

Caught Between the Tiger and the Crocodile: The Campaign to Suppress Human Trafficking and Sexual Exploitation in Cambodia.



New law aimed at eliminating sexual exploitation and trafficking of women and girls came into force in Cambodia in early 2008. The law makes almost all aspects of buying and selling sex illegal, including most forms of association with sex workers. An unprecedented crackdown on both commercial sex venues and street sex workers across the country began immediately and continues a year later. Sex workers and human rights organisations have published evidence of human rights abuses including rape, violence and unlawful detention by police, prison guards and NGOs and deaths in custody. According to the sex workers organisation Women's Network for Unity, closing the sex industry has displaced women and pushed them into situations in which they and their families are poorer and more vulnerable.

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. The main public health program for sex workers relied on police regularly visiting brothels to ensure that sex workers were insisting on condom use and were screened for STIs. Closure of brothels means the program no longer operates and HIV services have reported serious drops in sex workers seeking STI care. Of course the sex industry hasn't stopped in Cambodia but relocated to so called 'entertainment' venues. One of the key ways they distinguish themselves from illegal brothels is by forbidding condoms on the premises.

Responses to all this have been mixed. 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. Sex workers have gained some support although government and anti-trafficking advocates have more frequently dismissed them. Sex workers and NGOs have focussed on providing services to those affected by the law, articulating its impact and advocating for change.

I argue that the law can't be effective because it alienates sex workers from crucial participation in responses to both HIV and human trafficking. Such responses must be carefully targeted to address the public health, abuse and exploitation of local and migrant sex workers and protect women and children from criminals. Sex workers argue that to achieve that, sex work must be recognised as a legitimate occupation. Building on their views I suggest that fundamental policy reform and improvements in governance in key national and international institutions are needed to reduce trafficking, abuse and limit HIV in Cambodia.

Cheryl Overs for the APNSW: Phnom Penh March 2009

1. Introduction

In July of 2007 the Cambodian Ministry of Interior announced a campaign to “combat human trafficking, smuggling, exploitation, and sexual exploitation of women and children”. This was intended to advance government’s Political Platform and the Memorandum of Understanding between the Royal Government of Cambodia and USAID on the Implementation of Anti Human Trafficking Program.¹

In March of 2008 the Cambodian government passed the “Law on Suppression of Human Trafficking and Sexual Exploitation”. The law was drafted in Cambodia with support from UNICEF and it was introduced into the Parliament by the Deputy Prime Minister. It criminalises soliciting for prostitution and various other types of sexual behaviour 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. Unlike the campaign, which is limited to protecting women and girls from sexual exploitation, the law applies to both male and females.

Throughout 2008 the sex industry has been significantly reshaped in Cambodia with brothels, bars, karaoke clubs and other venues closing or reforming as venues for massage or some form of entertainment, but not sex. Since late 2007 the law enforcement campaign has been rolled out across the country resulting in hundreds of arrests and detentions for soliciting, trafficking and procuring. Dozens of street sex workers say they have been arrested and most claim to have at least witnessed violence, rape, unlawful detention and theft in the course of their arrest and detention.

I begin by describing the law, the policy around it and the events of 2008 before looking at some of the responses by civil society, government, police, the UN, and international agencies and suggest they have been fractured and contradictory. I make some observations about the impact of the law and juxtapose it with efforts to reduce human trafficking and HIV and suggest that rights based policies and programs to address both public health and trafficking in Cambodia are possible and could be more effective than the current heavy handed law enforcement that scatters poorer sex workers and herds them into detention centres or ‘entertainment’ venues in which condoms are banned.

2. The Law

The Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation makes some aspects of any form of commercial sex unlawful regardless of whether adult sex workers are consenting. The law aims to reduce trafficking and sexual exploitation of women and girls by criminalising anyone who sexually exploits a woman or girl. In effect, because sex work is defined in the law as sexual exploitation any identifiable connection with commercial sex of any kind is effectively illegal. is made illegal.

The law extends the serious offence of procurement to receiving or harbouring women who have been exploited, which includes having worked in the sex industry. Providing information to sex workers aimed at training them to negotiate safe commercial sex or avoid violence is also made illegal. The Act² seems to criminalise the very HIV prevention activities promoted by the Cambodian government. Those who may be penalised also include sex workers, male

¹ Kingdom of Cambodia. Plan No. 023 Ph.K dated 13 July, 2005 of the Ministry of Interior on Plan of Action in combating human trafficking, smuggling, exploitation, and women and children’s sexual exploitation.

² Article 25 defines the offence of recruiting, inducing or training a person with a view to practice prostitution which could apply to safe sex training.

or female, their families, friends, peer educators, managers and owners of any premises in which they work or any person who facilitates their work or transports them, including “moto” drivers.

Because the Act is drafted in an overly broad manner, with many elements lacking precise definition, it enables arbitrary enforcement. It includes the potential for additional punishments to be imposed beyond imprisonment and fines such as the loss of civil liberties at the discretion of a judge. This is contrary to international human rights law. Other discretionary penalties which can be imposed include: the confiscation of any equipment, materials, proceeds or properties earned related to the commission of an offence under the Act; closure of a business related to an offence; and a ban on stay.

Although the Act makes reference to “prevention, assistance or re-education” of sex workers, it does not say what this is, who is authorised to do this, by what means sex workers will be recruited to it, or by what authority sex workers are obliged to undertake such programs. Are these actions compulsory? If so this is not stated and cannot be assumed. There is no reference to incarceration for the purposes of rehabilitation of sex workers and no time limitations. This potential for the law to be used to authorise arbitrary detention appears to contravene both constitutional rights and international human rights law.

The Act implies that police and private organisations may remove “suspected sex workers” (women, children, and men), and place them in facilities where they may be held against their will and/or made to work. Anyone who helps sex workers or people at risk of becoming sex workers to avoid efforts to remove and incarcerate them, or challenge organisations to do so, can be charged with procuring. Adults who object to having their children removed may also be charged with procuring under this law.

The Act has some quirky aspects. It purports to apply outside of Cambodia where victims, but not perpetrators, are Cambodian. It also appears to prevent sex workers who cannot demonstrate that they are “victims” from claiming payment for services. Even though the law promotes rescue and rehabilitation it does not provide a mechanism by which the sex worker may prove he/she is a victim and claim support or restitution or place any limits on the way sex workers can be treated in the course of rehabilitation.

The law also deals with pornography. However the decision about what is and what is not pornography seems to be left to the discretion of an individual police officer. Under this definition a large proportion of American popular cinema would be captured. Usually legislation would set out some form of classification system which is not present here. The definition of child pornography is also alarmingly broad as it relies on the subjective response of the viewer. Oddly, child pornography is defined more narrowly than adult pornography. To be illegal child pornography must contain an image of a naked child.

3. The Anti Trafficking Campaign

In 2007 the Ministry of Interior issued directions to the General Commissariat of the National Police, the Central Department of Justice Police, the Department of Anti-human Trafficking and Juvenile Protection, and Provincial/municipal Police Commissariats for addressing human trafficking and sexual exploitation of women and children. The following extract³ sets out the components of Cambodia's campaign to end trafficking.

- *educate the vulnerable about the tricks of the offenders to deceive and abduct.'*
- *mobilize street children/orphans and bring them over to the Education and Vocational Training Center not letting them suffer from deception by bad guys.*
- *instruct the owners of guest house, night club, karaoke, massage and body scratching parlors, and entertainment clubs, to strictly forbid transforming their business locations to stock women and children for trafficking, sexual exploitation and drug use and to sign contracts with competent authorities to agree not to use their establishments for human trafficking, sexual exploitation, and transactions and drug use.*
- *produce a list showing business locations that may involve with human trafficking, abduction, sexual exploitation on women and children, and transactions and drug use and conduct drizzle campaigns to openly watch and control the target*
- *closely watch companies that provide labor to overseas markets, so that the use of this aspect for trafficking and sexual exploitation purposes on Cambodian workers can be prevented.*
- *monitor and search the dissemination and uploading of sexual pictures on web-pages, internet, or e-mail systems. (Departments of Post and Telecommunications)*
- *take strict action for hotel, guest house, karaoke, massage, body scratching businesses, entertainment club that are involved in or conduct on their premises human trafficking, the distribution?, or sexual exploitation of women and children, and transactions that involve the use of drugs, and to suspend or definitively end the business or refer to the matter to court if there are serious cases.*
- *Closely collaborate with provincial/municipal prosecutors to obtain complete documentation which will lead to the conviction of offenders.*
- *Take responsibility in safeguarding the security of victims and witnesses.*
- *Train policemen about human trafficking and expand the training to commune/sangkat officials, post police, and others in various communities.*
- *Develop methods for immigration, border police, and policemen protecting border exits/entries for collecting information, searching and investigating, collecting evidence, and case filing.*
- *Collaborate with NGOs and concerned entities to combat human trafficking, abduction and sexual exploitation of women and children.*

³

Kingdom of Cambodia. Plan 023 op cit.



*'Not only have the brothels been closed they must **be seen** to be closed. We don't know who this display is being put on for'. WNU member at rally. June 4 2008.*

The Phnom Penh based sex worker organisation, Women's Network for Unity (WNU), first became aware of the introduction of the law in early 2008 when a wave of raids, arrests and brothel closures began. Sex workers and their families arriving from the streets and detention centres looking for immediate help with shelter, medical care and to find arrested relatives. NGOs providing HIV prevention and care services for sex workers in other parts of the country also experienced immediate fallout from the crackdowns and none appear to have been consulted nor warned.

At the time of writing in early 2009 information about the enforcement of the law across the country remains patchy. Authorities have not published information about the numbers of sex venues that have been closed, either in raids or in anticipation of them, or how many people have been arrested or charged, sentenced or detained. Some parts of the government have reported successfully closing sex venues while others deny the crackdowns, in semantic terms at least. The Phnom Penh Post reported the police force's head of anti-trafficking Bith Kim Hong denying reports from groups like WNU that large numbers of prostitutes were being rounded up under the law's soliciting clause⁴ saying "we never arrest prostitutes but rather we save them from brothels".

Although it has been difficult to quantify arrests and brothel closures, taking reports from various sources together a picture emerges of fewer overt sex venues and sex workers on the streets in many cities and towns. This has frequently been confirmed in reports of brothel closures in the media⁵, by sex workers and, perhaps most reliably, by local moto-taxi drivers who are typically keen and accurate observers of the sex industry. Health agencies, UN agencies, NGOs, independent consultants, academics, human rights organisations and the media⁶ have collected information from their sources and contacts. Sex workers organisations have gathered information directly from their members through field trips media reports and word of mouth. However information is too scant to draw any conclusions about changes in respect of intended consequences on trafficking and sexual exploitation or unintended consequences like reduced access to condoms.

⁴ Barton C. Brothel busts drive sex workers underground. Phnom Penh Post Friday 20th May 2008

⁵ See box overleaf: Compilation of sex work arrests reported in Raskmey Kumpuchea newspaper

⁶ Women's network for Unity, (WNU) the Cambodian Prostitutes Union (CPU) the Cambodian Men Women Development Association (CMWDA) and the Asia Pacific Network of Sex Workers

Compilation of sex work arrests mentioned in Raskmey Kumpuchea

Date	Number of raid	Place
17 Jan 08	45 SWs	Banteay Meanchey province
24 Jan 08	04 SWs	999 guest house, Sihanuk vile
26 Jan 08	09 SWs	Ochar commune, Battam Bang province
17.03.08	4SW, 1 owner	Kandal province
20.03.08	15 SWs	Srash Chock commune, Daun Penh district
21.03.08	18 SWs	Daun Penh district
24.03.08	05 SWs	Toul Svay Preyll, Chamkar Moun district
26.03.08	06 SWs & guest house owner	Tonle Basac commune, Chamkar Mon district
04.04.08	06 SWs	Daun Phen
6-7.04.08	12 SWs	Tralouk Beok, Phnom Penh Thmey district and Russey Keo district

“The raids started from last month and this month police came to close the brothels here. Some sex workers are still around but they are homeless, and don’t know where to go so they face the raids. They say the raid is to close the brothels and whole sex industry. My employer just rented a different place when police gave her 3 days to move on 31st June. Some women started to leave and some are still there because it’s difficult to find place. I don’t think police want bribes now, they really want to close down all the brothels. Previously when police wanted the bribe they just handed a paper to the brothel owners. Now they told all the owners go to district office to sign an agreement not to run brothels anymore. Many sex workers can only survive with this work. . Some sex workers are positive and illiterate that can’t find a job. Closing down the sex industry is like killing them. There is a lack of condoms for sex workers in this area and a lot of Cambodian and Vietnamese sex workers. I request government to allow us to work normally because some are poor have no other options.”⁷

⁷ Caught Between the Tiger and the Crocodile. APNSW <http://www.sexworkerspresent.blip.tv/>

4. Human Rights Abuses

The personal impact of the law on the poorest sex workers is immediate and compelling. When the author arrived in April at the office of Women's Network for Unity, a former floating nightclub on the Tonle Sap river in central Phnom Penh, three women were deep in teary interviews with WNU staff. They were recently released from the government run centre Prey Speu. The WNU staff were at the same time clarifying information, recording data, providing counselling and organising practical assistance for the women.

Later that evening we visited a dark street working area where sex workers directed us to a woman who said she had just been released after three months in the Prey Speu detention Centre. She could barely walk and she showed us wounds she said she had received in the course of many beatings she endured there. She was destitute hungry and cowering in pain and fear as the WNU team comforted her and took her to safety and medical care.

She was one of four women who told their stories on camera for WNU to present to the government and the public .

Local human rights organisation the Cambodian League for the Promotion and Defence of Human Rights, LICADHO investigated allegations and its findings have confirmed the human rights abuses and exposed the sham of claims that arrested women receive vocational training or education.



KORSANG

During their visits to Koh Ko detention centre by two NGOs, LICADHO and Korsang staff observed men, women and children locked up together in a room. It appeared that the detainees were a mixed group of sex workers, homeless people, beggars and others who had been unlawfully arrested and detained from Phnom Penh streets

Arrests.

Street workers across the country gave descriptions of violent raids and it wasn't difficult to directly observe female sex workers being chased, beaten and dragged to a van by police nightly in April and May of 2008.

Another method that emerges from the sex workers stories is that plain clothes police trick them into the van that takes them to detention.

[They say] "do you want to go to the place and can eat food for free? Then if you say yes, they ask you to get onto the bus. I saw this with my own eyes and girls don't know that they are arrested. They don't know what is this van about cos they don't read. " (WNU project officer)

⁸ Caught Between the Tiger and the Crocodile. op cit.

LICADHO confirmed that the arrests are in fact unlawful and frequently violent:

These operations are usually conducted by district officials, district police officers, district security guards and public park guards, and/or Municipal Social Affairs Department staff. According to victims and witnesses, sex workers are rounded up and forced – often with violence or threats – into trucks to be taken away to be detained. It appears that many of these arrests are unlawful. Non-police personnel, such as district security guards and Municipal Social Affairs Department staff, have often conducted arrests although they have no legal powers to do so. Even if conducted by police, the arrests appear to be completely arbitrary and not based on any investigation of alleged crimes. If the police wish to arrest sex workers who are soliciting in public (under Art. 24 of the 2008 Trafficking Law), they must have specific evidence to prove that crime⁹

Detention

LICADHO made similar points about detention:

[sex workers are] detained for one or more nights. They are not charged with any crime.. Some are released after money is extorted from them. The detainees are vulnerable to sexual or physical abuses or other mistreatment, including theft of their property, during this time. Detainees are then usually transferred to an “education” or “rehabilitation” center in Chom Chao commune of Phnom Penh or another center in Saang district of Kandal province, both of which are run by the Phnom Penh Municipal Social Affairs Department. (Alternatively, some sex workers have been sent to other, NGO-run centers). Individuals are detained against their will at both of these government run centers, according to former detainees interviewed by LICADHO. Some were detained for a day or two, while others were detained for as long as six or more months. This detention is unlawful. There is no legal basis for the short or long-term detention of individuals who have not been charged, convicted or sentenced for committing any crime¹⁰

Consistent reports by sex workers, drug users and other ‘street people’ caught up in the crackdowns describe incarceration conditions that would not be acceptable were the inmates convicted criminals, let alone sexually exploited women and other vulnerable people whose detention is justified as protective. Sex workers’ allegations included

- Rape by guards and other prisoners
- Beatings
- Deaths in custody with bodies left among inmates and/or disposed of improperly.
- Mixed gender incarceration
- Crowding
- Incarceration of minors with adults.
- Lack of medication or medical care. (notably for HIV+ , mentally ill and pregnant inmates)
- Abuse of disabled people and complete lack of access to limited facilities
- Lack of hygiene facilities and toilets, food and water, clothes, mosquito nets,
- Bribes demanded by guards for release, visits by family, access to hygiene
- Contaminated food and water

They detained 3040 people in a room without any bathroom. The water we drank, they took stream coming out of the crevasse, it was contained in a plastic barrel with a plastic glass but the water seemed red and had small animals. They let us come out of the room only 10 minutes, this period we were told to water the crops and had a bath. They never offered us any skills, just detained and punished. Once I argued with other prisoners because we did not eat full enough, some people ate full some not. All of us were hit gravely. There is a petrol basket for us to pass stool, after three days they took it to throw in a pond. WNU interview April 18 2008

A common theme in interviews was the appalling food delivered in plastic bags that had to be retained to use as toilets and hurled from windows.

⁹ LICADHO. Report to H.E. Sar Khneg Deputy Prime Minister, Chairman High Level Working Group Against Trafficking in Persons. July 2008 Possession of condoms by women on the street is clearly the kind of evidence that would support prostitution charges

¹⁰ LICADHO *ibid.*

A transgender sex worker (named...) was arrested and put into the center. She was able to escape from the center when there was another woman died after being raped and beaten until she died. (Interview by independent consultant April 3, 2008)

Although it is not clear from that interview if there is an accusation of murder by guards or other inmates several interviewees there are certainly very explicit allegations about deaths in custody in detention centres, a 20 year old male sex worker said he was arrested near Phnom Penh Railway Station along with ten female colleagues by officers from Department of Social Affairs, and detained at the Prey Speu Centre. There, he said he was separated from the ten women. He said that pretty and less pretty women were kept separately. He says he witnessed several guards taking women to the field close to the center where they were raped. Those who resisted were beaten, undressed, and tied to a tree to suffer from sun's rays and rain. He said 'some were so depressed that they committed suicide by hanging and biting their tongue. He reported that bodies were buried behind the centre. CH. Sex worker at Train station, Interviewed by WNU 01 April 2008.

The same young man also mentioned that some male detainees became mentally ill after a series of serious corporal punishments by guards. This may be linked to lack of medications as many detainees are known to have been psychiatric patients and drug users. Two women spoke of seeing actual human remains near a detention centre. All said escaping and paying are the two ways out of the detention centres:

One time, I broke the roofing tile to go out of the place but I was caught so I was hit with other 34 people. If we have money, just give them 100,000200,000R to the prison guard, they will let us out the centre. (WNU interview. April 22.)

The photos taken during Licadho's visit and its report confirm sex workers allegations that at inmates at Prey Spreu and Koh Kor were routinely mistreated and that they are not there voluntarily. It said;

There appears to have been a pattern of systematic abuses against sex workers over recent months, at least in Phnom Penh where most of our information has come from, including arbitrary arrest, unlawful detention, physical or sexual abuse, and other inhumane treatment. Detainees eat, sleep and go to the toilet in the room. Center staff, when questioned about why the room was kept locked, said they were acting on the orders of their superiors at the Phnom Penh Municipal Social Affairs Department. Detainees from Koh Ko said that they were locked in the room all day, except for 3060 minutes once or twice a day.



There are several toilets in the room, with only partial privacy provided by a low wall, and two drums of water for washing. Asked about drinking water, center staff said there was water from the river



*There is no doctor at the center. ... LICADHO observed and photographed extremely ill and dying people without medical care, women & children and men locked in detention rooms, female detainees grabbing handfuls of leaves and grass and, taking them back inside the building, eating them.*¹¹



*'An elderly woman lay comatose on the floor, [at Koh Koh detention centre] unable to move or to talk, with flies and ants crawling over her face. She reportedly had not eaten for two weeks. Fellow detainees said that she had been sick since she was brought to Koh Ko from Prey Speu center where she had been as long as one year, they said The center's staff said they had not previously sent the woman to hospital*¹² *because of lack of money. LICADHO*

¹¹ LICADHO photos taken June 17, 2008 at Koh Ko Social Affairs Center

¹² LICADHO Ibid.

LICADHO reported finding no evidence of any educational activities at the centres they investigated at Koh Ko and Preu Speu which sharply contradicts the Ministry of Women's Affairs¹³ police¹⁴ and the International Justice Mission¹⁵ insistence that the women are 'rescued' and re-educated for new jobs. In a particularly shocking series of photographs LICADHO exposed the ridiculous pretence of educational activities at Prey Speu and first hand accounts of inmates experiences.

¹³ Chou Bun Eng speech Wednesday, June 04 and email Friday, June 06, 2008 6:08 AM

¹⁴ Plan 023 op cit.

¹⁵ International Justice Mission is an evangelical Christian organization based in the USA. It sees sex work as inherently degrading sexual exploitation and and promotes abolition of trafficking and sexual exploitation. It provides training to anti-trafficking police in Phnom Penh. www.ijm.org

Increased poverty and mobility

One of the clearest and most worrying trends from both public health and human rights viewpoints is evidence of the policy exacerbating poverty and driving mobility, or displacement. Some of the sex workers who have lost their jobs have described the relocating rapidly. The poorest women who are arrested on the street outline a picture of renewed vulnerability to violence, human rights abuses, HIV and STIs. Several reported to that they had been forced to move, sell property, send dependents away or had become homeless. WNU says that these hardships, combined with fewer clients and pressure from police, strengthens the bargaining position of clients, sex industry managers and traffickers which may lead to both unprotected sex and exploitation. This is a typical account:

“Early March 2008, I was caught while working along the park. They brought me to the center outside of Phnom Penh, a place called Prey Speu center. I was locked up there for three days and only got out when my husband and my mother brought the money to get me out. They had to spend USD150 to get me out. We were forced to sell our hut, which worth 500USD, for USD150 in order to get me out. Now I rent a room for 5000R (\$ 1.50) for myself and my children.”¹⁶

This is confirmed by LICADHO which stated that ‘Detainees often leave Prey Speu or Koh Ko either by escaping or by paying bribes. One woman said her relatives had to pay \$100 to various Municipal Social Affairs officials to secure her release from Prey Speu..’¹⁷ In these circumstances the potential for people to expose themselves to danger to raise money to survive is clear. That sex workers are more vulnerable to traffickers when they need to relocate rapidly is both well documented and obvious. Equally obvious is that for sex workers living with HIV mobility reduces their access to care and treatment.

Anti-prostitution advocates may find it heartening to hear that women sometimes report becoming so discouraged they return to their village or previous home. However sex worker leaders are sceptical about this. They suggest going ‘home’ to rural areas may create vulnerability exploitation and trafficking because the factors that that led women to join the sex industry in the first place are not likely have improved and may well be worse

‘I came here [to Phnom Penh] before the Khmer New Year (April 2008), I stayed for five days in Building area and made 50,000riel (\$12.50) I have small land from my motherinlaw gave but the rice we produce could not feed our family. In raining season, my husband caught fishes and crabs to eat and had some left to sell. Because of family hardship, lack of shortage, and poverty, I asked my husband to come to Phnom Penh as fortuneteller to make money. I forced myself to come here again. My second trip here I could not earn anything. I needed to eat and especially have to go back home, so that I decided to serve sex again. I went on the park near Psar Chas on 28 April 2008 at night. Unfortunately, while I was eating papayas salad, two police got off from the motor and arrested me...I have no room to sleep, only stayed in bed in front of the house of villager in Building that L.K (another sex worker) rented. I wish that I would have \$20, and then I will be soon returning home.’¹⁸

¹⁶ Statement made to WNU staff member 29 April 2008

¹⁷ LICADHO. op.cit.

¹⁸ Statement to WNU 29 April 2008 at Building (a large old apartment block in Phnom Penh)

5. Sex Workers Responses

The crackdowns have clearly been of different intensity and style across the country. Interestingly the reported role of police appears to vary too, from violent coercion to cooperation. Although most sex workers mention bribes to police in their accounts, some say that 2008 was the first time in memory that sex venue operators haven't been able to bribe police to continue to operate.

I asked sex workers about their personal and collective responses to the crackdowns and divided the answers into six categories here – run, hide, disguise, diversify, protest and pray. These strategies contain important signposts about how the sex industry is reshaping and gives us clues about upcoming challenges. They also illustrate high degrees of both resistance and resilience.

Run.

Street workers most straightforward strategy -running away – has already been mentioned. Police in at least Phnom Penh and Siem Riep seem to want to arrest only a portion of the women in a given area each evening so they simply arrive and grab the slowest women.

In one of many cruel twists in the story, street sex workers living with HIV have said that they are arrested more often because they can't run. Several also commented that they were too slow to join the regular break outs from detention centres which LICADHO confirmed.¹⁹

Hide

In some places commercial sex venues have hidden themselves. Some lower priced venues have moved from their previously highly visible main street locations such as the formerly lively 'red light' district of Toul Kuk in Phnom Penh to the darkest corners of the city, deep within densely populated areas that police can't penetrate. Sex workers point out that many clients also fail to reach these more hidden locations which further diminishes their already minimal bargaining power with clients.

Slicker operations have changed to operating exclusively behind the high walls and security systems of guesthouses and more well heeled hotels.

WNU and APNSW outreach workers have reported that street workers in Phnom Penh, and Siem Riep are soliciting in darker, more hidden places and reducing the time they can stay out to avoid arrest.

Some businesses are continuing in some places but without the entrance of lights, touts and women that characterises sex venues throughout the region. In parts of the country lights and movement can be seen from under the doors of 'former' brothels whose entrances are boarded up but whose back doors are clearly open, albeit to fewer clients. Sex workers suggest that these are the venues pay higher bribe prices but complain that the cost of those bribes is passed on to them so they earn very little in such places. In provincial centres outside of Phnom Penh sex workers seem to be relocating to town outskirts and in some cases forests, dark temples and other hidden locations.²⁰

Disguise

When I casually asked security guards and moto drivers about brothel closures in Phnom Penh throughout 2008. I was surprised to hear the stories of closed venues matched by stories of new venues opening. These new venues are 'Entertainment' establishments ostensibly offering massage or karaoke.

¹⁹ LICADHO op cit

²⁰ See interviews with relocated sex workers in Siem Riep in Caught Between the Tiger and the

²¹ Caught Between the Tiger and the Crocodile APNSW video op cit.

Diversify

Some brothel residents and/or employees have remained in their workplace but have genuinely stopped providing sexual services on the premises. It seems that to escape prosecution sex workers and clients can meet in one venue, such as a bar, and have sex in another, such as a guesthouse. In fact criminal offences are being committed by managers and staff of both venues and anyone involved in the trip between the two places. This arrangement appears to be fairly common however and sex workers suggest bribes play a part.

'The brothel owner is following the regulation so we don't provide sex service here anymore. Our team [myself and other sex workers] decided to rent rooms in the brothel... so it is like our house. When a client comes and takes us to a convenient place like hotel or lodge outside the brothel he has to pay for me.'²¹

Protest

Sex workers have taken impressive collective action. On June 4 WNU held an 'Open Day of Action' that was attended by 500 sex workers and 200 members of the public, media and representatives of government, NGOs, UN agencies and the private corporations contracted to re-educate victims of sexual exploitation.

The day was very lively with several sex workers speaking in person and on video about having been raped, beaten and unlawfully detained in abusive conditions as a result of the law. Chan Dyna of the Cambodian Prostitutes Union (CPU) gave a powerful testimony of the impact of being suddenly deprived of ARV drugs and Pich Sokchea of WNU outlined the impact of loss of livelihood on women and their families.



Sex workers organisations performed a role play depicting abuse by police and detention centre guards. It 'starred' a detention centre guard who is particularly well known amongst sex workers for her brutality and cruelty. In a satire of the rhetoric of re-education she is nicknamed 'The Teacher'. Then there was a catwalk show of t-shirts with slogans such as 'Closing Brothels = no condoms = HIV'

²¹ Unpublished consultants report



Speakers from WNU and the Asia Pacific Network of Sex Workers highlighted the confused ideas about sex work and trafficking and critiqued the regional and global policies that have led to clashes between the institutions concerned with HIV and those concerned with trafficking and sexual abuse [of women] As well as calling on the relevant agencies to work with sex workers to develop cohesive rights based policies to address HIV and trafficking, the APNSW presented a model for rights based anti-trafficking projects. Sex worker activists from India, Menakshi and Sadhana, spoke about experiences combating trafficking and showed a video of a community based anti exploitation project in Kolkata that targets genuinely trafficked women and girls.²² (see p31 box 'Self Regulation Boards for Right Based Anti Trafficking Programming').

For WNU the rally was the first step of a long campaign to influence all stakeholders and ultimately have the law repealed and the policy reviewed. The event received broad and supportive media coverage and there is no doubt it successfully engaged the key institutions and established sex workers arguments for some of them.



Despite resource limitations flows of information between sex worker organisations in Phnom Penh and their members throughout the country certainly worked well enough for the June 4 mobilisation to which many travelled from the provinces.

²² Beyond the Barbed Wire: the story of the DSMC Self Regulation board.

PRAY



We, the "National Sex Workers Alliances Campaign for Human Rights Protection", which is made up of WNU, CNMWD and CPU represent sex workers in Cambodia. We come from the poor and most vulnerable groups in society. We believe in the law of Dhamma and we are praying to the Buddha, and the guardian spirits to take care of our members and friends avoiding violence and all kinds of abuses from police, rescue centres and gang.....forgive those who physically and mentally abused sex workers in the anti-trafficking campaign. We especially pray for our friends who were arrested and detained at the prison and the rehabilitation centres that they should be released as soon as possible...

Sex workers demand recognition of collective complaints made through their organisations

A debate about process raged after the public allegations of severe human rights abuses. Most government and many international organisations responded by calling for the sex workers who had been abused to come forward and make individual complaints with proof of their validity. However none of those interviewed by LICADHO or WNU were willing to make formal complaints to the police, court or other authorities for fear of being arrested and detained and of being treated even more harshly if they had made complaints. LICADHO said 'victims' reluctance to file formal complaints is understandable given the mistreatment they have endured and their resulting distrust of the authorities but it should not prevent action being taken by the government'

²³ Sex workers Prayer day at Neakavan Pagoda, Phnom Penh Post. 20th June 2008

6. Health

Sex workers, UNAIDS, health agencies and NGOs are united in denouncing the impact of Cambodia's anti-trafficking efforts on sex workers sexual and reproductive rights and HIV prevention and care. According to WNU and the APNSW : HIV has reduced markedly in Cambodia as a result of sex workers' motivation to protect themselves, their families and their clients and the HIV prevention and care services delivered by communities, international and local NGOs and the Cambodian Government. This has been most successful where female sex workers have had access to orderly workplaces, friendly primary health services, information, ARVs and affordable condoms. It has been least successful where sex workers and their families are subject to harassment, violence, arbitrary arrest and detention, and confiscation of property.

WNU's stated that suppression of the sex industry violates human rights and increases vulnerability to HIV and STIs because it...

- creates conditions in which sex workers cannot possess condoms and practice safe sex.
- increases trafficking and mobility as sex workers move to escape police.
- alienates sex workers from prevention and care services in the process.
- Inflicts poverty because sex workers lose jobs and income, are fined and have property confiscated.
- reduces the places women can work
- strengthens the negotiating power of new employers and clients who want unprotected sex.
- reduces access to information and medical services
- rape without condoms by police and prison guards poses a direct risk of transmission.^{24, 25}

Public health agencies, UN agencies and NGOs²⁶ stated that suppression of the sex industry would raise the risk of HIV spreading further primarily by reducing their access to sex workers:

1. An increase in the number of women selling sex on the street – many of whom are HIV positive – which further increases their vulnerability to trafficking, exploitation and HIV/STI infection and transmission.
2. A reduction in the sale of condoms and the availability of condoms in entertainment establishments has increased the risk of HIV transmission through unprotected sex.
3. A 26% reduction in the number of women seeking STI diagnosis and treatment at NCHADS' family health clinics, has eliminated their ability to get treated and increased the risk of HIV and STI transmission
4. A 10% reduction in contacts by NGO outreach workers has decreased entertainment workers access to information and condoms necessary to prevent HIV infection and transmission.
5. Targeting of sex workers has reduced their ability to access ARV services which prevents them from controlling their disease and may lead to the development and transmission of drug resistant HIV.
6. The reduction in contacts has reduced NGOs ability to identify trafficked people and report traffickers.

²⁵ A few sex workers say police increasingly mention others who have contracted HIV by raping sex workers WNU Press Pack 4th June 2008

²⁶ United Nations, Donor and Civil Society Position Statement Protecting Cambodia's HIV/AIDS Gains: The Public Health Effects of the Kingdom of Cambodia's Trafficking Suppression Campaign and Law on the 'Suppression of Trafficking and Sexual Exploitation. 5th May 2008. UNAIDS; UNFPA; USAID HIV/AIDS Coordinating Committee (HACC) CARE; Family Health International (FHI); Population Services International (PSI) Reproductive Health Association of Cambodia (RHAC); Khmer HIV/AIDS NGO Alliance (KHANA) Cambodian Women for Peace and Development (CWPD); Medicine de l'Espoir (MEC) Poor Family Services (PFD); Chhouk Sar; Khemara; Urban Sector Group (USG); Pharmaciens Sans Frontieres Cambodia Human Rights HIV/AIDS Net Work (CHRAN) Cambodia Community of Women Living With HIV/AIDS

UNAIDS Cambodia country coordinator Tony Lisle said the law 'has had unintended consequences that have interrupted HIV prevention services in the sex industry,' said. NGOs were having "significant" difficulty reaching sex workers to provide them with HIV/AIDS education and prevention'²⁷

Outreach workers from all agencies reported reductions in condom distribution throughout the year, and in some cases a total halt to it. Two images from June 2008 about condoms come to mind. The first is a lone condom seller sitting at his stall in a dark street where a red light district in Phnom Penh has been reduced to a couple of condom-less karaoke bars. The second image is boxes of condoms piling up in the corner of the WNU's office where previously they were whisked out by peer educators. Someone even joked that one of the benefits of the law was that outreach workers no longer complain about condom shortages.

Before when CARE project was active, the condom was provided for free. After the project ended, I continue to support supply of condom in the venue. It's only 4000 Real for big box of condoms. Brothel Owner. Koh Kong (province) .

New HIV infections could result directly from the crackdown if rape by law enforcement officers and in mixed gender incarceration is as widespread as alleged. There is chilling video testimony from an HIV positive women who had four condoms when she was arrested and raped by five police officers. She warned the last policeman against unprotected sex because of her HIV status which he dismissed as an attempt to avoid being raped.²⁸

Cambodia's main HIV prevention program for sex workers a government directive that condoms were to be used in brothels. The program was named the 100% Condom Use Program. Police purportedly visited brothels to ensure that HIV prevention information was available and verify that condoms were being used by inspecting sex workers' STI clinic records. In some cases police even took debt bonded sex workers to clinics and returned them to their brothels in what is clearly an act of trafficking.²⁹ Cambodia has made great claims for the success of the program, again to a chorus of objections from sex workers.

Despite early statements by the Ministry of Health's National Center for HIV/Aids, (NCHADS) that the 100% Condom Program would continue, as more and more brothels were closed in April and May it rapidly became apparent that it would not be possible for police to simultaneously close and inspect brothels. A sex worker told the consultant in Koh Kong,

'The police had authority to check number of women in every brothel. When the [new] regulation came out, the police are afraid and are not coming out. So, now the police are not coming out and not doing corruption.'³⁰

When asked about the implications of the law for the 100% CUP the anti-trafficking police chief, Bith Kim Hong, confirmed the brothel closures and dismissed public health concerns. He said, "NGOs that work with HIV/Aids think differently from the police. Stopping [brothels] from existing is better than having brothels ... when there are no brothels HIV/Aids cannot spread."³¹ Certainly by challenging the role public health authorities Kim Hong's casts doubt

²⁷ IRIN/PlusNews. 21 October 2008 www.plusnews.org

²⁸ Caught Between the Tiger and the Crocodile video. op.cit

²⁹ 'In early July police, the Ministry of Women's Affairs and human rights groups cooperate to rescue five sex workers from a Koh Kong brothel. The girls had been forced to work and had been tortured. Staff at the Koh Kong health clinic concede that girls often try to escape from the clinic when they come for their STI checkup but clinic staff prevent them. ' We have to promise the brothel owner that we won't let them escape' says Dr Soy Simoeum of Koh Kong's health clinic, 'if we assist them then the owners will stop bringing their girls to see us'. Bill Bainbridge and Lon Nara HIV Prevention with a Human Rights Cost ? Phnom Penh Post (date)

³⁰ Unpublished consultants report. April 2008.

³¹ Barton C. Phnom Penh Post. 'Brothel busts drive sex workers underground'. Friday May 20 2008

have to be a very, very smart girl indeed to prevent HIV without condoms'. One also wonders to whom FHI will suggest turning back the clock -the Khmer government ? Its donor, the US government? Its UN advisors that sponsored the law ? This seems unlikely.

Another potential consequence on health is reduced access to the medications and food. This is a particular concern for people with HIV who can only maintain good health and lower levels of the virus with secure medication and nutrition. Breaks in ARV medications can also lead to resistance to ARV medications and the development of drug resistant strains of HIV. Some former detainees living with HIV say they are suffering ill health as a result of missed ARV doses in detention.

What I heard from the women... some sex workers were arrested. It's time for them to get ARV. They asked police, in polite way, to get ARV treatment and they are not allowing them.



LICADHO

Sick inmates without treatment at Koh Kor detention centre. Breaks in anti retroviral medicines regimes even for a few days is a serious threat to the health of people with HIV.

The 100% Condom Use Program was the Crocodile, the new law is the Tiger and we are caught between them.

Cambodian sex worker quoting the Khmer equivalent of the English expression 'between a rock and a hard place'

7. Meeting immediate needs.

Humanitarian. As already mentioned sex workers, drug users, beggars and their families were looking for help to secure the release of relatives or address the consequences of detention throughout 2008. Few organisations have the resources to respond to a surge in demand for counselling, medical care, legal advice and shelter and WNU and other Phnom Penh NGOs rose to the challenge remarkably well.

By May media attention and visits by human rights advocates to the centres advocates led to dozens of detainees being released or leaving Koh Ko detention centre and many were moved out of Prey Speu. Further overwhelmed by the needs of those arriving from the detention centres the drug users group, Korsang, opened its drop in centre to provide emergency shelters and services.

Information. There are few reliable sources of information for sex workers in Cambodia so accurate news about the law and information about rights is difficult to access. As everywhere, the police and sex industry bosses are often the main source of information for most people who work in the sex industry. Although some information from police is incorrect, they may provide insight into what directions matters will take which probably helps some sex workers decide what to do. Members of the grassroots sex workers organisations and some of those reached by NGOs may be able to access more accurate information s time progresses.

I had unclear information, a rumour, that the brothel will be closed. And there is a law to prohibit sex work in country. Now the red light area is dark. I mean, the lights are out. I understand that the law isn't clear. It's there to hide sex work, not to close sex work.³⁷

The process of collecting information is inhibited by lack of financial and human resources and further hampered by lack of transparent data from law enforcement agencies and by the speed and scope of events. WNU's first priority was to attend to the immediate welfare needs of traumatised women but as events unfolded the quality of their documentation improved. In May five WNU secretariat members and representatives of CMWDA visited six provinces to interview sex workers to gather information about the impact of the law and campaign.

Even if the authorities published information about numbers of people arrested and jailed, which they don't³⁸, it wouldn't cast light on the broader impact of the law because no distinction is made in the law between traffickers, procurers, slave traders or their genuine victims and the thousands of sex workers, bar owners, beggars, garment workers and drug users who all fall within the broad definitions of the law. This means that although it is clear that the crackdowns have led to human rights violations and increased vulnerability to disease, trafficking and poverty, it is not clear if trafficking and genuine sexual abuse has been reduced.

³⁷ Ibid.

³⁸ According to an article in Mother Jones by Scott Carrier "The records of the court proceedings—like, for instance, the number of successful convictions for trafficking-related offenses—these documents are said to rest in the possession of one man, National Chief of Police Hok Lundy, and he has not been inclined to release them" www.motherjones.com/news/feature/2006/03/brothel_cambodia-3.html.

POLICE DETAIN PROSTITUTES AND BROTHEL OWNER Sunday, March 16, 2008

Kandal Province: A brothel owner and four prostitutes on Friday were held by anti-human trafficking police in Takmao district's Takmao commune. The brothel owner known as Roh Sam Ol, 34, was sent to a provincial court to sentence and the prostitutes were sent to educate at social affair department. Police found condoms and pornographic CD at the brothel.

SEX WORKERS SET FREE AND A BROTHEL OWNER HELD

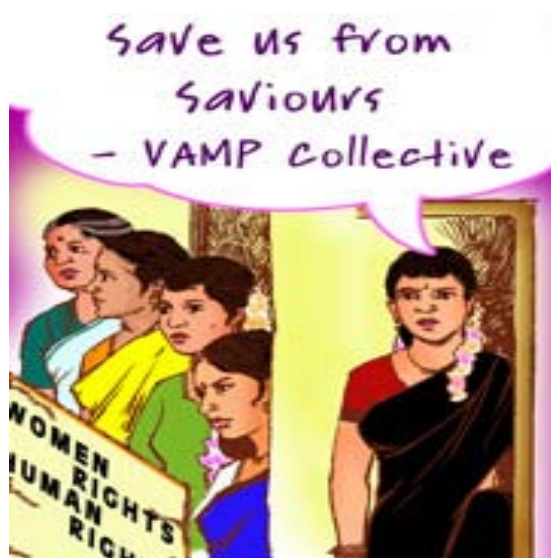
Monday, January 28, 2008

Bamttambang Province: Nine prostitutes were released and a 47-year-old brothel owner was arrested for sex trafficking at 12:30pm on 24 Jan 2008 in Ang Chanh village, Battambang district's Ou Char commune. After doing the investigation, police cracked down on the brothel, which was reported that there was sex trafficking, said Battambang district police official Sorn Kosol. Police used to warn them to stop such a kind of job, but they ignored; therefore, police cracked down on them and sent to the court, he added.

A WOMAN APPREHENDED OF HUMAN TRAFFICKING CHARGE

Thursday, February 07, 2008

31 January, 08: An Islam-Cambodian woman apprehended of human trafficking charge. The 60-year-old woman known as Slas Maiyom was arrested after police got complaint from an under-18 girl who had worked hardly as house servant in Malay and she was also raped by a house owner. The accused faces with many years in prison if she was found guilty.



If more and more sex workers' organisations gain the capacity and the confidence to implement anti-trafficking intervention activities themselves, the role of NGOs as mediators would become gradually redundant and thus unjustifiable for funding by donors. In fact, sex workers and trafficked persons' demands for the right to self-determination and autonomy represent an ideological challenge not just to the prevalent anti-trafficking practices by NGOs, but to all discourses that reduce the marginalized and particularly women, to submissive victims of their circumstance, devoid of human agency, unable to steer their own destiny unless 'rescued' through the benevolence of others. VAMP

8. Raid, Rescue, Rehabilitate

The twin assumptions that no woman would willingly sell sex and that sex workers lack education and skills for 'decent'³⁹ work are central to the issues playing out in Cambodia. Although Cambodia's economic situation, and women's position in it certainly ensures a supply (or an oversupply) of sex workers, this does not necessarily mean that individual women can be prevented from selling sex by removing them from brothels to 'give' them skills training, especially if there is no market demand for those skills. Rescuing women from slavery or poverty or both as a way to prevent trafficking and HIV has recently become UN policy. Development donors and public health agencies are increasingly shifting funds away from condoms,⁴⁰ information and services for sex workers to income generation programmes to reduce sex work.⁴⁰ Although it is beyond the scope of this article to analyse the impact of rehabilitation, skills training or other 'exiting strategies' for sex workers in HIV epidemics, almost no reliable data exists and the merits of such programmes are hotly contested by sex workers all over the world. According to Pathfinder;

Experience has shown clearly that strategies that promote sex worker "rehabilitation" or "reintegration into society" offer a clear path to failure, since they reinforce nothing but self-stigma and prejudice. These strategies usually backfire and simply drive sex workers away and further underground, which enhances their vulnerability. Unfortunately, this approach has been used too often in HIV prevention strategies targeting sex workers implemented either by government or civil society organizations and not run by sex workers themselves. It reveals an ingrained prejudice against sex work, while little or nothing is offered in terms of effective and sustained financial alternatives to sex workers' life needs... On the other hand, offering trade and skills training to sex workers without strings, as a path to supplementary income and more economic independence (increasing her ability to reject unsafe safe), is not the same as offering these trainings as a way to "leave the trade."⁴¹

'Raid, Rescue and Rehabilitate' has been particularly controversial in Cambodia where both government and non governmental agencies, including private corporations, provide 're-education' to sex workers who have been removed from their workplaces, including in police raids. The principal non governmental organisation that receives detained women for re-education is AFESIP although there are several other evangelical and fundamentalist Christian organisations working in Cambodia as well.⁴² One of them is US based Christian organisation, the International Justice Mission⁴³, nicknamed 'Cops for Christ'⁴⁴. It supports 'raids and rescues' and trains police to conduct anti-trafficking raids⁴⁴.

It has already been shown that there is not even a facade of education in the government detention centres.⁴⁵ Less information is available about privately run shelters. It is not known how many women, if any, have received training that led to sustainable employment, a living wage and permanent discontinuation of sex work. Afesip's information is confusing because no distinction is made in their literature between sex work, human trafficking. "prevention cases" and sexual exploitation and no independently verified information is available. According to Pisani an Afesip employee estimated that his organisation helped around 140 women to leave and stay out of prostitution between 2000 and 2005 while two in five 'drifted back' to it. By Pisani's estimates this still far more than IJM which nevertheless has received millions in funding in the same period, including from the Bill and Melinda Gates Foundation.

³⁹ UNFPA Guidance Note on Sex Work 2007 which provides guidelines for helping women from sex work to 'decent' work

⁴⁰ Prevention is for Life
www.unfpa.org/upload/lib_pub_file/769_filename_UNFPA_HIV_UK_low_spreads%20MAY.pdf

⁴¹ HIV Prevention Among Vulnerable Populations. Pathfinder International 2008 p. 16

⁴² Afesip website. Afesip uses anecdotes to support its claims to have delivered many women from sexual exploitation but it refuses independent scrutiny. For a video example of evangelical Christian rescuers in Cambodia see www.youtube.com/watch?v=f7MJVQJnHcM

⁴³ Pisani E. The Wisdom of Whores. Granta Books. London 2008

⁴⁴ Meixner S. US upgrades Cambodia's anti-human trafficking rating. Phnom Penh Post. Thursday, 12 June 2008

⁴⁵ LICADHO op cit

*Today, IJM believes there is **adequate and safe shelter** space for rescued victims in Phnom Penh. IJM and a number of NGOs noted that shelter space in the provinces is inadequate, requiring transportation of girls rescued there to shelters in Phnom Penh. There are no standard guidelines or policies for aftercare facilities. Both COSECAM and Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) are currently developing their own standards. Of major concern is whether shelters should have an open door policy, allowing victims to leave at any time. Some shelters, including World Vision, Children of Cambodia and Hagar attempt to hold victim-witnesses against their will while awaiting the trial of their traffickers or brothel owners*

USAID Assessment of the International Justice Mission Anti Trafficking Program in Cambodia

February 10, 2006 ⁴⁶

Sewing machines are routinely offered as evidence of vocational training in detention centres and at least some of the Afesip centres have them. According to Andrew Hunter of the APNSW 'this emphasis on sewing as the skill that will enable women to stop sex work illustrates the shallowness of the approach. 'Women flow to the sex industry from the garment industry because they cannot earn a living wage. Yet these organisations continue to insist that sewing training is an entry point to a new, safe occupation.'⁴⁷ There is no lack of sex workers, and indeed garment workers, who talk about the link between the sex industry and the pay and conditions on offer in Cambodia's garment factories:

My name's S.R I am twenty. I come from Kompong Cham province and I have 6 siblings (3 brothers and 3 sisters) I am the eldest. I come to work in a garment factory in Toek Thla with friends. I first started as a probation worker for one month and a half with very low salary that could not curb up with my living so I decided to stop working.

The rescue industry in Cambodia has become more controversial since Afesip director Somaly Mom has been visibly increasing her personal wealth and celebrity status via links with US conservatives with ties to the military and faith organisations.⁴⁸

Like the Ministry of Social Affairs, Afesip insist that inmates stay there voluntarily. Most people appear to believe this, unfortunately including Hilary Clinton the US Secretary of State who quoted inaccurate material supplied by Afesip (about a bar girl mutilated by a pimp) at the Senate hearing to confirm her new post. Sex workers have persistently claimed otherwise. In one almost comical event 83 women who had been captured in a raid by police and Afesip on a city hotel escaped from an Afesip shelter. Afesip claimed the shelter had been invaded by armed 'pimps' who forced the women back to the brothel. Eyewitnesses confirmed that the women had broken a gate to get out and jumped on passing tuk-tuks and moto-taxis. Many of the women, outraged by the claims demonstrated against Afesip outside the US Embassy to insist that they were not sex slaves but women illegally detained who had left the Afesip centre of their own free will. Incredibly, a US embassy spokesperson claimed that the women had also been forced to demonstrate by pimps.⁴⁹ Since that raid⁵⁰ sex workers in Phnom Penh have reported being taken by police and held in an Afesip clinic on route to the Ministry

⁴⁶ Pisani op cit 225-226

⁴⁷ Hunter A. APNSW Personal communication 25/9/08

⁴⁸ See <http://somaly.org/events/>

⁴⁸ Saing S. Women Taken By Afesip Protest to US. Cambodia Daily December 13 2004

⁵⁰ USAID in its Assessment of the International Justice Mission Anti Trafficking Program in Cambodia February 2006 attributes this change in procedure to that incident but maintain that the women were abducted. "Following rescues, MoSAVY temporarily holds victims from four to twenty-four hours before placing them in shelters. Prior to December 2004, when police conducted brothel raids, cooperating NGOs chose the shelter location for victims. This policy changed after a raid conducted by AFESIP resulted in the victims' abduction from the shelter by the brothel owners. In this raid, only two of the 80 victims rescued claimed to be trafficking victims... After that incident, MoSAVY began processing victims and transferring them to shelters." The same report shows that IJM transport detained 'children' with apparent disregard for the legality of the detention, 'IJM's aftercare coordinator accompanies the children from their rescue until their placement in shelters, staying overnight at the police station or MoSAVY, if required.'

of Social Affairs' detention centres at Prey Speu and Koh Kor and police talk about women being 'freed' when they are placed into Afesip 'care'. A sex worker paints a more complex picture;

I saw that one sex worker was arrested and sent to AFESIP. The police said it's not arresting. It's support [that you get] then [you] you return to homeland. She said brothel owner was really violent [and] ran away. The police helped the sex worker by sending her to the NGO. She has returned back to her job as a sex worker. (WNU interview Koh Kong)

The new law may have end debate about the ethics and methods of Afesip and other organisations that rescue and rehabilitate sex workers, Now that it is illegal to '*hinder the act of prevention, assistance or re-education undertaken either by a public agency or by a competent private organization for the benefit of persons engaging in prostitution or being in danger of prostitution*'

⁵¹ these US backed 'rescue' organisations are further embedded into the machinery of governing commercial sex in Cambodia. This particularly affronts many sex workers, especially those who are practicing Buddhists.

9. Government Responses

Initially government responses to press coverage about sex workers objections to the law and the diplomatic efforts by health agencies were divergent and even incoherent.

The representative of the Ministry of Women's Affairs who attended the June 4 rally expressed commitment to the aims of the law and the methods being used. She cast claims of human rights abuses as an unfortunate side effect of a sound policy, a kind of collateral damage. She challenged sex workers to come forward as individuals and prove the allegations. She said,

'the victims should compile the case and complaint to the court because it is the case of violence against women [but] it does not mean that the law is wrong'.(sic) She went on to dismiss the 500 sex workers present saying ". I also want everyone listen to women victims who have been raped and forced to be sex work[ers] by their family and other people and exploit them. And how much do women and families gain from prostitution? How much [do] they lose? Once they are rescued and rehabilitated and given training skills and job, do the family die during the time of no prostitution? ...What do we think about babies or children [of sex workers]?'

She followed with worrying comments about the agency of the assembled sex workers by saying, "We wish to see our women have their own decision rather than just repeat other voices unconsciously'. The suggestion that organised sex workers making demands about human rights are under the influence of outsiders and therefore unrepresentative of some unseen majority (who *do* want to be thrown into jail?) is familiar to activists. However Ms Bun Eng is ⁵² probably unprecedented in accusing so many of mindlessness in person.

As the year progressed government responses became more coordinated and the idea that preventing human rights abuses became more accepted. In July the High Level Working Group on Trafficking and Sexual Exploitation chaired by Interior Minister Sar Kheng announced it would develop guidelines for law enforcement authorities to ensure that 'there would not be a repeat of the human rights violations (unlawful arrest and abuse etc) of sex workers'. In September the Parliamentary Technical Coordination Secretariat of the Cambodian Parliament and ministries including Health, Labor and Women's Affairs hosted a workshop on Promoting the Law and Action in Preventing and Suppressing Human Trafficking and Sexual Exploitation with support from UNDP. Preliminary documentation suggests that the recommended reform is limited to curbing the worst violence and violations.

⁵¹ See Laura Agustin's blog. Border Thinking. www.nodo50.org/Laura_Agustin

⁵² Chou Bun Eng speech Wednesday, June 04 and email Friday, June 06, 2008 6:08 AM

By September of 2008 Tia Phalla, of Cambodia's National AIDS Authority admitted that the country's education and condoms distribution programmes for sex workers were "facing difficulties" and that the "enforcement of the anti-trafficking law harms the 100 percent condom use in brothels".⁵³ In the same month the Deputy Prime Minister Sok An struck a more pragmatic tone and asked a question he appears not to have asked before he introduced the law,

"Given that prostitution has been around in many forms over the centuries, what can be done to reduce its more despicable effects and at the same time allow protection from HIV and STIs to those who are most vulnerable?"⁵⁴

In November an unofficial translation of the much awaited guidelines from the Task Force on implementation of the Law on Suppression of Human Trafficking became available. The document reinforces the official zero tolerance approach of previous documents and prioritizes responses to the kinds of activities Sok An dubbed 'despicable effects' such as slavery and child sexual abuse. It also sets out standards for collecting and presenting evidence and other basic procedures.(many of which are famously absent in Cambodia). However there is also important new information in it for sex workers. It provides a picture of how they will be allowed to operate. They will be able to work in entertainment venues to which a fee is paid when they leave to have sex with clients elsewhere. This is the 'bar fine' system common in Thailand. It isn't possible to predict how this will affect provision of services and condom use. Fortunately WNU has a well developed national network so that information about such issues becomes available quickly.

Another potentially important feature of the guidelines is clarification that prostitution is not to be considered illegal and that sex workers are not criminals but victims to be treated compassionately. They are to be given the choice of being released or being 'further handled' by the Offices of Social Affairs and Youth Rehabilitation, women's property must be returned to them and proper records must be kept about the actions taken. But the status of these guidelines is in doubt with the announcement in January 09 of yet another process for consulting 'stakeholders' about developing yet more guidelines for enforcement.

In view of more the more realistic tone some politicians have taken and the disquiet expressed by the HIV agencies, human rights organizations and the local press there is demand at least for a sensible set of guidelines supported by ministerial directives to bring the confusion to an end.

⁵³ Cambodia faces new HIV threat as 'condom campaign at risk' AIDS_ASIA@yahoogroups.com joe_thomas123. Sep 10, 2008 4:01 pm (PDT)

⁵⁴ Salas V. The Changing Face of Aids. Phnom Penh Post 18/9/08

10. How could this have happened?

Phnom Penh is a small city with thousands of Khmer and foreign NGO, UN and diplomatic staff to sustain a vigorous rumour mill. In the early months of 2008 gossip about crackdowns on brothels and the politics behind them could be heard among expats in bars and Tuk-Tuk drivers on street corners alike. The Cambodian government is a rocky coalition of jostling factions and parties whose stand on any issue can leap suddenly in unexpected directions. (as sex workers discovered to their delight when the Prime Minister suddenly expelled an unethical drug trial they had been protesting against in 2003⁵⁵)

Upcoming elections were certainly an explanation favoured by locals who, like residents of many countries, are used to street people and sex workers being rounded up and detained before elections and international events. There is speculation that the elimination of prostitution is a personal interest of the First Lady of Cambodia. Certainly the Khmer media plays down the reduction of suffering to victims of trafficking, emphasising instead a nationalist cultural discourse about restoring the dignity of traditional Cambodian womanhood.

We may also be seeing 'just a little bit of history repeating itself'. In her doctoral thesis 'My Blood Sweat and Tears' Larissa Sandy describes the history of crackdowns on the Cambodian sex industry beginning in the colonial period, extending through the reign of Sihanouk (1961) and then by Hun Sen governments in 1996, 97, 99 and 2001.⁵⁶ She traces the different sections of the sex industry targeted in the various campaigns and the various impacts they have had. These include increased control for police and brothel owners, more street prostitution, worse violence and increased numbers of partners, a shift to informal sex work.⁵⁷

The factors that have driven each of the crackdowns in Cambodia's modern history of suppression of the sex industries have varied -containment and control via de facto regulation (1996) urban regeneration (1999), public health (1997) and public order (2001). On this analysis prostitution is a site at which the geo-political and social struggles of the day are played out. The suppression of trafficking seamlessly joins this list as 2008s justification.

This time around it appears that the driver is the need to curry favour with the US to maintain the flow of development aid. To do this Cambodia must satisfy the US government's requirements for combating trafficking which are administered through the Trafficking in Persons Report's 'tier rating' system for ranking countries' efforts to eliminate trafficking. Tier 1 countries are those that have taken all the steps that the US sees as combating trafficking (such as 'rescue and rehabilitation' and criminal prohibitions), Tier 2 is those that are trying and the lowest rating Tier 3 are those not taking the appropriate steps, by, for example, allowing all or part of the sex trade to be conducted legally. These ratings are tied to continued aid from the US. The day after the sex workers rally on June 4, the US government upgraded Cambodia's anti-human trafficking rating. It had been on the 'Tier 2 Watch List' after being relegated to the lowest category, Tier 3, in 2005. The US State Department said, "The Royal Government of Cambodia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so." It therefore appears that both the law and campaign are designed to fit with by the US government anti-trafficking policy and they are directly and indirectly financed by the US and US backed NGOs and organisations such as The Asia Foundation.

The Bush Administration expressed its policy on human smuggling and trafficking in persons which link sex work and trafficking with clandestine terrorist travel and financing and therefore a transnational issue that threatens national security. The government established a Human

⁵⁵ Media reporting of Tenofovir trials in Cambodia and Cameroon Edward Mills and others *BMC International Health and Human Rights* 2005, 5:6

⁵⁶ Sandy L. My Blood Sweat and Tears. 2006 Unpublished Doctoral thesis submitted to the Australian National University.

⁵⁷ Sandy *ibid.* p223

Smuggling and Trafficking Center (HSTC) in 2004 announcing it as ‘an innovative and crosscutting effort to address these inter-related issues ‘...to achieve increased progress in addressing U.S. Government and international efforts against these inter-related problems and turn intelligence into action.’ But the lack of integrity of US trafficking policy had become an open joke by the end of the administration. A prominent blogger wrote,

Off the record, people within the U.S. State Department in Cambodia will tell you they don't know what human trafficking is or how it happens. And yet their job is to get rid of it. They say they have more anti-trafficking money than they know what to do with, that there aren't enough aid workers in the country to give the money to, and consequently much of the money is being given to faith-based initiatives. They call this cronyism, like it's an infectious disease.⁵⁸

If the role of the Bush Administration could be described as directive (or as imperialist by activists), the UN role is perhaps best described as confused. It is characterized by inexplicable inconsistencies in the approaches advocated by the UN Secretary-General, The Commission on Aids in Asia, UNICEF, UNODC, UNFPA, WHO, UNESCO, UNDP and the UNAIDS secretariat. Some have actively supported the campaign against trafficking. Alarming at the same time both UNAIDS Cambodia and the health ministry were apparently unaware that the law was being planned at all and were not consulted despite the importance and relevance of their roles. Bang Ki Moon expressed support for decriminalisation of sex work. But in April when the UNAIDS' governing board met in Asia its then director, Peter Piot, failed to mention the situation in Cambodia or approve the controversial and overdue Guidance Note on Sex Work. Since then different UN agencies have released a confusing array of documents. Late in 2008 a delegation of UN agencies announced a visit to various parts of government and ‘stakeholders’ for what seems to be a fact finding mission. Although what the UN could do with any information it collects from the police, government and missionary organisations is not clear given its current state of disarray between agencies on the issue.

It is difficult to know what to make of such a confused situation within the most important international agencies or to understand the cause and effects of the ‘connects and misconnects’ among major Aid and UN agencies. One long term ex-pat and bar philosopher in Phnom Penh said he was quite used to ‘one hand of the UN and US government not knowing what the other is doing [but this is a case of] one hand actively wrestling with the other – without the head even noticing.’⁵⁹

Perhaps Dube and Ceste offer the best explanation by describing events in Cambodia in 2008 as ‘a perfect storm of US-inspired abuse against sex workers [that] erupted in a weak Asian nation’.

⁵⁸ In a Brothel Atop Street 63. Mother Jones op cit.

⁵⁹ Siddharth Dube. Forthcoming

Sex Work and the Bush Administration

" In its assault on sex workers' rights, the Bush administration employed two convergent strategies. A first is the fueling of a worldwide "war" against sex trafficking, with the Administration cynically conflating sex work and sex trafficking, based on the specious argument that "prostitution...fuels trafficking in persons, a form of modern-day slavery." President Bush made the war against trafficking such a personal political priority that in his 2003 address to the UN General Assembly, he focused on the war in Iraq, the war on terrorism, and the war on trafficking. Over half a billion dollars have been devoted to international anti-trafficking efforts under Bush.

The massive funding, high political profile, and the do-gooding fervour raised by this American crusade to save overseas women and girls has spawned innumerable activist organizations, many of them run by conservative Christian organizations pursuing the raiding of brothels in developing countries and the "rescue" of allegedly trafficked women.

The second strategy has been to make the eradication of sex work a centrepiece of US foreign assistance on AIDS. The creating legislation for the US President's Emergency Plan for AIDS Relief (PEPFAR), a multi-billion dollar initiative launched in 2003, explicitly states that it is the United States' policy to "eradicate prostitution and other sexual exploitation." The Act prohibits governments and organizations receiving US government funds from activities that "promote or advocate legalization or practice of prostitution and sex trafficking." A second clause - known as the "pledge requirement" - requires all recipients of US government funds to "have a policy explicitly opposing prostitution and sex trafficking". With these billions on hand from PEPFAR and anti-trafficking funding, the Bush administration's ability to damage the cause of sex workers' rights - and, more broadly, to recast the terms of the global AIDS response - has been many magnitudes greater than it would have been otherwise. The US right-wing's assault on women's reproductive rights was never anywhere so well financed"⁶⁰



Sex workers protest against MTV NO EXIT concert

⁶⁰ Dube. *ibid*

11. Trafficked?

The Health Agencies response to the law outlines the limits it places on HIV programming⁶¹ Soon they will have to struggle with how HIV services can be revived if sex workers are all trafficked women that should be rescued?

A further challenge is that where trafficking and commercial sex are not distinguished sex workers are deemed not to be exercising agency. But this has implications for contemporary HIV prevention based as it is based on 'behaviour change'. The success of behaviour change depends on subjects exercising sufficient agency to recognise a risk, decide to avoid it, learn how to avoid it and act on those decisions. Lacking agency, abused women and slaves are clearly not suitable subjects for behaviour change programs.⁶²

At least some of this confusion in responses to willing sex workers and trafficked women can be traced to the different ideologies and cultures that inform the UN agencies perspectives be it HIV, economic development, or child protection. A rough division has emerged in which HIV programmes were assumed to be focussing on 'willing' sex workers while most other agencies implementing 'gender' approaches address sex work through lenses of poverty or trafficking.

Several authors have discussed the willing/forced dichotomy and claimed it is artificial and unhelpful in various ways. Sonderland specifically discusses the dynamics of the tensions between harm reduction and abolitionism that are being played out in Cambodia: By offering this dubious yet morally rigorous aid to sex workers (rescue and rehabilitation) abolitionists can comfort themselves that they were not responsible for any deleterious effects caused by their elimination of harm reduction programmes... 'We did offer them a way out after all'⁶³

Although there are undoubtedly handfuls of both sex slaves and happy hookers anywhere the reality is that the experience of the vast majority of sex workers falls somewhere between the two as Pisani observes : Most women say prostitution is not their ideal job but I guess most women would say that about flipping burgers at McDonalds too. A lot of women report being introduced to a broker for brothels by a family member⁶⁴ or a girl from the village who had trodden that path to the brothel before them. Some of these women were lied to.

This is explored in detail in the Cambodian context by Sandy who lived and worked closely with sex workers in Cambodia. Her thesis shows that sex workers not only highlight the social and economic inequities impacting on their lives as women in Cambodia but also articulate their own self determination. She says her interviews illustrate a diverse mix of circumstances and levels of agency, 'the dominant/forced prostitution dichotomy, with its binary opposites and stereotypical image portrayed of a helpless victim waiting to be rescued by some good adult struggles to address such multiple subjectivities and divergent identifications'⁶⁵ She also challenges the defining indentured labor as trafficking.⁶⁶

⁶² They should not be according to the Network of Sex Work Projects which has always argued that people who are being abused or forced to work in slavery deserve liberation and justice -not occupational health initiatives. Longo P. and Overs C. Making Sex Work Safe. Network of Sex Work Projects and AHRTAG 1996. p8.

⁶³ Sonderland G Runing from the rescuers: New US Crusades Against Sex trafficking and Rhetoric of Abolition. NWSA Journal 2005 Vol 17 No 3.

⁶⁴ Pisani op cit p 215

⁶⁵ Sandy op cit p 158

⁶⁶ Sandy ibid p145

Self Regulation Boards for Rights Based Anti Trafficking Programming: a rights based model for combating trafficking

The sex workers of the Durbar Mahila Samanwaya Committee Kolkata are in staunch opposition to trafficking and underage youth in the sex industry. Sex workers are often best placed to respond to these problems in ways that respect human rights. In 1997 they undertook a ground breaking large scale initiative to prevent and respond to human trafficking and underage prostitution. In a number of districts they began organising 'self regulatory boards of DMSC staff, doctors and welfare providers, advocates, national human rights commissioners, local politicians and sex workers.

There are now 33 self regulatory boards in West Bengal out of a total of 40 sex work areas. Each board is responsible for patrolling the red light district and coming to immediate assistance of girls and those who have been coerced into the sex trade. The boards provide safe exit from the red light district, temporary shelter, medical care and a companion or mentor to help the women to return home or begin a new life depending on what she chooses.

The success of the boards relies on the fact that sex workers are often the first to come into contact with a new person entering the trade. From 1996 to 2003 the boards assisted 456 women and girls, which makes them far more successful than most anti-trafficking projects.

By creating an opportunity for sex workers to interact with local officials, the boards have also helped sex workers fight against extortion and other bad conditions. A 2003 report by UNDP stated: 'Sex workers in Domjur say that the existence of the self regulatory board and the links between Board members and the local authorities have not only curbed trafficking but also bought them other benefits like piped water and sanitation facilities' (Our Lives Matter : Sex workers unite for health and rights. OSI. 2008)

In sites where Durbar works, the proportion of sex workers under 18 years old has declined from 25.3% in 1992 to 3.1% in 2001. The median age of sex workers in these areas increased from age 22 to age 28 during this same period. (Sonagachi Project Baseline Survey 1992 and Follow up surveys of 1995, 1998 and 2001 for the targeted rights based approach of Sonagachi)

The model is successful for several reasons. Primary among those are its holistic and non moralistic approach, the link with organisations that provide services including HIV treatment and prevention and the targeted nature of the approach. Sex workers visits to newcomers and their frontline network of contacts means that resources can be directed at girls and women who want the services they offer while allowing others to live and work without intrusion. This contrasts markedly with the US/Cambodia approach of using force to conduct raids and rescues.

So, what enabled these sex workers to get out of the trafficked situation? Support from fellow sex workers, especially those who are more experienced and street smart, was the most important and frequently cited factor that spurred the respondents to seek a practical way out of the trafficked situation. These colleagues provided advice, courage, loans and contacts with more friendly madams to the respondents. In some cases members of Durbar played this role of counsellor and guide. Rescued girls are rehabilitated in state-approved residential schools and Durbar maintains contact with them to ensure overall development of rescued girls with the aim to improve their chances in life. Durbar teams regularly visit government-approved residential schools and monitor conditions of rescued girls who have been placed there by Self Regulatory Boards

Source: Street Walkers Show the Way: Reframing the Global Debate on Trafficking from Sex Workers Perspectives. Nandinee Bandyopadhyay. Working paper 306. Institute of Development Studies. U.K 2008.

12. What next?

The lives of sex workers, their families and others caught up in the 2008 crackdowns have been damaged in various ways by the anti-trafficking law so supporting them and reducing further abuses are clearly the priority for advocates.

NGOs and the Ministry of Health are keen to be seen to kick start HIV prevention and care for sex workers and creating programmes that actually limit trafficking and HIV and restoring sex workers access to sexual and reproductive health services should be high on everyone's agenda.

Clearly the best way to begin to achieve those goals would be to repeal the law and policy which is unlikely, as is any change resulting from court cases. In Cambodia, like other countries where the rule of law is fragile, relief from poorly conceived laws can come as an executive or ministerial directive.

I have 'never seen an issue where there is less interest in hearing from those most affected by it' Phil Marshall of the UN's Mekong Region Anti Trafficking Project

'Thailand's Brothel Busters' Mother Jones 2003

The Rescue Industry One of the key factors that influence coming events will be the levels of resources dedicated to rescuing trafficked women. The rescue industry certainly seems to be growing with an apparently noticeable influx in Phnom Penh of new arrivals engaged to help 'trafficked women'⁶⁷ Somaly Mom won over a million Euros as a prize for her work with Afesip and by December 2008 even music television MTV was conducting an anti-trafficking campaign in Cambodia in partnership with Transitions Cambodia, an anti-trafficking NGO that has a self-professed Christian conversion agenda.

On the other hand there are hopes among sex workers activists that the change of administration in the US will help dampen down this zeal for 'rescuing sex slaves' and demand more accurate data about both trafficking and anti-trafficking. The legality of the detentions, the finances and role of private organisations in raids on people's homes and workplaces are all matters for investigation. Where the Bush administration based policy on the confused and emotive picture of trafficking built up by abolitionist feminists and conservative Christian organisations there are hopes that the new US administration will instead support targeted, rights based anti-trafficking activities that work in harmony with local public health and justice initiatives rather than in conflict with them. Unsolicited conversions to Christianity are illegal in Cambodia so there may be potential for that law to be a tool for limiting the excesses of the rescue organisations.

⁶⁷ Personal Communication APNSW Resident Advisor in Cambodia Sara Badford.



A demonstration at the Cambodian Consulate in New York.

Fundamental human rights violations. It is fortunate that Licadho established that the human rights violations were in fact occurring as alleged. The photographs taken during their visits to detention centres, some of which appear in this article, ended the myth that women are taught skills for new employment or were in any way protected in custody. Admittedly the Ministry of Interior rejected the Licadho report in October without any coherent explanation but this was probably to be expected from the department responsible for those abuses. Nevertheless condemnation of unlawful detention, rape and beatings associated with the law is widespread and even extends to many of agencies that champion abolition of sex work as the best way to combat exploitation and trafficking. (e.g. the Asia Foundation, UNDP and UNICEF, USAID, The Ministry Of Women’s Affairs). Although one would not say that sex workers are not at risk of being raped, beaten and illegally detained in Cambodia, there are indications that the storm created around them has set up a degree of political sensitivity that will be protective to some extent. In my experience in other countries police deny abuse, stop or reduce it and say ‘what abuse were you talking about’. While this is frustrating for activists the outcome is at least some improvement.



Sara Bradford

One of several Tuk Tuks commissioned by WNU to protest against MTV’s US funded anti-trafficking intervention in Cambodia.

The Right to Livelihood Although this is heartening, it won't lead to an end to the abuses by itself, just as little or nothing changed after the publication of alarming data on rape of sex workers in Phnom Penh in a 2003 USAID report.⁶⁸ WNU have stated that they consider repeal of the law and a fresh start to be the only way forward. Perhaps surprisingly the enthusiasm of WNU members doesn't seem to have waned. It continues to resist calls to support agreements to enforce the law humanely because this is understood as endorsing the law – as casting the abuses as technical shortcomings in the enforcement of an otherwise acceptable law.⁶⁹ For WNU, while better governance and less dependence on the US could have prevented some of the human rights abuses other negative impacts are inherent to it and could not have been prevented. This position emerges from their view that sex workers rights extend beyond the basic human rights that address humane detention, torture slavery etc, and extend to recognition of sex work as legitimate work. On this analysis deprivation of livelihoods caused by criminalisation of sex work is a rights abuse. In the words of one activist 'our view that people have a right to sell sex – that sex work is work – is forbidden by the USG so we are isolated from the support of many NGOs'

Reviving the HIV program. Although the impact on Cambodia's HIV program is not fully known yet it's reasonable to assume that lost ground in HIV prevention will be difficult to regain. Although NCHADS and some of the international NGOs claim that programmes have sprung up that will prevent HIV among this new category of at risk person -the 'entertainment worker', the fact is that the best case scenario is that great deal of work will be needed to re-establish NGO projects and replace the 100% Condom Use Programme. The worst case scenario is that it is simply not possible to achieve anything like 100% condom use among people who are at risk of arrest if they are found to possess condoms. That subsidized condom supplies have declined dramatically at the same time as the law is likely to make the situation even worse.

Because events of 2008 have reshaped the sex industry re-mapping will have to identify where sex workers and clients live, work and access services.⁷⁰ Events of 2008 may have demolished much of the trust needed to gain the access and cooperation of sex workers that is essential for accurate mapping, even if the confusion about legal 'entertainment' venues and illegal sex venues clears.⁷¹ The dynamics between the Cambodian government and the large agencies contracted to operate Cambodia's HIV programmes for sex workers, (or rather entertainment workers as they are now called) does not lend itself to producing anything other than 'success stories'. The system is no more likely to produce accurate data that shows that the sex industry generates more HIV infections in the new environment than the police are about rapes and beatings of arrested women.

Trafficking. I have focused on the consequences of the Cambodian law on adult female sex workers and to less extent on others caught up in crackdowns that have been visible and well documented – that is on the [arguably] unintended consequences of the law. Less clear is the extent to which the law may have achieved its intended consequences of preventing trafficking and exploitation, partly because it is difficult to quantify what has not happened and attribute that non event to a cause.

Word on the street – and in Abu Dhabi's National newspaper -is that while a few old madams and some members of minor gangs might have been arrested as traffickers, they are

⁶⁸ Jenkins. C. Violence Against Sex Workers in Phnom Penh 2005. USAID

⁶⁹ Protecting Cambodia's HIV/AIDS Gains: The Public Health Effects of the Kingdom of Cambodia's Trafficking Suppression. Campaign and Law on the Suppression of Trafficking and Sexual Exploitation. United Nations, Donor and Civil Society Position Statement. 5th May 2008

⁷⁰ Mapping methods will need to be rethought too. Cell phone use in Cambodia has increased enormously in recent years decentralizing commercial sex and enabling more independent working methods.

⁷¹ Minutes of Minutes of UNAIDS, CACHA Ministry of Health and the Consultant. 16 September 2008 September 16th 2008 <http://intlawgrrls.blogspot.com/2009/02/new-direction-for-us-anti-trafficking.html>

scapegoats for the top men orchestrating the trafficking rings who are left alone. If this is so – and there can be no proving or disproving it – there has been a significant opportunity lost. As Vicheth Tuon, chief executive of the Coalition to Address Trafficking and (Sexual) Exploitation of Children in Cambodia says, “No one can touch the ringleaders...everyone knows who they are, but because of their power and influence, they are left untouched by the police. Trafficking is a mega-problem in Cambodia, and it’s becoming a critical issue that needs to be tackled head-on,” Mr Tuon said. “It has grown immensely in the last 10 years, and will continue to grow unless effective measures are taken to stop it.” He also raised the matter of the opportunity cost of focusing on sex trafficking separately from non sexual trafficking. He said that although the law raised awareness of sexual trafficking it also took focus away from trying to tackle all forms of trafficking. These matters need urgent, independent research because in the words of IntLawGrrls blogger Dina Francesca Haynes, ‘Whatever one thinks about the merits of prostitution/sex work, we cannot afford to have the limited resources devoted to anti-trafficking diverted to the broader issue of fighting prostitution, particularly given recent studies demonstrating the ineffectiveness of such campaigns and their potential for collateral damage.’⁷²

Any additional deployment of police into the Cambodian sex industry for any reason was always bound to increase, violence and abuse of sex workers. Although this is alarming for obvious reasons, perhaps the greatest scandal is that an imported, uncoordinated and ideologically motivated social experiment was put in place in Cambodia without consultation, evidence or planning to avoid unintended consequences.

To ensure that worse abuses and expansion of the HIV epidemic are not the most lasting legacy of the 2008 law on trafficking and sexual abuse, an ideology free, root and branch review of HIV and anti-trafficking policy in Cambodia is needed. To be successful a review must be based on independent research and evaluation of the situation and sex workers must be involved as the established national organisation not as a maligned minor stakeholder representing just a few ‘willing’ sex workers. While that hasn’t been possible while the US agencies in Cambodia are bound to push the Bush Administration ideology as expressed by the TIP Office, there are high hopes that the incoming regime will be guided by realities, by the views of those affected and results.



In memory of Un Sopul who died on the 19th June 2008 at Koh Kor Detention Centre



⁷² <http://intlawgrrls.blogspot.com/2009/02/new-direction-for-us-anti-trafficking.html>