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Exploited Children Resources

COSECAM



NGO Coalition to Address Sexual
Exploitation of Children in Cambodia

A Joint Research Project

SITUATION ANALYSIS OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

in the Kingdom of Cambodia:

2006-2007

John L. Vijghen
with contributions by
Anoushka Jeronimus
December 2007

The preparation of this report was made possible through financial support from

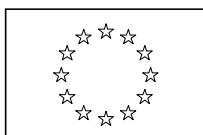
The British Embassy



GTZ



The proofreading, translation, printing and publishing of this report was made possible
by financial support from the



European Commission

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Published in Cambodia by COSECAM; in Europe by ECR-Group Foundation

ISBN 90-80918-1-x

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ACRONYMS

ARCPPT	Asia Regional Cooperation to Prevent People Trafficking
ARTIP	Regional anti-trafficking program
AT-JPU	Anti-Trafficking and Child Protection Unit
ATRO	Anti-Trafficking and Reintegration Office
CAMP	Children Assistance for Rehabilitation, Mobilization and Participation
CCM	coordinated case management
CDC	Centre for Documentation and Coordination
CDP	Cambodia Defenders Project
CETHCAM	Creating a Legal and Sustainable Environment for Trafficked Human Beings from and in Cambodia project
CNCC	Cambodian National Council for Children
COSECAM	NGO Coalition to Address (Sexual) Exploitation of Children in Cambodia
CRC	UN Convention on the Rights of the Child
CTIP	Counter-Trafficking in Persons project
ECPAT	End Child Prostitution, Abuse and Trafficking
ECR-group	Exploited Children Resources group
GTZ	German Technical Cooperation agency
ILO	International Labour Organization
IOM	International Organisation for Migration
LAC	Legal Services of Cambodia
LEASEC	Law Enforcement Project against the Sexual Exploitation of Children
LSCW	Legal Support to Children and Women
MOI	Ministry of Interior
MOSVY	Ministry of Social Affairs, Veterans and Youth
MoT	Ministry of Tourism
MOU	Memorandum of Understanding
MOWA	Ministry of Women's Affairs
NGO	Non-Governmental Organisations
NPA	National Plan of Action
PEACKOK	Protection of Exploited and Abused Children of Cambodia Knowledge
PJJ	Protection Juvenile Justice
R&F	Reintegration & Follow-up project
RGC	Royal Government of Cambodia
TAF	The Asia Foundation
TIPSE	Trafficking in Persons for Sexual Exploitation
UN	United Nations
UNIAP	United Nations Inter-Agency Program
UNICEF	UN Children's Fund
UNTAC	United Nations Transitional Administration of Cambodia
USAID	United States Agency for International Development
VTF	Victims of Trafficking Scholarship Fund



SITUATION ANALYSIS OF THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN IN THE KINGDOM OF CAMBODIA: 2006 - 2007

Dear Reader,

This report examines the situation of children living in or trafficked to Cambodia who are sexually exploited and the efforts made by the Government and humanitarian aid organisations to assist these children or young people to rescue them from this 'work'. Furthermore, the report examines the existing legal framework and efforts made to promote better laws and procedures to protect these children, as well as the efforts made to enforce the law and relevant Government policies. The report also looks at the services provided to victims for recovery, rehabilitation and reintegration into their families, communities and society by Government agencies and civil society organisations.

The resources for this report vary from first-hand information obtained directly or indirectly from former victims, child caretakers, police officers and NGO investigators to reports of scientific research and documentation about intervention projects implemented by Government and United Nations Agencies, International and local organisations during the past few years. This report also draws from another research conducted by the Coalition, a study about Sex Tourism in collaboration with the Protection Project of the John Hopkins University. We are also thankful for the permission to draw upon a recent study about the Implementation of the Convention of the Rights of the Child commissioned by the NGO Committee on the Rights of the Child. Finally, the report is based upon a small number of relevant reports whose rich information has enabled the author to make this report more comprehensive.

The structure and format chosen for this report will hopefully make for interesting reading for a wide range of people, including Government Officials, civil servants and NGO staff dealing with these issues; police authorities and policy-makers; and internationals and those in Cambodia generally interested in the subject matter. This report includes an overview of information and research aspects; the actual situation and the interventions to assist the victims; and a selection of typical efforts made to eliminate the problem of commercial sexual exploitation of children. We hope these findings will help facilitate the creation of a better future for those affected by these issues.

This report is the result of a collaborative effort by researchers, Secretariat staff and Member Organisations of the NGO Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) and the ECR-Group Foundation. We are grateful for the Foundations' input in terms of human resources and data-gathering over a one-year period. We are also thankful for the financial support by the British Embassy, which made the compilation of this report possible, and the financial support by GTZ which sponsored the English editing, translation into Khmer language, printing and production – both as part of their support to the Coalitions' Advocacy Program.

It is hoped that this analytical report about the situation of sexual exploited children in Cambodia will serve as a policy instrument for making decisions and designing interventions which will address the problem adequately and lessen the burden for the survivors.

For the NGO Coalition to Address Sexual Exploitation of Children,

Chairman
Mr. Nuy Bora



1. GENERAL OVERVIEW

1.1 INTRODUCTION

The NGO Coalition to Address (Sexual) Exploitation of Children in Cambodia, in collaboration with the ECR-Group Foundation's *Protection of Exploited and Abused Children of Cambodia Knowledge* or *PEACKOK program*, has produced a series of studies describing and exploring the situation of and conditions under which children and youth in the Kingdom are exploited, abused and maltreated – not only in terms of sexual violation, but also in terms of emotional abuse and economic exploitation. However, the titles of the studies and publication continue to focus on the sexual element of such exploitation and abuse, as this is at the core of interventions by COSECAM's members and is among the worst forms of child exploitation.

However, previous studies conducted by the collaborated partners focused mostly on case studies and explorative research, such as the *Girls Speak Out* series of COSECAM or the *Goods & Girls: Trade across Borders* research by a consortium of agencies, lead by the ECR-Group Foundation¹. In contrast to the earlier publications, this report is an analysis of what has been done and what strategies have been employed to intervene on behalf of child victims of trafficking or those at serious risk of falling victim. During the last five years no other analysis of the issue has been made, except for a report by Anoushka Derks et al². The preparation of this current report has taken more than one and a half years, from mid-2006 onwards; a draft version was circulated among peers in December 2006 and an update was made, plus an exploration of best practices was added recently. The report was completed mid-December 2007.

The report includes a list of relevant current project interventions updated until November 2007. This list is compiled from the anti-trafficking database maintained by UNIAP and accessible publicly through the website³. The data regarding anti-trafficking projects was compiled during part of 2007 by a volunteer working with COSECAM, but who was assigned to update the database at UNIAP. Although this database is the most current and updated, it might be that some projects have been overlooked or have not been reported.

The report includes also a list of current child-care centres operated by NGOs in the Kingdom, in particular those assisting child victims of trafficking. However, due to the frequent creation of new establishments for child-care by foreign and local organisations and groups – which often are not registered yet with any government body – this list is surely already outdated by the time of publication. The aforementioned UNIAP database is a more reliable source in this respect.

Furthermore, the report includes a current list of organisations that have signed the Memorandum of Understanding about 'residential child care'. This MOU has been conceived by COSECAM and was developed by numerous NGOs and UN agencies to regulate the residential care of children in the country. The MOU has been introduced in collaboration with the ARTIP regional program to the five government ministries that are signatories: the Ministries of Interior, Justice, Social Affairs, Health and Women's Affairs and the 24 initial NGO signatories. It is hoped that all NGOs and groups providing residential or day-care to children will sign this MOU in order to insure that the children under their care are safeguarded. The formal text of the MOU is attached in an annex to this report.

¹ See website www.cosecam.org/publications

² Review of a Decade of Research on Trafficking in Persons, Cambodia; May 2006 by Annuska Derks, Roger Henke, Ly Vanna.

³ See website www.no_trafficking.org



1.2 THE SITUATION

1.2.1 Destination

Cambodia is a source, transit and receiving country of victims of trafficking. At least two hundred - but likely many more - underaged girls enter the sex industry yearly, virtual all coerced or forced⁴. Others are trafficked for sweatshop work, while very young children are 'rented' as beggar and brought to Thailand's big cities. Incidents are reported of the involvement of low- and high-ranking officials in the trafficking of persons and children, which would explain why so few traffickers are apprehended. A relative new trend is the trafficking of *Cham*⁵ girls to Malaysia as domestic servants, but there are reports that dozens have ended up in brothels, and some of those who escaped were detained for months as illegal immigrants and sometimes brutalized while in police custody⁶.

1.2.2 Number of Child Sex Workers

The numbers of children being sexually exploited as child sex workers vary considerably in research reports. The most recent reliable study with an estimate of the lowest number of child sex workers in the country, calculates that minors represent 4.5% of the prostitute population, or about 900 in total⁷. This latter estimate of the lowest number of child sex workers in the country was confirmed by an inventory among about 80% of NGO child-care centres hosting rescued or runaway child sex workers, which found that these NGOs cared for between 200 and 300 former child sex workers per year⁸. Assuming that the rescue rate is not higher than 30% the actual number of trafficked/exploited child sex workers ranges from 900 children upwards annually.

1.2.3 Policies and Plans

The former five-year National Plan of Action (NPA) against Trafficking and Sexual Exploitation expired in 2004, and a second NPA for the period of 2006 – 2010 was being drafted in consultation with civil society organizations by the Cambodian National Council for Children and submitted to the Government by the end 2005; however, one year later, the Government has the new NPA still under review. The new draft NPA Trafficking in Persons for Sexual Exploitation (TIPSE) is an improvement of the former one by defining objectives more realistically, assigning particular responsibilities to relevant ministries and including mechanisms for monitoring and follow-up. The legislative framework on which this NPA is based is the 1996 Law on the Suppression of Kidnapping, Trafficking and Exploitation of Human Beings. This Law has no definition of the age at which sexual consent can be given and no clear definition of debauchery (the charge under which most prosecutions are brought). But if a person engages in sexual activities with a minor under 15, that child is deemed incapable of consenting. Rape and indecent assault are tried under the UNTAC Code of 1992.

⁴ Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study, Thomas M. Steinfatt, commissioned by UNDP 2003.

⁵ Islam/ethnic minority in Cambodia

⁶ The Cham is an ethnic group with a Moslim religion and culture very similar to Malaysia. See annual and other reports of NGOs Legal Support for Children and Women, Afesip and/or Cambodian Women's Crisis Center.

⁷ Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study, Thomas M. Steinfatt, commissioned by UNDP 2003.

⁸ Child Recovery Centres: Intentions versus Reality, J. Vijghen, COSECAM 2004.

1.2.4 Legislation

The Royal Government of Cambodia (RGC) has drafted a new law on the Suppression of Human Trafficking and Sexual Exploitation. It is more comprehensive than the 1996 law and contains definitions of a minor as under 18, child prostitution, human trafficking (taken from the UN Protocol on Trafficking), sexual intercourse with minors under 15, procurement and inducement of child prostitution and also defines child pornography. Greater penalties are to be given to those trafficked for sexual purposes and adoption. The draft law importantly prohibits any publishing or broadcast by a newspaper or other mass media that makes public the identities of victims under 18. Punishment of trafficking offenders will be increased in cases where the victim is under 18, and a provision is made for the punishment of procurers of child prostitution, including businesses. Unfortunately, the process to adopt the new law seems currently halted, as there are no new developments since the last amendment in March 2005. Another promising development is the drafting of a new tourism law, currently being drafted by the RGC to further enhance the protection of children in the context of tourism.

1.3 INTERVENTIONS

1.3.1 Law Enforcement

The new Plan of Action for the second five-year period, the NPA Trafficking in Persons for Sexual Exploitation (TIPSE), is being drafted by the CNCC, supported by UNICEF and with the consultation of NGOs. The aim of the NPA is to provide greater assistance to Ministries to make concrete plans for action. The first phase was an initial setting out of issues to be addressed, but it did not set indicators or outputs. This second phase promotes the integration of all human trafficking and sexual exploitation projects, while indicators are set to measure progress over the next five years. Successes from the first phase include increased knowledge about sexual exploitation and trafficking, and some Government Ministries have initiated some action. For example, there are now anti-trafficking bureaus in different provinces and there has been a slight increase in the number of arrests of traffickers. However, documented and validated information about actual law enforcement is rare and indicates that still much need to be achieved. This impression is strengthened by the regular reports by NGOs of procedural irregularities during arrests and court trials, and the news reports of foreign sex offenders who are released while awaiting trial. But even more worrisome is the virtual absence of reports about arrests of locals for childprostitution, and the fact that the number of arrested offenders for commercial sexual exploitation was only 41 in the year 2003⁹.

1.3.2 Information Campaigns

The Ministry of Women's Affairs is implementing a counter-trafficking project entitled *Prevention of All forms of Trafficking in Women and Children*, which includes disseminating information through mass media campaigns, advocating for policy changes, making use of live comedy and theatre. In regard to child sex tourism, the Ministry of Tourism (MoT) in collaboration with World Vision and NGO Children Assistance for Rehabilitation, Mobilization and Participation (CAMP) launched a *Child Safe Tourism Project* in 2001. The MoT has issued a Circular on the Management of Travel Agency Businesses which requests that travel agents are responsible for informing staff and tourists of laws and regulations regarding sexual exploitation of children and requires immediate reporting. This Circular forbids persons below 18 years from entering entertainment and hotel premises unless accompanied by a family member.

⁹ New Cases – Basic Monthly Report for Year 2003, Ministry of Interior, Cambodia. The report does not include information about how many of the arrests have lead to a court trail and conviction.

1.3.3 Capacity Building

In 2003, the Ministry of Interior set up anti-trafficking units in seven provinces, while in the other provinces smaller anti-trafficking groups were established. The Law Enforcement Project against the Sexual Exploitation of Children (Leasec), financed by several bilateral donors, focuses on capacity building of police officers in 13 provinces. Through this project, the first formal network of police officers was established by means of Anti-Trafficking and Child Protection Units (ATJPU). These units started to cooperate with NGOs and local police; a national Hotline was created in 2000, and there are now provincial hotlines in Sihanoukville, Siem Reap and Banteay Meanchey. Unfortunately, many reports claim that the hotlines are often not responding or no one with foreign language skills is available to speak when a report of a potential case is made. An initiative by Chab Dai in collaboration with Child Wise has resulted in another hotline operated by NGOs in 2007.

1.3.4 Cross-Border Approach

The Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) aims at improving the criminal response to human trafficking in Laos, Myanmar, Thailand and Cambodia by working with anti-trafficking police, the justice system and victim support agencies. ARCPPT provides training on professional investigation of human trafficking and develops cooperation mechanisms between the four countries.

1.3.5 Research

Both international and local organizations have conducted studies on trafficking, sexual abuse, child rape, paedophilia, domestic violence, labour migration, child labour, substance abuse, pornography and more. Although these studies are valuable to gain insight in the issues there is no central and systematic approach to research all these often interrelated problems. Most of these studies were conducted more or less ad hoc when finances were available or when a particular organization was in need for information. Also, virtually no studies exist about actual law enforcement in the area of 'CSEC'. The Government has not played any active role in the studies but in some cases has facilitated the research.

1.3.6 Services to Victims

The Ministry of Social Affairs operates two temporary shelters for victims but lacks a sufficient budget and relies heavily on NGOs to provide shelter and other services to those who have been trafficked and/or sexually exploited. Social workers from the provincial departments of the Ministry of Women's Affairs are supposed to monitor the situation of reintegrated victims, but for lack of a sufficient budget, this is not done adequately and social support rarely is given. UNICEF supports the strengthening of the structure and social capacity of government agencies to provide these social services, while also financing NGOs to take care of child victims.

Member organizations of the NGO Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) identify and support the release or rescue of victims, provide legal services, shelter and social skills training, vocational skill training and support reintegration into society. There are other NGOs outside the group providing similar services, but the Coalition aims to link all service providers to consolidate efforts, to coordinate activities and to advocate jointly and uniformly to achieve the most with the limited resources in a professional manner. In order to achieve this, the Coalition aims to improve the capacity of its member organisations and others, to regulate the NGO sector, to standardize childcare procedures and introduce measures to protect children in the care of NGO and government shelters. An example of a coordinated effort is the initiative by COSECAM in collaboration with ARCPPT to introduce an Agreement between 5 Government Ministries and 24 Victim Support Agencies for regulating child-victim care, an agreement that will be the formal standard and was signed on 7 February 2007 (See Annex C). In order to assure compliance with this agreement, CO-

SECAM commissioned a study sponsored by GTZ: “Study on the possible establishment of Independent Ombudsman of Child Protection Regulation”.

Another example whereby over 60 NGOs are involved throughout the country is the *Victims of Trafficking Scholarship Fund* (VTF) project, sponsored by the Asia Foundation (TAF) which provided vocational training and found jobs or self-employment for hundreds of (potential) victims of trafficking during the 3-year implementation period. Continuation of this effort is being considered. The International Labour Organization, under the International Programme for Elimination of Child Labour, finances and supports child labour prevention programs and promotes safe migration.

1.3.7 Repatriation of Victims

The International Organisation of Migration (IOM) assists in the systematic and safe return/repatriation of women and children from Vietnam, Thailand and Malaysia back to Cambodia. NGOs are active in assisting migrants while awaiting repatriation or deportation, and pave the way for a safe return. The majority of returnees are children, including young women, and half of these are victims of trafficking for sexual exploitation and/or were working as domestic servants. Under a cross-border agreement between Thailand and Cambodia, cooperation with border police and repatriation procedures have reportedly improved. Such agreements with other countries in the region do not yet exist.

1.4 THE LEGISLATIVE FRAMEWORK¹⁰

After the 2000-2004 National Plan of Action (NPA) against Trafficking and Sexual Exploitation expired, a second NPA for the period 2006 – 2010 was drafted in consultation with civil society organizations and submitted to the Government at the end of 2005. At time of the writing this report, almost one year later, the Government has still not amended or approved the new NPA. This new draft NPA ‘Trafficking in Persons for Sexual Exploitation’ (TIPSE) is an improvement over the former plan and not only defines objectives realistically, but also assigns particular responsibilities to relevant ministries and includes mechanisms for monitoring and follow-up. The legislative framework on which this NPA is based is the 1996 Law on the Suppression of Kidnapping, Trafficking and Exploitation of Human Beings.

The Royal Government of Cambodia has drafted a new law on the Suppression of Human Trafficking and Sexual Exploitation. It is more comprehensive than the 1996 law and contains definitions of a minor as under 18, child prostitution, human trafficking (taken from the UN Protocol on Trafficking), sexual intercourse with minors under 15, procurement and inducement of child prostitution and defines child pornography. Greater penalties are to be given to those trafficking for sexual purposes and adoption. The draft law importantly prohibits the publishing or broadcasting by a newspaper or other mass media that makes public the identities of victims under 18. Punishment of trafficking offenders will be increased where the victim is under 18 and provision is made for the punishment of procurers of child prostitution, including businesses.

1.4.1 The Normative Framework

The three main and interrelated forms of the commercial sexual exploitation of children (CSEC) are: prostitution, pornography and trafficking. Other forms of CSEC include child sex tourism, child marriages and forced marriages. Cambodia has signed and ratified most of the key international texts addressing CSEC. It is also a party to several regional and sub-regional agreements, as well as having introduced domestic legislation in an effort to enforce these commitments. However implementation continues to be hindered by a lack of resources and weak law enforcement capacity.

¹⁰ This section is based on a contribution by Ms. Anoushka Jeronimus, Australian Youth Ambassador working with COSECAM as legal expert.

At the sub-regional level, Cambodia has been the driving force behind the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), which comprises the governments of the six Greater Mekong Sub-region (GMS) countries.¹¹ COMMIT aims to create sustained and effective cross-border cooperation and collaboration to combat human trafficking.¹² Cambodia has also signed but not yet ratified the ASEAN¹³ Treaty on Mutual Legal Assistance in Criminal Matters. Cambodia also has extradition treaties with Lao PDR, Thailand and China that have the potential to include trafficking cases and has a limited extradition arrangement with Australia encompassing child sex offences.¹⁴

Cambodia has entered into bi-lateral Memoranda of Understanding (MOU) with both Thailand¹⁵ and Vietnam¹⁶ in an effort to enhance cooperation and efforts to eliminate the trafficking of women and children and to assist victims of trafficking. In particular, the MOU with Thailand not only requires Cambodia to implementing the activities agreed by COMMIT, but also includes specific activities to counter trafficking such as establishing educational and vocational training programs and undertaking necessary legal reform. A bi-lateral agreement between Cambodia and Malaysia is due to be signed in the near future.

The government has established a national task-force to oversee the implementation of the bi-lateral and multi-lateral agreements, as well as national interventions that aim to eliminate trafficking in women and children and to assist victims of trafficking through the development of a plan of action.

1.4.2 National Policy Framework

In 2000, the Cambodian Government developed the 2000-2004 Five Year Plan against Trafficking and the Commercial Sexual Exploitation of Children (National Plan of Action or NPA), covering the areas of prevention, protection, recovery and reintegration. Despite overall weak implementation and lack of resources, one of the NPA's strengths was the creation of a task force on child trafficking and sexual exploitation: the Department of Anti-Human Trafficking and Juvenile Protection (DAHTJP) and a national 24-hour hotline for reporting trafficking and sexual exploitation cases. A second NPA spanning 2006-2010 is currently being finalised and will include recommendations from the 2005 multi-stake-holder review of the first NAP.¹⁷

National Legislative Framework

The main legal texts relating to CSEC in Cambodia are the 1999 *Constitution of the Kingdom of Cambodia* amending the 1993 *Constitution of the Kingdom of Cambodia* ('Constitution')¹⁸ and 1996 *The Law on the Suppression of Kidnapping, Trafficking and Exploitation of Humans* ("Law on Trafficking"). The Constitution of Cambodia expressly prohibits trafficking¹⁹ and demands that all inter-

¹¹ Cambodia, Thailand, Vietnam, Myanmar, Laos and China.

¹² To facilitate such an aim the six Governments adopted a Sub-Regional Memorandum of Understanding (MOU), the first of its kind in the Asia-Pacific and as well a Sub-regional Plan of Action which not only seeks to enhance law enforcement efforts but as well recognises the importance of affording protections to victims of trafficking. The Plan of Action comprises eleven areas of intervention which include importantly: legal frameworks; safe and timely repatriation of victims; post-harm support and reintegration; extradition and mutual legal assistance; and economic and social support for victims. See *COMMIT Process*, UNIAP <http://www.no-trafficking.org/content/COMMIT_Process/commit_background.html#01> at 2 November 2006.

¹³ The Association of Southeast Asian Nations was established on 8 August 1967. Its member countries comprise: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

¹⁴ Extradition (Kingdom of Cambodia) Regulations 2003; Extradition Act 1988 (Commonwealth of Australia)

¹⁵ The Memorandum of Understanding (MOU) between Thailand and Cambodia on Bilateral Cooperation to Eliminate Trafficking in Children and Women and Assisting Victims of Trafficking was entered into on 31 May 2003.

¹⁶ On 12 October 2005, the Agreement between Cambodia and the Government of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking was signed in Hanoi by the Cambodian Minister of Women's Affairs and the Vietnamese Minister for Public Security.

¹⁷ Ecpat 2006 Cambodia Country Review.

¹⁸ Constitution of the Royal Kingdom of Cambodia 1993, amended by the Constitution of the Royal Kingdom of Cambodia March 1999 art 31 <<http://www.cdpcambodia.org/constitution.asp>> at 8 November 2006.

¹⁹ Article 46(1)

national treaties and conventions relating to women and children.²⁰ It further obligates the state *inter alia* to protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.²¹

Legislation against Child Pornography

Cambodia does not possess any legislation relating to child pornography. According to ECPAT, certain acts prohibited under administrative regulations; for example the exhibition, sale or rent of pornographic film and videotapes is prohibited. In 2000, an intra-ministerial commission for the suppression of exhibition and importation of pornographic videotapes was established. Nevertheless, the ready availability of child pornography in Cambodia today demonstrates that administrative regulations are impotent in curbing this grave violation of its obligations pursuant to the UN Convention on the Rights of the Child (CRC)²².

Legislation against Child Trafficking

Article 3 of the *Law on Trafficking* defines and provides penalties for any person who traffics or sells a child for prostitution.²³ The *Law on Trafficking* was enacted prior to Cambodia's ratification of the UN Protocol, hence the definition of trafficking is yet to be revised to reflect current international legal consensus. Thus while Cambodian law criminalises recruiting a person for purposes of trafficking, sale or prostitution, it does not criminalise the other activities that constitute trafficking, such as transporting, transferring, harbouring or receiving a person for the purpose of exploitation as proscribed in the UN Protocol.²⁴ The age of consent is deemed to be 15 years old. For the purposes of combating CSEC, offences committed against children less than 15 years of age are treated as aggravated. Penalties for the trafficking of persons over the age of 15 for sexual exploitation carry sentences of up to 15 years imprisonment, while penalties for trafficking of persons under 15 years of age for sexual exploitation carry sentences of up to 20 years imprisonment.²⁵

Legislation against Child Prostitution

Cambodian law does not prohibit the prostitution of children – the use of a child for any sexual activity for remuneration of any kind – as required under the Optional Protocol. However the Law on Trafficking does prohibit the acts of pimping, debauchery or operating brothels, and this becomes relevant in prosecuting CSEC offences.²⁶ The provisions contained in the *Law on Trafficking* that allow for increased penalties for offences involving children less than 15 years of age are not extended to all children less than 18 years of age. Consequently, Cambodian law requires reform to meet international standards. A new anti-trafficking bill that incorporates the UN Protocol definition on trafficking as well as the prohibition of child prostitution and pornography was due to be adopted in 2006, but at date of writing has still yet to be finalised.

²⁰ Article 31

²¹ Article 48; Source: ChildSafe Cambodia <http://www.childsafe-cambodia.org/abuselaws.asp#cambodia> accessed 22 January 2007; Taken from <http://www.cdpcambodia.org/constitution.asp> 25 Jan 07

²² See Cambodia Daily Thursday 11 January 2007; World Vision Report 2006.

²³ lures another person, male or female, minor or adult of whatever nationality by ways of enticing or any other means, by promising to offer any money or jewellery, whether or not there is consent from that other person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution.

²⁴ Ibid; Sources: ECPAT Global Monitoring Report on the Status of Action Against the Commercial Sexual Exploitation of Children- Cambodia http://www.ecpat.net/eng/A4A_2005/PDF/EAP/Global_Monitoring_Report-CAMBODIA.pdf

²⁵ See 2006 TIP Report, above n1; see also Schwartz, n14, 415; ARCPPT Report, above n122, 45; Sim Souyoung (Protection of Juvenile Justice-PJJ), *Child Sexual Trafficking in Cambodia* (2005), 6.

²⁶ Article 5 stipulates that a pimp may be punished with five to ten years' imprisonment; repeated offences receive double the term of imprisonment. In cases where a pimp: (1) commits an offence against a person under 15 years of age; (2) uses coercion and violence by threat or weapon; (3) is a mother, father, boyfriend, girlfriend, husband or wife and forces a person to commit prostitution; or (4) forces a person to commit prostitution outside Cambodia, or, forces a foreign person to commit prostitution in Cambodia, an increased penalty of 10 to 20 years' imprisonment apply. Likewise article 7 provides penalties (one to five years' imprisonment and a fine of 5 million to 30 million Riels (US\$1,300 and US\$7,800) for a person who opens an establishment for committing debauchery and article 8 prohibits acts of debauchery themselves committed against a person under 15 years of age, even if the child consents, or buying such a child from another person or pimp- may be punished with 10 to 20 years' imprisonment.



Other Laws

Other laws that can be used to prosecute offences related to CSEC include:

- SNC Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the transitional period, 1992 (UNTAC Law)
- Article 41- Battery with Injury
- Article 33
- Article 42(2) (3) - Indecent assault
- Article 35 - 'illegal confinement'
- Labor Code for the Kingdom of Cambodia (1997) (Labor Law)
- article 15
- section VIII parts a) and b),
- The Law on the Marriage and Family (1989) – Article 4

In terms of law enforcement officials, while improvements have occurred with regard to anti-trafficking efforts, few traffickers have been apprehended and subsequently prosecuted and convicted.²⁷ This situation is attributed to problems associated with the involvement of law enforcement officials themselves, the lack of understanding of the laws concerning trafficking and the lack of means to investigate and prosecute cases of trafficking.²⁸ Hence, as the 2006 Trafficking in Persons Report observes, it still is the case that NGOs are the ones finding the cases and conducting the majority of the investigations.²⁹

However, more recent developments indicate that the law-enforcement agencies tasked with apprehending sexual offenders and providers are taking more initiative and investigating more cases.

1.5 SPECIAL CONCERNS

The Government fails to contribute significant finances to address the problem adequately. Partly due to this lack of resources, Government agencies lack the capacity and/or motivation to take the lead in the fight against sexual abuse and exploitation of children and rely on civil society organizations to take initiative and action. This indicates that there is little political will among political parties, their representatives in Parliament and among Government Officials to address the problem of forcing minors to provide sexual services.

The lack of sincere concern among Government Officials and political Parties in power is illustrated by the slow pace of approving better laws or introducing more appropriate procedures to apprehend and prosecute traffickers and exploiters. The current Law on the Suppression of Kidnapping, Trafficking and Exploitation of Human Beings was passed a decade ago, on 16 January 1996. This law consist of only 10 articles covering kidnapping, pimping and debauchery. Experts consider this old law vastly inadequate given the current conditions. A new draft law on Commercial Sexual Exploitation of Children was prepared in 2004 and 2005, in consultation with civil society organisations. This law is considered much better and consists of 91 articles, covering the abuse, sale and prostitution of children; pornography; sentencing and registration of sex offenders; victim care and protection; and procedures with definitions. However, this draft law was last amended on 1 March 2005 and since then no progress has been made.

Another concern is the fact that civil society and international organisations that are tackling the problem do so too often more for the sake of their own agendas than for the best interests of the victims concerned. There are indeed some initiatives for cooperation and collaboration, but the interest to join at the cost of their own interests but in the interests of the victims is generally not high. Fortunately, a

²⁷ See Appendix 1 (nb the information provided is kept by the Ministry of Interior, but they do not distinguish between cross-border or domestic cases. Also, due to weak human trafficking laws, often human trafficking is labelled under another category (so it is difficult to discern actual number of cases): ARCPPT Report, above n113, 30.

²⁸ Derks et al, n23, 19.

²⁹ 2006 TIP Report, above n1.



trend is showing that cooperation and collaboration is becoming an objective by itself, also promoted by sponsors who are influential enough to push for change.

This is illustrated by some recent initiatives. A number of international agencies, several local coalition groups and the Ministry of Social Affairs have since begin 2007 discussed options to set up a national system for victim referral and services. Progress has been made to introduce this so-called 'co-ordinated case management' (CCM) system in the country, first on a trial basis in some provinces and in the capital. A European Union project, 'Creating a Legal and Sustainable Environment for Trafficked Human Beings from and in Cambodia' (CETHCAM) was awarded to the local coalition COSECAM, which is responsible for implementing such a system. It has agreed to execute this project in collaboration with the Counter Trafficking in Persons (CTIP) project. The latter project was awarded in 2006 by the US Agency for International Development to the Asia Foundation and aims to assist the government in addressing human trafficking. The project has six main aims: to increase awareness about the demand for trafficked persons and promote safe migration alternatives; to document the effectiveness of counter-trafficking programs and share best practices; to establish a minimum standard of care at shelters and ensure continuity of care throughout the referral process; to promote access to justice for victims and promote successful prosecutions; and to support income-generating activities to protect vulnerable populations from exploitation. The CTIP project supports the National Taskforce on Elimination of Trafficking in Women and Children. Both projects seem to fit well together, and because the Asia Foundation and COSECAM have a well established joint venture history, there is no doubt that the future cooperation of both projects will result in the introduction of a national system of child victim protection, rehabilitation and reintegration that will be sustainable.

2. INFORMATION & RESEARCH

During the past ten years, a small number of study and research reports have been published specifically about commercial sexual exploitation of children (CSEC) in or from Cambodia. UNICEF published in 1995 a situation report on 'CSEC'. World Vision published a witness account in 1996. The now defunct human rights NGO Vigilance published a study of child prostitution based upon empirical research in 1997. 'CSEC' specific reports have been released regularly since that time, following developments in conditions and interventions of 'CSEC' without adding much more depth to the information. A much larger number of reports have been published not exclusively about this subject, but which include some relevant information about the problem or how it is addressed. Despite the 'white' and 'grey' material available, the overall body of literature about 'CSEC' is still small and underdeveloped. The experts working with agencies to address the problem of 'CSEC' often have a very good understanding of the situation, contributing factors and root causes, but this is not really reflected within the literature available. There is no research program with substantial funding to study the problem in-depth and in all its aspects. There are only some initiatives for isolated research or studies closely linked to project interventions, which are all limited in time and depth, focusing not on the whole problem but on some aspect of it. This lack of a systematic and comprehensive research program is one of the main shortcomings in this area that was described in an extensive review of study and research reports of the last ten years that was commissioned by The Asia Foundation³⁰. The information emerging from this and various other studies and reports, as well as the reliability of such data, is briefly discussed in the following section.

2.1 STATISTICS

One important piece of information for understanding the size of the problem is statistics of under-aged sex workers and other minors working in the entertainment industry. The Commission on Human Rights and Reception of Complaints of the National Assembly carried out a research in 1996 and

³⁰ Review of a Decade of Research on Trafficking in Persons, Derks, Annuska, The Asia Foundation / Centre for Advanced Study, Phnom Penh 2006.

reported that of a total of 14,725 prostitutes throughout Cambodia 2,291 (15.6%) were below 18 years old. The Cambodia Human Development Report 2000 estimated that of the 80,000 to 100,000 sex workers in Cambodia, about 5,000 were minors. However, the numbers mentioned in the latter report are not taken seriously by many experts, not only because the source for these data is not revealed, but also because the numbers are much higher than would seem realistic in view of the figures reported only 4 years previously. The most recent reliable study with an estimate of the country's prostitution population amounts to 20,000 women. Using a contested method, the author calculates that minors amount for 4.5% of the prostitute population working in brothels³¹. Based upon this measurement method about 900 under-aged sex workers are working in brothels throughout the country, but also the author emphasizes that this figure represents to lowest rate of under-aged sex workers. An inventory among about 80% of NGO child-care centres which host former sex workers found that between 200 and 300 rescued or run-away child sex workers per year are taken in³². Some experts assume that not more and possibly less than 30% of all under-aged sex workers ran away or are rescued and cared for in NGO shelters³³.

There are thus no final statistics available about the actual number of under-aged sex workers, except that we might assume that the bottom figure is around 900 girls who enter the sex trade every year. How many of these are forced, coerced, indebted or more or less voluntarily working as sex workers is not known. Further, these upwards of 900 child sex workers are not 'serving' only foreigners, as sometimes is implied in reports; foreign child sex customers comprise only a tiny fraction of the actual number of children forced to have sex, as many more are forced by their own countrymen: *'Exploitation perpetrated by Cambodian nationals accounts for a far greater percentage of abuse in Cambodia than that perpetrated by foreigners'*³⁴. Although accurate information about Cambodian nationals engaging in child sex is lacking, it is common knowledge in the country that a significant proportion of the male Cambodian population patronizes brothels and other sex establishments where under-aged girls are made to offer their sex services. This is compounded by the traditional view taken by most of these men that 14 to 18 year old girls or boys are not regarded as children; in this respect, it is useful to know that 15 years is the traditional age for girls to be married³⁵.

2.2 INFORMATION ABOUT CONDITIONS

There are many reports with anecdotal information about the conditions under which young sex workers live and offer their services, and also some reports that describe how these girls end up in brothels or sex entertainment places (no reports describe if or how boys end up in such places). However, most of these reports are based upon second-source information, from police and NGO investigators, childcare takers in shelters and others who 'heard' the stories and passed them on³⁶. In truth, there are many reasons to question whether these stories reflect reality. One reason would be that those who 'heard' the stories are not as well informed as one might expect; in fact, research conducted in 2004 found that police and NGO investigators did know little to nothing about the background of the victims they assisted – the investigations were directed at the immediate crime and the child sex offenders³⁷.

There are other sources from the victims themselves that provide more reliable information about the conditions under which young girls were forced to provide sexual services or about the circumstances

³¹ Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study, Thomas M. Steinfatt, commissioned by UNDP 2003. A number of organisations contested the method for measurement and assumed that the actual numbers are higher, especially if taken into account that many minors are hidden away or work in private houses.

³² Child Recovery Centres: Intentions versus Reality, J. Vijghen, COSECAM 2004.

³³ Personal communication Pierre Legros, Afesip 2004.

³⁴ Survey on street-based Child Sexual Exploitation in Cambodia: Overview of 7 provinces, Raphaël Renault, Action Pour Les Enfants (APLE) 2006.

³⁵ A pilot survey conducted by ECR-group Foundation in 2005 among 150 male respondents found that about 70% regarded 14 years as the minimum age for being a sex worker, with about 5% men having sex with younger girls if they would be offered.

³⁶ See for an overview of such and other reports the Review of a Decade of Research on Trafficking in Persons, Derks, Annuska, The Asia Foundation / Centre for Advanced Study, Phnom Penh 2006.

³⁷ Study conducted among representative sample of police and NGO investigators during 2004, unpublished COSECAM.

of their entry into the sex industry. These are the stories typically recounted in progress reports to their sponsors and in the annual reports of caretaking shelters and centres³⁸. However, these stories are selected to illustrate the support the organisations provide to these children or to present typical cases that these agencies receive. This information is biased, and thus we do not know the extent to which these stories from these sources are representative in describing the conditions of exploitation and the circumstances of becoming a victim for the group of victims as a whole. One source might stand out in this respect because it is based on stories told by a group of survivors, hosted by NGO centres throughout the country, as they wanted to tell them³⁹. However, there exist neither study reports about the conditions under which young girls live and work in brothels or other entertainment places, nor reports about the circumstances that put them in those places in Cambodia that are based upon a systematic study approach and a representative sample.

2.3 INFORMATION ABOUT FACILITATORS AND EXPLOITERS

To a large extent, the same can be said as in the paragraph above about the information available about the facilitators and exploiters of child sex workers. In many reports, the group of facilitators and the role they play are touched on but not researched or described in any depth. One study relied on this role to get information, using motor taxi drivers as sources to identify the brothels and to get background information on the girls who worked there as sex workers⁴⁰. This latter study and few other research reports also describe the exploiters to some extent - the 'Madams' and enforcers and their tactics to acquire young girls for the trade and keep them working. Other reports describe health risks, drug addiction, social loneliness and social discrimination associated with commercial sex work or some of the factors that lead to 'sex slavery like' conditions. Very few reports succeed in lifting the veil with regard to trafficking and recruitment methods⁴¹. COSECAM has conducted an explorative study about new practices that traffickers use to subdue victims into sexual exploitation; some other local agencies have also made some efforts to explore this issue⁴². However, despite the attention the problem gets from international organisations and bilateral sponsors, no systematic in-depth research has been undertaken, nor have plans been made for any such study in the country. Such research would especially be useful about the role and tactics of facilitators, exploiters and their 'enforcers' in exploiting young girls as sex objects, the role and tactics of recruitment 'agents,' and the function played by corrupt officials who provide protection and impunity. Also, no attempt has yet been made to research whether organised crime is stepping in and taking over the child sex trade like in other parts of the Mekong region.

2.4 DATABASES & STUDIES

Reports about child prostitution in Cambodia have been published for many years, some based upon empirical research (Human Rights Vigilance 1995) and others more often based upon victim stories. The first situation report on 'CSEC' is in a UNICEF report of 1995 (The Trafficking and Prostitution of Children in Cambodia: A Situation Report). The 'Regaining Honour' study by World Vision in March 1996 is an early example of a witness study. This report also already mentions that teenage boys become prostitutes. The Asia Foundation commissioned research to make an inventory of stud-

³⁸ See reports from New Life Center, Sihanoukville; Cambodian Women's Crisis Center; Healthcare Center for Children, AFESIP and other NGOs.

³⁹ Cambodian Trafficked Girls Speak Out series: 1. Sold Like Chicken, Sandy Hudd 2003; 2. Tricked by the Trade, Diane Lawrence 2004; published by COSECAM, Phnom Penh.

⁴⁰ Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study, Thomas M. Steinfatt, commissioned by UNDP 2003.

⁴¹ Goods & Girls: Trade Across Borders, Border Research #3, John L. Vijghen and Khun Sithon, 2004. Commissioned and Published by consortium: ZOA Refugee Care; Norwegian People's Aid; Cambodian Hope Organization; International Organization for Migration; ECR-Group Foundation; Care/OPTION; COSECAM. See also Review of a Decade of Research on Trafficking in Persons, Derks, Annuska, The Asia Foundation / Centre for Advanced Study, Phnom Penh 2006.

⁴² New Practices of Prostitution, So Sobunthet, 2005 COSECAM; Annual Profiles of Street Children 2005, 2006, Friends; <http://www.streetchildren.org.uk/reports/Cambodia%20Child.doc>

ies in the area of trafficking. The overall conclusion of this study was that although many informal studies are conducted, these rarely reach a professional level and are predominantly based upon anecdotal evidence or non-statistical survey results, while the few scientific studies deal more with the size of the problem than with the supply and demand factors⁴³.

Various databases have been set up to record information about trafficking victims by different international and government agencies; for example at the Ministry of Social Affairs, where IOM supported a comprehensive database on the support provided to trafficking victims. The Ministry of Interior also maintains a database. However, these databases are not compatible and contain different kinds of information. In addition, there is no public access to these databases for various reasons. Also, it seems that these databases are not suitable for extracting statistical data about categories and characteristics of victims, but whether this is possible could not be confirmed as we failed to get access. A reliable database with public access is the UNIAP trafficking database. Some NGOs also maintain databases of their clients, but in such cases confidentiality considerations limit or restrict access. During this study, no database with comprehensive data about specific categories of child victims could be identified.

An ongoing initiative is currently working to link all existing databases that relate to human trafficking so that it will be easier to monitor the situation and track progress⁴⁴.

2.5 CONCLUSIONS

Despite a large body of research and study reports, no reliable and uncontested information exists about the number of children who have fallen victim to sexual exploitation in the country or abroad and continue to be victimized every year. Also, no substantial information exists about the sex industry itself, about tactics used to force or coerce young girls to offer sexual services, about recruitment methods, about organised crime and corruption implications.

Furthermore, many anecdotes exist and are published about what the child victims have endured and how they ended up in the trade, but there was never any systematic and scientific based research to describe the conditions under which child sex workers live or the circumstances that force them into this work in Cambodia. Therefore, interventions have taken place without the benefit of information resulting from thorough and comprehensive studies.

The legislative framework and the national policies that underscore the law enforcement and prosecution are adequate enough to address terms sex offenders and exploiters in legal terms. The problem exists more in the interpretation of certain laws, the compliance with standing legal procedures and the fair treatment of the poor by court officials.

3. PROBLEM ANALYSIS

In order to describe this problem thoroughly and in full detail, a book-length volume would be required, even if it were limited to the Kingdom of Cambodia. Such a volume might someday see the light of day, by this author or by another, but this situation report intends only to provide the major factual information and arguments in a concise and especially brief manner.

Sexual exploitation and prostitution of children are practices that no society should tolerate, but which exist in developed and underdeveloped nations in every part of the world. The existence of the commercial exploitation of children for sexual purposes in the Kingdom of Cambodia is thus no exception

⁴³ Review of a Decade of Research on Trafficking in Persons, Derks, Annuska, The Asia Foundation / Centre for Advanced Study, Phnom Penh 2006.

⁴⁴ Personal communication UNICEF and UNIAP sources, August-December 2007.

and no surprise⁴⁵. And while the practice might be worse in other neighbouring or far away countries, the fact that the problem exists but has not yet risen to a level where the combined forces of government and civil society not could eliminate it in Cambodia – given the lack of political will - is worth a thorough examination of causes and reasons, of the problem of demand for and the supply of children for sexual acts.

3.1 COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

This section will focus on recent information about the reasons, causes and factors contributing to the demand and supply of children, and the strategies used by traffickers and exploiters to recruit and detain children for sexual exploitation.

3.1.1 Why Child Prostitution?

Every year, more than 900 children in Cambodia are forced or in other ways pushed to have sex with men for money⁴⁶. Most of these children are female and in their teens, thus between 14 and 18 years⁴⁷. Foreign sex tourists often want to buy sex with young girls, while paedophiles seek sex with immature girls or boys. Although this foreign demand in numbers is insignificant compared to local demand, it opens the way for local people who patronise brothels to demand younger girls following the foreign trend⁴⁸. The 2005 pilot survey among 150 adult male respondents in rural and urban areas on practices and attitudes towards prostitution found that 70% of the respondents used to visit a brothel; of these males, close to 95% would not object to have sex with a 15 years old sex worker but only 10% would accept sex with a 14 year old who looks her age, they said. They refer to the traditional marriage age (15 years) and also indicate that although most patrons would not request to have sex with such young girls, they would also not reject them if offered or available. Brothel managers tend to search for younger girls to cater to foreigners and note then that local customers also appreciate the offer, thereby increasing the demand for ever-younger girls. But, as some respondents indicated, they did not want to have immature girls; the girls should be young but sexually ‘attractive’ as they put it⁴⁹. This demand for young girls affects the trade, and trafficking agents are responding to this trend by ‘recruiting’ young girls for the sex industry. This market demand is facilitated by the ease with which supply can be delivered. In a recent research report it was concluded that: ‘... for the Khmer majority population there are numerous ‘push factors’ (such as widespread poverty, high unemployment, low levels of literacy, and few income earning opportunities for women) that make sale of children for labour and prostitution serious considerations for many families.’⁵⁰

3.1.2 Push and Pull Factors

Because the market mechanism of supply and demand applies strongly to prostitution, and thus also to child prostitution, and demand is increasing while the supply potential is huge, the quest for causes is somewhat irrelevant, at least in terms of interventions to stop the trade. Only by reducing the demand can one hope to reduce the numbers of young people becoming victims of child prostitution. Nevertheless, prevention interventions are based upon the premise that children can be protected from traf-

⁴⁵ Cambodia with Laos and Vietnam is categorised as a country with a high level of trafficking, while Thailand and China are listed as very high; trafficking of children for sexual purposes is mentioned by a majority of sources, reported in: Trafficking in Persons: Global Patterns, Un Office on Drugs and Crime, April 2006, p.88/9.

⁴⁶ No reliable data is available about the number of women having sex with minors, but likely such number is very small compared to that for the men. Similarly, reliable data about boys who are sexually exploited in brothels or other ‘service’ establishments is not available. However, street boys are reported to be exploited (See section Street Prostitution). This report uses children for boys and girls, and men for males and females as generic terms.

⁴⁷ See Paragraph 2.1 for the source of the 900 per year figure and the predominant age cohort.

⁴⁸ Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study, Thomas M. Steinfatt, commissioned by UNDP 2003. See also: New Practices of Prostitution: in Phnom Penh, So Sobunthet, 2005 COSECAM.

⁴⁹ Pilot survey conducted by ECR-group Foundation in 2005, unpublished.

⁵⁰ At what price, honour?: Research into domestic trafficking of Vietnamese (girl) children for sexual exploitation from urban slums in Phnom Penh, Reimer, J.K. Chab Dai 2006 Cambodia, Phnom Penh, p. 4.

ficking into child prostitution. Finding the causes is thus important for identifying the kind of children with a high potential to become trafficked. Virtually all research and project intervention reports point to poverty as a 'root cause' for child prostitution, a view shared by most aid agencies, but some are more aware of the fact that it is a certain combination of factors that result in trafficking than others. For example, Chab Dai (a coalition of Christian NGOs) published a report recently that said: *'The concept of 'poverty' emerges quickly in any discussion about "why families would sell their children" as one variable, and not necessarily even the primary consideration. It is always the result of a combination of factors'* while on the other hand, a high-level ILO Officer in a column in an international newspaper noted that alleviation of poverty was the only answer to elimination of trafficking⁵¹. The views of how to address the problem are thus not only divided in terms of supply and demand, but also about root causes. This is a problem in itself as only a concerted and comprehensive approach seems to be able to significantly and permanently reduce the sale of children for prostitution.

The argument that poverty is the root cause and that reducing poverty will lead to less trafficking is not supported by facts. Very slowly but steadily the economic situation for the Cambodian population at large is improving while trafficking figures also increase⁵². Furthermore, the poverty level varies much from one region to another in the Kingdom but there seems no correlation between numbers of children forced into child prostitution and the poverty of the area. Instead opportunities for trafficking agents and perceived opportunities for finding work seem to correlate; for example, it is reported that up to 80% of all labourers trafficked into Thailand were recruited in the Poipet area along the border. Poor people migrate to Poipet and other border crossing points because they think that there they can more easily than elsewhere find work⁵³. Also, what in one village is considered 'very poor' might be seen in another area as just 'poor', and this definition of poverty by local people is not purely based upon subsistence alone⁵⁴. For example, the situation of many Vietnamese girls in prostitution is not a result of poverty but of a choice by their parents or close relatives to sustain themselves and their families through operating a brothel and having their own children work in it. In both of these cases, poverty might thus be a significant contributing factor but should not be referred to as the root cause, not for the children who were cheated or forced into child prostitution and not for the mostly Vietnamese girls who were aware but could not stop their entry into the trade.

Other documents refer to the vulnerability of the predominantly Khmer victims as a cause for child prostitution, such as illiteracy that might restrict them from reading awareness raising materials or from being the older sister of many siblings, which pushes her to seek employment far from a protective social environment. Most reports take the validity of these factors for granted without giving specific argumentation, but there are reports that give proof for why some factors are increasing vulnerability⁵⁵.

The question is thus what combination of factors under which kinds of circumstances would lead to vulnerability for children. For example, teenage girls with a low education who live in a large family, feel responsible for younger siblings, are unable to read the warnings against trafficking, with their parents often absent and with their family living on day-to-day earnings are vulnerable for enticing job offers by trafficking agents. Parents might want to have the cash advance payment offered by the agent who would take the girl along, but more likely the girl travels herself to and across the border to meet with the traffickers on the other side⁵⁶. An analysis of statistics of victim characteristics and cir-

⁵¹ Ibid; published in The International Herald Tribune, quoted in the Cambodian Daily, 2005.

⁵² Increase of economy: Personal observation of rural communities author visited repeatedly from 1990 until 2006; media reports. Increase of human trafficking: unconfirmed reports from NGOs; in fact, an increase is difficult to measure for lack of reliable baseline data but overall NGO staff reports an increase in human trafficking but especially for irregular migration.

⁵³ See various project studies and reports produced by ZOA Refugee Care regarding their former projects in the north-west of Cambodia, 2005-2006.

⁵⁴ Test of Tools for Identification of Poor Households in Cambodia, J. Vijghen, GTZ/Ministry of Planning 2006

⁵⁵ For example: Victims of Trafficking Vocational Training Scholarship Fund project documentation, 2005-2006 COSECAM. Preventing Trafficking of Women: A Study of Origin and Vulnerability Factors for Trafficking Victims and Direct Sex Workers in Four Cambodian Cities, 2004 PACT Cambodia

⁵⁶ Goods & Girls: Trade Across Borders, Border Research #3, John L. Vijghen and Khun Sithon, 2004.

cumstances under which children fall victim to traffickers could support the assumption that a particular combinations of factors and circumstances would make certain groups of children more vulnerable than other children. This would be an important finding as it defines the primary target group for preventative intervention. Unfortunately, such an analysis needs reliable statistics and many detailed case descriptions that are currently not yet available. Interventions are thus mostly based upon assumptions that are likely valid, but not confirmed.

3.1.3 Why no Community Response?

In fact, it is only a relative small proportion of these girls that ends up in prostitution; the large majority will be working in sweatshops, factories, on farms or as domestic servants. They will not earn much, their work environment is not very comfortable or safe, and some of them fall victim to rape, but they are not sexually exploited and after some time, most of them will return home with some money⁵⁷. Why, then, are some girls sold into prostitution and others not? In whatever way we try to turn the question, the answer always comes back to the demand. In the situation along the Thai border, most trafficking agents are employment middle(wo)men seeking labourers for the farms, factories, construction sites etc. They also get demands for girls for the sex industry, and the commission is much higher, hence they do a little extra searching to find the supply. Wherever they go to look for labourers, they also search for potential sex workers. The girl that ends up in their hands who destined for the sex industry is just in the wrong place at the wrong time!⁵⁸ In urban areas, in particular the national and provincial capitals, and along the Vietnamese border, trafficking agents have similar and other strategies to get their supply, but the coincidence factor of being in the wrong place at the wrong time is also relevant here.

A question that emerges is why families and communities do not do more to protect their children from this evil. The answer is rather simple, because most trafficking is not forced but coerced or enticed. Parents and children are in most cases agreeing with the terms for the trafficking, although they do not realise that it is trafficking until it is too late. For example, the waitress job becomes sex work on the side and this becomes full-time work after some time. The child victim is ashamed and often does not report to her family what happened, but pretends to have a good paying job. Exploiters sometimes even play into this game by sending some money to the parents. Furthermore, in a majority of rural villages, trafficking for sexual purposes is a rare occurrence. Of course, people know what trafficking is – the awareness raising campaigns have informed millions of people – but the incidence rate in any given community is so low that most people have not heard of a recent case in their neighbourhood; and even if it happened the shame factor will have covered it up in many cases⁵⁹.

Another answer to the question why families are not doing more is that people are afraid for traffickers because they enjoy police protection or have their own enforcers⁶⁰. But there are also many families who search for their lost children but do not know where to go to find them. The next chapter on Interventions provides proof that there are communities taking action, but for most people and community leaders, the fact remains that they have to balance the need for their children to find work and the risk of becoming trafficked in the process. Generally, they judge the risk low enough to send their children out for earning the income they need for survival.

It is thus obvious that by helping vulnerable children protect themselves better, we might indeed prevent these children from becoming victims, but it does not affect the fact that in such cases, other vul-

⁵⁷ Information gained from various project evaluations in Cambodia and countries in the region; some of these reports are published by the commissioning agencies, like ILO-IPEC, SCF and also available through contacting the author: vijghen.ecr@gmail.com

⁵⁸ Ibid.

⁵⁹ Author has visited rural villages in many provinces during the past 15 years and included trafficking in his researches during the last 5 years. His conclusion is that the chance to be in a village neighbourhood where the last year a girl was trafficked is small (perhaps 1,000 out of 20,000) and hearing about it is even smaller due to the tendency to hide the fact. In 8 rural villages in 4 provinces in the west, north, east and south the Author explicitly asked a focus group of village leaders and elders if they knew of a case of child trafficking in their community. The answer was in all 8 villages negative.

⁶⁰ See for a revealing case the story of a mother whose daughter was trafficked by the wealthy family living behind her house, in: *Goods & Girls: Trade Across Borders*, Border Research #3, John L. Vijghen and Khun Sithon, 2004.

nerable children will simply be tricked into the trade! Finding the ‘root causes’ is thus not very effective in reducing the global number of children in prostitution, and there also are not preventive measures leading to an overall reduction unless they are implemented nationwide. There are many voices nowadays that want to address the demand side of the problem; by reducing the demand, it is obvious that also the supply will diminish.

3.2 THE VICTIMS & SURVIVORS

This section will focus on recent information and where to find more specific information about the kinds and types of children who are in prostitution or sexually exploited, such as child prostitutes in sex establishments, girls sold as virgins or brides, children groomed for paedophiles, children offering sexual services along the street and street kids, and their conditions and backgrounds.

3.2.1 Knowingly a Victim or Unaware?

Overall, we can distinguish between two kinds of child victims: those who were unaware of or did not believe what could happen to them, and those who knowingly (but not willingly) became a child prostitute. The Vietnamese sex workers are mainly the ones belonging to this latter category; they were pushed to sell their bodies to cover the debt of their parents or families⁶¹.

These Vietnamese girls are rarely the ones who ran away from their brothels, because if they came from Vietnam they would fear that if they did so, one of their siblings would have to take their place; if they live in Cambodia, they work in local ‘businesses’ and are by their own perception not trafficked; besides, were they to runaway, they would be strangers in their own country⁶². Thus the majority of under-aged girls rescued from or having run away from prostitution are Khmer girls who were unaware of what was waiting for them. Indeed, most of these girls come from poor families; they have little education and are often ‘naïve’ in their view of the world⁶³. They tend to have not much experience outside their native village and are prone to rely on well-dressed and eloquently spoken outsiders – often women - who come to their villages with promises of well-paid jobs⁶⁴. However, the background and poverty situation of these child victims are not different from millions of other teenagers in Cambodia who are not recruited and trafficked. This raises the question of why a victim becomes a victim, while the others from similar circumstances avoid their fates; was it bad luck, or are there definite factors and circumstances that make some more vulnerable than others?

3.2.2 Virgins and Brides

Another category of sexual exploited girls are the ‘virgins’ reportedly wanted by Asian older men for rejuvenation of their old bodies, at least that is often the excuse heard. A recent report about girls who are Vietnamese but permanently reside in Cambodia found that *‘there are basically two different types of sale. One is for the girl’s virginity: she is sold around the age of 13 (after menarche) and stays away for 2-4 weeks, then returns to her life as it was before (ie. going to school, helping at home, etc.). The other type of sale is for girls who are put into brothels and who are then ‘in the trade’ for a longer period of time’*.

The report concludes: *‘... a greater proportion of families would sell a child as a one-off event for her virginity, than would sell a child into longer term prostitution’*⁶⁵. The researchers of aforementioned study estimate that more than 30% to 40% of ethnic Vietnamese families in urban Phnom Penh sell

⁶¹ Impact of Closing Svay Pak: Study of police and international NGOs assisted interventions in Svay Pak, Kingdom of Cambodia 2005, Thomas, Frederic, Phnom Penh COSECAM / AIDeTouS. See also about Vietnamese girls the undated Hagar/World Hope International publication: Caring for Children from Commercial Sexual Exploitation Situations, by Lisa Arensen, Mary Bunn, Karen Knight.

⁶² Ibid.

⁶³ Database of former child sex workers residing in childcare centres maintained by COSECAM.

⁶⁴ Goods & Girls: Trade Across Borders, Border Research #3, John L. Vijghen and Khun Sithon, 2004.

⁶⁵ At what price, honour?: Research into domestic trafficking of Vietnamese (girl) children for sexual exploitation from urban slums in Phnom Penh, Reimer, J.K. Chab Dai 2006 Cambodia, Phnom Penh, p. 36.

their girl children into prostitution, but a majority of these seem to sell their daughter for her virginity only once after which the girl returns to the family home. The situation for the girls that are sold or go willingly into long-term prostitution remains home-based; they go to their work places but they do not live in brothels and have their social life at home. Their occupation is regarded as 'bad' but also seen as inevitable for a girl to earn good income; in that sense their 'job' is compared to the 'petty crime' income source of boys in the Vietnamese communities⁶⁶. The report concludes further that: *'The fact that children are clearly cognizant aware of these issues and aware of how widespread the phenomenon of prostitution and child sales are, means that they are well on the road to being 'desensitized' to these activities as negative or unusual or unhealthy'*(p.39).

The report also identified a recent phenomenon in the Vietnamese urban quarter of Phnom Penh: *'[there exists a] sponsorship of young girls (the youngest was reported to be 2 years of age) by foreign men (usually Asian, sometimes white): families are paid \$150-\$300 per month to care for the girl and when the foreigner is ready he will come and take her.'*⁶⁷

Another practice of 'hiring' teenage Khmer virgins (often Sino-Khmer for their light skin) has been reported for the last 3-4 years by NGO workers, especially in the Kampong Cham province, but not many facts have been published. It seems that parents consent to the practise because they get so much money for it, while the law enforcement officials if involved are bribed into silence. This practice needs to be researched thoroughly, but what currently is known or often assumed is that while the families of the virgins or brides are generally not well-to-do, they are also generally not belonging to the destitute households. The virgin or bride-seekers seem sometimes to prefer that the girls have some education or at least know some manners, and the recruiting agents take this into account in their approach⁶⁸. Also with regard to the 'bride' acquisition for Taiwanese and Chinese men, there are no reports published, although some English and Khmer language newspapers have reported about this phenomenon⁶⁹.

3.2.3 Paedophile Victims

Besides the teenage child prostitutes, there are also much younger children sexually exploited, sometimes in brothels open for the public and sometimes in closed private homes accessible only on invitation. While the body of literature about child prostitution or 'CSEC' in the Kingdom is not large, there are no reports published about immature children who are groomed and kept for paedophiles. These very young children, reportedly sometimes as young as 2 years, are obviously offered to people with paedophilic tendencies, to nationals and foreigners. It is a misconception to assume that paedophilia is something that only is found among foreigners; probably the number of nationals engaging in this crime is much higher than that of the foreigners. Unconfirmed but rather reliable sources describe private houses with dozens very young children who are groomed to perform sexual acts; in one case, the circumstances described were so detailed that this could not be a fantasy. The annual revenue of one such private house amounted to US\$200,000, of which half was given to officials to keep their mouths shut⁷⁰.

Another kind of paedophiles preys on children and befriends the families of the future victims or hire young girls for domestic work, but abuse them consequently⁷¹. Until recently, this problem would not have been included in this report as being not 'commercial' but now there are strong indications that groups of paedophiles are more organised than before and operate through websites, which would

⁶⁶ Ibid, p. 35

⁶⁷ At what price, honour?: Research into domestic trafficking of Vietnamese (girl) children for sexual exploitation from urban slums in Phnom Penh, Reimer, J.K. Chab Dai 2006 Cambodia, Phnom Penh, p. 39.

⁶⁸ Personal communication NGO staff in Kg Cham.

⁶⁹ Khmer language newspapers, Cambodian Daily, Phnom Penh Post.

⁷⁰ The source for this story is kept confidential for safety reasons.

⁷¹ For example, a national TV channel in the Netherlands broadcasted a video documentary made by Terre des Hommes Netherlands, illustrating these practices, October 2007. See also Situation Analysis of Paedophilia in Sihanoukville: Study of Perceived Demand for Sex in Sihanoukville 2005 June Gyer, Judith von COSECAM

constitute a commercialisation of this practice. One recent and revealing case illustrating how such child molesters perpetrate their crimes and get organised is described in more detail below.

There is ample proof for the activities by supporters of convicted child abusers in Cambodia, most from Australia and New Zealand, aimed at confusing the issue and putting the blame on civil society organisations using the Internet as their weapon and claiming innocence of the accused child sex offenders. Although persons familiar with the matter do not think that this particular group is structurally organised, there seems to be some level of organisation, at least in Internet messages. This was recognised by the search engine Google, which banned one of the websites of this group⁷².

The above mentioned case deserves special attention in this report, contrary to other recent cases in which Western governments initiated prosecution of the accused; the governments of the United States of America and Germany should be mentioned as giving a good example. In this respect, such good example seems not to be followed by certain Australian Government circles and with Australian Justice Minister Chris Ellison, who rejected Cambodia's extradition request of Mr. Betterridge; this Australian citizen was convicted in absentia by a Cambodian court of raping ten young girls. The release by the Justice Minister was justified by the unsupported claims of the Australian convict that he was tortured by Cambodian police. However, his accomplice Mr. Lauwaert, who served a prison sentence in Cambodia, told *The Weekend Australian* that he was surprised by the allegations. "*Clint lost a lot of weight but I didn't see him tortured*,"⁷³. The Justice Minister acknowledged that he was unable to discover "*one way or another*" if the torture claims were true, he was unable to be satisfied of "*the circumstances of Mr Betterridge's detention. I (then) determined he should be released notwithstanding the serious nature of the offences*"⁷⁴. According to some persons very familiar with the case, this rather unusual decision, which sets a bad example, may be related to the fact that Betterridge's defender is Andrew Boe, the lawyer of One Nation Party Member David Etteridge, making the issue thereby a party political one⁷⁵.

It seems that a more appropriate action would have been to prosecute the Australian perpetrator under Australian laws for crimes against children perpetrated abroad; moreover, this and previous actions by the Australian Government are contrary to its policy to fight sexual abuse of children and to encourage of Cambodian law enforcers to apprehend child abusers⁷⁶.

Furthermore, the former Australian Government has accused an NGO that assisted the victims of both Australian men during their court case of improper activities, purely on the basis of what the accused were saying. This NGO has invited the Australian Government to investigate their actions, but until now no steps have been taken to find proof for the accusations or an apology given for the unsupported claims. Unfortunately, even false accusations tend to stick, and the NGO must take the heat. This case indicates how civil society organisations can become the scapegoat for failure of governments to prosecute their nationals who perpetrate child abuse crimes in a foreign country. It also emphasises the problem of actually prosecuting a suspected child molester in their country of origin, and perhaps signals a lack in these circles of sincere political will to stop child molestation by their nationals abroad. However, there is hope that with the recent political changes in Australia and a new Prime Minister there will be a more appropriate attitude and sincere efforts will be made to address the issue.

The action of the former Australian Government in this case seems typical for a number of Western nations and their reluctance to enforce their own new laws. The 'protection' of their nationals accused of child abuse is also proved by other actions, such as giving replacement passports if Cambodian po-

⁷² Google banned Inquisition21.com; other websites obviously managed by members of this support group are: Khmer440.com; talesofasia.com; ectopia.org;

⁷³ Quoted by Michael McKenna in 'Doubts cast over torture of teacher', *The Australian*, June 24, 2006.

⁷⁴ Ibid

⁷⁵ See tinyurl.com/yy5gct checked 19-10-2006.

⁷⁶ The Australian Government sponsors the training of Cambodian law officers with several millions A\$.

lice withhold this document to prevent the accused from escaping. Indeed, several suspects escaped in this way, including the un-extradited Australian convict! A notable exception is the United States Government, who assists the Cambodian police in apprehending American suspects and bringing them to court. Also, the German, French, Japanese and Thai governments are reported to have improved their cooperation 'over the past year' and in particular, there is an improved cooperation between Thai and Cambodian officials with regard to cross-border crime⁷⁷.

3.2.4 Beer Girls, Bar Girls and Street Prostitution

There are roughly three kinds of street prostitution involving children that can be distinguished, namely young people who roam the streets to pick-up customers, girls who offer themselves to customers at karaoke clubs, bars and restaurants, and street kids who are forced or pushed to have sex with adults. Among the first group are the teenage girls one can see late afternoons or evening walking along the riverside or in the parks, and the vendors of fruits or foods who sometimes want to earn something extra. Girls offering sex services to visitors of karaoke clubs or dance locations are sometimes as young as 14 years, often with boyfriends acting as their pimps, but are in generally free in their movements and choice to sleep with customers⁷⁸. There are also the street prostitutes who walk in the parks or stand along strategic locations to pick-up customers. Most of these girls work with a pimp. Systematic information about under-aged street prostitutes is difficult to come by, and no very recent research information is available, but some information is contained in publications about sex workers⁷⁹.

There is a widespread belief that 'beer girls' are exploited at their workplaces or vulnerable for sexual harassment. Young women promoting the sale of beer, whiskey and cognac or sometimes cigarettes in restaurants, bars and other establishments are sometimes offering 'sex on the side'⁸⁰. However, when these girls are employed by legit distributors, they are at the legal employment age of 18 years, they must properly behave and not engage in sex work⁸¹. It might be different when 'beer girls' are working for local distributors who do not follow the labour laws or recruit girls working 'in commission'. In these cases, there are reports of offering sexual services to customers, sometimes encouraged (or demanded?) by the owners of the establishments. Also, their safety is not always well guarded as newspapers report. Four beer promotion women were shot and injured by military and police in karaoke and beer gardens during a 3-month period in early 2006⁸².

However, the same newspaper article reports on new developments regarding the 'beer promotion girls'. A number of beer brewers have established an organisation to promote 'health and safety issues' and the country director of Care International, an aid organisation that has investigated the phenomenon of 'beer girls' for several years, is quoted as saying that the decision by the brewers was a 'really big statement' and urged the government to recognise the new organisation⁸³.

Street kids are reported to be victimised by sex tourists or paedophiles. Street gangs push their members to engage in selling sex and split the money, but also individual street kids consent to sexual acts for the goods (clothes, food, luxuries) or money they 'make' with it. There are many local NGOs who help in various ways street children, through information, street corner work, family support and day care or sometimes longer residential care. The NGO *Mith Samlanh* or Friends in Phnom Penh is leading the way and is also famous among foreign visitors for their activities assisting street kids; for example, through the tricycles with 'do not abuse children' messages or their restaurant. However, sex-

⁷⁷ The Cambodian Daily, October 20, 2006, p. 16 in 'Japanese Man Admits Paying Teen for Sex'.

⁷⁸ Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study, Steinfatt, Thomass, 2003

⁷⁹ Research Report on Direct Sex Workers in Sihanoukville Municipality, Cambodia 2004 Sept. Catalla, Rebecca F. Life Histories and Current Circumstances of Female Sex Workers in Cambodia 2004 May White, Joanna, Lim Sidedine, Ke Kantha Meala

⁸⁰ Research Report on Beer Promotion Girls in Phnom Penh, Cambodia 2004 Sept. Catalla, Rebecca F. Life Histories and Current Circumstances of Female Sex Workers in Cambodia 2004 May White, Joanna, Lim Sidedine, Ke Kantha Meala

⁸¹ Presentation Director of Tiger Beer for NGO personnel, August 2006.

⁸² The Cambodia Daily, November 3, 2006 p. 21 in 'Breweries Band in Effort to Protect Beer Promoters'.

⁸³ *ibid*.

ual abuse and in particular commercial sexual exploitation is fortunately not something that all street children have experienced. To consider all street kids as sexual victims place a stigma on the whole group that would be wrong. But indeed, a small proportion of street children have such bad experiences, although there is as of now little evidence that the abuse happens in an organised ‘commercialised’ manner.

3.3 TRAFFICKING STRATEGIES AND TACTICS

While finding the causes of trafficking might be important for preventing the trafficking of children, finding the trafficking mechanisms is important to break the supply line. However, not many studies describe how traffickers operate, while NGO staff report that traffickers adjust their tactics constantly in response to police and NGO actions. The facts in the few studies might thus already be outdated. The general approach is very much like trade strategies applied worldwide: the buyer (*exploiter*) places a demand with a *middleman* who assigns his *agent* to find the ‘goods’. Sometimes the middleman and agent are the same persons, sometimes more actors are involved but the chain of demand and supply remains essentially the same. The agent has various tactics to entice the girls to go with her, or to meet at a certain place, for instance just across the border. Mobile phones are now an indispensable tool in this trade; appointments are made and directions given from a safe distance. The agent often tries to befriend a family in a village in order to build trust and get easy access to other families; or the agent has already found work for other young people and has build a name of being successful. That sometimes a girl through the agent ended up in prostitution is often not widely known. Furthermore, such agents tend to move from village to village, circling around like vultures awaiting their chance⁸⁴.

Another way for girls to enter unwillingly the sex industry is being sold by (boy)friends, relatives or abducted by strangers, but the latter case seems rare⁸⁵. There are no statistics about which method is more common, but the general impression of case workers is that the ‘agent’ is responsible for the bulk of the supply. There is also neither in-depth study about the commercial aspect nor a study about any rate of organisation of the trade, although rumours go around that drug or other crime syndicates gradually take over the trade from the loosely connected but not structurally organised middlemen-agent chains⁸⁶.

Among the urbanised ethnic Vietnamese communities in the national capital, some children are sold into prostitution by their parents through agents known to the family. But further down the supply chain, it is difficult to get substantial information of how the trade is performed or who the buyers are: *‘... clearly, in most cases the families of the girls communicate with people known to the family and living in their community, in some cases a well known ‘child broker’, to arrange for sale. But it was not possible to get information about steps further in the process: who the known ‘recruiter’ sells children to, or where the children go’*.⁸⁷

3.4 SPECIAL CSEC APPROACH

Various agencies consider commercial sexual exploitation of children (‘CSEC’) as one aspect of a larger problem. Although they seem correct that ‘CSEC’ is indeed not an stand-alone problem, this does not mean that it cannot or should not be treated separately. The ‘CSEC’ problem in Cambodia fortunately is not yet of extreme dimensions in terms of numbers and involvement of organised crime, at least compared to some other countries, and it seems still feasible to reduce ‘CSEC’ in the country to the low numbers of past decades. However, this is not the approach most agencies or organisations

⁸⁴ Goods & Girls: Trade Across Borders, Border Research #3, John L. Vijghen and Khun Sithon, 2004.

⁸⁵ Tricked by the Trade, Diane Lawrence 2004; The New Practices of Prostitution: in Phnom Penh, So Sokbunthet, 2005; both published by COSECAM, Phnom Penh.

⁸⁶ Personal communication from NGO and police investigators.

⁸⁷ At what price, honour?: Research into domestic trafficking of Vietnamese (girl) children for sexual exploitation from urban slums in Phnom Penh, Reimer, J.K. Chab Dai 2006 Cambodia, Phnom Penh, p. 35/6.

have chosen; they deal with an 'integrated' approach or include all kinds of target groups from at risk and vulnerable to victim and survivor groups in their fight.

The problem with such broad inclusive approaches in a country like Cambodia is that the issue becomes too large and diverse to deal with adequately given the limited resources available. Even in well developed and democratic countries with ample resources, the government has difficulty to deal with such complex and large problems, let alone in underdeveloped nations like Cambodia that still have a very weak government structure. In Cambodia, it is civil society, and in most cases even the international aid community, which has to take the lead and provide the resources to address problems like 'CSEC', rape, domestic violence etc. The government apparatus is not in any position to resolve these problems, even if the political will to do so were evident.

Thus breaking down the big problem of violence, corruption and impunity into smaller parts like 'CSEC' that can be more easily attacked separately seems an obvious answer. This is the more the case when the numbers of victims are not too large, and organised crime does not yet seem to be too heavily intertwined. The '*Traffcord*' approach in neighbouring Thailand is proof of the success that such a targeted approach can have, both in reducing the number of incidences and in providing services to victims⁸⁸. Furthermore, contrary to crimes like rape or domestic violence, commercial sexual exploitation is linked to a commercial practice where commercial principles of demand and supply rule. The interventions to address 'CSEC' should therefore deal with the demand side to reduce the number of victims.

However, even after bringing the problem down to attainable proportions, the input of many civil society and international organisations is needed, besides the involvement of government bodies. Unfortunately, as is described in more detail in the next chapter, the major civil society agencies following the lead of international organisations and sponsors spread their resources to address many problems at the same time and if so, only for a limited period. This puts in question whether such agencies' agendas are in fact determining the national agenda and define the national approaches, instead of having national issues and problems determine the national agenda in terms of focus and time span. Addressing the problem of 'CSEC' for only a brief period of 3 or 4 years (only because that happens to be the program cycle of the sponsoring agency) and freezing or abandoning a proven successful approach (because the policy or focus of an agency has changed) is guaranteed to result in stepping back instead of forwards⁸⁹.

This practice of diversified and all-inclusive targeting of victims is exemplified by the fact that only one childcare centre in Cambodia until recently was targeting exclusively child victims of 'CSEC' among the 20 to 30 NGO and state-run childcare centres⁹⁰. This also points to an NGO practice that might not be in the best interests of the child victim hosted. A recent survey among most childcare centres in the country⁹¹ confirmed the trend found during previous surveys that once a 'CSEC' or trafficked child is admitted to a certain childcare centre, they will stay there despite the fact that often this centre has no specialised services for sexually traumatised girls, or that mixing the 'CSEC' group with other child victim groups is by professionals not considered the best approach⁹². The number of rescued or runaway child victims of 'CSEC' who want to stay at a child-care centre is relatively small, and therefore the general child-care centre does not host many children who are victims of 'CSEC'⁹³. For some centres, this puts a premium on any more hosted 'CSEC' cases, because sponsors value the

⁸⁸ Traffcord is a joint project of Government and NGOs in northern Thailand for coordination of rescue and assistance to victims of trafficking for sexual purposes. See the 27 October 2006 Seminar documentation distributed by COSECAM.

⁸⁹ Regretfully the large sponsor agencies like USAID, EU, DfID etc. do have too often one-cycle projects which even if success is obvious not are continued.

⁹⁰ This is the New Life Center in Veal Reing, Sihanoukville – a subsidiary of CCPCR. Unfortunately, the exclusive targeting of 'csec' girls is becoming more and more unattainable due to funding requirements and the reduced numbers of 'csec' child victims admitted to child-care centres which are now 'shared' with all other childcare centres targeting all kinds of child victims.

⁹¹ Report on Annual Childcare Centre Survey, 2006 COSECAM Phnom Penh

⁹² See notes of the Psycho-social Counsellor training for social workers of childcare centres, 2004/2005 organised by COSECAM.

⁹³ Report on Annual Childcare Centre Survey, 2006 COSECAM Phnom Penh

hosting of 'CSEC' victims so much; other centres do not want to refer children because they consider the care and services at their own centre superior⁹⁴.

A special targeted approach to address commercial sexual exploitation of children in the Kingdom seems in view of the above given arguments a more effective and efficient approach than the more inclusive approach that is currently practiced and sometimes promoted.

3.5 CONCLUSIONS

There are several kinds and types of victims of trafficking into sex work, but a large majority are girls in their teens. They are forced to offer their services in brothels, private houses, in bars and other entertainment places or on the street. It is among street children that we find commercial sexual exploitation of boys, although a different variety as for the 'general' trade; older boys and gang members are the pimps in this case. A small but disturbing number of small children, sometimes as young as pre-school pupils, fall victim to traffickers who organise the supply for paedophiles. But paedophiles also employ various tactics to get a hold of young children. Not only foreigners but also nationals abuse these children. Regretfully, the national government seems not to respond to the outcries of concerned citizens, and no action against the private houses catering to national and foreign patrons and hording small children has ever been documented. Also, some foreign governments fail to take proper action against their own citizens who abuse children, despite the new laws that make it possible to prosecute child sex offenders in their own country. Fortunately, some other governments are more sincere in their efforts.

The number of under-aged prostitutes is too often exaggerated and not based upon facts, thereby negating the efforts of aid agencies to get support and provide protection based upon realistic data. For example, a recent broadcast in the Netherlands mentioned 40,000 prostitutes forced to enter the sex trade⁹⁵. A more accurate number is much lower, but still some thousands and thus a number that is already too much. The sex trade is fuelled by the demand, not so much by foreign but by national demand. Surveys found that 70% of Khmer men visit brothers sometimes or often. An overwhelming majority of 95% prefers to have sex with teenage girls. This high demand for child sex workers explains the continuation of the trade despite the huge efforts made by many organisations to address it.

Poverty is said to be the driving force for the supply of young girls but cannot be the only cause; there are many girls in similar conditions and situations as the victims who do not fall victim. It is a particular combinations of push and pull factors besides poverty that causes a girl to become trafficked. Therefore, addressing poverty alone will not reduce the trafficking of children in to the sex trade. What needs to be done to resolve the problem is still a matter of debate among aid organisations. Addressing the vulnerability of potential victims is argued to be a good practice and indeed is demonstrated to be effective for certain individuals. The problem is that this approach is not effective in reducing the demand, and traffickers simply look elsewhere to find their 'supply'.

4. CSEC INTERVENTIONS

Besides Government and international agencies, a large number of civil society organisations, mostly NGOs but also other kinds of private groups and foundations, are actively addresses the problem of 'CSEC' in all its aspects. The intervention descriptions below are selections from a much larger database that illustrate what has been done and what programs and projects are ongoing in various areas

⁹⁴ Child Recovery Centres: Intentions versus Reality, J. Vijghen, 2004 COSECAM Phnom Penh

⁹⁵ November 2007 produced by Terre des Hommes, Netherlands.

and to various degrees⁹⁶. During the course of the research for this report, efforts were made to compile a comprehensive set of good practices and lessons learned. However, despite an intensive search of websites, annual reports and study reports, and communication with the major organisations working on the issue of ‘CSEC’, the results were so meagre and incomplete that we decided not to include the good practices of ‘CSEC’ interventions in this report; the results will be instead retained for the next publication, which is due early in the year 2008. Similarly, the impact of the many small and large interventions on the situation of ‘CSEC’ in the country could not be assessed thoroughly for lack of reliable data and evaluation reports of many interventions – most of which are still in progress. Also this will be an aim for the follow-up situation report due in early 2009.

4.1 INFORMATION CAMPAIGNS, TRAINING AND RESEARCH

From 2000 to 2005, the National Plan of Action to Address Trafficking in Children and Women was the guideline for Government and civil society for reducing ‘CSEC’. Before this old plan expired at the end of 2005, a great number of civil society organisations, later joined by the Government body in charge of the issue, the Cambodian National Council for Children (CNCC), supported by UNICEF, developed a new draft Plan of Action for the second five-year period of 2006 - 2010. This national plan of action (NPA) on Trafficking of Persons for Sexual Exploitation (TIPSE) is still under review by the Government. The aim of TIPSE is to assist Ministries in making concrete plans for action more than before and to promote the integration of all human trafficking and sexual exploitation projects, with explicit indicators to measure progress. The former NPA has increased the knowledge about sexual exploitation and trafficking, and some Government Ministries have begun to take action. For example, there are anti-trafficking bureaus in different provinces, and there has been a slight increase in the number of arrests of traffickers. A new tourism law is currently being drafted by the RGC to further enhance the protection of children in the context of tourism.

The Ministry of Women’s Affairs (MoWA) is implementing a counter-trafficking project entitled *Prevention of All forms of Trafficking in Women and Children*, which includes disseminating information through mass media campaigns and advocating for policy change. The Ministry of Tourism (MoT) in collaboration with World Vision and NGO Children Assistance for Rehabilitation, Mobilization and Participation (CAMP) launched a *Child Safe Tourism Project* in 2001 to educate, raise awareness, and conduct training courses targeting hotel/guesthouse owners, law enforcement agents, tour guides, taxi drivers and children. The MoT facilitated a *National Conference on Child Safe Tourism* with ECPAT and World Vision to share experiences, review progress and develop a plan of action in December 2005.

The Law Enforcement Project against the Sexual Exploitation of Children (Leasec), financed by several bilateral donors, and launched in 2000 by the Ministry of Interior (MoI), focuses on capacity building of police officers in 13 provinces. Through this project, the first formal network of police officers was established in 2003 by means of Anti-Trafficking and Child Protection Units (ATJPU). A national Hotline was created in 2000, and there are now also provincial hotlines in Sihanoukville, Siem Reap and Banteay Meanchey available to receive calls, although the hotlines still suffer from birth pains. The Leasec project provides technical support to the ATJPUs and maintains a victim database.

The Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) is a regional initiative that aims to improve the criminal response to human trafficking in Laos, Myanmar, Thailand and Cambodia by working with anti-trafficking police, the justice system and victim support agencies. ARCPPT provides training on professional investigation of human trafficking and develops cooperation mecha-

⁹⁶ The information was collected and collated in the framework of the preparation of a Report on Human Trafficking commissioned by The Protection Project of the John Hopkins Institute of the Washington University and the preparation of the NGO Shadow Report on the Implementation of the Convention of the Rights of the Child, commissioned by the NGO Committee on the Rights of the Child in Cambodia. The Author, involved in both projects, appreciates the permission to use the data for this report as well.



nisms between the four countries. An example of such a coordinated effort is the collaboration with an initiative by COSECAM to introduce an Agreement between 5 Government Ministries and 24 Victim Support Agencies. This Agreement regulates child-victim care and will be the formal standard for child-victim care; the Agreement was signed on 7 February 2007 (See Annex C). In order to assure compliance with this agreement, COSECAM has commissioned a study sponsored by GTZ: “Study on the possible establishment of Independent Ombudsman of Child Protection Regulation”; this study was conducted by a well-known national expert in the child-care field and completed end of the year 2007.

End Child Prostitution, Abuse and Trafficking (ECPAT), a NGO network with more than 28 members, focuses on awareness raising in the area of child sex tourism and on monitoring of the National Plan of Action Trafficking in Persons for Sexual Exploitation. In collaboration with the Ministry of Tourism, training sessions on child sex tourism are conducted for staff of the hospitality and travel sectors, and also for village chiefs, commune chiefs and district governors to enhance knowledge of their duties and obligations. ECPAT is also developing a project to safeguard children and youth using the Internet from pornography. In 2005, the street children NGO Friends launched the *Childsafe Cambodia* project in Phnom Penh and Siem Reap to raise awareness among tourist taxi-drivers about child sex tourism.

A number of international and local organizations have conducted studies on trafficking, sexual abuse, child rape, paedophilia, domestic violence, labour migration, child labour, substance abuse, pornography and more. These studies provide valuable contributions for gaining insight in the issue, but unfortunately no scientific systematic approach to research the problems exist. To guarantee child protection also in the area of information gathering, World Vision and Child Wise Australia have recently established a *Research Ethic Review Panel* that will review the ethical and child-sensitive aspects of research proposals.

4.2 SERVICES FOR VICTIMS

The services to the victims of ‘CSEC’ are almost exclusively provided by local NGOs, with government agencies only in temporary situations involved. The services can be distinguished in repatriation, legal assistance and the four R’s: rescue, recovery, rehabilitation and reintegration.

4.2.1 Repatriation

The International Organisation of Migration (IOM) assists in the systematic and safe return/repatriation of women and children from Vietnam, Thailand and Malaysia back to Cambodia. The majority of returnees are children and half of these are victims of trafficking. IOM also focuses on providing capacity building to government and certain NGO partners. The International Labour Organization under the International Programme for Elimination of Child Labour finances child labour prevention programs and promoting safe migration.

4.2.2 Legal Assistance and the Four R’s

Legal services to child victims of ‘CSEC’ are provided by the two large ‘defenders’ projects assisting poor people in need of legal services and two small but on children specialised NGOs: Cambodia Defenders Project (CDP), Legal Services of Cambodia (LAC), Protection Juvenile Justice (PJJ) and Legal Support to Children and Women (LSCW). A number of sponsors are supporting the legal services to children through these organisations, such as Safe the Children Norway, East-West Management Institute, the Asia Foundation and many more.

Rescue of victims is the mandate of the police, but NGOs can and should assist in identification of potential rescue situations and take care of the rescued victims. However, there are still several organisations, most often foreign-based, which organise rescue raids – not always with the police taking

the initiative. In the past, some of these rescue raids have resulted in problems for the sector and the perceived victims, mainly because of poor research and bad organisation of the after-care for the rescued victims. Fortunately, it seems that this is the past, as no such debacles have occurred this year. But, in addition, no large-scale by police initiated rescue raids have taken place. This fits with the general opinion among leaders of 'CSEC' service providers that small-scale well organised raids through the police that are not publicised widely in the media are much most effective, and support in such cases can be better tailored to the needs of the victims⁹⁷.

Recovery, Rehabilitation and Reintegration including shelter services are predominantly provided by civil society organisations, sometimes in cooperation with Government agencies. In 2005, the UNICEF-supported Reintegration & Follow-up (R&F) Project was implemented by the Ministry of Social Affairs (MOSVY) merged with the IOM-supported Centre for Documentation and Coordination (CDC). IOM's-supported activities were specifically focused on anti-trafficking. The result was the establishment of a new office called the Anti-Trafficking and Reintegration Office (ATRO). In 2006, the Government adopted a *Prakas* (ministerial decree) officially establishing the ATRO under the authority of the MoSVY's Directorate of Technical Affairs, Department of Social Welfare. The R&F project was implemented throughout the whole country, but with a focus on the provinces in the north-west bordering Thailand and the southern province of Sway Rieng bordering Viet Nam. The aim of the project is to assure that victims of commercial sexual exploitation, street children and families, children and women victims of trafficking and other forms of abuse, neglect and exploitation will get the services they need to reintegrate into society through referrals and the provision of follow-up services to victims.

The NGOs that offer most of these services could not do so without the financial and technical support of United Nations and international sponsors. On the government side, a similar situation exists. The MoSVY operates two temporary shelters for victims of trafficking, rape and domestic violence, but for lack of funds relies fully on NGOs to provide long-term shelter and services. Also, confirmed reports indicate that social workers from the provincial departments of the Ministry of Women's Affairs who are in charge of the monitoring and follow-up of reintegrated trafficking victims often cannot do their job for lack of funds. Although UNICEF supports the strengthening of structures and social capacity of the MoSVY to provide social services to a larger victimised group (see ATRO), some government sources question the sustainability of this approach as the sponsored financial input seems not sufficient to maintain the system adequately.

The Asia Foundation (TAF) and the East-West Management Institute with USAID funds were in the past among the major sponsors of child trafficking interventions. TAF financed more than 18 mostly local partner NGOs that implemented a wide range of prevention, recovery and protection programs, including shelter, vocational training, job placement and legal support to trafficking survivors. Other prominent programs have been sponsored and implemented by World Vision, Hagar and members of Chab Dai. Worth mentioning are the results of a study commissioned by Hagar and World Hope about services and care for victims of commercial sexual exploitation.

The main conclusions of this study were that child-victims often had to change their place of care and hence had to change their social environment over and over again, at a time when they are in need of stability. Negative attitudes of care-giving staff based upon the loss of the victim's virginity affect often the care environment and the staff's 'empathic care'. Such stigmatic attitudes were also often encountered by victims returning to their own communities. Another problem identified was the inherent lack of professional skills of the caregivers. This causes '*a lack of understanding of the psychological affects of trauma; an inability to manage crisis situations; and a lack of understanding and attention to issues of confidentiality*'. Many staff think that victims are to blame themselves for their misfortune and that they cannot be helped or withheld from retuning to sex work. Furthermore, the study concludes that the child-victim and its family are often poorly prepared for the reintegration,

⁹⁷ Personal communication with leaders of 10 prominent NGOs.

and that the risks of repeated abuse and neglect are underestimated. Follow-up is limited because of limited human resources and therefore protective and supportive interventions are rare⁹⁸.

4.2.3 Sustainability of the Service Provision

There is no indication that the Government is planning to increase budget allocations for these tasks under the Reintegration & Follow-up (R&F) project⁹⁹. Thus, for the foreseeable future, service provision to victims seems to rely on the response of civil society organisations. A large proportion of the NGOs addressing 'CSEC' are members of the NGO Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) or the Chab Dai coalition and they identify and support the release or rescue of victims, provide legal services, shelter and social skills training, vocational skill training and support reintegration into society. Besides this group, a small number of other local and international NGOs target and assist child victims of trafficking. Regardless membership of any group, the coalitions aim to include all organisations in the efforts to support and assist child victims and hope thorough consolidation of efforts, coordination of activities and joint advocacy in order to achieve the most with limited resources in a professional manner. An example of a coordinated effort whereby over 60 NGOs are involved throughout the country was the *Victims of Trafficking Scholarship Fund* (VTF) project, sponsored by the Asia Foundation (TAF) during 2004-2006, which provided vocational training and found jobs or self-employment for several hundreds of (potential) child victims of trafficking¹⁰⁰.

Contributing to future sustainability of intervention activities is surely the signing of bilateral agreements with the Governments of Vietnam and Thailand for cooperation to eliminate trafficking in women and children and assisting victims of trafficking. Also, the capacity built at anti-trafficking police units in notorious trafficking areas and at the anti-trafficking department at the Ministry of Interior increased the number of arrests made in the past period. However, the recent suspension of effective high-level police officers by the Government has put a halt to this progress. It seems that the international donors have not adequately responded to this action that affects much of the previous efforts and achievements.

UNIAP's success in bringing stakeholders together offers opportunities for sharing experiences. TAF reported significant contributions in supporting trafficking survivors by both government agencies and NGOs, noting increased levels of legal assistance provision, increased and improved follow-up on cases and an increase in the number of cases which have been submitted to court; it also, however, noted certain shortcomings in the service-providing approaches¹⁰¹. ILO's project demonstrated that NGOs and government departments can work together and improve their understanding of the links between migration and trafficking. IOM found an attitudinal change in the value that is placed on children as human beings by child-care takers from Government and NGOs if that NGO is unable to offer the services needed, and care plans are being much more tailored to the individual needs of the child.

To make their efforts more effective and efficient, a number of organizations, including some Government agencies and NGO groups, have taken initiatives to collaborate, adopt new approaches, and are willing to share resources and focus work on a national level. But some initiatives are complementary and should be merged to avoid overlap or competition. To this end, TAF promotes the efficient use of resources and introduced the *Victim Centred Approach to Service Delivery*. The International Organisation for Migration (IOM), UNICEF, COSECAM, Chab Dai and other civil organizations, including TAF, and representatives of MoSVY have after a lengthy discussion decided to pilot a *Coordinated Case Management* (CCM) system which uses the 'expert conference' method to define what services a particular victim need to recover and reintegrate into society. GTZ sponsored the pi-

⁹⁸ Caring for Children from Commercial Sexual Exploitation Situations, by Lisa Arensen, Mary Bunn, Karen Knight, undated.

⁹⁹ Personal communication August 2007.

¹⁰⁰ Report on Victim of Trafficking Scholarship Fund, 2006 COSECAM.

¹⁰¹ Reintegration Assistance for Trafficked Women and Children in Cambodia – A Review, September 2005, The Asia Foundation



loting of the CCM approach through COSECAM. These efforts have led to the proposal of the multi-million dollar project to assist victims of migration and trafficking, which very recently was awarded. This Creating a Legal and Sustainable Environment for Trafficked Human Beings from and in Cambodia (CETHCAM) project will allow the combination of resources of NGOs to meet the government demand for professional and adequate victim services. These combined efforts should result in a more systematic and efficient program to assist child and youth victims of trafficking and irregular migration.

4.3 CONCLUSIONS

Civil society organisations' efforts to 'plan' the fight against CSEC have in the past culminated in the first National Plan of Action (NPA) to address commercial sexual exploitation of children and women covering the period from 2000 to 2005. Concerted efforts of the aid sector resulted in a new and improved NPA for the years 2006 – 2010. Unfortunately, the Royal Government of Cambodia (RGC) failed until now - two years after the first NPA expired - to endorse the NPA.

A large number of activities have been carried out to make the people aware of the problem and protect their own children, and to provide support to the victims. This was made possible almost exclusively by foreign donations; the RGC's budget to fight CSEC is virtually nil. However, government agencies are involved in the projects to raise awareness and provide services organised by United Nations and international organisations. Most victims are referred to centres operated by local NGOs that provide shelter or other services the victims need. Regretfully, not all services to victims are appropriate or adequate to their needs, partly because not all NGOs can offer services in a professional manner. This is a problem recognised by the sector, and new initiatives have been introduced to improve the referral system and enhance the professional skills of caregivers.



ANNEXES

- A International Legal Framework against CSEC**
- B CSEC Documents**
- C Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking**
- D List of Ministry and NGO Signatories of the Agreement**

Annex A

INTERNATIONAL LEGAL FRAMEWORK AGAINST CSEC

- The United Nations Convention on the Rights of the Child (1989) (ratified by the Royal Kingdom of Cambodia on 14 November 1992) in particular article 34.¹⁰²
- 1999 ILO Convention 182 on the Worst Forms of Child Labour (ratified 14 March 2006)
- The Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography (2000) (30 June 2002)
- The Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000), the latter ratified 12 December 2005 and former ratified January 2006 by the Royal Kingdom of Cambodia. Of particular importance is Article 3 which provides the definition of trafficking.¹⁰³
- 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment (23 August 1999)
- 1957 ILO Convention No. 105 concerning the Abolition of Forced Labour (23 August 1999)
- ILO Forced Labour Convention – 1930 (42 February 1969)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – 1979 (14 Nov 1992)
- 1966 International Covenant on Civil and Political Rights (26 August 1992)
- 1966 International Covenant on Economic, Social and Cultural Rights (26 August 1992)
- Universal Declaration of Human Rights - 1948

¹⁰² Crin website- sexual exploitation- 16 October 2006

¹⁰³ Article 3(a) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (U.N. Protocol) states that:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 3(b) further qualifies that: *The consent of a victim of trafficking in persons to the intended exploitation set forth in (a) shall be irrelevant where any of the means set forth in (a) have been used; Article 3(c) The recruitment, transportation, transfer, harbouring 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; Article 3(d) “Child” shall mean any person under eighteen years of age.*



Annex B

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Annex C



Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies In Cases of Human Trafficking

(Unofficial Translation)

Having seen the 1993 Cambodian Constitution, in which Article 46 stipulates that “[t]he commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited;

Having seen the Law C/s/4rkm /02 96/01 dated 29 February 1996 on the Suppression of Kidnapping, Trafficking, and Exploitation of Human Persons;

Having seen that the Government of the Kingdom of Cambodia has ratified the United Nations Convention against Transnational Organized Crime on 12 December 2005 and the supplementary Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children on 16 January 2006;

Having seen the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking that was signed in Siem Reap on 31 May 2003;

Having seen the Memorandum of Understanding on Cooperation against Trafficking in Person in the Greater Mekong Sub-Region that was signed by the Government of the Kingdom of Cambodia in Rangoon, Myanmar, on 29 October, 2004;

Having seen the Agreement between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking that was signed in Hanoi on 10 October 2005;

Understanding that the Kingdom of Cambodia does not yet have special procedures and practices relating to human trafficking and a law on evidence;

Understanding that all parties recognize that only cooperation between the relevant government institutions and the victims support agencies can result in successful prosecutions of human trafficking cases and justice for victims;

We, the undersigned, have made this Agreement on Guidelines for Practices and Cooperation Between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking, which addresses Definitions (Chapter 1); Rescue (Chapter 2); Identification of Victims (Chapter 3); Protection of Victims (Chapter 4); Minors (Chapter 5); Medical Issues (Chapter 6); Legal Counsel Issues (Chapter 7); Evidence, Statement, and Testimony Issues (Chapter 8); Shelter Services Conditions and Staffs (Chapter 9); Shelter Authority (Chapter 10); First-Contact Agencies (Chapter 11); Reintegration (Chapter 12); and Cooperation Between All Parties (Chapter 13).

Chapter 1-Definitions

Article 1

1. In this Agreement, trafficking is defined as in Cambodian law, with reference to the 29 February 1996 Law on Suppression of Kidnapping, Trafficking, and Exploitation of Human Persons, which defines trafficking in Article 3 as follows: Any person who lures another person, male or female, minor or adult of whatever nationality by ways of enticing or any other means, by promising to offer any money or jewelry, whether or not there is consent from that other person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution, shall be subject to imprisonment from ten (10) to fifteen (15) years. The perpetrator shall be punished by imprisonment from fifteen (15) to twenty (20) years, if the victim is a minor of less than 15 years old.

2. In the case of cross-border trafficking, trafficking is defined as in the supplementary *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, of the United Nations Convention Against Transnational Organized Crime*: (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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 labour 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, harbouring 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 who is under eighteen years of age. c. Referring to the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the



Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (article 3); and Agreement Between the Government of the Kingdom of Cambodia and the

Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (article 2), “trafficking” in this Agreement is considered to be for, but not limited to, the following purposes:

1. Prostitution;
2. Domestic work including forced or exploitative domestic labour;
3. Child labour;
4. Bonded labour
5. Servile marriage;
6. False adoption;
7. Sex tourism and entertainment;
8. Pornography;
9. Begging, dangerous, hazardous and exploitative labour;
10. Use in criminal activities; and,
11. Use of drugs as mean to enslave women and children.

Article 2

‘Victim Support Agencies’ (VSAs) in this Agreement refers to the agencies that provide support to victims of human trafficking, including government agencies as well as both national civil society / non government organizations and international government agencies.

Article 3

A ‘First Contact Agency’ (FCA) is any government agency, national civil society nongovernment organization, or international non-governmental organization which has no shelters for trafficking victims but is the agency which first encounters and provides initial services to a victim and then refers to a shelter for care and protection.

Chapter 2-Rescue

Article 4

The safety, rights, and well-being of victims are the primary concern. Guidelines for rescuing victims are:

- After a police operation, the police have the right to keep any persons removed during the operation in order to interview and take statements. If it is possible, a female police officer should be selected to interview a female or child victim. The interviews must be conducted as soon as possible after the operation. In the case that taking a statement requires more than two days, the police must ask guidance from the prosecutor.
- After the interview, the police must identify provisionally whether a person is or is not a victim, as well as provisionally determine the age of the person.
- After a positive identification, the police shall provide information to each victim about their rights and services available to them, in a language the victim understands. These services shall be provided whether or not the victim has agreed to cooperate with police.
- The police shall then send the victims to Provincial/Municipal Department of MoSAVY.

Chapter 3-Identification of Victims

Article 5

In principle, as victims of cross-border trafficking shall be identified by using the definition of trafficking in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, a victim of cross-border human trafficking shall not be considered an offender under the Immigration Law.

Article 6

The final determination of whether or not a person is a victim of trafficking is the role of the prosecutor or judge. The police or VSA who first encounter a victim have the duty to make a preliminary determination. If a VSA initially determines that the person is a victim and sends information to the police, but if subsequently the police, prosecutor, or judge makes a contrary determination, the police or prosecutor or judge shall inform the VSA about this so that the VSA can add or search for more information.

Chapter 4-Protection of Victims



Article 7

The basic concern of all parties to this Agreement is the protection of victims.

Article 8

Throughout every step in the process of prosecuting a human trafficking case, all authorities, at every level, must prevent:

- recording of photographs or voice, or public disclosure of the identity of or documentation about a victim or witness; and
- disclosure of personal data or biography of a victim or witness.

These bans may be waived only if the victim or, in the case of a minor victim or a person under guardianship, the parent or guardian, consents to such disclosure, or if the disclosure is in the best interests of the victim.

Article 9

Police have the responsibility to assess risk and provide protection to victims, their families, witnesses, and VSAs and their staff.

Article 10

Where a victim of cross-border trafficking agrees to be a witness until the end of prosecution against a suspect, the prosecutor must inform the immigration police of this case, in order to secure temporary authorization for the victim to remain in Cambodia.

Article 11

All investigations shall be conducted in a way that avoids affecting the security of victims. For example, suspects should not be aware of any investigation that could be linked to a victim.

Chapter 5-Minors

Article 12

In all cases, the best interests of the minors involved shall be the prime concern. The wishes of a victim who is a minor shall be respected, as far as the decision-making maturity of the minor allows.

Article 13

Police, prosecutors, and judges will, in principle, accept a birth certificate or family card as the most important evidence proving the age of a victim. In the absence of such documentation, the police, prosecutors, and judges may accept a determination of the age of the trafficked victim by the National or Provincial/Municipal Comity on Forensic Evidence, such as through examination of teeth or bones of the victim.

The age of the victim shall be calculated as the age when the offense was first committed.

Article 14

Where a person charged with trafficking has their own child/ children or is the legal guardian of a child/ children, the court can remove their parental authority or guardianship, as provided by law. In this case, to ensure that the best interests of the child remains the primary concern, a VSA with expertise in child psychology can provide advice.

Chapter 6-Medical Issues

Article 15

If necessary to avoid the loss of forensic evidence, a VSA may assist the victim to request that a medical certificate be issued by the National or Provincial/Municipal Comity on Forensic Evidence, either through the Judicial Police in charge of the case, Judge, Prosecutor, and or victim's lawyer.

Article 16

In cases relating to rape, if necessary, a victim or an interested agency may request that the responsible authorities keep forensic matter that might serve as evidence in the future.

Article 17

Medical examinations shall respect the wishes of the victim.

Chapter 7-Legal Counsel Issues



Article 18

Police, prosecutors, and VSAs shall provide information to victims about legal issues and procedures for filing a complaint against the perpetrators. This provision of information shall be done in a language that the victim can use and understand.

Article 19

Both police and VSAs shall offer to help victims contact legal services.

Chapter 8-Evidence, Statement, and Testimony Issues

Article 20

All victim statements shall be kept confidential.

Article 21

At court hearings related to trafficking, the court can work in closed session, in order to respect the best interests, dignity, and privacy of a victim; or the court may allow a victim to give testimony from a separate place, through a video link (the court may request to borrow this equipment from the Ministry of Justice); or the court may allow a victim to give testimony by a video recording. If necessary, the court may allow a support person to be with a victim during testimony.

Article 22

During the course of a case, the authority and VSA who are in charge of the case shall be responsible to provide a translator for a language that a victim can understand.

Article 23

In the case where a victim has been evaluated by an expert psychologist or psychiatrist as suffering from trauma that affects their mental and emotional state or memory, the responsible authorities may allow the presence of a counselor with skills in psychology during the questioning and testimony of the victim.

Article 24

In case a victim cannot wait until the end of the trial process to give his/her testimony, the victim may do so by an appropriate alternative means which is lawful. The methods for giving evidence shall include options for the victim to testify such as by video, through an interview in another place, and testifying in advance of the trial and later having someone else read that testimony at the trial.

Article 25

Courts shall pay special attention so that investigations are carefully conducted in cases when court officials believe that there might be threats to a victim or a victim's family, or the use of other methods that could cause a victim to change testimony.

Article 26

All contracts that are made with the goal of human trafficking or sex exploitation, or contracts that are done in connection with human trafficking or sex exploitation, shall be considered invalid.

Article 27

A victim who is a party to a court case may ask to see the dossier of their court case at the office of the court clerk.

Chapter 9 – Services, Conditions, and Staff of Shelter

Article 28

The purpose of a shelter is to secure, rehabilitate and reintegrates the victims. To do that, the shelter shall rehabilitate (professional skills training, health care, and education) and reintegrate those victims to their family or community. The above services shall not have a negative affect or physically or psychologically harm the victim.

Article 29



Upon arrival at the shelter, a victim's needs and abilities shall be assessed in order to determine what care should be provided to that victim.

Article 30

Shelters shall help Khmer victim to register for legal status in his or her home community in order to have the opportunity to find jobs and get other legal benefits.

Article 31

Each shelter shall provide health services to the victim. These services can be done through Health Center or Referral Health Center at the nearest place. In circumstances where regular medical check-ups are provided by the shelter, the shelter shall obey the law on *Management of Private Medical, Paramedical, and Medical Aide Practice*.

Article 32

Shelter staff shall immediately report any illnesses to the shelter manager. A victim infected with a communicable illness shall be separated from the others and shall receive careful medical attention. If there is a serious illness, the shelter manager shall report to or send the patient to hospital or Health Center as soon as practicable.

Article 33

Shelters shall offer education to each victim according to their age, level of education, level of understanding and maturity. Any special needs of a victim shall be taken into consideration. The education should include literacy, numeric and life skills as well. Shelters shall provide an opportunity to victims to have access to what is going on in society through national and international news via TV, radio, and newspapers, opportunities to participate in activities organised by the local community, and to study in either formal or non-formal education while living at the shelter.

Article 34

Shelters may provide opportunities for the victim to work in the shelter, but they shall not be pressured or intimidated into doing so. Any labour undertaken by victim shall be 'light' work that does not interfere in any way with their education, counselling, life skills training or any service contributing to their rehabilitation and reintegration. A victim should work no more than eight hours each week, which shall be spread out over the week with a maximum of two hours per day. Victims shall receive remuneration for any work carried out in the shelter. The victim can spend this money. Whatever is left over shall be looked after by the shelter until the victim leaves the shelter, at which point it will be returned to the victim.

Article 35

Shelters shall arrange recreational activities comprising a creative aspect for the victims; participation shall be on a voluntary basis. Some victims feel afraid to talk to staff members about past experiences and may wish to express themselves through drama, dance, or music. Alternative creative means of counselling such as these have strong benefits for victims.

Article 36

Shelters shall have separate living arrangements for victims according to sex, except in the case of siblings who are aged less than 13 years old.

Article 37

Shelters shall provide or refer a victim for legal assistance as and when necessary. If the victim does not have parent or guardian, the shelter acting as his/her guardian, can ask a lawyer to defend the victim. Shelters shall encourage but not coerce victims to testify against traffickers in court or to sue for compensatory damages.

Article 38

In the process of resolving a case that relates to a victim who is staying at a shelter, the shelter manager shall cooperate with the responsible authorities. In addition, the shelter manager shall encourage victims to cooperate with the responsible authorities, but without using any force or pressure.

Article 39

Shelters are encouraged to refer victims to other institutions for various services, such as vocational training or specialized health care, if those services are good quality and will be provided appropriately to victims. Shelters should not be expected to be able to provide all services directly. However, the social worker responsible for each victim's case should act as a case manager, following up the services provided by others and making sure that they are actually assisting the victim.



Article 40

Each shelter shall have policies, internal rules, and a clear program for the victims who stay there. Victims living at the shelter shall be informed of their rights and how long the shelter is able to house them from the start.

Article 41.-

Shelter rules shall be clearly stipulated and also communicated in a language understood by victims.

Article 42

The shelter's method of discipline shall be administered in an appropriate manner, which does not have a negative effect on the victims' physical or mental welfare. The shelter's method of discipline shall not include beatings, being locked up, tortured or any other form of inhumane treatment – even if the victim is considered to have committed a serious mistake.

Article 43

Shelters shall make all possible efforts to try and maintain a discreet/ subtle exterior and good order within the shelter, in order to prevent the shelter from being an easy target for traffickers, who may seek revenge or to reclaim a victim, and to protect the victim-witnesses.

Article 44

If there are changes in the security status of victims, the shelter manager shall immediately report to the nearest competent police.

Article 45

Shelters shall be a spacious environment with fresh air, containing both sunlight and shade, with large doors and windows. Shelters should include a secure and safe area outside for victims to play. Victims shall have the opportunity to exercise and partake in recreational activities at least one hour a day in an open area of the shelter.

Article 46

Shelters must retain a good level of hygiene and sanitation and instruct victims on personal hygiene so that they remain clean and healthy. Shelters shall provide suitable and proper clothing to the victims. Shelter shall provide a locker or a physical space where victims can keep the personal belongings.

Article 47

Shelters shall provide sufficient food, at regular mealtimes, and clean drinking water.

Article 48

Shelters shall facilitate and encourage relationships among the victims, especially among those who are the same age; however, shelters shall take action to prevent any improper sexual relations among them. Shelters shall take action to prevent any sexual relations between the shelter staff and victims.

Article 49

Shelters shall permit victims to communicate with family members and friends through visits, written correspondence and, if necessary, phone calls. The right to communicate with family and friends will be restricted where the shelter has reason to believe the relatives in question were involved in the victim's trafficking.

Article 50

Shelters shall respect fully the right to freedom of thought and religion and shall not compel victims to participate in religious activities of any kind.

Article 51

In the shelter, there shall be no prejudice against any victim based on age, gender, general appearance, parentage, ethnicity, social status, or religion.

Article 52

Victims shall be permitted to participate in all the shelter's activities. The shelter shall take into consideration any ideas or concerns victims have with regard to the operation of the shelter. The victims shall be able to express these openly and freely.



Article 53

Shelters shall give attention to all victim complaints and take appropriate measures. Shelters should consider setting up a mechanism to investigate complaints regarding violations of victim's rights.

Article 54

The staffing of each VSA shelter shall include at the very minimum: a shelter manager, counselling staff, care giver(s), social worker(s) and security guard(s). All shelter staff shall receive training on a regular basis, according to corresponding individual needs, in their specific area of work.

Article 55

A caregiver must understand a victim's values and needs. The main duty of a caregiver is to care for victim in order to allow them to attain full physical and intellectual development and life skills, enabling them to lead a full and independent life later on.

Article 56

Counsellors shall assist the victims in rehabilitation with mental health. Counsellors shall have counselling qualifications through adequate training before working with trafficking victims. The shelter should have counsellors that can work in shifts to be available 24 hours a day for counselling services for victims. Most trafficking victims are likely to suffer from issues relating to trauma, drugs, and alcohol.

Article 57

Social workers play a significant role in managing cases, reintegration and monitoring and evaluation of victims who have returned and been reintegrated into their communities. Social workers shall report to the shelter manager immediately about important problems relating to a victim.

Article 58

Security guards have the duty of maintaining the safety and security of the victims in the shelter. For example, s/he must take care and pay attention to any incidents that occur in or around the shelter. In necessary cases where the safety and security of a victim is considered to be at risk, s/he shall report to the shelter manager in order to take further action.

Article 59

The shelter should not only recruit specialist staff such as therapists, physicians, job placement specialists and volunteers, but the shelter should also involve former victims as peer-to-peer counsellors.

Article 60

All conditions stipulated in the chapter 9 of this agreement shall be replaced by Prakas on Minimum Standard for Child Care Shelter which will be issued by MoSAVY.

Chapter 10-Authority of Shelters

Article 61

All VSAs must have official authorization and recognition to carry out their mandate; each international VSA shall register at the outset with the Ministry of Foreign Affairs, whereas local NGOs need to register with the Ministry of Interior. VSAs shall then sign agreements with MOSAVY and sign agreements with other involved Ministries.

Article 62

Shelters registered in compliance with article 61 of this agreement shall have the right to exercise guardian responsibility for the victims in their care. This right bestows decisionmaking authority upon shelters concerning such victims however this right is based on the principle of the best interests of the victim with consideration given to the views and opinions of the victim. When a shelter has received a victim in compliance with Article 63 of this agreement, the shelter shall not be charged with illegal detention of the victim.

Article 63

A victim who stays at the shelter shall have given his/her prior consent or that of his/her guardian to remain at the shelter as well as having obtained the prior approval of the shelter. If the shelter has reason to believe that the victim does not want to stay in the shelter and this may place the victim at risk of harm, the shelter shall immediately report such a belief to a competent authority for further immediate and appropriate action. The shel-

ter's receipt of a victim upon referral from an individual or agency shall be detailed in written form. This form shall be signed by the shelter manager, the victim or his/her representative (a parent, guardian, or other person responsible for the victim), and an officer of DoSAVY. The same procedure shall apply when a victim is transferred from another shelter. The document for receiving and referring victims should contain the following information:

- 1) Name and age of victim
- 2) Name of parent or person representing victim
- 3) Name of the VSA and the shelter manager
- 4) Name of local MoSAVY official
- 5) Summary of the situation and circumstances of the victim upon being rescued and brought to the shelter
- 6) Health/medical condition of the victim
- 7) Estimated period of time for which the victim will remain at the shelter
- 8) Education or training that can be available to the victim
- 9) Information about how to contact the victim's close relatives or friends

Article 64

Shelter managers must provide DOSAVY with a list of the names, sex, photo, birthdate and birthplace, health information, and length of stay for the victims staying there. This list shall be regularly updated. DOSAVY shall undertake to keep this information confidential. Three years after a victim (client) has left the shelter, DOSAVY and shelter may choose to turn the file over to the victim; if the victim does not want the file, it should be disposed of. In the meantime, however, a victim may at any time claim her/his file from the DOSAVY and shelter.

Article 65

In case any person requests to live in a shelter of their own accord, the shelter manager shall inform the local police promptly in order to meet legal requirements.

Article 66

Victims have the right to request to permanently leave the shelter and go to live with their families or in a community. In the case of an adult victim who wants to permanently leave the shelter, the shelter manager shall have no right to refuse, but the shelter manager must inform the Provincial/Office Department of MoSAVY and the latter must inform the police in charge of the case and the shelter shall inform the police generally in order to guarantee the overall security of the victim as well. In the case of a minor victim who wants to permanently leave the shelter, the shelter may counsel and encourage the child to remain in the shelter but shall not compel the child to stay unwillingly. When a minor decides to leave the shelter, the shelter shall ensure that there is a relative, guardian, or other responsible person or another agency that will be responsible for the minor, and will get information about how to contact the victim later if necessary.

If the minor is in a government shelter, the shelter manager shall get approval for the transfer from DoSAVY. If the minor is in a NGO shelter, the shelter manager shall inform DoSAVY of the transfer of responsibility and specialist police. In the case of a victim who wants to permanently leave the shelter and his/her case is under the investigation or prosecution process, the shelter manager shall give the police or prosecutor, as much advance notice as possible.

Article 67

Where any individual attempts to take a victim away from the shelter and the shelter has reason to believe that the individual has the intention to re-traffic the victim, the shelter is entitled, as acting guardian authority, to retain the victim in the centre against the will of the individuals concerned. The shelter must notify DoSAVY of all such attempts.

Article 68

If an individual wants to take a victim from a shelter and the shelter does not allow it, the individual may appeal to DoSVAY, in order to assist to solve the problem. If DoSAVY fails to solve it or any party does not agree with DoSAVY's decision, that party can make a complaint to the court. During this period, the victim shall be under the guardian authority of the shelter.

Article 69

If individuals take a victim from a shelter by any means without prior consent of the shelter for the victim's removal, the shelter shall inform the local police and DoSAVY for further action.



Article 70

The victim or another involved person can make a complaint to DoSAVY about improper management or other issues with the shelter. DoSAVY shall promptly and thoroughly carry out an investigation into the alleged incidents.

Article 71

Where DoSAVY finds that a shelter has made a mistake, DoSAVY shall advise and instruct the shelter. If the shelter made a second mistake with the same victim, DoSAVY has the right to withdraw the shelter's guardian authority for that victim.

Article 72

The shelter's guardian authority over a victim ceases the moment a victim leaves the shelter – whether the victim decides to leave, runs away from the shelter, is taken back by parents, or completes skills training or reintegration—except as described in Article 69. The shelter will cease to have guardian authority if the victim dies; in this case, the shelter shall inform the local police and DoSAVY.

Chapter 11-First-Contact Agencies

Article 73

FCA's shall take all possible measures to ensure that a victim with whom they come into contact is informed about the range of services available and how to access those services, including shelters and assists victims in gaining access to a shelter if the victim would like to go to one. The FCA shall immediately notify DoSAVY, if it is providing temporary housing to a victim before sending the victim to a shelter. When the FCA refers a victim to any shelter, the FCA shall notify DoSAVY as well.

Article 74

The FCA should only house victims in the most exceptional circumstances, such as public holidays, poor roads, night time and shelters are far away. The FCA shall house victims for the shortest period of time necessary to find an appropriate shelter accommodation.

Article 75

Most victims are likely to have suffered physically and emotionally when they first come into contact with an FCA. FCA's shall therefore provide at least the minimum standards before referring the victim to a proper shelter including but not limited to providing access to a counsellor or social worker, clean drinking water, meals, a suitable sleeping area, and health care.

Chapter 12-Reintegration

Article 76

For the reintegration of the victim, the shelter shall fulfil the conditions in Article 63 and certify the activities of the victim during his/her stay in the shelter. In the case of a minor victim, the document shall specify the background information of the person who will have guardian authority the victim later on, the place where the victim will live (village, commune) and the follow-up, monitoring and evaluation procedure. The shelter shall arrange the involvement of a parent or relative in the victim's rehabilitation and reintegration process whenever possible.

Article 77

For the reintegration of a victim with specific skills, the shelter should, if possible, facilitate or provide the opportunity for the victims to get a cash loan which permits them to start up a small business which will provide a livelihood. Such loans will be interest free and to be repaid gradually.

Article 78

After reintegrating a victim, MoSAVY shall cooperate with VSAs, shelters, and MoWA to monitor, follow-up and evaluate the victim in order to prevent re-trafficking at least for the first half year after reintegration. However, this provision does not apply to foreign victims who have returned to their home country.

Chapter 13-Cooperation between All Parties

Article 79

All parties shall cooperate with each other for rapid processing of all cases related to human trafficking.

Article 80



The parties that are signatories to this Agreement shall respect and properly carry out their work in accord with the elements of this Agreement.

Article 81

This Agreement may be amended only if there is agreement from the other signatories to a request for amendment from any one party.

Article 82

Government institutions or VSAs which are not signatories to this agreement can request to sign this Agreement from the date of signature of this agreement; the current list of NGO signatories is maintained by the Ministry of Social Affairs, Veterans, and Youth Rehabilitation.

Annex D

List of NGO Signatories of the Agreement

The five ministers who signed the Agreement

Name	Position	Ministry
H.E Y Dorn	Secretary of State	Ministry of Justice
H.E You Ay	Secretary of State	Ministry of Women Affairs
H.E Ok Monna	Secretary of State	Ministry of Health
Pol. Gen. H.E. Khan Savoeurn	Secretary of State	Ministry of Interior
HE Soy Siphon	Secretary of State	Ministry of Social Affairs, Veterans, and Youth Rehabilitation

Victim Support Agencies who signed the Agreement

No	Name	Position	Institution	Email	Phone	Domicile
1	Ms. Oung Chanthol	Director	Cambodian Woman's Crisis Center	cwcct@forum.org.kh cwcpcp@gmail.com	012 840 507 023 982 158	Phnom Penh
2	Mr. Nuy Bora	Director	WathnakPheap	wpdir@online.com.kh wp@online.com.kh	012 653 937 023 880 854	Phnom Penh
3	Ms. Prum Kimchheng	Executive Director	Komar Rik Reay Association Center	kmrcambodia@yahoo.com	012 610 490	Battambang
4	Ms. Sim Souyeang	Executive Director	Protection of Juvenile Justice	pjjcambodia@online.com.kh	011 959 516	Phnom Penh
5	Ms. Ly Sotheary	Executive Director	Health Care Center for Children	hcc@sccf-hcc.org	012 252 779 023 212 133	Phnom Penh
6	Ms. Hun Phanna	Programme Coordinator	Cambodia's Woman's Development Coordinator	cwda@online.com.kh	012 995 199 023 210 449	Phnom Penh
7	Mr. Phok Bunroeun	Executive Director	Cambodia Children against Starvation Violence Association	ccasva@camintel.com	012 888 613 023 993 615	Phnom Penh
8	Mr. Sen Mustapha	Acting President	Child Assistant for Mobilization and Participation	info@camp2000.org	012 699 583	Phnom Penh
9	Ms. Ly Vichuta	Director	Legal Support for Children and Women	director_lscw@online.com.kh	012 985 643 023 986 457	Phnom Penh
10	Mr. Sgnorn Malayvuth	Executive Director	Punleu Komar Kampuchea Organization	pkko@camshin.com.kh	012 812 504	Kandal
11	Mr. Nun Than	President	Association Support New Cambodian Children		012 859 464 012 935 614 012993 271	Kandal
12	Ms. Chhea Manith	President	Poipet Transit Center		012 725 057	Poipet Banteay-meanxhey
13	Mr. Chharm Vuthy	Acting President	Mlop Tapang Organization	sarin@mloptapang.org	012 587 384	Sihahouk-Ville
14	Mr. Sam Sovannarith	Director	Goutte D' eau Cambodge	neakloeung@gouttedeau.org samsovannarith@yahoo.com	012 985384	Nekloeung Kandal
15	Ms. Prak Sokhany	Executive Director	Street Families Center	pdtcambodia@yahoo.com abebbb@gocambodia.com	012 940 851 053 370 270	Battambang
16	Ms. Buth Samon	Executive Director	Children and Love Association	buthsaman@yahoo.com	016 821 600 012 623 034	Phnom Penh
17	Ms. Marina Protopopoff	Country Representative	Association Internationale pour le Développement, le Tourisme et la Santé	marinaprotopopoff.aidetous@gmail.com aidetous.cambodge@gmail.com	012 953 428	Phnom Penh
18	Mr. Yim Po	Executive Director	Cambodia Center for the Protection of Child Rights	ccpcr@online.com.kh	012 967 385	Phnom Penh
19	Mr. Chhin Chanveasna	Executive Director	End Child Prostitution, Abuse and Child Trafficking	director@ecpatcambodia.org	023 213 021	Phnom Penh



20	Mr. Suon Kosal	Director	Cambodia Hope Organization	chomno@yahoo.com	012 833 500 054 967 015	Poipet Banteay-meanchey
21	Ms. Peung Yok Hiep	Director	Legal Aid of Cambodia	lac@online.com.kh	012 823 745 023 215 274 023 216 896 023 214 824	Phnom Penh
22	Ms. Sok Sothavy	Director	Kumar Ney Kdey Sangkhem	soksothavy@yahoo.com	012 5000028 012 583 860	Pursat
23	Mr. Kong Sophea	Project Officer	Kokkyo naki Kodomotchi	sopheaknk@yahoo.com	012 658 162 053 952 759	Battambang
24	Mr. Khem Sokhon	Director	Anakot Komar	012583862@mobitel.com.kh	012 583 862	Pursat



**NGO COALITION TO ADDRESS (SEXUAL)
EXPLOITATION OF CHILDREN IN CAMBODIA**

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- 02 Advocacy Training Report: Lobby and Advocacy: Methods and Principles, 2003
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