Prosecution *(Only Complete this section if a complaint was made to the police or prosecutor)*

6.1 Have any of the alleged recruited(s), transporter(s), seller(s) or employer(s) been investigated by the police?

Yes / No / Don't know

6.2 Have any of the alleged recruited(s), transporter(s), seller(s) or employer been arrested?

Yes / No / Don't know

6.3 Have any of the alleged recruited(s), transporter(s), seller(s) or employer been charged with an offence?

Yes / No / Don't know

If **Yes** please complete the following table.

No	Role	Sex	Charge(Article)
1		M / F	
2		M / F	
3		M / F	
4		M / F	
5		M / F	
6		M / F	
7		M / F	

6.4 Is/Was the victim assisted by a lawyer?

Yes / No / Don't know

If **Yes**, Which lawyer?

☐ NGO lawyer

☐ Private lawyer

☐ Government lawyer

☐ Other (Specify.....)

6.5 Did a lawyer meet the victim to collect evidence?

Yes / No / Don't know

6.6 Did a lawyer lodge a complaint on behalf of the victim?

Yes / No / Don't know

## 7. Trial Result

### 7.1 Provincial / Municipal Court

7.1.1 Was the accused held in pre-trial detention

Yes / No / Don't know

7.1.2 Has the trial been held yet?

Yes / No / Don't know

If **No** you don't have to answer any further question. **Thank You**

7.1.3 What were the results of the case in the Provincial/Municipal Court?

(Use No from table in Qn.6.3 to identify the accused)

No	Convicted	Imprisonment	Compensation
1	Yes / No	Years	Riel
2	Yes / No	Years	Riel
3	Yes / No	Years	Riel
4	Yes / No	Years	Riel
5	Yes / No	Years	Riel
6	Yes / No	Years	Riel
7	Yes / No	Years	Riel

7.1.4 Was there an appeal against the court decision?

Yes / No / Don't know

**7.2 Court of Appeal**

7.2.1 Has the appeal been heard yet?

Yes / No / Don't know

If **No** you don't have to answer any further question. **Thank you**

If **No**, please go directly to **Qn 7.4**

7.2.2 Were the Provincial/Municipal Court decisions confirmed by the Appeal Court?

Confirmed/ Changed

If **Changed**, What changed? (Enter only changed to original sentences)

No	Convicted	Imprisonment	Compensation
1	Yes / No	Years	Riel
2	Yes / No	Years	Riel
3	Yes / No	Years	Riel
4	Yes / No	Years	Riel
5	Yes / No	Years	Riel
6	Yes / No	Years	Riel
7	Yes / No	Years	Riel

7.2.3 Was there an appeal against the Appeal Court decision?

Yes / No / Don't know

**7.3 Supreme Court**

7.3.1 Has the appeal been heard yet?

Yes / No / Don't know

If **No** you don't have to answer any further question. **Thank you**

7.3.2 Was the Appeal Court decision confirmed by the Supreme Court?

Confirmed / Referred back to Appeal Court

**7.4** Did the victim and family receive full compensation ordered by the court?

Yes / No / Don't know

Thank you for completing the NGO Joint statistics record sheet

**NOTE:**

- If the answer is " Don't know" go to the next question
- It is preferred that staff who know the victim well complete the form



### Appendix 3: Record sheet for rape case

Ref No	R
(For ECPAT use only)	



## Record Sheet for Rape Case

Your Organization's name

Branch/Location

Your Organization's code for this victim

Date of completion (dd/mm/yy)

Name of completer  Tel :

### 1. The Victim and her/his Family

1.1 Name

(Optional- if it is provided the victims name will not be entered in the database and will only be used to prevent duplication of victim records.)

1.2 Age when the rape happened  years

1.3 Date of birth (dd/mm/yy)

1.4 Sex  Female / Male

#### 1.5 Occupation before the rape

<input type="checkbox"/> Had no work	<input type="checkbox"/> Garment factory
<input type="checkbox"/> Student	<input type="checkbox"/> Karaoke girl
<input type="checkbox"/> Farmer	<input type="checkbox"/> Beer promoter
<input type="checkbox"/> Laborer	<input type="checkbox"/> Sex worker
<input type="checkbox"/> Weaver	<input type="checkbox"/> Street Vendor
<input type="checkbox"/> Recycler	<input type="checkbox"/> Other (Specify).....

#### 1.6 Which grade did the victim attain prior to rape? (For formal education only)

☐ No Education

Primary school (Please circle only one)	1	2	3	4	5	6
Secondary school	7	8	9			
High school	10	11	12			

#### ☐ Greater than Grade 12

1.7 Was the victim born in Cambodia?  Yes / No / Don't know

If **Yes**, where was the victim born?

Village  Commune

District  City/Province

If **No**, in what country were they born?

1.8 What is the victim's ethnicity?

<input type="checkbox"/> Khmer	<input type="checkbox"/> Vietnamese
<input type="checkbox"/> Muslim/Cham	<input type="checkbox"/> Others (specify) .....

1.9 Is the victim a member of a minority? Yes / No / Don't know

If **Yes**, which minority?

1.10 At the time of the rape was the victim living in the village in which she/he was born? Yes / No / Don't know

If **Yes**, go to **Qn 1.11**

If **No**, what village was she living in at the time of the rape?

Village	Commune
District	City/Province

1.11 Marital status (Tick one)

<input type="checkbox"/> single	<input type="checkbox"/> married
<input type="checkbox"/> widowed	<input type="checkbox"/> married but no married certificate
<input type="checkbox"/> divorced	<input type="checkbox"/> partner (informal marriage)

1.12 Did the victim live with his/her parents before she/he was raped? Yes / No / Don't know

If **Yes**, go to **Qn 1.13**

If **No**, did the victim live with her/his

<input type="checkbox"/> husband	<input type="checkbox"/> grandparent	<input type="checkbox"/> employer
<input type="checkbox"/> wife	<input type="checkbox"/> uncle and aunt	<input type="checkbox"/> sibling(s)
<input type="checkbox"/> friend	<input type="checkbox"/> other (specify).....	

1.13 Victim's Father Name

(Optional- If it is provided the father's name will not be entered in the database and will only be used to prevent duplication of victim records)

Age, If living. Years

Was he living with the victim family at the time of the rape? Yes / No / Don't know

If **No**, Was he (Tick one box)

<input type="checkbox"/> dead	<input type="checkbox"/> deserted the family
<input type="checkbox"/> in prison	<input type="checkbox"/> working somewhere else
<input type="checkbox"/> divorced	<input type="checkbox"/> other (Specify .....

1.14 Victim's Mother Name

(Optional- If it is provided the father's name will not be entered in the database and will only be used to prevent duplication of victim records)

Age, If living. Years

Was he living with the victim family at the time of the rape? Yes / No / Don't know

If **No**, Was she (Tick one box)

<input type="checkbox"/> dead	<input type="checkbox"/> deserted the family
<input type="checkbox"/> in prison	<input type="checkbox"/> working somewhere else
<input type="checkbox"/> divorced	<input type="checkbox"/> other (Specify .....

1.15 Did the victim have siblings? Yes / No / Don't know

If **Yes**, how many sibling does the victim have (including the victim)?

1.16 Was the victim killed during or after the rape? Yes / No / Don't know

1.17 Was the victim trafficked after she was raped? Yes / No / Don't know

## 2. The Rape

2.1 Was the victim rape once or more than once by the same rapist(s)?

If **many times**, approximately how many times?

Once / Many

Over what period of time (Approximately)

Months

2.2 When did the rape happen? (If raped many time-the last time) (dd/mm/yy)

/ /

2.3 Was more than one victim raped during this incident?

If **Yes** how many?

Yes / No / Don't know

If **yes** please provide your organization codes or the name for other victims.




2.4 Where did the rape happen?

- |   |   |
|---|---|
| <input type="checkbox"/> In the victim's home           | <input type="checkbox"/> In the rapist's home             |
| <input type="checkbox"/> In a victim's relative's house | <input type="checkbox"/> In the rapist's relative's house |
| <input type="checkbox"/> In a victim friend's house     | <input type="checkbox"/> In the rapist's friend's house   |
| <input type="checkbox"/> At the workplace of the Victim | <input type="checkbox"/> At the workplace of the victim   |
| <input type="checkbox"/> At school                      | <input type="checkbox"/> In forest                        |
| <input type="checkbox"/> In farmland                    | <input type="checkbox"/> In another public place          |
| <input type="checkbox"/> Other (Specify) .....          |   |

2.5 Who is/ are the rapist(s) and any accomplices?

No	Name	Age	Sex	Occupation	Nationality	Place of residence
						Village/Commune/District/Province
1						
2						
3						
4						
5						
6						
7						

Was the rapist(s) known to the victim?

If **Yes** what is the rapist's relationship to the victim by inserting the rapist's number from table above in one of the boxes below?

(Tick one or more)

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| <input type="checkbox"/> father   | <input type="checkbox"/> step-father      | <input type="checkbox"/> uncle                         | <input type="checkbox"/> grandparents           |
| <input type="checkbox"/> mother   | <input type="checkbox"/> step-mother      | <input type="checkbox"/> aunt                          | <input type="checkbox"/> grant uncle            |
| <input type="checkbox"/> brother  | <input type="checkbox"/> step-brother     | <input type="checkbox"/> cousin                        | <input type="checkbox"/> grant aunt             |
| <input type="checkbox"/> sister   | <input type="checkbox"/> step-sister      | <input type="checkbox"/> teacher                       | <input type="checkbox"/> distant blood relative |
| <input type="checkbox"/> neighbor | <input type="checkbox"/> friend of victim | <input type="checkbox"/> person living in same village |   |
| <input type="checkbox"/> employer | <input type="checkbox"/> friend of family | <input type="checkbox"/> other (specify.....)          |   |

2.6 Did the rapist threaten the victim with a weapon?

If **Yes** what sort of weapon?

- |                                |   |
|--------------------------------|---|
| <input type="checkbox"/> gun   | <input type="checkbox"/> knife                |
| <input type="checkbox"/> stick | <input type="checkbox"/> other (Specify.....) |

- 2.7 Did the rapist(s) threaten to kill the victim if she/he told anyone about the rape? Yes / No / Don't know
- 2.8 Did the rapist give the victim drugs to stupefy her/him before the rape? Yes / No / Don't know
- 2.9 Was the rapist drunk when the rape was committed? Yes / No / Don't know
- 2.10 Was the rapist under the influence of drugs when the rape was committed? Yes / No / Don't know
- 2.11 Was the rapist known to regularly watch pornography? Yes / No / Don't know

### 3. The reporting of the rape and referral of the victim from one organization to another

- 3.1 Did the victim come to your organization by her/himself? Yes / No / Don't know

If **Yes** go to **Qn 3.2**

If **No** who brought the victim to your organization? (Tick one or more)

<input type="checkbox"/> Another branch of your organization <small>(Specify.....)</small>	<input type="checkbox"/> Local authorities
<input type="checkbox"/> Another organization <small>(Specify.....)</small>	<input type="checkbox"/> Court staff
<input type="checkbox"/> Government social worker	<input type="checkbox"/> Poipet transit center
<input type="checkbox"/> The police	<input type="checkbox"/> A relative
<input type="checkbox"/> Other <small>(Specify.....)</small>	

- 3.2 Was the rape reported to the police? Yes / No / Don't know

### 4. Victim Support Services

*(This section to be completed only by organization operation shelters)*

- 4.1 What support services did your organization provide for the victim? (Tick all applicable)

	Did your organization	Did your organization refer	If referred, what
Accommodation and food	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Formal education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vocational training (Specify).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Literacy training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial support for victim & family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reintegration support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 4.2 Is the victim still in your organization's shelter? Yes / No / Don't know  
 If **No**, how long did she/he stay? months  
 If **No**, did the victim leave before she/he was ready? Yes / No / Don't know  
 If **No**, was she/he successfully reintegrated into their community? Yes / No / Don't know
- 4.3 Did the victim begin using drugs after being raped? Yes / No / Don't know
- 4.4 Did the victim begin drinking alcohol regularly after being raped? Yes / No / Don't know
- 4.5 Did the victim feel so sad she couldn't work? Yes / No / Don't know
- 4.6 Did the victim get pregnant after being raped? Yes / No / Don't know
- 4.7 Did the victim contract a sexually transmitted infection after being raped? Yes / No / Don't know
- 4.8 Did the victim contract HIV after being raped? Yes / No / Don't know

## 5. Conciliation and Compensation

- 5.1 Has the victim agreed to accept money in return for not pressing charges? Yes / No / Don't know
- 5.2 Did you know how much compensation the victim or his/her family receive? Yes / No / Don't know
- If **Yes**, how much? Riel

## 6. Prosecution

*(Only Complete this section if a complaint was made to the police or prosecutor)*

- 6.1 Has/have the alleged rapist(s) been investigated by the police? Yes / No / Don't know
- 6.2 Has/have the alleged rapist(s) been arrested? Yes / No / Don't know
- 6.3 Has/have any of the alleged rapist(s) been charged with an offence? Yes / No / Don't know

If **Yes** which ones? (use No. from table in **Qn.2.5** to identify them)

No	1	2	3	4	5	6	7
----	---	---	---	---	---	---	---

If **No** why were they not charged?

- ☐ Victim did not make a complaint
- ☐ Victim withdrew her/his complaint
- ☐ There was not enough evidence.
- ☐ Intervention by rich or powerful people
- ☐ Other (Specify.....)

- 6.4 Is/Was the victim assisted by a lawyer? Yes / No / Don't know  
 If **Yes**, Which lawyer?  
☐ NGO lawyer ☐ Private lawyer  
☐ Government lawyer ☐ Other (Specify.....)

- 6.5 Did a lawyer meet the victim to collect evidence? Yes / No / Don't know
- 6.6 Did a lawyer lodge a complaint on behalf of the victim? Yes / No / Don't know

## 7. Trial Result

### 7.1 Provincial / Municipal Court

- 7.1.1 Has/have the accused been charged with rape? Yes / No / Don't know  
 If **Yes** go to **Qn 7.1.2**  
 If **No** were they charged with a lesser charge of:  
☐ Indecent assault

- ☐ Assault and battery  
☐ Other (Specify.....)

7.1.2 Has the trial been held yet? Yes / No / Don't know  
 If **No** are the accused held in pre-trial detention? Yes / No / Don't know

If **No** you don't have to answer any further question. **Thank you**

7.1.3 If the trial has been held when was it held? (dd/mm/yy) / /

7.1.4 What were the results of the case in the Provincial/Municipal Court?  
 (Use No from table in **Qn.2.5** to identify the accused)

	Convicted	Imprisonment	Compensation
1	Yes / No	Years	Riel
2	Yes / No	Years	Riel
3	Yes / No	Years	Riel
4	Yes / No	Years	Riel
5	Yes / No	Years	Riel
6	Yes / No	Years	Riel
7	Yes / No	Years	Riel

7.1.5 Was there an appeal against the court decision? Yes / No / Don't know

**7.2 Court of Appeal** Yes / No / Don't know

7.2.1 Has the appeal been heard yet?  
 If **No** you don't have to answer any further question. **Thank you**  
 If **No**, please go directly to **Qn 7.4**

7.2.2 Were the Provincial/Municipal Court decisions confirmed by the Appeal Court? Confirmed/ Changed

If **Changed**, What changed? (Enter only changed to original sentences)

No	Convicted	Imprisonment	Compensation
1	Yes / No	Years	Riel
2	Yes / No	Years	Riel
3	Yes / No	Years	Riel
4	Yes / No	Years	Riel
5	Yes / No	Years	Riel
6	Yes / No	Years	Riel
7	Yes / No	Years	Riel

7.2.3 Was there an appeal against the Appeal Court decision? Yes / No / Don't know

**7.3 Supreme Court** Yes / No / Don't know

7.3.1 Has the appeal been heard yet?

If **No** you don't have to answer any further question. **Thank you**

7.3.2 Was the Appeal Court decision confirmed by the Supreme Court? Confirmed / Referred back to Appeal Court

**7.4** Did the victim and family receive full compensation ordered by the court? Yes / No / Don't know

Thank you for completing the record sheet

NOTE: If the answer is "**Don't know**" go to the next question

#### ***Appendix 4: Profile of Participating NGOs***

	Name	Acronym	Programs	Location of Operations
1	Cambodian Human Rights and Development Association	ADHOC	Advocacy, People Empowerment, Investigate HRs, Women's & Children's Rights, Land Rights, KRT & ICC	24 provinces
2	Agir pour les Femmes en Situation Précaire	AFESIP	Shelter, Prevention, Rehabilitation, Vocational Training and Reintegration	Kampong Cham, Siem Reap, Poi Pet, Koh Kong, and Kompong Som
3	AGAPE International Mission	AIM	Long term shelter, Education, Food, Accommodation, Medical care, Skill and Reintegration	Phnom Penh
4	Action Pour Les Enfants	APLE	Research and investigation	Siem Reap, Sihanoukville, Phnom Penh
5	American Rehabilitation Mission	ARM	Shelter, Vocational Training, Reintegration, and Education	Battambang
6	Banteay Srei	BS	Shelter, Vocational Training, Reintegration and Counseling	Battambang, Siem Reap, Phnom Penh
7	Cambodian Children against Starvation and Violence Association	CCASVA	Shelter, vocational training, education, reintegration, rehabilitation, counseling, and prevention	Phnom Penh, Prey Veng
8	Catholic Child Bureau Organization	CCBO	Education, Prevention, Protection, Loan, Vocational Training, and Rescue	Sihanoukville

9	Cambodian Children and Handicap Development Organization	CCHDO	Legal Assistance, Shelter, Vocational Training, Education, Rehabilitation, Reintegration, Protection, and Prevention	Banteay Meanchey, Battambang
10	Cambodian Center for the Protection of Children's Rights	CCPCR	Shelter, Vocational Training, Rehabilitation, Reintegration, Counseling, and Education	Svay Rieng
11	Cambodia Defender's Project	CDP	Legal Services	Kompong Thom, Battambang, Kompong Cham and Siem Reap
12	Children and Love Association	CLA	Prevention, Vocational Training	Prey Veng
13	Cambodian Women's Crisis Center	CWCC	Shelter, Counseling, Education, Vocational Training, Medical Treatment, Investigation, Legal Assistance and Foster Care	Phnom Penh, Banteay Meanchey, Siem Reap
14	Cambodia Women Development Agency	CWDA	Shelter, Prevention, Vocational Training, Education, Reintegration, Loan, Prevention	Phnom Penh
15	Mith Samlanh	Friends	Shelter, Education, Food, Accommodation, Counseling, Foster Care, Vocational Training, Reintegration and Rehabilitation	Phnom Penh, Siem Reap, Sihanouk Ville, Kampong Cham
16	HAGAR	HAGAR	Shelter(long term), Food, Accommodation, Education, Skill, Medical Care, Counseling, Reintegration, Follow up	Phnom Penh Kampong Thom



17	Healthcare Center for Children	HCC	Shelter, Education, Foster Care, Counseling, Vocational Training, Prevention, Life Skill	Kandal, Koh Kong
18	KMR	KMR	Rehabilitation, Reintegration Loan, Shelter, Vocational Training, Prevention, Education, Protection	Battambang
19	Children Without Border	KNK	Shelter, Vocational Training, Reintegration, Medical Treatment, Counseling, Prevention, Loan	Battambang, Phnom Penh
20	Legal Aid of Cambodia	LAC	Legal Aid (lawyers)	Phnom Penh, Battambang, Banteay Meanchey, Siem Reap, Rattanakiri, Kandal, Sihanouk ville and Koh Kong
21	Cambodian League for the Promotion and Defense of Human Rights	LICADHO		Phnom Penh, Battambang, Kampong Cham, Kampong Chhnang, Koh Kong, Kampot, Kampong Speu, Kampong Thom, Pursat, Sihanouk Ville, Siem Reap and Svay Rieng.
22	Legal Support for Children and Women	LSCW	Legal Aid, Prevention	Phnom Penh, Kampong Cham Prey Veng, Koh Kong, Kandal, Takeo, Kompong Speu, Kompot

23	HOMELAND	MPK	Shelter, Child Victim of Trafficking (Labour), and their parents died with HIV/AIDS Loan, Shelter, Vocational Training, Prevention, Education, Rehabilitation, Protection	Battambang
24	Our Home	OH	Shelter, Skill training	Phnom Penh
25	Ponleur Kumar	PK	Legal Aid, Scholarship, Food Nutrition, Play Groups, Health Education and Prevention	Pursat and Banteay Meanchey
26	Pteas Teuk Dong	PTD	Shelter, Vocational Training, Education, Reintegration	Battambang
27	Promvihear Thor	PVT	Prevention, Protection, Legal Assistance, and Loan	Pursat
28	Rural Aid Organization	RAO	Protection, Prevention, Rescue Victims, Legal Awareness	Svay Rieng
29	Street Children Assistance and Development	SCADP	Education, Counseling, Foster Care	Phnom Penh, Kandal, Prey Veng, Preh Vihear, Kompong Speu, Koh Kong
30	South East Asia Investigations into Social and Humanitarian Activities	SISHA	Investigation, After Care, Short term food, Legal Aid	Phnom Penh

31	Vulnerable Children Assistance Organization	VCAO	Shelter, Advocacy, Prevention and Reintegration	Phnom Penh Kampong Cham, Siem Reap, Kampong Chhang, and Takeo
32	World Vision of Cambodia	WVC	Shelter, Advocacy, Reintegration, Counseling, Vocational Training, Protection, Prevention, Education, and Reintegration	Kandal, Battambang, Preah Vihea, Takeo, Kampong Chhang, Kampong Speu, and Kampong Thom

If you need additional copies of this publication, please contact one of the following networks:

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