

Fondation Scelles

Connaître, Comprendre, Combattre
l'Exploitation Sexuelle

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

CAMBODIA

 POPULATION 16 million	 GDP PER CAPITA 1,384.4 USD
 POLITICAL SYSTEM Constitutional Monarchy	 HUMAN DEVELOPMENT INDEX 143 rd rank among 187 countries
 GENDER INEQUALITY INDEX 112 th rank among 147 countries	 CORRUPTION PERCEPTIONS INDEX 161 st rank among 180 countries

“Men are made from gold; and women from cloth” (A popular Cambodian saying).

In Cambodia, “female prostitution is associated with loss of female virtue, while males who purchase commercial sex benefit from an anonymity that allows them to avoid societal judgement” (Samarasinghe, 2008).

Over the course of Cambodia’s tumultuous history, the social phenomenon of female prostitution has evolved significantly in terms of both magnitude and form. Its fundamental structure can be analyzed by unpacking the interplay between, on one hand, the gendered power dynamics that set the agenda for social relations in Southeast Asia, and on the other, the socio-economic factors that drive migration and female labor patterns within its youthful population. From this perspective, the persistent male demand and “supply flows” of female bodies which sustain Cambodia’s sex trade are situated in a patriarchal framework in which uneven social effects are emphasized by factors of vulnerability tied to endemic poverty and

illegal migration. According to a 2014 Cambodian police report, 1.6% of women aged 18 to 24 have been offered payment in exchange for sexual relations, which illustrates the position of women in society (Ministry of Women’s Affairs of Cambodia, 2014). According to the same study, 20% of men have already raped their partner and 8% have raped another woman. Similarly, gang rape against prostituted persons in major cities appears to be a common practice among certain groups of young people (Ministry of Women’s Affairs of Cambodia, 2014). This burdensome reality, both dependent on and the source of social judgement and disgust, only worsens the plight of those who become prostituted person to survive and provide for their family.

Historical evolution and contemporary practices of prostitution in Cambodia

“Prostitution, in its various forms, is deeply rooted in Cambodia’s history”

(*Journal of Human Rights Practice*, November 1, 2011). Prior to 1975, Cambodian women were used as prostituted persons, especially by foreign men who came to Cambodia as a result of wars that ravaged the country (Samarasinghe, 2008). The political instability that characterized most of the second half of the 20th century in Cambodia has had a considerable impact on the contemporary development of prostitution. During the Khmer Rouge regime (1975-1979), prostitution was practically eliminated from Cambodian society. Deemed by the Communist Party of Kampuchea as contrary to its moral code, exchanging sex for money (classified under the broad category of acts *khos sel'thor*) was punishable by death sentence (*Human Rights Watch*, July 2010). Under Vietnamese occupation (1979-1989), the re-emergence of the sex trade was met with strong government repression. Repression campaigns resulted in mass arrests of people involved in prostitution, who were, for the most part, locked up in the former Khmer Rouge detention center on Koh Kor Island (*Human Rights Watch*, July 2010).

In 1992, following the entry into force of the Paris Accords on Cambodia a year before (1991), nearly 20,000 peacekeeping personnel were deployed to Cambodia as part of the United Nations Transitional Authority in Cambodia (UNTAC). It has been widely acknowledged that militarized peacekeeping in post-conflict Cambodia contributed to the spread of demand for commercial sex by both foreign and local men (Samarasinghe, 2008; Enloe, 2000; Whitworth, 2004). While the number of prostituted persons in Phnom Penh (Cambodia's capital) was nearly 6,000 before the arrival of UNTAC operatives, by 1992 this number had almost tripled to 20,000 in the capital city alone (CHRTF, 2011). The sex industry briefly declined following the departure of UNTAC in 1993, but the phenomenon re-emerged with the

development of tourism in the 1990s and 2000s. "Work in the tourism industry is often a front for the sex industry" (Samarasinghe, 2008). According to *ECPAT International*, the increase in tourism over the past several years has led to an increase in prostitution activities in tourist hubs, particularly within the increase of Chinese businessmen that engage in sex tourism (of both adults and children) (*APLE Cambodia, ECPAT International*, July 9, 2018).

Due to the largely clandestine nature of the sex industry in Cambodia, it is difficult to establish precise figures on the exact number of persons implicated in prostitution. According to *UNAIDS*, there were 34,000 prostituted people in Cambodia in 2017. The proportion of prostituted minors in commercial sex establishments in three Cambodian cities decreased from 8.2 % in 2013 to 2.2% in 2015 (*US Department of State*, June 2016). According to another report published by the Cambodian Ministry of Health in 2006, close to 6,000 prostituted persons operated in a "direct" manner (in brothels) and more than 26,000 prostituted persons operated in an "indirect" manner (in massage parlors as well as in entertainment centers like Beer Gardens, karaoke clubs, cabarets, bars, and restaurants) (*Human Rights Watch*, July 2010). Vietnamese women make up the majority of people involved in the sex industry in Cambodia.

Prostitution activities in brothels have seen a significant decline in Cambodia over the last decade (*UNDP*, 2012). This could be explained by the massive displacement of prostitution to entertainment establishments, through the evolution of phenomena such as "social and sexual networking by male customers" and police crackdown campaigns targeting brothels following the 2008 Law (Law on Suppression of Human Trafficking and Sexual Exploitation), which only accelerated "a change already well on its way" (*UNDP*, 2012). Today, "freelance"

prostitution is the norm –prostituted persons often rent rooms themselves and organize their rendez-vous (UNDP, 2012). Only a small minority of prostituted people continue to operate in public spaces (the streets, public parks, markets, and transport terminals). The NGO *Precious Women*, which raises awareness among the prostituted population of Phnom Penh, confirms this trend since they mainly intervene in beer gardens and karaoke bars (*Precious Women*, 2018).

Legislative framework and police brutality

The Law on Suppression of Human Trafficking and Sexual Exploitation passed in February 2008, which broadly defined offences related to human trafficking and prostitution, criminalized most aspects of the sex industry. This law was drafted in hopes of bringing Cambodian internal legislation framework in line with its international human rights obligations as stipulated in the International Convention on the Rights of the Child and its Optional Protocol, as well as the Palermo Protocol, which relates to human trafficking. These laws were ratified by Cambodia in 2002 and 2006 respectively. The 2008 Law defines prostitution as “any sexual relation and/or intercourse with an unspecified person in exchange for anything of value” (Article 23). Prostitution, provided that it is practiced in private spaces, does not constitute a criminal offence in and of itself under Cambodian law. The 2008 Law penalizes child prostitution, public soliciting, and procuring, as well as management of an establishment for prostitution purposes (Articles 23 to 41).

Guidelines supporting the implementation of the 2008 law make it clear that prostituted persons are not criminals. However, prostituted people often face police abuse and other arbitrary acts committed by law enforcement in Cambodia (CACHA, 2009;

Human Rights Watch, July 2010). Arrests without legal basis, violation of due process and legal guarantees, forced detention in re-education programs, physical violence and sexual abuse, systemic extortion, and forced labor all make up the daily reality of prostituted people targeted by local authorities in operations to clean the “undesirables” off the streets. The perpetrators of violence are police officers, municipal park security officers, district-level police staff, and security guards at centers run by the Ministry of Social Affairs. A certain climate of impunity contributes to the perpetuation of these acts (*Human Rights Watch*, July 2010). In 2017, the tragic death of Pen Kunthea, a young prostituted woman from Phnom Penh who drowned in the Tonle Sap river while fleeing Daun Penh district security guards, brought back to the forefront of public debate the issue of police brutality against persons involved in prostitution (*Phnom Penh Post*, March 6, 2017).

Sex trafficking in Cambodia

The 2008 Law adopted the Palermo Protocol’s definition of trafficking, with each element of the act of trafficking, such as unlawful removal, the act of buying, selling or exchanging a human being, transportation with purpose to traffic (etc.), defined as criminal offences. The 2008 Law explicitly addresses human trafficking offenses in 12 of its 30 articles, prohibits all forms of trafficking and makes both sex trafficking and forced labor punishable by 7 to 15 years in prison (up to 20 years for aggravating circumstances). These penalties are sufficiently severe because they are comparable with other serious crimes such as rape (*US Department of State*, June 2018). Internal human trafficking predominates in Cambodia (Keo, 2014; *Crime, Law & Social Change*, September 2012) and follows a migration pattern of

rural exodus. Cambodian and Vietnamese women are often tricked into leaving their rural homes and become sexually exploited in large urban centers in Phnom Penh, Siem Reap, Sihanoukville, and Poipet. Human trafficking for sexual exploitation purposes in Cambodia “resembles an artisanal industry more than organized crime,” with recruitment networks structured, for the most part, around “personal relationships, sometimes familial” (Derks, Henke, Vanna, 2006). For example, 50 members of Chinese nationality running a prostitution ring in Sihanoukville province were arrested in 2018 (Reuters, August 14, 2018). Vietnamese women and children - often victims of debt bondage - travel to Cambodia through illegal channels, and constitute a particularly vulnerable population with regard to sex trafficking (US Department of State, June 2018).

The National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour Exploitation, and Sexual Exploitation in Women and Children was established at the same time as the 2008 Law. In February 2015, the inter-ministerial committee – now known as the National Committee for Counter Trafficking (NCCT) – launched a new National Action Plan (2014-2018) aimed at coordinating the work of various ministries to combat sex trafficking. The Cambodian government dedicated an increased number of staff members to the committee and allocated a budget of close to 5 billion riels (KHR) (USD 1.25 million) in 2017, compared to KHR 4 billion (USD 1 million) in 2016 and KHR 3.6 billion (USD 900,000) in 2015, while six out of nine local coordinating committees at the provincial level received funding, compared to five in 2016 and 2 in 2014) (US Department of State, June 2018). In 2017, the NCCT reported convictions of at least 100 traffickers, a significant increase from 43 in 2015 and 29 in 2014 (US

Department of State, June 2018). According to the Committee's biannual report released in July 2017, 50 cases of sex trafficking were documented in the first six months of 2017, compared to 25 over the same period in 2016 (Phnom Penh Post, July 12, 2017). Cambodian NGOs have long called for governmental approval of more sophisticated investigation techniques, including undercover operations, in order to adapt to the increasingly clandestine nature of sex trafficking in Cambodia and strengthen law enforcement efforts (US Department of State, June 2017). The government announced the implementation of a new National Action Plan for the period of 2019-2023 (APLE Cambodia, ECPAT International, July 9, 2018).

Public health implications of prostitution in Cambodia

The Cambodian Health Minister, Mom Buheng, confirmed in July 2017 that the country had met the UNAIDS 90-90-90 target (Khmer Times, July 31, 2017). The 90-90-90 target refers to a country-wide situation in which 90% of all people living with HIV/AIDS are aware of their HIV status, 90% of all people diagnosed with HIV/AIDS receive sustained antiretroviral treatment and 90% of all people receiving antiretroviral therapy have viral suppression. However, numerous studies continue to highlight the particular vulnerability of prostituted persons to being infected with HIV/AIDS.

A 2016 study conducted by Global Health Promise, based on a cross section of 271 prostituted women in 4 Cambodian cities, showed that people involved in prostitution are about 12 times more likely to be infected with HIV/AIDS compared to other women in their community (BMC Public Health, 2016). The study also found that HIV/AIDS was the leading cause of death among female prostituted persons' children

under five, despite accounting for just 0.30% of deaths in children across Cambodia as a whole; this discrepancy highlights an inequality in access to medicine and health care for prostituted women (*BMC Public Health*, 2016). Several other factors may explain this asymmetric risk profile. Firstly, prostituted women tend to engage in inconsistent condom-use with their regular partners, exposing them to the risk of being infected by undiagnosed HIV/AIDS or other STIs.

In Cambodia, more than 86% of 3,151 prostituted people surveyed across 18 provinces in the country regularly use condoms with their sex buyers (*NCHADS*, June 25-29, 2007), while only 27% consistently use condoms during sexual intercourse with their husbands, boyfriends, or regular partners (*The Cambodia Daily*, May 23, 2017). In addition, enduring police abuse makes even possession of condoms grounds for arrest, creating a climate of fear that discourages safe sex practices among people involved in prostitution. The vague wording of Article 25 of the 2008 Law (covering the crime of procuring) has had the effect of outlawing the actions of social workers attempting to promote safe sex practices among prostituted women (*APNSW*, 2008).

A joint statement by UN agencies and NGOs published in the wake of Cambodia's National Anti-Trafficking campaign following the adoption of the 2008 Law indicated a "26% reduction in the number of women seeking STI diagnosis and treatment at family health clinics" and a "10% reduction in contact with NGO social workers" (*UNDP*, 2012 ; *APNSW*, 2008). More recently, Cambodia's anti-trafficking police continue to prioritize "abusive shortcuts during investigations," despite the government's adoption of a regulation explicitly prohibiting the simple possession of condoms as evidence in

criminal investigations (*The Cambodia Daily*, September 29, 2016).

Cambodian prostituted persons are not only disproportionately vulnerable to HIV/AIDS, but also face the life-threatening consequences of unsafe abortions. 40% of maternal deaths among Cambodian prostituted women were caused by abortions, in a cultural context where the procedure is tainted with social judgment and women are forced to resort to unqualified abortionists due to a lack of reliable information (*BMC Public Health*, 2016). At the same time, prostituted women make up the primary demand of the "virgin industrial complex" in Cambodia today, a largely unregulated niche industry offering services and products ranging from hymen repair surgery, elective vaginal tightening procedures, and tightening pills, in order to cater to the demand for "virgins" on the commercial sex market (*The Phnom Penh Post*, February 6, 2016).

Tourism and the commercial sexual exploitation of children in Cambodia

ECPAT International identifies Cambodia as a new "key destination" for foreign pedophiles traveling in Southeast Asia alongside more "traditional" destinations such as Thailand and the Philippines (*ECPAT International*, 2016). Local male demand constitutes 75% of cases of Cambodian children being sexually exploited, which is a leading factor in the recrudescence of prostitution involving children. Tourists and businessmen coming from East Asian countries such as Japan, South Korea, Taiwan and China, among others, make up an expanding demand, particularly in regard to the virgin trade. The growth of the virgin industry is driven by the belief that "the act would be 'rejuvenating' or would bring good luck to a planned business venture" (*ECPAT International*, 2016). Chinese sex offenders

targeting Cambodian children are, for the most part, businessmen who have been building a life and have been integrated in the country for months or years (*ECPAT International*, 2016). Western men form a “separate market” characterized by their choice in pre-pubescent victims (*UNIAP, World Vision*, 2007). In 2018, between 15,000 to 20,000 minors were victims of sexual exploitation (*ECPAT International*, 2018). The increase in the use of cellphones further exacerbates the vulnerability of minors (*APLE Cambodia, ECPAT International*, July 9, 2018).

The 2017 US Department of State report on Trafficking in Persons systematically included in its recommendations for Cambodia the development of “public awareness campaigns aimed at reducing domestic demand for commercial sex and child sex tourism”. The skewed focus on foreign sex tourists in the Ministry of Tourism’s efforts to raise awareness on the issue of child sex tourism is likely linked to the public controversy surrounding cases of Western pedophile perpetrators reported in the media. Specific anomalies are found in the research presented by different NGOs on the subject, largely due to different research methods (*ECPAT International*, 2016). For example, a 2014 survey on the subject conducted by local NGO *Action Pour Les Enfants* (APLE) found that Western pedophiles accounted for more than half of all sex offenders (63.8%), a statistical outcome that contrasts with the general consensus on the predominance of local and Asian demand.

In 2017, the results of a study conducted by Cambodia’s Ministry of Social Affairs, Veterans and Youth Rehabilitation financed by UNICEF were reported (*Sydney Morning Herald*, May 8, 2017). The results pointed to a dismaying lack of regulation in the country’s

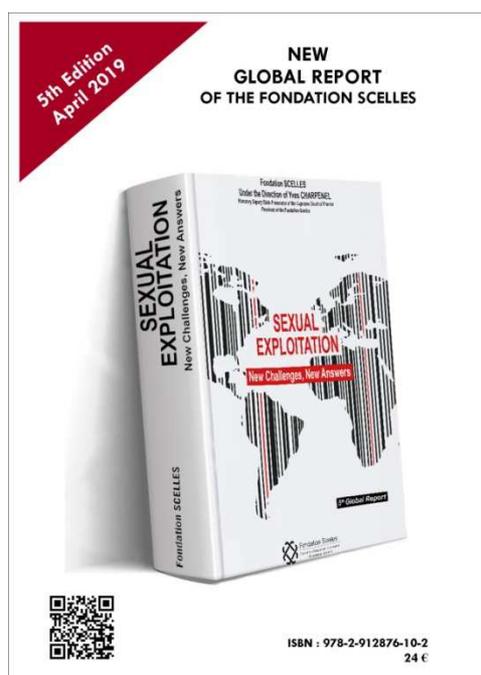
residential care institutions for orphan children, the number of which has doubled in the past five years. The highly lucrative and unmonitored business of “volunteering” in Cambodia’s many orphanages served as a main vehicle of child sexual abuse by both foreign and local men (*ECPAT International*, 2016). For local observers such as *APLE*, the case of 47 year-old Cambodian-American Tan Saravuth, whose arrest for child sexual abuse and exploitation in April 2017 sparked yet another public controversy, marked a new pattern in pedophiles’ behaviour in Cambodia. This change is characterized by a shift away from tourist spots and orphanages in urban areas to rural regions, where more informal volunteer jobs offer the opportunity to gain the trust of their victims and the local community (*Channel News Asia*, April 22, 2017).

With regards to the crackdown on cases of the commercial sexual exploitation of children, the Cambodian authorities reported the arrest of 12 foreigners suspected of child sex tourism, without providing any more information on the prosecution or conviction of the cases (*US Department of State*, June 2017). In 2017, a series of arrests of foreign pedophiles reported by the Cambodian press highlighted the role played by local NGOs (including *APLE*) in investigations leading to arrests of these sex offenders. The executive director of *APLE* stated that one of the priorities of the organization laid out in its five-year plan would be to strengthen the investigative capacity of the local police to allow local law enforcement agencies to independently fill their mandate to protect children in the long term (*South China Morning Post*, October 28, 2016).

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The **Global Report** is produced by the **International Observatory on Sexual Exploitation**, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



Fondation Scelles

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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