

## **DRAFT: NOT FOR CITATION**

### **Introduction**

Cambodia is a post-conflict society that is making great strides in building peace. However, there are many challenges to the peacebuilding process and issues that consequently arise. Two such issues that Cambodia is currently facing are HIV/AIDS and human trafficking. A deeper look into the nature of both issues in Cambodia and their root causes reveals that actors across all levels must participate to put an end to their expansion.

The government plays a vital role in the attempts to break the vicious cycle of HIV/AIDS and human trafficking in Cambodia. While it is true that the government's approach to combating these issues consists of a wide variety o

## **A Glimpse into the Past**

### *Root Causes*

The root causes of HIV/AIDS and human trafficking are as vast and widespread as the problems themselves. In a world plagued by inequality, it is not surprising that two such problems persist and at times thrive. The primary implication of inequality is poverty, which subsequently results in vulnerable populations. Their vulnerability forces them into deplorable living conditions, leaving them susceptible to the spread of HIV/AIDS as well as the potential to find themselves in dangerous situations such as human trafficking. The true sadness of this situation is evident when one recognizes the mentality of acceptance and an overall lack of understanding that emerges in the general population. In accepting human trafficking and failing to understand HIV/AIDS, the general population is dehumanizing the victims. What many fail to understand is that the poverty resulting in vulnerability leaves individuals and families with no options. They are forced to seek jobs that are likely to end in human trafficking. Additionally, their economic situation prevents them from having adequate access to the medicines that could ease their suffering from HIV/AIDS and to the programs that could help raise their awareness and understanding of the disease.

In addition to confronting poverty and inequality, women and girls in Cambodia face a heightened vulnerability to HIV/AIDS and human trafficking due to their gender. In her book *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World* Vidyamali Samarasinghe offers insight into the patriarchal society of Cambodia, a society

where women are less valuable than men.<sup>1</sup> According to a traditional Cambodian saying “Men are gold: women are cloth,” which Samarasinghe says “captures the patriarchal values of the Cambodian society, where female prostitution is associated with loss of female virtue, while males who purchase commercial sex do not have to face social structures”.<sup>2</sup> Gender roles in Cambodia serve as solidification for increased levels of vulnerability and permit society to neglect these issues and turn a blind eye to HIV/AIDS and human trafficking.

### *HIV/AIDS*

HIV/AIDS was discovered in the 1980s but the 1990s “brought the epidemics nearly inconceivable growth worldwide, a growth that continues unabated today.”<sup>3</sup> The disease began to manifest itself in Cambodia in the 1990s, but it was not until 1997 that the prevalence rates peaked at three percent between the ages of 15 to 49.<sup>4</sup> While there is no one mode of transmission in Cambodia, the disease was able to spread as a result of the sex industry that was born out of poverty and gender inequalities.<sup>5</sup>

During the time of the Khmer Rouge, the sex industry was suppressed, as it was also during the time when Cambodia was under Vietnamese occupation.<sup>6</sup> A rise in the demand for sex workers arrived with the United National Transitional Authority in Cambodia

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<sup>1</sup> Vidyamali Samarasinghe, *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World* (New York: Routledge – Taylor & Francis Group, 2008), 89.

<sup>2</sup> Ibid.

<sup>3</sup> Peter Lamptey, Merywen Wigley, Dara Carr, and Yvette Collymore, “Facing the HIV/AIDS Pandemic,” *Population Bulletin*, September 2002, [http://findarticles.com/p/articles/mi\\_qa3761/is\\_200209/ai\\_n9109145/](http://findarticles.com/p/articles/mi_qa3761/is_200209/ai_n9109145/), (31 August 2009), 9-10.

<sup>4</sup> “Cambodia and HIV: Winning Round Two in a Preventative Fight,” *Population Action International*, Volume 1, Issue 7, 2006, [http://www.populationaction.org/Publications/Working\\_Papers/Cambodia\\_and\\_HIV\\_Winning\\_Round\\_Two\\_in\\_a\\_Preventative\\_Fight/Summary.shtml](http://www.populationaction.org/Publications/Working_Papers/Cambodia_and_HIV_Winning_Round_Two_in_a_Preventative_Fight/Summary.shtml), (31 August 2009).

<sup>5</sup> Ibid

<sup>6</sup> Vidyamali Samarasinghe, *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World* (New York: Routledge – Taylor & Francis Group, 2008), 89.

(UNTAC) in 1991.<sup>7</sup> UNTAC was an entity of international peacekeepers comprised of 20,000 troops and civilian administrators.<sup>8</sup> In their efforts to restore order and peace in Cambodia, this group served as the demand side of the sex industry, while the women of Cambodia served as an ample supply of sex workers due to the fact that the Khmer rouge era of genocide left the citizens of the country with little to no job opportunities but a need to rise from living in destitution.

The result of the increased demand and supply for sex work was the subsequent increase in cases of HIV/AIDS because those satisfying the supply side were vulnerable to the spread of the disease. The country opened its borders to tourism, which meant that they were simultaneously opening their borders to the disease. The previously discussed situation illustrates the introduction and spread of HIV/AIDS throughout Cambodia.

### *Human Trafficking*

Human trafficking is another challenge to the peacebuilding process in Cambodia, one that is intrinsically linked to the challenge of HIV/AIDS. Cambodia serves as the source country for men, women, and children trafficked to Malaysia, Thailand, Macao, and Taiwan. While women and children are trafficked for sexual and labor exploitation, Cambodian men are trafficked to these places for forced labor in the fishing, agriculture, and construction industries. In addition to sexual and labor exploitation, children are trafficked to work in begging rings, flower selling, street vending, and other forms of soliciting.<sup>9</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> "Cambodia," *Humantrafficking.org*, 2001-2006 Academy for Educational Development, <http://www.humantrafficking.org/countries/cambodia>, (31 August 2009).

Further complicating the already precarious situation of human trafficking, is the fact that Cambodia is a country of transit. Cambodia serves as a transit country for those trafficked from Vietnam to Thailand and a destination country for primarily women and children trafficked for sexual exploitation from Vietnam and China.<sup>10</sup> The most common destinations for these women and children within Cambodia include Phnom Penh, Siem Reap, and Sihanouk Ville.<sup>11</sup>

Not only is Cambodia a source, transit, and destination country for human trafficking but it also falls into the trap of internal trafficking. The main groups trafficked within Cambodian borders are women and children for commercial and sexual exploitation.<sup>12</sup> Within Cambodia, people are typically trafficked from the rural to more urban areas where the exploitation is easier to mask.

Men, women, and children are all vulnerable, and the demand for these vulnerable groups exists within a nation's borders as well as extends beyond them. Cambodia faces the obstacle of protecting its own citizens, trafficked to other countries and within their country, as well as those that pass through and those that find their final destination to be Cambodia. The transnational nature of human trafficking creates obstacles to combating the crime because it requires actions across all levels of the international community.

The government of Cambodia is a key player in the fight against human trafficking. According to the 2009 Trafficking in Persons Report, released by the United States Department of State, Cambodia falls in to the Tier 2 Watch list category, meaning that "The Government of Cambodia does not fully comply with the minimum standards for the

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

elimination of trafficking; however, it is making significant efforts to do so.”<sup>13</sup> While the TIP report itself goes into the details of the government’s shortcomings in combating human trafficking, the basic summary is as follows...the government has been much less successful than prior years in prosecuting offenders as well as officials involved in human trafficking as a result of internal corruption, has not made improvements in protecting victims who are continuously detained and wrongfully punished, and has made little effort to introduce measures aimed to prevent human trafficking.<sup>14</sup> Based on the results of the most recent TIP report, the Cambodian government needs to make improvements in the way of prosecution, protection, and prevention.

### **III. Government Role in Peacebuilding Process**

#### *100% Condom Use Program*

In order for peacebuilding efforts to bear fruit, there needs to be successful implementation of policies that work for society as a whole. For example, Cambodia was very successful in combating HIV/AIDS because the government adopted a policy, through which condoms were promoted on a countrywide scale with great success. Cambodian Prime Minister Hun Sen signed this program, known as the 100% Condom Use Program, into affect on October 14, 1999.<sup>15</sup> The program “mandated the provision of condoms in all high risk entertainment establishments where sex could be procured.”<sup>16</sup> In addition to promoting condom use, the program entails comprehensive sexual health education, access to STI screenings and other health services (ibid). Prior to the initiation of said program,

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<sup>13</sup> United States Department of State, *Trafficking in Persons Report 2009 – Cambodia*, 16 June 2009, <http://www.unhcr.org/refworld/docid/4a4214c82d.html>, (31 August 2009).

<sup>14</sup> Ibid.

<sup>15</sup> Umakant Singh, “Effective Advocacy Case Study on Cambodia’s law on suppression of human trafficking and sexual exploitation,” *Health Dev.*, 2008, <http://healthdev.net/site/post.php?s=3840>, (31 August 2009).

<sup>16</sup> Ibid.

the HIV/AIDS prevalence rate in Cambodia was one of the highest in Southeast Asia at 2.0% (ibid). However, by 2007 the prevalence rate had dropped to 0.9% (ibid), indicating that Cambodia was successfully combating HIV/AIDS with the help of the 100% CUP program. According to Population Action International Cambodia is an example of a country that has “successfully responded to its concentrated HIV/AIDS epidemic with a prevention strategy tailored to its own epidemiology. In the past decade, it has reduced HIV infection rates among sex workers and their paying clients through well-targeted condom promotion.”<sup>17</sup>

The 100% CUP program is an example of a government policy with positive implications on society. One of the primary reasons the program was able to enjoy so much success was that it involved actors at many levels including, but not limited to, policymakers, local authorities, and owners of sex establishments.<sup>18</sup> However, all issues do not share this success across the board.

#### *Law on the Suppression of Human Trafficking and Sexual Exploitation*

The government is responsible for facing many challenges to the peacebuilding process. In fact, a program to combat one of the challenges to peacebuilding can counter the efforts of another program, which is representative of the current situation regarding HIV/AIDS and human trafficking in Cambodia. The Law on the Suppression of Human Trafficking and Sexual Exploitation turned the 100% CUP on its head. Currently, many are losing faith in the 100% CUP because “it has turned against those it is supposed to protect, by being used as a means to imprison sex workers, using the fact that they carry condoms

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<sup>17</sup> “Cambodia and HIV: Winning Round Two in a Preventative Fight,” *Population Action International*, Volume 1, Issue 7, 2006, [http://www.populationaction.org/Publications/Working\\_Papers/Cambodia\\_and\\_HIV\\_Winning\\_Round\\_Two\\_in\\_a\\_Preventative\\_Fight/Summary.shtml](http://www.populationaction.org/Publications/Working_Papers/Cambodia_and_HIV_Winning_Round_Two_in_a_Preventative_Fight/Summary.shtml), (31 August 2009).

<sup>18</sup> Ibid.

with them as evidence for them doing sex work.”<sup>19</sup> While the 100% CUP was not designed to promote condoms and simultaneously use them as a means to imprison sex workers, it in affect transformed to just that as a result of the government’s adoption of the Law on the Suppression of Human Trafficking and Sexual Exploitation. The 100% CUP was a success and would have continued to be so if it were not for the anti-trafficking policy enacted in 2007 that inadvertently countered its efforts.

### Laws and Politics

It is important to recognize that Cambodia’s political action is interwoven with the policies of other countries, particularly those that provide aid to Cambodia. Cambodia cooperates bilaterally with numerous countries, including the United States, which transformed its anti-trafficking efforts under the Bush administration to be much more conservative. President Bush made the fight against human trafficking a personal priority, which in turn made the “eradication of sex work a centerpiece of US foreign assistance on AIDS.”<sup>20</sup> The premise of U.S. policy was to eradicate prostitution and sexual exploitation in an attempt to combat human trafficking, which the administration saw as intrinsically linked. Therefore, recipients of U.S. funding were required to “have a policy explicitly opposing prostitution and sex trafficking.”<sup>21</sup>

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<sup>19</sup> Juliana Rincón Parra of Global Voices, “Condoms in Cambodia: A Double-Edged Sword,” *Oneworld.net*, 27 August 2008, <http://us.oneworld.net/article/357121-condoms-cambodia-a-double-edged-sword>, (31 August 2009).

<sup>20</sup> Cheryl Overs, “Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia,” *Asia Pacific Network of Sex Workers, Phnom Penh*, March 2009, <http://apnswdollhouse.files.wordpress.com/2009/03/caught-between-the-tiger-and-the-crocodile.pdf>, (31 August 2009), 29.

<sup>21</sup> Siddharth Dube in Cheryl Overs, “Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia,” *Asia Pacific Network of Sex Workers, Phnom Penh*, March 2009, <http://apnswdollhouse.files.wordpress.com/2009/03/caught-between-the-tiger-and-the-crocodile.pdf>, (31 August 2009), 29.



Due to the fact that Cambodia is significantly poorer than the United States and relies heavily on the funding it receives as a result of bilateral cooperation, the country was left no choice but to comply with the stipulations set forth by the United States' policies on human trafficking. As a result, Cambodia adopted the Law on Suppression of Human Trafficking and Sexual Exploitation in March of 2008. One stipulation of this law is that authorities are permitted to arrest individuals whom have in their possession visible material that "stimulates sexual desire."<sup>22</sup> More specifically the law

criminalizes soliciting for prostitution and various other types of sexual behavior for reward, erotically stimulating images, procuring, training, transporting and almost all social and financial transactions connected to sex work, whether they are abusive or consensual, fair or unfair.<sup>23</sup>

One result of the said stipulation is the targeting of individuals who have in their possession a condom, regardless of whether or not it is a protection mechanism against HIV/AIDS, other sexually transmitted diseases, or pregnancy.

#### Sex Workers = Trafficked = Criminals ?

In order to understand the implications of the Law on Suppression of Human Trafficking and Sexual Exploitation, it is necessary to understand how the law relates to sex workers as well as those that are trafficked into the industry. The controversy with the law is that it combines human trafficking with sex work despite apparent differences between the two issues. Despite the fact that the two are linked, it is important to understand the differences in order to more efficiently identify victims. According to the Trafficking

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<sup>22</sup> Umakant Singh, "Effective Advocacy Case Study on Cambodia's law on suppression of human trafficking and sexual exploitation," *Health Dev.*, 2008, <http://healthdev.net/site/post.php?s=3840>, (31 August 2009).

<sup>23</sup> Cheryl Overs, "Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia," *Asia Pacific Network of Sex Workers, Phnom Penh*, March 2009, <http://apnswdollhouse.files.wordpress.com/2009/03/caught-between-the-tiger-and-the-crocodile.pdf>, (31 August 2009), 2.

Victims Protection Act trafficking can take on different forms including “(a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”<sup>24</sup> It is often difficult to distinguish between someone trafficked and someone who chooses to enter into the industry of sex work. This makes the implementation of a policy that criminalizes prostitution problematic because it runs the risk of criminalizing the very victims themselves, while simultaneously leaving both groups vulnerable to HIV/AIDS.

Cambodia’s Law on Suppression of Human Trafficking and Sexual Exploitation is putting trafficking and prostitution on the same playing field in such a way that attempts to combat the two despite apparent differences, which has an adverse affect because it has negative implications across many sectors of society. The law allows the government, more specifically the authorities, to put identifying victims on the backburner because they do not feel pressured to take the time or energy to identify victims when it is easiest to target a sex worker under the new law. The authorities focus on the criminalization of prostitution because those that work in this sector are more easily identifiable than, say, those that are trafficked or those involved at different levels of the trafficking ring.

This new law inadvertently affords those responsible for trafficking Cambodians with a certain level of protection simply based on the very nature of the crime itself. The

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<sup>24</sup> “Introduction: Trafficking in Persons Report,” *U.S. Department of State*, 4 June 2008, <http://www.state.gov/g/tip/rls/tiprpt/2008/105376.htm>, (9 April 2009).

perpetrators are protected by the nature of human trafficking as the perfect crime because it becomes increasingly difficult to track a person that becomes victimized as a result of their vulnerability, especially when their family and friends may not know for a long time that their loved ones have fallen victim to such a crime or, for that matter, may not ever know. Therefore, it is not surprising that the perpetrators are able to easily slip below the radar of authorities.

### Economic Incentives

Further complicating an already precarious situation, is the fact that human trafficking is a crime that generates astounding profits due to the reusable nature of its victims. These profits, unfortunately, are never shared with the very people that are responsible for earning them because, once in the trafficking situation, they find themselves living without freewill or any form of self-empowerment. Their lives are continuously threatened, and those that exert control over them use the victim's families as a way of scaring them into submission. Consequently, victims of trafficking begin to blend in with the rest of society and, as is the case in Cambodia as well as many other countries, they typically blend right in with sex workers when speaking about sex trafficking specifically.

### Perfect Crime

The culmination of all the previously discussed factors is the birth of the perfect crime, which presents challenges to the Cambodian authorities charged with identifying the victims. If it is this difficult to identify a victim, just think of the challenges of then using a victim in order to track his/her trafficker. Furthermore, the trafficking network is a complex web of individuals including many that blend in with the rest of Cambodian

society as well as individuals living in other countries that are often times untouchable due to the nature of international law.

As a result of the sheer difficulty in identifying those involved in the human trafficking network in Cambodia, the authorities target sex workers because they are pressured by the government to show evidence that they comply with the new law. As stated in an article published in the *Phnom Penh Post* “by regarding all sex workers as victims, the 2008 anti-trafficking law conflates women who have been trafficked with women who consent to sex work, thereby diverting attention away from traffickers.”<sup>25</sup> The government is simultaneously being pressured by donors, namely the United States to comply with its anti-trafficking efforts.

#### **IV. Human Consequences of Cambodian State Political Action**

##### *Sex industry moves underground, HIV/AIDS expands*

While government initiatives regarding both HIV/AIDS and human trafficking can be regarded as having both positive and negative implications on civil society, it is clear that in the aftermath of opposing government initiatives in Cambodia, the society is in need. Despite the fact that implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation aims to combat human trafficking, it is actually driving the sex industry underground making human trafficking yet more difficult to combat. Simultaneously, government anti-trafficking legislation is standing in the way of their HIV/AIDS policies and impeding individuals’ abilities to seek protection and anti-retroviral treatments. The implications of two policies that oppose each other very closely reflect the

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<sup>25</sup> Christopher Shay and Mom Kunthear, “Study slams trafficking law,” *Phnom Penh Post*, 23 July 2009, <http://www.phnompenhpost.com/index.php/2009072327338/National-news/study-slams-trafficking-law.html>, (20 September 2009).

very obstacles that Cambodia attempts to overcome through the implementation of such policies.

#### *Decline in condom use and STI testing*

Essentially, the 100% Condom Use Program is rendered useless by the Law on Suppression of Human Trafficking and Sexual Exploitation. The legislation regarding human trafficking creates an atmosphere in which many fail to seek medical help for fear of being labeled as sex workers and convicted as such. In turn, an increasingly smaller number of individuals in danger of contracting HIV/AIDS are obtaining condoms, those very condoms that 100% CUP was promoting, and are simultaneously veering away from being tested for STDs and from pursuing anti-retroviral treatments necessary for their well being.

#### *Perpetuation of Gender Stereotypes*

The pressure to criminalize sex workers perpetuates stereotypes of Cambodian women as being subordinate to men. In a society where “men are gold: women are cloth”<sup>26</sup>, sex workers are shunned by society. When the 100% CUP was initiated, women were able to gain a certain level of protection and respect through their ability to demand condom use and protect themselves. Society was, to a certain extent, forced to recognize these individuals as legitimate and part of society. However, adoption of the Law on Suppression of Human Trafficking and Sexual Exploitation has solidified the age-old views of women as

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<sup>26</sup> Vidyamali Samarasinghe, *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World* (New York: Routledge – Taylor & Francis Group, 2008), 89.

inferior to men and as ‘tainted’ individuals. Consequently, the shunning of sex workers (regardless of whether or not they are victims of trafficking) becomes increasingly more legitimized and socialized.

### *Negligence towards other forms of trafficking*

The result of the government’s anti-trafficking initiative has unintended consequences that are much less apparent than the obvious negative implications that it poses for the fight against HIV/AIDS. The majority of the anti-trafficking efforts focus on the sex industry in Cambodia, which means that other groups vulnerable to being trafficked are neglected by the state policies. The current policy draws the attention of the police towards arresting sex workers, which impedes and deters their efforts from children in danger of being trafficked as well as boys trafficked for labor. Granted the problem of human trafficking in Cambodia is largely concentrated in the realm of sex trafficking, however, a policy must be interpreted to include all vulnerable groups. The ramifications of excluding certain groups that are in danger of being trafficked are vast. While all energies are on the sex trafficking industry, labor trafficking and the trafficking of children can expand right under the nose of the government.

### *Legitimization and Socialization of Attitudes of Non-acceptance*

Prior to the implementation of both the 100% CUP and the Law on Suppression of Human Trafficking and Sexual Exploitation, Cambodian society as a whole was turning a blind eye to the issues of HIV/AIDS and human trafficking. With the adoption of the 100% CUP, society became more attentive to the issue of HIV/AIDS and Cambodia gained international recognition for their HIV/AIDS efforts. This was a result of the raised

awareness and understanding of the disease ushered in by the government initiated program as well as efforts across many other levels of society, including both international and Cambodian non-governmental organizations. Recognition of both issues grew over the years as the Phnom Penh Post published more and more articles regarding the success of the 100% CUP as well as articles highlighting human trafficking issues. There was less and less opportunity for the society to ignore the issues because the stereotypes were being broken down. Sex workers earned a certain level of respect because they were empowered by a program that allowed them to protect themselves from a fatal disease.

Unfortunately, the consequence of legislation that reversed the positive effects of another program has resulted in a backward trend in terms of the protections gained and respect earned by sex workers. Society is now witnessing brothel raids and sex workers' arrests on a large scale. The open and visible criminalization of these individuals reinforces the discrimination that started to gradually disappear under the umbrella of others' efforts.

If a society looks to the government for guidance and leadership, what happens when that government enacts legislation that allows for the discrimination towards a group of its citizens? As is the case with Cambodia, the society tends to accept the government policies, which negatively affects and undermines previous achievements made by the same entity.

#### *Allowance of police to violate rights*

Another unintended consequence of some state political action lies in the body that is charged with carrying out the law...the police. As is with the case of any country, someone must take the responsibility of enforcing government initiatives. The police in

Cambodia are at the forefront of promoting the Law on Suppression of Human Trafficking and Sexual Exploitation. Due to the corruption within the police force, the rights of those detained are being violated. The police are able to violate human rights because “The law allows police of all levels to arrest and punish sex workers,” according to Naly Pilorge, director of local human rights group Licadho.<sup>27</sup> The police are easily able to abuse the power granted to them within the confines of this law because they enjoy certain impunity as Hilton says in his book *Annihilating difference: the anthropology of genocide*, “Abuse of military power incurs no consequences in contemporary Cambodian society, police often violate laws with impunity.”<sup>28</sup> For example, in a video produced by the Asia Pacific Network of Sex Workers, “Phuong,” a sex worker, tells of how she was arrested and subsequently raped by six police officers, and despite the fact that she had only five condoms and informed the sixth officer of such, he did not believe her and raped her anyway.<sup>29</sup> In addition to testimonies provided by sex workers, evidence of police involvement is available in such sources as the Department of State Human Rights Report and publications of the U4 Anti-Corruption Resource Centre, which reports that

The Cambodian Ministry of Interior reports 64 arrests for human trafficking and several prosecutions of police officials for trafficking-related corruption charges in 2006. For example, the former Deputy Director of the Police Anti-Trafficking and Juvenile Protection Department was convicted for complicity in trafficking and sentenced to five years’ imprisonment. Two officials under his supervision were also convicted and sentenced to seven years’ imprisonment.<sup>30</sup>

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<sup>27</sup> “Cambodia faces problems enforced new sex trafficking law,” *American Free Press*, 25 December 2008, [http://www.google.com/hostednews/afp/article/ALeqM5g-SQi-IX7ei3R9iLtb1SOc\\_vCxJg](http://www.google.com/hostednews/afp/article/ALeqM5g-SQi-IX7ei3R9iLtb1SOc_vCxJg), (31 August 2009).

<sup>28</sup> Alexander Laban Hilton, *Annihilating Difference: The Anthropology of Genocide*, (Berkeley: The Regents of the University of California, 2002), 283.

<sup>29</sup> “Cambodia’s New anti-trafficking law: Sex Workers speak out,” *Asia Pacific Network of Sex Workers*, 1 June 2008, [http://www.youtube.com/watch?v=Nsf8W6lX\\_4s&feature=related](http://www.youtube.com/watch?v=Nsf8W6lX_4s&feature=related), (2 September 2009).

<sup>30</sup> “Overview of Corruption in Cambodia” *U4 Anti-Corruption Resource Centre: Transparency International*, [www.u4.no/helpdesk/helpdesk/query.cfm?id=197](http://www.u4.no/helpdesk/helpdesk/query.cfm?id=197), (15 September 2009), 4.



It is discouraging, to say the least, to realize that the culmination of the human consequences of the government's anti-trafficking legislation and its clash with governmental efforts to combat HIV/AIDS, manifest itself as a backward spiral into a past characterized by a lack of progress in relation to the rights of victims of HIV/AIDS and human trafficking.

Keo Tha of the Women's Network for Unity embodies the overall dilemma created by the opposing policies when she states, "We are sandwiched right now -- we are oppressed by the police, the law and rising living costs."<sup>31</sup> While the manifestation of the human consequences of state political action relating to HIV/AIDS and human trafficking appears to be more than a few steps in the wrong direction, the civil society responses to such actions represent hope and promise. The very fact that there is widespread response to the anti-trafficking law proves that the society is willing to engage in dialogues that could bring about change and aid in the overall peacebuilding process.

## **V. Civil society responses to counter government initiatives**

As discussed previously, the major implications of the opposing policies are a reduction in the number of sex workers pushing for condom use and STI testing as well as a relocation of the sex industry to 'entertainment' venues.<sup>32</sup> Essentially, HIV/AIDS and human trafficking are challenges to the peacebuilding process in and of themselves, which

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<sup>31</sup> "Cambodia faces problems enforced new sex trafficking law," *American Free Press*, 25 December 2008, [http://www.google.com/hostednews/afp/article/ALeqM5g-SQi-IX7ei3R9iLtb1SOc\\_vCxJg](http://www.google.com/hostednews/afp/article/ALeqM5g-SQi-IX7ei3R9iLtb1SOc_vCxJg), (31 August 2009).

<sup>32</sup> Cheryl Overs, "Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia," *Asia Pacific Network of Sex Workers, Phnom Penh*, March 2009, <http://apnswdollhouse.files.wordpress.com/2009/03/caught-between-the-tiger-and-the-crocodile.pdf>, (31 August 2009), 1.

are perpetuated by the clash of government policies designed to combat them. Therefore, civil society's responses, like the implications themselves, are numerous.

The collection of responses is multi-tiered, with some serving as a direct response to policies and others serving as indirect responses. The wide array of responses is clear when one searches the two main pieces of legislation that this paper aims to discuss. Article titles convey the debate and range from such things as "Cambodia faces problems enforced new sex trafficking law", "Study slams trafficking law", "Cambodian National Assembly debates law on anti-human trafficking, sexual exploitation", "Condoms in Cambodia: A Double-Edge Sword", "Cambodia's Condom Campaign at Risk, Faces Fresh HIV Epidemic", "Sex workers seek policy partners", "Court of Women calls for Action", "Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia", to "Prostitution has no place in the Kingdom of Wonder." The fact that civil society is responding and is voicing their concerns, whether it be in favor of government initiatives or in opposition to them, is a very hopeful sign.

The range of responses is multi-faceted. On one plane there are responses by those that focus their efforts on HIV/AIDS, on another plane there are those involved in the fight against human trafficking, and on yet another plane there are responses from sex workers and those that represent them, and of course there are also a variety of responses from other groups and individuals including, but not limited to, the court system. As Cheryl Overs of the Asia Pacific Network for Sex Workers reports, "The Cambodian AIDS authority, international public health agencies and UNAIDS are concerned about limits the new policy and law imposes on HIV prevention and care efforts."<sup>33</sup>

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<sup>33</sup> Ibid.

## *Direct Responses by Opposition*

### Want to participate

At the forefront of civil society responses are the sex workers themselves as well as the organizations that represent them. The sex workers are very strongly opposing the Law on Suppression of Human Trafficking and Sexual Exploitation because it violates their rights. Cheryl Overs of the Asia Pacific Network for Sex Workers conducted an in-depth study regarding the campaign to suppress human trafficking and sexual exploitation and focused, in large part, on the implications of such a campaign on sex workers. She states that “The heavy handed approach to human-trafficking is supported by some UN agencies, parts of the US government and NGOs, while other civil society and departments of the same agencies strongly oppose it.”<sup>34</sup> Organizations that represent sex workers advocate for change because the isolation and shunning of sex workers results in increased levels of vulnerability, which consequently, fuels the human trafficking industry.

The general response from sex workers and those that represent them is that they need to be included in the dialogue regarding the policies. In an article published in the *Phnom Penh Post* titled “Sex workers seek policy partners” it is evident that there is a consensus in the need for consultation to take place between the government and those that represent or work in the sex industry. According to the article a report released by the Cambodian Alliance for Combating HIV/AIDS (CACHA) in combination with several other local, international, and governmental organizations surveying an estimated 1,000 sex workers “consultation would lead to more effective policies than the existing 2008 Law on

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<sup>34</sup> Ibid.

the Suppression of Human Trafficking and Sexual Exploitation.”<sup>35</sup> Generally speaking, organizations that work with sex workers are openly responding to government initiatives regarding human trafficking by attempting to create a dialogue in which the voices of those that find themselves in a more vulnerable situation due to the nature of the policies.

However, Ly Pisey, a staff member for the Women’s Network for Unity (WNU) commented that when they have attempted to approach law enforcement and other NGOs that focus on anti-trafficking and rehabilitation with ideas for improvements, little attention is paid to them.<sup>36</sup>

Based upon the collective responses of international, governmental, and local organizations it is clear that the response of sex workers to the policies is one of opposition. However, their response is a very positive one in the way that they are pushing for inclusion in the process of bettering policies. Additionally, sex workers such as Uk Mony are openly advocating for HIV education<sup>37</sup>, which could empower them and greatly reduce, if not eliminate vulnerability in the long run.

#### Violation of international guidelines

In addition to organizations speaking in favor of including sex workers in the dialogue, they also speak to the need to change the policy due to numerous factors including the way in which it violates international guidelines. The Cambodian Alliance for Combating HIV/AIDS (CACHA) joined by many other organizations reported that the law “violates international guidelines, encourages gender discrimination and increases the

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<sup>35</sup> Katrin Redfern, “Sex workers seek policy partners,” *Phnom Penh Post*, 28 July 2009, <http://www.phnompenhpost.com/index.php/2009072827405/National-news/sex-workers-seek-policy-partners.html>, (3 August 2009).

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

danger of sex work.”<sup>38</sup> The law is said to violate international guidelines because traffickers are supposed to be the focus of anti-trafficking strategies according to United Nations guidelines.<sup>39</sup> However, in the case of Cambodia, the sex workers have come the focus, which is negatively affecting the overall ability to combat human trafficking.

### Challenges HIV/AIDS legislation

The international community is voicing its concern for Cambodia via the culmination of the Southeast Asia Court of Women on HIV, Human Trafficking, and Migration, which occurred in Bali, Indonesia. The jury “called for urgent action to break the cycle of poverty, violence, trafficking and HIV that is ruining the lives of countless women, girls, and communities in Southeast Asia.”<sup>40</sup> The declaration resulting from this court of women read that “Women’s lives in Southeast Asia are dominated by acute inequality and injustice that make them highly vulnerable to various forms of violence, exploitation, trafficking and, subsequently, HIV.”<sup>41</sup> In discussions of the court it was recognized that the anti-trafficking legislation resulted in a “significant setback” to the HIV/AIDS legislation and due to the fact that more injustices were placed on the women as a result of the clashing policies.<sup>42</sup> Therefore, not only does the policy unjustly target sex workers, but it is also responsible for causing women to have to re-confront injustices that they were beginning to leave behind prior to the implementation of the policy.

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<sup>38</sup> Christopher Shay and Mom Kunthear, “Study slams trafficking law,” *Phnom Penh Post*, 23 July 2009, <http://www.phnompenhpost.com/index.php/2009072327338/National-news/study-slams-trafficking-law.html>, (20 September 2009).

<sup>39</sup> Ibid.

<sup>40</sup> Nathan Green, “Court of Women calls for action,” *Phnom Penh Post*, 7 August 2009, <http://www.phnompenhpost.com/index.php/2009080727624/National-news/court-of-women-calls-for-action.html> (31 August 2009).

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

### *In favor of the law*

Several other individuals and entities that form part of Cambodian society are responding to law as well, including the Cambodian National Assembly, which argues that passing the law will reduce terrible acts of human trafficking. The Cambodian National Assembly advocates for the law and argues that it is an affective way for targeting the perpetrators<sup>43</sup>, while they fail to mention the possible repercussions that the law could have in terms of sex workers. Individual Cambodians are also participating in the conversation regarding the state policies, including Chansokhy Anhaouy, who wrote to the editor of the *Phnom Penh Post* in response the articles regarding sex worker's want to take part in conversations. This individual advocated against prostitution saying that it brings "shame to the people, culture and society."<sup>44</sup> It is interesting to note that responses in favor of the law use the occupation of sex workers to justify their argument, rather than actually addressing the issues of HIV/AIDS and human trafficking.

### *Indirect Reponses*

#### APPLE

In addition to the direct responses to government initiatives, specifically the legislation regarding human trafficking, there are also indirect responses to the negative implications that such policies have on civil society. Many organizations indirectly counter the government actions through their work with individuals who are vulnerable to HIV/AIDS and human trafficking. For example Action pour les Enfants, Cambodia is a

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<sup>43</sup> Du Guodong, editor, "Cambodian National Assembly debates law on anti-human trafficking, sexual exploitation," *Xinhua News Agency*, 18 December 2007, <http://news.xinhuanet.com/english/2007-12/18/content.7275677.htm> (31 August 2009).

<sup>44</sup> Chansokhy Anhaouy, "Prostitution has no place in the Kingdom of Wonder," *Phnom Penh Post*, 30 July 2009, <http://www.phnompenhpost.com/index.php/2009073027455/National-news/prostitution-has-no-place-in-kingdom-of-wonder.html> (3 August 2009).

human rights NGO whose purpose is to work with children who are in danger of sexual exploitation and report abuses to authorities.<sup>45</sup> APLE has a number of functions including monitoring, investigation, legal protection and policy, social support and rehabilitation, and advocacy and research.<sup>46</sup> The combination of all of their efforts represents their attempt to combat human trafficking through an understanding of the victims and through building support for the children. The APLE also focuses on channeling their energy into finding perpetrators of the crime. It is clear that there are alternate approaches to the ones that the government puts forth through their policies, and that organizations such as this one approach the challenge from a different angle and in doing so indirectly respond to the impacts of state policies on society.

#### Tean Thor Association

Many other organizations also indirectly respond to the government's policies through their particular and often very unique efforts. One example of such an organization is Tean Thor Association, "acts of compassion" in Khmer, which is working to prevent the further spread of HIV/AIDS and create opportunities for girls that are in danger of being trafficked. TTA operates in the northwest region of Cambodia, outside of Battambang. It is important to recognize that those living in the rural areas experience increased levels of vulnerability due to difficulties in communication, a lack of access to health services and anti-retroviral treatments, and less job opportunities, among other things.

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<sup>45</sup> *Action pour les Enfants*, 2006-2009, <http://www.aplecambodia.org/activities.php>, (20 September 2009).

<sup>46</sup> *Ibid.*

This equates to a population that is affected by government policies, but, due to where they live, their voices are often neglected. TTA indirectly counters the government initiatives through their programs that focus on education and prevention. TTA attacks the root causes of the issues and, in doing so, empowers the community.

One implication of the conflicting policies is the renewed acceptance to shun and isolate victims of HIV/AIDS and human trafficking from society. TTA works to build trust in the community in order to create an environment of understanding in which victims are accepted as part of the community. One way in which TTA combats discrimination directed towards HIV/AIDS victims is to incorporate religious elements into their HIV/AIDS education programs. TTA trains monks to work with HIV/AIDS victims and to raise the awareness of the importance of inclusion. This specific initiative is at the core of why TTA's other initiatives are collectively successful. Monks are successful in providing spiritual guidance to the communities and raising awareness of HIV/AIDS, which has consequently resulted in the reduction of discrimination and prejudices targeted towards those living with HIV/AIDS and their families. In Khmer culture Buddhism has always been a source of great importance and guidance, but in the times of attempted peace it is essential because the people trust the religion and look to the monks for guidance.

TTA recognizes the importance of not only religion, but also other traditions in the battle, such as the use of herbal remedies administered by traditional healers known as kru khmer. While, these traditional remedies are not a cure for HIV/AIDS, the people trust in their ability to target certain symptoms, such as pain and rashes. In addition to the traditional herbal remedies, TTA helps provide victims with increased access to anti-retroviral treatments. Obtaining anti-retroviral treatments upon arrival at a hospital in



Cambodia is far from guaranteed, but accompaniment by a TTA staff member increases one's chances of getting the treatment. It is important for victims at every stage of HIV/AIDS to have access to anti-retroviral treatments. These treatments, coupled with natural remedies and a strong communal support system, have the potential to prolong one's life. In addition to working with HIV/AIDS victims, TTA works with other vulnerable groups in the hopes to prevent exacerbation of the current problems. Offering the acquisition of vocational skills, such as the sewing class that we were able to observe, is one way the organization reaches out to groups that would otherwise be forced to seek work in the more urban areas where there is an increased danger of contracting the disease.

Additionally, TTA has an integrative classroom where children have the opportunity to learn English. This class is unique because it is located alongside the HIV/AIDS clinic and the vocational school and children in the clinic attend the classes. The essence of such action is that children grow up in an environment where they embrace their peers instead of fearing them. They are able to understand the disease, its causes, and thus the importance of including everyone in the community rather than excluding them. TTA empowers the community, which consequently serves as a means to prevent the spread of HIV/AIDS and human trafficking.<sup>47</sup>

## **VI. Conclusion**

The issues of HIV/AIDS and human trafficking are very daunting for Cambodia and serve as obstacles to the peacebuilding process. As evidenced in this paper, the government has attempted to combat both issues, but in the process have created policies that put more strains on the vulnerable groups. The human consequences of Cambodian

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<sup>47</sup> Tean Thor Association. Information based on observations made during on-site field study, January 2009.

state political action boils down to one main implication, increased vulnerability. This increased vulnerability subsequently leads to the spread of HIV/AIDS and human trafficking. The government needs to revamp their policies in order to include the voices of the Cambodian people. Empowerment of the people and their inclusion in the peacebuilding process is the only way to, not only combat HIV/AIDS and human trafficking, but to prevent their expansion. State action is only effective when the voices of all are heard.

## Bibliography

- Action pour les Enfants*, 2006-2009. <<http://www.aplecambodia.org/activities.php>>. 20 September 2009.
- Anhaouy, Chansokhy. "Prostitution has no place in the Kingdom of Wonder." *Phnom Penh Post*, 30 July 2009.  
<<http://www.phnompenhpost.com/index.php/2009073027455/National-news/prostitution-has-no-place-in-kingdom-of-wonder.html>>. 3 August 2009.
- "Cambodia and HIV: Winning Round Two in a Preventative Fight." *Population Action International*, Volume 1, Issue 7, 2006,  
<[http://www.populationaction.org/Publications/Working\\_Papers/Cambodia and HIV Winning Round Two in a Preventative Fight/Summary.shtml](http://www.populationaction.org/Publications/Working_Papers/Cambodia_and_HIV_Winning_Round_Two_in_a_Preventative_Fight/Summary.shtml)>. 31 August 2009.
- "Cambodia Approves Law on Anti-Human Trafficking." *Humantrafficking.org*, 7 January 2008. <<http://www.humantrafficking.org/updates/767>>. 31 August 2009.
- "Cambodia's Condom Campaign at Risk, Faces Fresh HIV/Epidemic." *MedIndia Health Network Pvt Ltd*, 11 September 2008.  
<<http://www.medindia.net/news/Cambodias-Condom-Campaign-at-Risk-Faces-Fresh-HIV-Epidemic-41674-1.htm>>. 31 August 2009.
- "Cambodia faces problems enforced new sex trafficking law." *American Free Press*, 25 December 2008. <[http://www.google.com/hostednews/afp/article/ALeqM5g-SQi-IX7ei3R9iLtb1SOc\\_vCxJg](http://www.google.com/hostednews/afp/article/ALeqM5g-SQi-IX7ei3R9iLtb1SOc_vCxJg)>. 31 August 2009.
- "Cambodia." *Humantrafficking.org*, 2001-2006 Academy for Educational Development.  
<<http://www.humantrafficking.org/countries/cambodia>>. 31 August 2009.
- "Cambodia's New anti-trafficking law: Sex Workers speak out." *Asia Pacific Network of Sex Workers*, 1 June 2008.  
<[http://www.youtube.com/watch?v=Nsf8W6lX\\_4s&feature=related](http://www.youtube.com/watch?v=Nsf8W6lX_4s&feature=related)>. 2 September 2009.

- “Cambodia.” *Policy Project*.  
<<http://www.policyproject.com/countries.cfm?country=Cambodia>>. 31 August 2009.
- “Cambodia: Sex workers, 100% Condom Use and Human Rights.” *Global Voices*,  
<<http://www.groundreport.com/World/Cambodia-Sex-workers-100-Condom-Use-and-Human-Rights>>. 31 August 2009.
- Green, Nathan. “Court of Women calls for action.” *Phnom Penh Post*, 7 August 2009,  
<<http://www.phnompenhpost.com/index.php/2009080727624/National-news/court-of-women-calls-for-action.html>>. 31 August 2009.
- Green, Nathan. “Trafficking law impeding HIV efforts: experts.” *Phnom Penh Post*, 11 August 2009. <<http://www.phnompenhpost.com/index.php/2009081127672/National-news/trafficking-law-impeding-hiv-efforts-experts.html>>. 13 September 2009.
- Guodong, Du –Editor. “Cambodian National Assembly debates law on anti-human trafficking, sexual exploitation.” *Xinhua News Agency*, 18 December 2007,  
<<http://news.xinhuanet.com/english/2007-12/18/content.7275677.htm>>. 31 August 2009.
- Hilton, Alexander Laban. *Annihilating Difference: The Anthropology of Genocide*. Berkeley: The Regents of the University of California, 2002.
- “Introduction: Trafficking in Persons Report.” *U.S. Department of State*, 4 June 2008.  
<<http://www.state.gov/g/tip/rls/tiprpt/2008/105376.htm>>. 9 April 2009.
- Jonsson, Anna. *Human Trafficking and Human Security*. London: Routledge – Taylor & Francis Group, 2009.
- Kara, Siddharth. *Sex Trafficking: Inside the Business of Modern Slavery*. New York: Columbia University Press, 2009.
- Lamptey, Peter and Merywen Wigley, Dara Carr, and Yvette Collymore. “Facing the HIV/AIDS Pandemic.” *Population Bulletin*, September 2002.  
<[http://findarticles.com/p/articles/mi\\_qa3761/is\\_200209/ai\\_n9109145/](http://findarticles.com/p/articles/mi_qa3761/is_200209/ai_n9109145/)>. 31 August 2009.
- Leakhana, Khoun. “Detained prostitutes to receive new skills.” *Phnom Penh Post*, 28 August 2009. <<http://www.phnompenhpost.com/index.php/2009082828045/National-news/detained-prostitutes-to-receive-new-skills.html>>. 20 September 2009.
- Lyn, Tan Ee. “Huge challenges ahead in fight against AIDS: experts.” *Reuters*, 10 August 2009.

- <<http://www.reuters.com/article/healthNews/idUSTRE5791BX20090810?sp=true>>. 13 September 2009.
- Overs, Cheryl. "Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia." *Asia Pacific Network of Sex Workers, Phnom Penh*, March 2009.  
<<http://apnswdollhouse.files.wordpress.com/2009/03/caught-between-the-tiger-and-the-crocodile.pdf>>. 31 August 2009.
- . "Overview of Corruption in Cambodia." *U4 Anti-Corruption Resource Centre: Transparency International*. <[www.u4.no/helpdesk/helpdesk/query.cfm?id=197](http://www.u4.no/helpdesk/helpdesk/query.cfm?id=197)>. 15 September 2009.
- Parra, Juliana Rincón of Global Voices. "Condoms in Cambodia: A Double-Edged Sword." *Oneworld.net*, 27 August 2008. <<http://us.oneworld.net/article/357121-condoms-cambodia-a-double-edged-sword>>. 31 August 2009.
- Redfern, Katrin. "Sex workers seek policy partners." *Phnom Penh Post*, 28 July 2009.  
<<http://www.phnompenhpost.com/index.php/2009072827405/National-news/sex-workers-seek-policy-partners.html>>. 3 August 2009.
- Rith, Sam. "Request to global AIDS fund for support pending: official." *Phnom Penh Post*, 29 July 2009.  
<<http://www.phnompenhpost.com/index.php/2009072927424/National-news/request-to-global-AIDS-fund-for-support-pending-official>>. 3 August 2009.
- "Royal Kram." *Deputy General Director of the Royal Government*, Translation by UNICEF, 20 February 2008. <[http://www.no-trafficking.org/content/Laws\\_Agreement/cambodia%20new%20law%20on%20trafficking%20&%20sexual%20exploitation%20-%20english.pdf](http://www.no-trafficking.org/content/Laws_Agreement/cambodia%20new%20law%20on%20trafficking%20&%20sexual%20exploitation%20-%20english.pdf)>. 31 August 2009.
- Samarasinghe, Vidyamali. *Female Sex Trafficking in Asia: The Resilience of Patriarchy in a Changing World*. New York: Routledge – Taylor & Francis Group, 2008.
- Shay, Christopher and Mom Kunthea. "Study slams trafficking law," *Phnom Penh Post*, 23 July 2009.  
<<http://www.phnompenhpost.com/index.php/2009072327338/National-news/study-slams-trafficking-law.html>>. 20 September 2009.
- Singh, Umakant. "Effective Advocacy Case Study on Cambodia's law on suppression of human trafficking and sexual exploitation." *Health Dev.*, 2008.  
<<http://healthdev.net/site/post.php?s=3840>>. 31 August 2009.
- United States Department of State, *Trafficking in Persons Report 2009 – Cambodia*, 16 June 2009. <<http://www.unhcr.org/refworld/docid/4a4214c82d.html>>. 31 August 2009.

“Update on JMI for TWG-Gender, chaired by H.E. Minister Ing Khanta Phavi.” *Government Donor Coordination Committee (GDCC)*, 21 February 2007.  
<[http://www.cdc.crdp.gov/kh/cdc/gdcc/ninth/ninth\\_mova.htm](http://www.cdc.crdp.gov/kh/cdc/gdcc/ninth/ninth_mova.htm)>. 31 August 2009.