



Global Monitoring



Report on the

status of action against commercial
sexual exploitation of children

CAMBODIA



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Contents

Glossary	4
Foreword	6
Methodology	8
Cambodia: Introduction	11
National Plan of Action	13
Coordination and Cooperation	15
Prevention	17
Protection	19
Priority Actions Required	26
Endnotes	28

Glossary of terms and acronyms

AFESIP: Acting for Women in Distressing Situations

AIDeTouS: Association Internationale pour le Développement le Tourisme et la Santé

AIDS: Acquired Immune Deficiency Syndrome

APLE: Action Pour Les Enfants

ASEAN: Association of Southeast Asian Nations

CBO: Community-based organisation

CNCC: Cambodian National Council for Children

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

COMMIT: Coordinated Mekong Ministerial Initiative on Trafficking

COSECAM: Coalition to Address Sexual Exploitation of Children in Cambodia

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

CTSEC: Sub-Committee on Countering Trafficking and Sexual Exploitation of Children

DAHTJP: Department of Anti-Human Trafficking and Juvenile Protection

DSALVY: Department of the Ministry of Social Affairs, Labour, Vocational Training and Youth

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

ICTSD: International Centre for Trade and Sustainable Development

ILO: International Labour Organization

ILO-IPEC: International Labour Organization's International Programme on the Elimination of Child Labour

INGO: International non-governmental organization

INHOPE: International Association of Internet Hotlines

IOM: International Organization for Migration

IT: Information technology

MoU: Memorandum of Understanding

NGO: Non-governmental organization

NPA: National Plan of Action

SAARC: South Asian Association for Regional Cooperation

STIs: Sexually transmitted infections

TSEC: Trafficking and Sexual Exploitation of Children

UN: United Nations

UNDP: United Nations Development Programme

UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific

UNESCO: United Nations Educational, Scientific and Cultural Organisation

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNIFEM: United Nations Development Fund for Women

UNOHCHR: United Nations Office of the High Commissioner for Human Rights

WHO: World Health Organization

WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



CAMBODIA

Social inequality, poor access to land, limited resources for families to meet the needs of their children, low-quality education, deficient social services and weakened institutions¹ - problems exacerbated by 20 years of war – have contributed to the high vulnerability of Cambodian children to commercial sexual exploitation, which has become a means of survival for some children and their families.

Although the *Draft Education Law* states that nine years' basic education in public schools is provided free of charge, primary level schooling is still not compulsory; and though the enrolment rate for primary education has increased in recent years, drop-out and repetitive rates are still high. This is due to several factors, including indirect costs of education, limited financial resources of families to support their children's education, and poor quality of education.² Low levels of education have made children more vulnerable to child labour and commercial sexual exploitation as they are often expected to contribute to the family income.

Traditionally, children whose parents cannot care for them are informally placed with extended family members, neighbours, or in temples (only for boys). However, when this kind of informal arrangement fails to provide appropriate care and protection for the children, the risk of exposure to sexual abuse and trafficking, especially for sexual purposes, is greatly increased. Lack of awareness and understanding on the scope and impact of abuse and exploitation on children; limited resources to tackle issues of child abuse and exploitation; insufficient care and rehabilitation for child victims;³ weak law enforcement and corruption (which prevents sexual abuse and exploitation cases being reported and legally dealt with) all compound the problem.

Cambodia is a receiving, sending and transit country for trafficking in children for sexual purposes. Many Cambodian and Vietnamese children are trafficked to be exploited sexually by local and foreign tourists across the country, and some are trafficked to comparatively wealthier countries such as Korea, Malaysia, Taiwan, Thailand and the United States. Many trafficked Cambodian children end up in Thailand, forced into commercial sexual

exploitation and street begging.⁴

An increasing number of tourists travel to Cambodia, some of them expecting low-cost prostitution, easy access to children and impunity. Local non-governmental organizations (NGOs) report that a great number of sex tourists come from East Asian countries, such as Taiwan and South Korea, in addition to tourists from Western Europe and North America, whose presence in Cambodia has been frequently highlighted by the media. They also explain that Cambodia is currently regarded as a chief destination for paedophiles, following the increase in prevention and reduction efforts taken in neighbouring Thailand. In addition to Phnom Penh, several cities are affected, in particular Sihanoukville and Siem Reap. There are concerns that the problem is being pushed into the countryside and driven further underground, following counteraction by NGOs and law enforcers. While there has been a laudable and steady increase in arrests of foreigners for sexually exploiting children since the late 1990s, many of them receive only minor charges and sentences, while a number of them are able to escape the law altogether.⁵

Some of these tourists film or photograph the children they abuse - nearly 90 per cent of them, as reported to the ECPAT group in Cambodia by a number of law enforcers - and the production of child pornography, already widespread in the country, has also increased in the last few years. Mechanisms to combat child pornography, whether produced by tourists or others, have not yet been put in place.⁶

Although a number of systems and procedures have been established to address the commercial sexual exploitation of children (CSEC), Cambodia's weak law enforcement and corrupt practices have hindered the effectiveness of key initiatives. For instance, parties involved in child rape cases, which occur often, are encouraged to settle by paying compensation out of Court, by law enforcers who gain benefits from facilitating the negotiation process.⁷ This also discourages the public from reporting CSEC cases.

The impact of closing down one of Cambodia's most notorious red light districts

Cambodia's most notorious red light district, known as Svay Pak (located 11 km from Phnom Penh) was officially closed down in late 2004. This followed several raids by international non-governmental organizations (INGOs) and police where suspects were arrested and victims of sexual trafficking were rescued. Svay Pak was known to be offering, mainly since 1998, open access to prostituted children and girls. An Association Internationale pour le Développement le Tourisme et la Santé (AIDeTouS) survey carried out in 2002⁸ showed that

of the 4,214 registered visits for sexual purposes in the month of December 2002 alone, 35 per cent of the clients were Khmers, 42 per cent East Asians (Chinese, Vietnamese and Japanese) and 33 per cent were Westerners or men of unknown nationalities.

Research by AIDeTouS and the Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) on the impact of the closure of Svay Pak⁹ showed a new distribution of the prostituted population to other cities or parts of the capital where police pressure was known to be minimal. Relocation costs for brothel owners were thought to have been passed on to bonded prostituted children, adding to their already considerable debts. The new living conditions of the trafficked and sexually exploited children were worsened as their exploitation became a more underground activity.

AIDeTouS and COSECAM concluded that without long-term investigations to arrest brothel owners and appropriate legal protection and reintegration for victims, there are negative consequences for children and the NGO programmes aimed at assisting them. Prostitution activities were found to be ongoing at Svay Pak, but were only attracting local men.

Cambodia adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

The first *Five-Year Plan against Trafficking and Sexual Exploitation of Children in Cambodia for 2000-2004* was developed by the Cambodian National Council for Children (CNCC) with technical inputs from government, non-governmental and international organisations.¹⁰ It contained four major programmes related to the areas of prevention, protection, recovery and reintegration, and was a very comprehensive Plan, containing a level of detail unseen in many other national plans that focus on the issue. One of its strengths was the creation of a task force on child trafficking and sexual exploitation: the Department of Anti-Human Trafficking and Juvenile Protection (DAHTJP). A second NPA is currently being developed.

In May 2005, government ministers, foreign diplomats, international organisations and NGOs took part in a workshop to assess the 2000-2004 Plan's implementation, and to make recommendations for a subsequent NPA.¹¹ According to the assessment report, considerable progress had been made in combating trafficking and sexual exploitation.¹² Even though

the Plan's implementation was rather weak and the resources allocated to it insufficient, some key achievements included the establishment of the DAHTJP; a national 24-hour hotline for reporting trafficking and sexual exploitation cases; increased awareness of these issues among policy makers and civil society; and an important bilateral Memorandum of Understanding (MoU) signed with Thailand to combat trafficking in women and children, whereby the two countries committed to implementing the activities agreed by the sub-regional Coordinated Mekong Ministerial Initiative on Trafficking (COMMIT).

Recommendations for the development of a second NPA,¹³ the *National Plan of Action against Trafficking and Commercial Sexual Exploitation of Children 2006-2010* (currently being finalised) included: expanding its scope to cover all forms of trafficking in children (child trafficking was a secondary component in the first NPA); fostering partnerships with the tourism industry; establishing an effective monitoring mechanism; and including effective strategies for collecting and collating information on trafficking and the sexual exploitation of children. The second NPA will entail the piloting of a monitoring system called the Trafficking and Sexual Exploitation of Children (TSEC) Database. The Ministry of Social Affairs will be responsible for overseeing the implementation of the Plan.

The national TSEC Info Database: no NGO input

The national TSEC Info Database monitors the situation on trafficking and sexual exploitation of children in Cambodia. It incorporated some of the indicators contained in the regional CSEC Info database¹⁴ - an initiative by the Inter-Agency Group, comprising ECPAT International, the United Nations Children's Fund (UNICEF) and the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) - these were indicators related to ten key commitments identified in the *Regional Commitment and Action Plan for the East Asia Pacific Region*. However, there is little awareness of the existence of the national TSEC Info Database among NGOs in Cambodia, and as such they do not use or report to this potentially important monitoring mechanism.

The Government's publication, *A Cambodia Fit for Children* based on UNICEF's *A World Fit for Children* provides a framework for the development of child protection policies and promotes minimum standards for the care of children and enforcement of legislation and legal systems to protect children from trafficking, sexual abuse and exploitation.¹⁵

COORDINATION AND COOPERATION

Local and National Level

The Sub-Committee on Countering Trafficking and Sexual Exploitation of Children (CTSEC) was established in 2000 to coordinate and monitor the implementation of the *Five-Year Plan against Trafficking and Sexual Exploitation of Children in Cambodia for 2000-2004*. Operating under the Cambodian National Council for Children, the Sub-Committee comprises representatives from 11 Ministries as well as NGOs, international agencies and individual stakeholders. It also monitors specific cases of trafficking and sexual exploitation of children, providing advice to relevant authorities.¹⁶ Cambodia also has a national focal point on CSEC, the Department of Anti-Human Trafficking and Juvenile Protection. However, most child protection work is still undertaken by NGOs and international agencies,¹⁷ and altogether coordination against CSEC remains weak in the country. There is a lack of coordination among NGOs, and even less between them and relevant Government agencies.

Provincial Inter-Agency Child Protection Committees were set up in 2002 in various provinces under the Provincial Department of the Ministry of Social Affairs, Labour, Vocational Training and Youth (DSALVY). In cooperation with the CNCC, they focus on eliminating child labour and other forms of commercial sexual exploitation. The Committees coordinate with relevant agencies to rescue children from brothels and assist them in making contact with rehabilitation and reintegration services. They also seek to educate the public regarding the *Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings*. The Committees receive technical and financial support from UNICEF and ILO/IPEC.¹⁸

In addition, community-based child protection networks have been set up (with support from UNICEF) in villages in five provinces, with a view to preventing trafficking and the sexual exploitation of children, ensuring early detection of suspected cases and referring child victims to appropriate support services. However, a lack of clear mandates and linkage mechanisms between the provincial and district levels has hindered effective cooperation in referral procedures.¹⁹ An evaluation conducted in 2003 therefore recommended changes to the model to increase local ownership and sustainability. The remodeled network system is currently being tested in two provinces, Prey Veng and Svay Rieng. It seeks to strengthen partnerships with decentralised local authorities (such as Commune Councils) and to provide funding for child-centered initiatives (such as increasing access to basic services at community level).

Good practice in giving a voice to children in policy making

A 'National Children's Forum on Promoting Action against Child Trafficking in Cambodia' was organised in 2004 by various local NGOs to provide an opportunity for vulnerable children, child advocates and former child trafficking victims to participate in the development of related policies and programmes. Their recommendations were considered in the *National Plan of Action against Trafficking and Commercial Sexual Exploitation of Children 2005-2009*:²⁰ they included strengthening law enforcement to protect children, establishing child protection networks as well as counselling networks, improving the quality of education and integrating children's rights into the national educational curriculum.

Regional and International Level

Cambodia has made progress in engaging in regional and international cooperation by signing and ratifying important instruments concerning the protection of children from sexual exploitation. However, implementation of these policies and commitments has been slow, mainly due to lack of resources, poor law enforcement and corrupt practices.

An MoU on *Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking* was signed with Thailand in 2003, providing a legal framework for joint efforts to resolve these problems. Measures agreed included cooperation in providing services to trafficking victims, establishing mechanisms to decrease incidents of trafficking and to prosecute traffickers, and preventive actions such as the implementation of vocational and educational programmes. The MoU also set forth the establishment of a focal point to ensure safe repatriation of women and children. A joint task force was created for this purpose,²¹ chaired by the Ministry of Social Affairs. A similar MoU was signed with Vietnam in 2005, and one is to be signed with Malaysia in the near future.

Moreover, a number of agreements, including extradition treaties, were signed with China, Lao PDR, South Korea and Thailand.²² It is hoped that such agreements will effectively prevent trafficking victims from being treated as illegal immigrants and from facing charges and penalties when detained by the authorities.

Furthermore, the Ministry of Tourism is working in close cooperation with countries such as Australia and Belgium on the extradition of child sex offenders.

The Royal Government of Cambodia is one of the key players in the Coordinated Mekong

Ministerial Initiative against Trafficking, which aims to develop close cooperation among the six Governments of the Greater Mekong Sub-Region (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam) to combat human trafficking in all forms, including trafficking in children for sexual purposes.

PREVENTION

Despite the existence of certain mechanisms to prevent the commercial sexual exploitation of children, the Government has limited capacity for utilising them due to insufficient technical, financial and human resources.

In 2001, the Ministry of Women's Affairs launched a two-year project, 'Prevention of all Forms of Trafficking in Women and Children in Cambodia', in cooperation with the International Organization for Migration (IOM) and the Government of Finland. It consisted of multimedia presentations to raise awareness of the problem, using a combination of video materials, live and recorded performances. Banners, posters and a loudspeaker car were also used, and calendars, T-shirts and stickers were widely distributed. Post-campaign evaluation showed a significant impact on the target audience and villagers in the targeted areas began reporting trafficking incidences and cooperating with local authorities, something they had been reluctant to do before.²³ The second phase of the project was initiated in 2004 and should end in 2007.

Many local and international NGOs have also been active in CSEC awareness raising efforts. For instance, ECPAT Cambodia translated into Khmer and distributed 10,000 copies of the *Frequently Asked Questions about CSEC* booklet, and also produced the booklet *Child Safe Tourism in Cambodia*, which is distributed at airports and border check points. ECPAT Cambodia also co-produced a TV programme where child victims of sexual abuse and exploitation, street children and children from various communities, made recommendations for improving their lives. In 2003, the *Trafficking Fair* was held in Poipet, a spot notorious for trafficking, close to the border with Thailand. The Fair aimed to raise public awareness about trafficking in women and children and to encourage the active participation of the public in combating it. In 2005, Friends International, a French Association working for street children in Cambodia under the name 'Mith Samlanh',

launched the 'ChildSafe' project to address issues of child sexual abuse and exploitation in Siem Reap and Phnom Penh through the involvement of the private sector, i.e. Internet cafés, restaurants, guesthouses, and hotels. The project involves close collaboration with the Ministry of Tourism and aims to develop a child protection network within key elements of the private sector, ensuring they are educated on relevant issues, trained in child rights, and become active members of ChildSafe by applying ChildSafe policies on their premises.²⁴

Action Pour Les Enfants (APLE) is a French NGO that works to combat child sexual exploitation by following up cases. It conducted a study in early 2006 on 'Street-based Child Sexual Exploitation in Cambodia: Overview of seven provinces'. The findings show that child sex offenders are now increasingly targeting vulnerable children (including street children) in suburban areas outside Phnom Penh.²⁵

COSECAM has been working to develop the capacity of local NGOs, in particular on the rehabilitation and reintegration of child victims of trafficking as well as advocacy work on the rights of the child victims.

NGOs facing restrictions and intimidation

While the Government is generally cooperative in working with NGOs on CSEC-related issues, there have been cases where restrictions were placed on NGO activities. These have apparently taken the form of limitations on gatherings sponsored by NGOs, threats of legal action, bureaucratic obstruction, verbal intimidation and other acts of interference.²⁶ NGOs have also faced threats against the safety of their local staff from traffickers, especially those providing shelter to trafficked victims, carrying out anti-trafficking advocacy exercises and conducting investigations. Such threats have often been received after police raids and other operations against the traffickers' interests.²⁷

For instance, in 2004 the NGO Acting for Women in Distressing Situations (AFESIP), in collaboration with the police and the prosecutor of the municipality of Phnom Penh, rescued 84 women and girls, under 18 years of age, from a hotel. As there were no state shelters available, they were placed in the AFESIP shelter, but one night a group of men in police uniforms broke into the shelter and took all the girls away, including seven other girls who had previously been living there. International pressure and a petition from local NGOs led the Government to reopen the case and the trafficking ring leader was finally arrested and charged, as well as the manager and some staff of the hotel from which the girls had first been rescued. However, no one else has been charged so far, and the Government findings on the case did not mention the involvement of police officers; and no police officers have been arrested to date.

In 2005, the Ministry of Tourism started the programme ‘Promoting Child Safe Tourism Policies to Prevent Trafficking in Children and Young Women for Labour and Sexual Exploitation’, with support from ILO/IPEC. Eleven Child Safe Tourism Commissions were set up in municipal and provincial tourism offices. The programme also involved an awareness campaign targeting foreign and domestic tourists; capacity building of tourism sector personnel (i.e. staff from restaurants, hotels, guesthouses and entertainment businesses); and the generation of jobs to reduce the vulnerability of children to sexual exploitation. In 2006, a consultative workshop was held to develop operational guidelines and a training manual for the tourism industry to promote child safe tourism practices. These materials have been disseminated in three pilot areas: Phnom Penh, Siem Reap and Sihanoukville.²⁸ Other ministries involved in this initiative are the Ministry of Labour Vocational Training, the Ministry of Social Affairs Veteran and Youth Rehabilitation, the Ministry of Women Affairs, and the Ministry of the Interior.

The Government also participates in the Child Wise Tourism Programme, which operates in partnership with the Association of South East Asian States (ASEAN) member governments, the ASEAN Secretariat, and local and international NGOs. The programme, led by Child Wise, the ECPAT group in Australia, aims to eliminate child sex tourism in Cambodia (as the country is a popular tourism destination in southeast Asia). Through implementation of the programme, governors or deputy governors of each of Cambodia’s 26 provinces and personnel in tourism-related businesses were trained on various aspects of child sex tourism. The training has resulted in increased awareness among government officials. After the training, they agreed to take action to combat child sex tourism in their respective governing areas. Staff in tourism-related businesses have also committed to mainstreaming the protection of children from sexual exploitation into their business policies.

PROTECTION

Cambodia acceded to the *Convention on the Rights of the Child (CRC)* in 1992, and ratified the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2002. Cambodia signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2001, but has not ratified it - a significant gap in its protection of children against trafficking for sexual purposes.

Cambodia ratified *ILO Convention No. 182* in 2006. At regional level, Cambodia has signed but not ratified the *ASEAN Declaration against Trafficking in Persons, Particularly in Women and Children*.

Legislation

Cambodia's main legislation against the commercial sexual exploitation of children is contained in its 1996 *Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons*. While this law's primary focus is on trafficking, several of its provisions also address prostitution. ECPAT International's review of Cambodian legislation found no provisions that define or prohibit child pornography.

Prostitution of Children

Cambodia's laws need to be strengthened to better protect children against prostitution. While the law currently criminalises recruiting for, managing, and facilitating prostitution, and prescribes additional punishments for offences against children under 15 years of age, it does not define or prohibit prostitution itself. As a result, Cambodian law does not prohibit the prostitution of children - use of a child for any sexual activity for remuneration of any kind - as required under the *Optional Protocol*, which Cambodia ratified. Furthermore, while the rape law could potentially be used in prosecutions related to the prostitution of children, it requires the use of violence, coercion or surprise, and increases punishment only in cases where the victim is under 14 years of age.

The age of consent in Cambodia is 15.

Cambodian law does not specifically define or prohibit the prostitution of children, but its law defines a pimp or head/owner of a brothel and prohibits offences related to pimps. A pimp is a person who: (1) supports or protects a person "in advance of the act" of prostitution or solicits customers for prostitution; (2) regularly shares the benefits obtained from prostitution, in any form; (3) recruits and trains others to become prostitutes; (4) facilitates relationships between prostitutes and the head/owner of a brothel or a person who provides benefits from prostituting others; or (5) confines men or women in any place to force them into prostitution to earn money.²⁹

A pimp may be punished with five to ten years' imprisonment; a repeated offence doubles the term of imprisonment.³⁰ Punishment is increased to 10 to 20 years' 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.³¹ In addition to the increased imprisonment term, a Court may restrict the civil rights of the offender and non-authorisation of residence.³² Accomplices to these crimes involving pimps are subject to the same punishments.³³

Another provision of this law that could be used in child prostitution cases is the offence of debauchery. A person who opens an establishment for committing debauchery or obscene acts may be punished with one to five years' imprisonment and a fine of 5 million to 30 million Riels (US\$1,300 and US\$7,800); a repeated offence doubles the terms of punishment.³⁴ Committing debauchery acts upon 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. The Court may also restrict the civil rights of the offender and non-authorisation of residence.³⁵

Cambodia's law against rape may also be used to prosecute cases of child prostitution; it prohibits all acts of penetration of sexual organs using violence, coercion or surprise against a female or male person. Offenders may be punished with five to ten years' imprisonment. If the victim is under 14 years old, punishment is increased to 15 to 20 years' imprisonment with labour.³⁶ Finally, the misdemeanor law of indecent assault makes it illegal to sexually assault - sexual touching without penetration - any male or female person. Offenders may be punished with one to three years' imprisonment; if the victim is below 16 years old, the punishment may be doubled.³⁷

Trafficking in Children for Sexual Purposes

Cambodian law is not as broad as international standards for protecting children against trafficking. While it 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. Although the law considers an accomplice to be a person who provides the means for committing an offence, this is a very indirect way of punishing those who are directly involved in trafficking by transporting

or transferring child victims. This law's provisions related to prostitution do not extend its additional punishments for offences involving children under 15 years of age to all children under 18 years of age. Consequently, Cambodian law requires reforms to meet international standards.

Cambodian law prohibits kidnapping a person for trafficking or sale or for prostitution and exploitation, inside or outside the country.³⁸ The law makes it illegal to lure any person (male, female, adult or minor) of any nationality by enticing, promising to offer money or jewellery, or by any other means, with or without their consent, or by forcing, threatening or using hypnotic drugs, in order to kidnap them for trafficking, sale or for prostitution.³⁹ Punishment may be between 10 and 15 years' imprisonment, which is increased to 15 to 20 years' imprisonment if the victim is below 15 years of age.⁴⁰ Accomplices, traffickers, sellers and buyers are subject to the same punishments as the primary offender; a person who provides money or means for committing the offence is an accomplice.⁴¹

Another provision that could be used in child trafficking cases is the offence of debauchery.

The most recent law on trafficking dates back to 1996. A lengthy and more complete law was to be introduced to Cambodia's legislature in 2005 for adoption. However, such amendments have not yet been adopted.

Child Pornography

ECPAT International's review of legislation found no provisions in Cambodian law that define or prohibit the possession, production or distribution of child pornographic images.⁴²

ECPAT International has not been able to access information on whether or not there are general provisions on pornography that could be applied to prosecute child pornography-related offences.

Extraterritorial Legislation

ECPAT International's review of legislation found no provisions in Cambodian law that can be used to prosecute crimes related to the commercial sexual exploitation of children committed by Cambodian nationals abroad.

Child Protection Units

Due to distrust of the way in which the law is applied, few cases related to the commercial sexual exploitation of children are actually reported and brought to trial, and even fewer result in the prosecution of offenders. Insufficient staff and resources, coupled with lack of proper training, also hinder fruitful law enforcement efforts. In an effort to address this problem, *Sub-Decree No.40 of 2002* led to the creation of a Department of Anti-Human Trafficking and Juvenile Protection. Mandated to provide specialised services to prevent and suppress all acts of human trafficking, sexual exploitation, rape and debauchery, the DAHTJP has police units in seven provinces, and operates a 24-hour hotline for reporting trafficking, rape and abuse cases. Three provincial hotlines have also been established in Siem Reap, Sihanoukville and Banteay Meanchey province. It has demonstrated its effectiveness to some extent by sending suspects involved in the commercial sexual exploitation of children to Court and in rescuing child victims.⁴³

At the time of writing, the draft law on juvenile justice had not been enacted. Therefore, no juvenile justice legislation or courts are in place; children are subject to the same laws and systems as adults. Although the Ministry of Justice has issued administrative orders that children in prisons should be housed separately from adults, this order is not always adhered to in practice.⁴⁴

Support Services for Children

Child victims of sexual exploitation are usually referred to shelters run by NGOs, which are located in a limited number of provinces and generally operate with few resources. These shelters are often highly dependent on funding from international donors. While the repatriation of trafficked victims has started to be addressed through a number of MoUs signed with relevant countries, the absence of a comprehensive referral mechanism severely hinders the assistance provided to children who are victims of trafficking and of commercial sexual exploitation in general.

In August 2006, ECPAT International, in conjunction with ECPAT Cambodia, carried out training on care and protection for 24 staff from 12 local NGOs/service providers. For a majority of the participants, it was the first time they had received any training on the subject. Topics covered (apart from the usual building blocks of a shared understanding of definitions, legal frameworks and the particular needs of child victims) included exploring the mental health and emotional issues of child victims; skills for effective communication with children; and consideration of good practices within shelters. The training also gave participants the opportunity to share their own experiences and to identify areas they feel should be developed within their own organisations.

Training Law Enforcement Personnel

Police training at different levels has been initiated with special emphasis on child interviewing techniques, collection of forensic evidence, using the Internet to track paedophiles, and measures for expediting investigations of CSEC cases to be sent to Court. Considering the severe challenges in using legislation to prosecute and convict CSEC offenders, there is an urgent need to train law enforcement personnel on how to handle related crimes, and also on how to treat the victims.

In 2004, a number of lawyers received a 'Training of Trainers on the Convention on the Rights of the Child', supported by UNICEF.

In October 2005, Microsoft and British intelligence specialists sponsored a two-week training/seminar in Phnom Penh on how to tackle the prostitution of children and child sexual abuse, including online sexual abuse by paedophiles. Participants included

police officers from the Department of Anti-Human Trafficking and Juvenile Protection, military police from the Royal Gendarmerie, students from the Royal Academy for Judicial Professions, judges, lawyers and legal experts, officials from the Ministry of Justice, and NGOs working on children's issues.

Despite the slow progress towards full realisation of the rights of the child where the legal system and procedures are concerned, the Ministry of Justice, in collaboration with the Ministry of Social Affairs, 'are developing Inter-Agency protocols for juvenile justice and training judges, prosecutors and lawyers in children's rights in relation to juvenile justice'.⁴⁵



PRIORITY ACTIONS REQUIRED

- Ensuring access to quality education for children is a priority – it has proved to be a highly effective mechanism for preventing children from becoming involved in commercial sexual exploitation.
- The Government needs to do more to foster greater cooperation, both in terms of allocating financial resources to improve coordination and in carrying out the necessary follow up work. Furthermore, existing community-based child protection networks need support for developing and expanding their work.
- Cambodia must ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* and adopt the *ASEAN Declaration against Trafficking in Persons Particularly Women and Children*.
- Cambodia's current laws should be revised to criminalise all sexual acts with children, regardless of the use of violence or force, and regardless of the age of the child. All children under 18 years of age should be treated equally.
- Cambodian law must be reviewed so that all the activities that constitute trafficking, such as transporting, transferring, harbouring or receiving a person for the purpose of exploitation are criminalised. More severe penalties must also be applied to all those involved in the trafficking process, namely those currently considered as accomplices only. Also, additional punishments for offences involving children under 15 years of age must be extended to all children under 18 years of age.
- Cambodian law must be amended as a matter of urgency to include provisions to protect children against child pornography and which comply with the *Optional Protocol's* requirements.

- ✚ Penalties for sexual crimes against children should be applied equally to both foreign tourists and locals; foreigners currently tend to receive minor charges and sentences.
- ✚ Establishing specialist Courts to handle crimes against children as well as instituting child-friendly procedures is highly recommended to ensure the proper protection of children and to minimise the trauma they may suffer during criminal proceedings.
- ✚ More state-run shelters are urgently needed in many more provinces and they need to be resourced with properly trained staff. Training for staff working in NGO shelters is a must. A comprehensive referral system (including international cooperation mechanisms) for children escaping from CSE must also be developed.
- ✚ Continuous and systematic training of law enforcement personnel on children's rights and how to handle CSEC crimes needs to be officially instituted. This would gradually reduce the current lack of public trust in the law enforcement and judicial systems, thus increasing the reporting of cases. Also, the police need to be provided with the necessary resources to implement what they have learned during the training offered so far, as they are currently unable to follow some of the procedures recommended.
- ✚ Reporting channels/mechanisms for NGOs to add information to the national TSEC Info Database must be created, and training must be provided to enable them to access and contribute to it.

Endnotes

- ¹ UNICEF EAPRO. *Report of the Seventh East Asia and Pacific Ministerial Consultation*. Siem Reap - Angkor, Cambodia. 23-25 March 2005.
- ² International Bureau for Children's Rights. *Making Children's Rights Work: Country Profiles on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Vietnam*. 2006
- ³ Ibid.
- ⁴ Ibid.
- ⁵ Information obtained by the ECPAT International's Regional Officer during a mission to Cambodia in October 2005.
- ⁶ Action Aid International. *Cambodia*. Accessed on 29 May 2005 from: <http://www.actionaid.org/asia/332.html>
- ⁷ Information obtained by the ECPAT International's Regional Officer, during a mission to Cambodia in October 2005.
- ⁸ AIDeTouS. *Communication Paper: Surveys on the Behaviour and Attitudes of Tourists and Foreign Clients with Sex-abused Children and Young Women, Kingdom of Cambodia 2001-2002*. Accessed on 26 October from: http://www.humantrafficking.org/uploads/events/duplicate_survey_results_aidetous.doc
- ⁹ AIDeTouS and COSECAM. *Impact of Closing Svay Pak: Study of Police and International NGOs Assisted Interventions in Svay Pak, Kingdom of Cambodia*. January 2005
- ¹⁰ Cambodia National Council for Children. *Five-Year Plan against Trafficking and Sexual Exploitation of Children in Cambodia for 2000 -2004*. Cambodia. 2000.
- ¹¹ ILO-IPEC. Accessed on 31 May 2005 from: <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking>
- ¹² *Mobile Phones Are Like Gold, National Plans Are Like Cloth* (Report of the Assessment of the Progress Made in the Implementation of Cambodia's First National Plan against Trafficking and Sexual Exploitation of Children 2000-2004). February 2006.
- ¹³ Ibid.
- ¹⁴ Ibid.
- ¹⁵ CNCC and UNICEF. *A Cambodia Fit for Children*. 19 May 2004.
- ¹⁶ Preece, Shelley. *Reviews and Recommendations on Coordination & Monitoring of the Implementation of the National Five-Year Plan against Trafficking and Sexual Exploitation of Children (2000-2004) and Strengthening Provincial Interagency Child Protection Committees*. Counter Trafficking and Sexual Exploitation of Children Bureau, Cambodian National Council for Children (CNCC) and UNICEF Cambodia. October 2002.
- ¹⁷ Pettifer, Julian. 'Cambodia's Child Sex Shame'. *BBC News*. 3 November 2004. Accessed on 31 May 2005 from: http://news.bbc.co.uk/2/hi/programmes/crossing_continents/3975965.stm
- ¹⁸ Preece, Shelley. *Reviews and Recommendations on Coordination & Monitoring of the Implementation of the National Five-Year Plan against Trafficking and Sexual Exploitation of Children (2000-2004) and Strengthening Provincial Interagency Child Protection Committees*. Counter Trafficking and

- Sexual Exploitation of Children Bureau, Cambodian National Council for Children (CNCC) and UNICEF Cambodia. October 2002.
- 19 Ibid.
- 20 National Children's Forum. *Report on Promoting Action against Child Trafficking in Cambodia*. September 2004. pp.9-10.
- 21 Asia Regional Cooperation to Prevent People Trafficking. *Memorandum of Understanding between the Kingdom of Cambodia and the Royal Government of the Kingdom of Thailand*. Accessed on 31 May 2005 from: <http://www.arcppt.org/docs/MOU%20Trafficking%20CAM-TH%20English.pdf>
- 22 Organization for Security and Cooperation in Europe. Thailand. *Inter-governmental Cooperation on Temporary Migrants*. Accessed on 31 May 2005 from: http://www1.osce.org/documents/eea/2005/05/14679_en.pdf
- 23 Ministry of Gender Equality of Korea. *Presentation on Best Practices: Prevention of all Forms of Trafficking in Women and Children*. Accessed on 31 May 2005 from: http://www.moge.go.kr/board/eng_foreign_report/data/Abirch.doc
- 24 Friends of Friends, The Friends-International Newsletter, Issue 1: 4th quarter 2005
- 25 Raphael Renault for Action Pour Les Enfants, Street-based Child Sexual Exploitation in Cambodia: overview of seven provinces, January – March 2006
- 26 US Department of State. *Country Reports on Human Rights Practices*. Cambodia. 2004. Accessed on 31 May 2005 from: <http://www.state.gov/g/drl/rls/hrrpt/2004/41638.htm>
- 27 Ibid.
- 28 See <http://www.ngoforum.org.kh/Development/Docs/CG%20Feb%202006/Tourism.htm>
- 29 *1996 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons*, Art. 4; see also UNTAC Code (*1992 Provisions relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period*), Article 42 (defining and prohibiting prostitution).
- 30 *1996 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons*, Art. 5.
- 31 Ibid.
- 32 Ibid.
- 33 *1996 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons*, Art. 6.
- 34 Ibid. Art. 7.
- 35 Ibid. Art. 8.
- 36 *2001 Law on Aggravating Circumstances*, Article 5; see also UNTAC Code (*1992 Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period*), Article 33 (defining and prohibiting rape).
- 37 UNTAC Code (*1992 Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period*), Article 42.
- 38 *1996 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons*, Art. 2.
- 39 *1996 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons*, Art. 3.
- 40 Ibid.
- 41 Ibid.
- 42 See also Action Pour Les Enfants, *Study on Cambodia's Criminal Justice System with Focus on Prosecuting Foreign Child Sex Offenders*, June 2006, pp. 14 - 15 (discussing lack of Cambodian legislation prohibiting child pornography).
- 43 *Mobile Phones Are Like Gold, National Plans Are Like Cloth* (Report of the Assessment of the Progress Made in the Implementation of Cambodia's First National Plan against Trafficking and Sexual Exploitation of Children 2000-2004). February 2006.
- 44 International Bureau for Children's Rights. *Making Children's Rights Work: Country Profiles on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Vietnam*. 2006
- 45 Ibid.



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