

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2018 Trafficking in Persons Report Tier 2

CAMBODIA: Tier 2

The Government of Cambodia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Cambodia remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers, repatriating more Cambodians subjected to trafficking abroad, strengthening efforts to raise awareness on child sexual exploitation in the hospitality industry, and taking steps to incentivize safe migration to primary destination countries. However, the government did not meet the minimum standards in several key areas. Endemic corruption continued to impede law enforcement operations, criminal proceedings, and victim service provision. Authorities did not issue formal guidance allowing the use of undercover investigative techniques in anti-trafficking operations—a factor that continued to impede officials’ ability to fully hold sex traffickers accountable. Against a backdrop of insufficient government oversight and accountability measures, unscrupulous business owners subjected thousands of men, women, and children throughout the country to debt bondage in hard labor with minimal interference—and sometimes assistance—from Cambodian authorities.

RECOMMENDATIONS FOR CAMBODIA

Vigorously investigate and prosecute trafficking offenses and convict and stringently penalize sex and labor traffickers, including complicit officials, with prison sentences; authorize the use of undercover investigative techniques for anti-trafficking operations; strengthen efforts to fully implement the nationwide protocol for proactive victim identification among vulnerable groups and train officials on its provisions; increase labor inspections in high-vulnerability professions, especially at brick kilns, fisheries, and plantations, with a focus on identifying debt bondage; increase the availability of services for male victims, especially men and boys exploited in commercial fishing; increase inspection and oversight of lending institutions, including private micro-finance organizations, to reduce vulnerability to debt bondage among economically disadvantaged communities; modify the law to allow restitution upon conviction of the trafficker; establish and allocate resources to implement systematic procedures at diplomatic missions to assist Cambodian victims abroad, including in countries without Cambodian diplomatic representation; strengthen efforts to inspect private labor recruitment agencies and their sub-licensed brokers for fraudulent recruitment and other trafficking indicators; increase public awareness on proper travel document application procedures to facilitate safe, legal migration; implement a system for monitoring, collecting, and reporting data on anti-trafficking prosecution and victim protection efforts, and disseminate data among the relevant government agencies in a manner that protects victims’ identities and privacy; increase budgetary allocations to national and provincial-level anti-trafficking committees; strengthen efforts to incorporate NGO input into the policy for formally transferring custody of child victims; allocate increased resources to anti-human trafficking police to better facilitate the monitoring of defendants released under judicial supervision pending trial; and enhance public awareness campaigns aimed at reducing domestic demand for commercial sex and child sex tourism.

PROSECUTION

The government increased some law enforcement efforts. The 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation criminalized sex and labor trafficking and prescribed penalties of seven to 15 years imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Anti-Human Trafficking Juvenile Police (AHJTP) attempted to monitor and record information on the cases it investigated, but the government did not collect comprehensive data on overall law enforcement efforts, particularly among provincial courts. However, the information authorities provided, augmented by media and NGO reports, indicated authorities prosecuted 207 individuals under the anti-trafficking law or related provisions in the penal code in 2017 (53 in 2016). The National Committee for Counter Trafficking (NCCT) reported courts convicted at least 129 traffickers, up from 100 in 2016. The government did not provide data on sentencing, but courts reportedly continued to conclude sex trafficking cases with monetary settlements in lieu of prison sentences, and victims whose families received out-of-court settlements from traffickers often changed their testimony, further complicating prosecutions.

Law enforcement authorities often did not take appropriate action against suspected or convicted traffickers, including orphanage directors complicit in child trafficking crimes. Judicial police lacked the resources to monitor the increasing number of defendants released on “judicial supervision” pending trial, allowing many to flee prior to their trial dates. Authorities did not always issue arrest warrants for absconded defendants. Citing resource constraints, prosecutors and investigating judges did not advance all of the trafficking cases for which police had supplied evidence. Authorities also abused law enforcement resources to detain, prosecute, and convict some foreign individuals on politically motivated trafficking charges, further bringing into question the veracity of the anti-trafficking data—and the resource constraints—reported by the government. Local experts continued to report cases involving foreign suspects were more likely to result in trafficking convictions than cases involving Cambodian suspects, for whom charges were often reduced to less serious offenses.

The government continued to deliver donor-designed and funded training on the implementation of anti-trafficking laws to police, prosecutors, judges, and other government officials. During the reporting period, the NCCT delivered 66 trainings to 1,577 law enforcement officers on anti-trafficking laws, investigative techniques, and evidence collection; it did not report how many commune and provincial officials, judicial staff, and NGO workers participated in these sessions (7,689 in 2016). Local organizations and some officials continued to stress an urgent need for more sophisticated evidence collection techniques, including undercover investigation, to decrease reliance on witness testimony and adapt to the increasingly clandestine nature of sex trafficking. However, the government did not grant undercover investigative authority to anti-trafficking police units, except in rare cases when requested for child sex tourism raids conducted alongside foreign law enforcement agencies. This continued to significantly constrain law enforcement officers’ ability to address the increasingly clandestine nature of sex trafficking operations in Cambodia.

Endemic corruption at all levels of government severely limited the ability of individual officials to make progress in holding traffickers accountable. The Cambodian national police maintained a mechanism for NGO workers to report incidents of corruption among anti-trafficking police,

but it did not field any complaints during the reporting period. Local officials facilitated cross-border trafficking by accepting bribes for forging identity documents. One NGO noted law enforcement raids on sex trafficking establishments were sometimes unsuccessful due to advance warning from working-level police. However, some provincial police chiefs reportedly worked to minimize these leaks by turning over cases to the AHJTP, which conducted independent raids without notifying the local authorities until moments before they began. Some corrupt officials may have profited directly from establishments suspected of sex and labor trafficking. NGO observers claimed Cambodian police officers also solicited commercial sex with minors during the reporting period. One NGO alleged prosecutors and judges accepted bribes in return for dismissal of charges and acquittals. Corrupt officials often thwarted progress in cases where the perpetrators were believed to have political, criminal, or economic ties to government officials. Despite these trends, the government did not investigate, prosecute, or convict any government employees complicit in trafficking, nor did it take any punitive measures against Phnom Penh's former anti-trafficking police chief, who was ultimately promoted to a higher government position after his 2011 trafficking conviction was overturned in an unannounced, closed-door Supreme Court hearing in 2013.

PROTECTION

The government decreased protection efforts. Despite maintaining victim identification guidelines developed by the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) in early 2017, disparate victim identification, referral, and repatriation efforts remained underdeveloped and overlapping across government and law enforcement agencies. Authorities did not provide complete statistics on the number of victims they assisted or referred. During the reporting period, the government imposed a new regulation barring NGOs from representing individuals seeking formal recognition as trafficking victims. Under this new arrangement—which NGOs claimed severely intimidated victims and their families—victims were required to approach the Ministry of Interior for the formal identification needed to access protection services.

With assistance from an international organization, the government continued to operate two transit centers in the border city of Poipet, where it screened for trafficking victims among the approximately 70,500 migrants deported from Thailand in 2017 (55,000 in 2016). However, it did not report identifying any victims through this center; given the extent of trafficking among this population and the lack of universal implementation of victim identification standards, many victims likely transited the center unidentified. The government operated a temporary shelter in Phnom Penh for female victims of trafficking and other crimes, and it referred trafficking victims to donor-funded NGO shelters—most of which cared for victims of several forms of abuse—to receive further assistance. The government continued to rely heavily on NGOs to protect trafficking victims; however, it did not facilitate formal transfer of custody for child victims, leaving organizations that accepted child victims vulnerable to court action. Provisions allowing for financial settlements in lieu of harsher sentencing further discouraged some families from consenting to temporary guardianship at shelters; absent family consent, government officials at times returned children to high-risk environments, leaving them vulnerable to re-victimization. Despite the prominence of male labor trafficking victims, assistance for this population remained limited.

Cambodian diplomatic missions overseas continued to lack adequate funding and capacity to provide basic assistance or repatriate victims, despite government action in prior years to train diplomats on migrant worker protections. Victims identified in countries without Cambodian diplomatic representation had access to even less support. The Ministry of Foreign Affairs and International Cooperation (MFAIC), which bore the primary responsibility of aiding Cambodian trafficking victims, reported repatriating 986 Cambodian trafficking victims from nine countries (815 from 11 countries in 2016); this included 382 victims from Malaysia, 288 from Thailand, 171 from Vietnam, 53 from China, 49 from Laos, 23 from Indonesia, 12 from Japan, five from Singapore, and three from Burma. An international organization assisted in the majority of these repatriations. The government reportedly maintained a victim reintegration center specifically for Cambodian and foreign survivors of a widely publicized maritime forced labor case in Indonesian waters in 2015; through this center, authorities held an annual regional victims' workshop and provided psycho-social services, but it was unclear if this work relied on assistance from international donors. The MFA did not promulgate or implement standard operating procedures for the identification and referral of Cambodian victims abroad, leaving many Cambodians without the assistance necessary to repatriate legally and safely. According to local service provision NGOs, some returned victims had been unable to secure assistance from Cambodian consular services in Thailand and Korea due to unattended hotlines and unresponsive staff; others confined in forced labor conditions abroad, including in Malaysia, were unable to convince Cambodian consular staff they were in need of assistance.

MOSAVY reported assisting in the repatriation of 243 Cambodians in 2017, including 114 from Malaysia, 45 from Thailand, 21 from Indonesia, 21 from China, 18 from Somalia, 16 from Vietnam, six from Japan, and one each from Saudi Arabia and Singapore (195 total in 2016). Local police referred 179 sex and labor trafficking victims to provincial social service providers and NGOs for further protections (326 in 2016); MOSAVY did not report assisting in this process (62 referred by MOSAVY in 2016). One NGO recorded receiving and assisting 395 Cambodian trafficking victims from nine countries; it was unclear if this figure was captured in the statistics provided by the MFAIC, or to what extent the MFAIC data included cases received by MOSAVY. The number of Cambodian returnees who were subjected to trafficking abroad was likely much higher than reported due to an increasing tendency among these groups to return via informal migration channels.

The government required the repatriation of foreign victims, except in rare cases, and did not provide legal alternatives to their removal regardless of whether they may face hardship or retribution upon return to their countries of origin. MOSAVY repatriated three trafficking victims to Vietnam after they received care in NGO-run shelters (13 in 2016). Insufficient victim identification efforts left many potential victims at risk of law enforcement action, including punitive deportation without prior screening. Law enforcement often did not keep victims and perpetrators separated during interviews. NGOs noted police made some progress in implementing child-friendly practices during the reporting period, and government social workers reported positive cooperation with the AHTJP, including in timely victim intake and referral procedures. However, provincial courts did not universally implement a child-friendly judicial program initiated in 2016 barring direct cross-examination of victims in front of the accused and relying instead on video-conferencing technology. Cambodia's weak and corrupt legal system and the lack of adequate victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, hindered victims' willingness to cooperate in many cases. Victims were theoretically eligible for restitution, although it was extremely difficult

to obtain due to a legal requirement delaying payment until after the completion of the trafficker's jail term; convicted traffickers' frequent abscondment further complicated this arrangement. NGOs noted victims rarely received the amount promised, and many victims' families settled out of court with traffickers or accepted bribes to drop the relevant charges.

PREVENTION

The government increased some prevention efforts. In November, Cambodia signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, which aimed to further prohibit confiscation of migrant workers' travel documents, cease imposition of excessive recruitment fees, and increase regulation of recruiters. An interagency committee and its secretariat coordinated anti-trafficking activities and continued to implement the 2014-2018 national action plan; however, authorities did not report steps to prepare for activities subsequent to its conclusion in 2018. The government allocated 4.9 billion riels (\$1.2 million) to fund this interagency committee—an increase from 4 billion riels (\$975,000) in 2016—but observers noted this figure was still insufficient. Subsidiary provincial anti-trafficking committees, which reportedly continued to receive modest central government funds and assistance from NGOs, coordinated efforts at the local level to mirror the activities of the national action plan. With the help of international donors, six out of nine of these committees created their own provincial-level action plans and submitted them to the government (five in 2016). The secretariat of the NCCT maintained a working group to monitor the efforts of the interagency committee as well as those of its provincial subsidiary committees. However, NGOs noted the provincial committees' ad hoc reliance on insufficient surplus funds from General Social Services—rather than on their own annual budgets—undermined the scope and sustainability of their work. Lack of coordinating guidance from the national counterpart committee further impeded their effectiveness.

The Ministry of Labor and Vocational Training (MLVT) maintained a separate action plan aimed at reducing child labor and debt bondage in the service, agricultural, mining, and energy sectors by 2025 through awareness raising, increased legal action, and collaboration with civil society, funded in part through the national budget. MLVT also continued to implement its “National Employment Policy 2025,” which sought to generate secure employment opportunities in hopes of discouraging the use of illicit migration channels known for trafficking vulnerabilities. The government continued to investigate and prosecute labor recruiters for illegal practices that may have contributed to or involved trafficking; in August, authorities shut down an unlicensed recruitment firm and arrested three men suspected of facilitating illicit labor migration to Japan. The government did not report whether the arrests culminated in further investigations, prosecutions, or convictions; officials and NGO observers noted labor officials' failure to sufficiently inspect private recruitment agencies, and the ability of these agencies to sub-license their names to independent brokers, continued to perpetuate widespread labor exploitation.

The Ministry of Education trained 894 of its officials and teachers across six provinces on trafficking awareness and safe migration during the reporting period. The General Department of Immigration also issued 210,000 border passes to Cambodian migrant workers, in lieu of passports, to incentivize safe labor migration to Thailand; as part of the same initiative, the government sent 360 officials to Thailand on a 100-day campaign to issue necessary documentation to migrant workers. The MFAIC continued to implement consular screening

measures to reduce the sex and labor trafficking of Cambodian women via forced and fraudulent marriages, including by assessing applicants against trafficking victim profiles jointly developed with China in 2016. However, the MFA did not report referring these potential victims to law enforcement or protective services. The government maintained two labor recruitment agreements with Saudi Arabia and signed a new domestic worker recruitment agreement with Hong Kong.

The Ministry of Tourism held workshops for hotel staff and government officials on preventing child sexual exploitation in the hospitality industry. As in prior years, the government generally focused on deterring foreign involvement in child sex tourism, rather than targeting campaigns to the local population that constituted the main source of demand for commercial sex with children in Cambodia. Authorities reported arresting five foreign individuals suspected of engaging in child sex tourism (12 in 2016) but did not report whether they initiated prosecutions in any of these cases. Local experts reported concern over the government's ongoing failure to impose appropriate punishments on foreign nationals who purchase commercial sex acts with children. The government provided anti-trafficking training for its diplomatic personnel and to members of the military prior to their deployment abroad on peacekeeping initiatives.

TRAFFICKING PROFILE

As reported over the last five years, Cambodia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Cambodian adults and children migrate to other countries within the region and increasingly to the Middle East for work; many are subjected to forced labor on fishing vessels, in agriculture, in construction, in factories, and in domestic servitude—often through debt bondage—or to sex trafficking. Migrants using irregular migration channels, predominantly with the assistance of unlicensed brokers, are at an increased risk of trafficking, but those using licensed recruiting agents also become victims of forced labor or sex trafficking. Children from impoverished families are vulnerable to forced labor, often with the complicity of their families, including in domestic servitude and forced begging or street vending in Thailand and Vietnam. Significant numbers of Cambodian men and boys continue to be recruited in Thailand to work on fishing boats and are subjected to forced labor on Thai-owned and operated vessels in international waters. Cambodian victims escaping from this form of exploitation have been identified in Malaysia, Indonesia, Mauritius, Fiji, Senegal, South Africa, and Papua New Guinea. Cambodian men report severe abuses by Thai captains, deceptive recruitment, underpaid wages, and being forced to remain aboard vessels for years. A significant number of women from rural areas are recruited under false pretenses to travel to China to enter into marriages with Chinese men, who often incur as much as \$20,000 in debt to brokers facilitating the transaction; some of these women are then subjected to forced factory labor or forced prostitution as a result of this debt.

All of Cambodia's 25 provinces are sources for human trafficking. Sex trafficking is largely clandestine; Cambodian and ethnic Vietnamese women and girls move from rural areas to cities and tourist destinations, where they are subjected to sex trafficking in brothels and, more frequently, such "indirect" sex establishments as beer gardens, massage parlors, salons, karaoke bars, retail spaces, and non-commercial sites. Cambodian men form the largest source of demand for children exploited in prostitution; however, men from elsewhere in Asia and Europe, the United States, Australia, and South Africa travel to Cambodia to engage in

child sex tourism. The proprietors of brick kilns often subject Cambodian men, women, and children—often entire families—to debt bondage, either by buying off their preexisting loans or by requiring them to take out new loans as a condition of employment. An extensive, largely unregulated network of predatory microfinance organizations and private creditors contributes to this arrangement by proactively advertising loans to families in vulnerable communities and connecting them with the kilns. An NGO study conducted in 2017 found nearly 100 percent of brick kilns surveyed throughout the country featured indicators of debt bondage. Children as young as 13 are also subjected to forced domestic servitude and labor on riparian and oceanic fishing boats, karaoke bars, and cassava plantations to pay off family debts accrued through this system. Vietnamese women and children, many of whom are victims of debt bondage, travel to Cambodia and are subjected to sex trafficking. NGOs report criminal gangs transport some Vietnamese victims through Cambodia before they are exploited in Thailand and Malaysia. Traffickers in Cambodia are most commonly family or community members or small networks of independent brokers. Some Cambodian orphanages purchase local children from economically disadvantaged families and subject them to malnutrition and unclean living conditions in their facilities for the purpose of attracting and profiting from charitable donations; some of these children are at further risk of sex trafficking and domestic servitude as a result of poor government oversight of the adoption processes. Endemic corruption aids and abets trafficking crimes. Some police reportedly solicit commercial sex with children. Corrupt officials facilitate cross-border trafficking, thwart progress on investigations and prosecutions, and in some cases profit directly from establishments suspected of trafficking.