

2018

Reintegration of Trafficked Women in Cambodia

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Introduction

Due to the recent increase of the ‘feminization of migration’ (UN Women & ILO, 2015), there has been a large demand from destination countries for women workers, which has simultaneously corresponded with the increase of women turning to labour migration in order to help provide for their families. This increase of women turning to labour migration, has caused growing concerns for of the number of women being employed in informal sectors and migrating through undocumented channels.

The ILO estimates that approximately 65 percent of women workers in ASEAN are engaged in vulnerable employment. Seven out of the eight ASEAN Members States with data on this issue, show that women are more exposed and involved in vulnerable employment than men (ILO & ADB, 2015)

There are increasingly high levels of women being trafficked into commercial sex work, domestic worker, and forced labour, particularly in the garment and fishing industries (The Asia Foundation, 2005). In recent years there has been some improvement in the criminal justice response brought on by legislation reform within Cambodia, and subsequently neighboring countries, specifically Thailand, have increased their efforts towards the criminalization of trafficking in persons. In Cambodia, Non-Government Organisations (NGOs) are leading the way in regard to reintegration and repatriation of victims. It is evident however, that there is still desperate need for advances in the protection of victims and their reintegration into community.

The objective of this research is to review both the protection and reintegration legislation within Cambodia and regional destination countries, Thailand, Malaysia and China. Putting a specific focus on Cambodian reintegration efforts by international and community NGOs, with the aim of identifying strengths, potential and/or gaps in current Cambodian reintegration practices.

Human Trafficking and Sexual Exploitation in Cambodia:

Human trafficking is one of the largest criminal industries, producing an estimated US\$150 billion of annual profits (Human Rights First, 2017). The border between Cambodia and Thailand is notably difficult to regulate and control, the largest portion of labour workers migrate to Thailand, with the Ministry of Labor in 2016 stating that the number of migrant workers to Thailand reached 1,056,358 with 310,000 of those estimated to be undocumented. Due to Thailand’s economic development and higher salaries, it is seen by Cambodians as a desired place for work. In recent years South Korea as emerged as the second most desirable place for migrant workers, with an estimated 44,230 Cambodian workers within the country. Malaysia has increased their numbers dramatically reaching 46,541 Cambodian migrant workers as of 2016 (MOLVT, 2017).

Data surrounding human trafficking is vastly scarce and often fickle, with there being very few reliable estimates on the number of women who are trafficked in and out of the country. This applies to not only Cambodia and South East Asia, but for the global issue

of trafficking. Another limitation being that many cases of trafficking go unreported. In 2016 the International Justice Mission (IJM) found that those migrating to the domestic work and fishing trade from Cambodia are at higher risk of being trafficked, with the National Committee for Counter Trafficking (NCCT) finding evidence to support this claim, whilst also adding forced marriage as another area of concern. This same study from the NCCT also found that the majority of victims were undocumented and had migrated through irregular channels or an unlicensed broker, however, several were found to be trafficked by a licensed recruitment agency.

The NCCT further reported that in 2016 there were 298 reported victims of human trafficking repatriated to Cambodia. This is represented in the table below, showing that Malaysia, Indonesia, Thailand and China were the four most common countries where a form of human trafficking or forced labour occurs for Cambodian migrant workers.

Number of Repatriated Victims Released from Destination Countries in 2016

Destination Countries	Total	Fishing Vessels	Domestic Work	Marriage	General Labour	Injury and Death
Malaysia	100		63		37	
Indonesia	71	71				
China	63			42	21	
Thailand	43	13			30	18
Vietnam	15	6		9		
Somalia	4	4				
Taiwan	1		1			
Saudi Arabia	1	1				
Total	298	95	64	51	88	18

(National Committee for Counter Trafficking, 2016)

Human trafficking outside of Cambodia is most commonly in the form of forced labour in both fishing vessels and domestic work, forced begging and increasingly trafficking for marriage. Women are specifically being targeted for the feminized sectors of labour, these being predominantly: forced domestic work and trafficking for marriage.

Trafficking for Marriage:

In recent years trafficking for marriage has gained increased attention within the Mekong region, with there being a rise in numbers of Cambodian women being trafficked marriage, especially into China. A majority of these marriages are not done legally, with Chinese authorities reporting in 2016 that of the 7,000 Cambodian women married to Chinese men, only 100 of these marriages were done legally.

In 2015 the Ministry of Foreign affairs reported that 82 Cambodian women were repatriated from China following forced marriage (Channyda, 2016). The NCCT reported that 43 victims of

trafficking for marriage were repatriated from China in 2016 and nine from Vietnam. Women are trafficked into forced marriage when they either enter into a brokered marriage for a better life or promised a factory or domestic job and instead are forced into marriage.

Forced Domestic Work:

According to the IOM (2015), women make up approximately 80 per cent of domestic workers, with 7.8% of women in the Asia Pacific region working as maids, nannies and carers. The biggest demand for Cambodian domestic workers comes from Thailand and Malaysia, with reports also finding women being trafficked to Singapore and the Middle East.

Although estimates of the number of Cambodians working in both Thailand and Malaysia as domestic workers exist, exact numbers are unknown. In 2015, it was estimated that 8,000 Cambodian domestic workers were working in Malaysia (Tithara & Cudd, 2015). With the NCCT reporting that in 2016 (see table 1), 63 women were repatriated into Cambodia from working as a domestic maid in Malaysia.

Domestic Laws involving the Punishment of the Perpetrator and/or Associates within Cambodia-

Law on Suppression of Human Trafficking and Sexual Exploitation 2008

This legislation, enacted in 2008, sets out legal framework, definitions and mandatory sentencing. TIP Law applies to any offense committed with the territory of Cambodia and extends to any Cambodian citizen outside the territory of Cambodia, who is the perpetrator or victim of any of the felonies or misdemeanors outlined (Gleeson, 2012).

A common issue that arises with their enforcement however, is the lack of familiarity with the anti-trafficking law and due to this unfamiliarity, the improper use of provisions of Cambodia's penal code to prosecute trafficking offenses.

Other relevant legislation:

- The Penal Code and the Law on Anti-Corruption (2010)- criminalizes corruption against those of Government authority who facilitate trafficking in persons
- The Labour Law – prohibits forced and compulsory labour and any labour brought on through coercion.
- The Criminal Code – criminalizes acts made by traffickers in relation to procurement.
- The Law on Immigration 1994 – criminalizes any association to helping an unauthorized foreigner enter Cambodia.
- The Law of Nationality- criminalizes the falsification of any migration or Cambodian citizen documents.

- Sub-deceit on Inter-marriage (2008) – prohibits marriage arranged by a recruitment agency, brokers and exploitative companies. States marriage between a Cambodian and foreign national must be voluntary and self-willing.

Cambodian Domestic Anti-Trafficking Laws involving the Protection, Assistance and Rehabilitation of the Victim

Currently, there is no legally binding domestic legislation involving the protection, assistance, reintegration and rehabilitation for victims who have been trafficked. Article 49 of the TIP, which prohibits media revealing the identities of victims, is the only legally binding protection that Cambodian law provides.

There are certain non-binding guidelines created by the Cambodian Government which work to protect the victim: Guideline for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia (2007) and Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (2007).

A further guideline implemented in 2008, ‘Guidelines on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation’ attempts to reconcile what is not addressed in the Cambodian CIP, this being that persons who are identified as prostitutes are not to be punished as offenders under the CIP.

Regional Domestic Anti-Trafficking Laws involving the Protection, Assistance and Rehabilitation of the Victim-

Malaysia-

Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (2007) – updated in 2016

Under the Anti-Trafficking in Persons Act, if a person is found to be exploited and trafficked, then they are immune from punishment for crimes related to illegal migration. This is only if the offences are outside the scope of the penal code, meaning, that victims who are trafficked for the purpose of sexual exploitation are still subject to punishment.

- MoU 2014 – Cooperation against Trafficking in Persons the Greater Mekong Sub-Region
- MoU 2015 - Bilateral agreement between Cambodia and Malaysia establishing a framework for the recruitment, employment and repatriation of labour migrants
- MoU 2017 – Agreement between Cambodia and Malaysia to provide free smartphones, monitor salary payments and ensure that employment agencies sign contracts underlying the duties and responsibilities of maids

Thailand-

Anti-Trafficking in Persons Act (2008)

The 2008 ATIP Act repeals the measures in the 1997 Prevention and Suppression of Trafficking in Women and Children. The Act establishes a Human Trade Prevention and Suppression Commission. The ATIP provides assistance for victims and set out the penalties for offences under the act, including imprisonment and fines. This Act was most recently updated in 2015 to include an updated definition of trafficking in persons.

Thailand has also entered into several MoUs with countries from the Great Mekong Sub-Region: Cambodia, Laos, Myanmar, Vietnam and China. Specific MoUs to Cambodia being namely:

- MoU 2014 – Cooperation against Trafficking in Persons the Greater Mekong Sub-Region
- MoU 2003 –Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking:

Parties are to undertake necessary legal reform and other appropriate measures to ensure a legal framework for preventing trafficking. This MoU further looks at the need for both parties to take work on preventative measures and also protection and repatriation of victims (ILO, 2014).

- MoU 2003 - Cooperation in the Employment of Workers:

Parties must ensure effective repatriation of workers who have completed their employment contract or are deported before completion of their contract. Protection of workers rights that they are entitled to.

Specifically, domestic workers are protected within Thailand under:

- Ministerial Regulation (No.14) B.E. 2555 (2012) issued under the Labour Protection Act.

China-

In China, human trafficking is outlined and defined in Criminal law (Article 210). It covers the areas of forced marriage, sexual exploitation and illegal adoption. In the case of forced marriage, the criminal law only applies when the marriage as originated from coercion. China's criminal law therefore, does not protect women who have openly entered into a marriage which has later turned abusive and for exploitive.

Human Trafficking Prevention Act (2009)

Implements general provisions, prevention methods and protection of victims. Establishes penalties for offences under the Act, including imprisonment and fines.

Regulations Governing the Placement and Protection of Victims and Suspected Victims of Human Trafficking (2009)

Underlines procedures to undertake to protect the victims of trafficking, these including the placement of victims under competent authority and provisions concerning shelters for victims.

- MoU 2014 – Cooperation against Trafficking in Persons the Greater Mekong Sub-Region

Currently there are no formal agreements and mechanisms between the Cambodian Government and China to deal with bilateral human trafficking patterns (UN-ACT, 2016).

Reintegration –

Reintegration is the final step in the process of trafficking (Zimmerman, 2003), and is often a step that is neglected in academic literature and legislative law. The purpose of the reintegration phase is to not only provide legal assistance, health care and job training, but also to preventing stigmatization. Cooperation between Government entities and NGOs is crucial in order to provide sustainable reintegration processes.

The reintegration phase although the final step in the trafficking process, is the most crucial step in assuring that a human-trafficking cycle is not created for the specific individual. Majority of victims that are repatriated into community often face major psychological, health and social problems, along with financial difficulties, which increase their vulnerability to be a target of trafficking again.

The Asia Foundation (2005) established the following seven components of successful reintegration:

- | | |
|------------------------------|---------------------------|
| 1. Preventing Stigmatization | 5. Medical/Health Care |
| 2. Education | 6. Social Services |
| 3. Training & Employment | 7. Psychological Services |
| 4. Legal Support | |

The following NGO's are available within Cambodia to support women and any victims of human trafficking with some of the components involved in reintegration.

Chab Dai

Chab Dai Coalition works with a diverse range of stakeholders with the aim of ending exploitation abuse. This incorporates collaboration and connecting all services in anti-trafficking and anti-exploitation, as well as running direct client services and repatriating Cambodians. Their primary client is split between victims of forced marriage and domestic workers, the remainder being from the fishing industry. Another aspect of their work that is not trafficking related, is victims of rape. Chab Dai does not offer any specific reintegration into community services, instead they refer out to other organisations, however, they do have a counselling team and as of 2017, offer legal support.

Joseph Arnhold, the Communications Coordinator at Chab Dai (personal interview, 28 May, 2018), stated that all their clients that have been victims of forced marriage were trafficked to China and all originated from rural areas of Cambodia. The clients who were abused domestic workers came from predominantly Thailand and Malaysia, occasionally a case from Middle East. Reportedly, Chab Dai handled 70 cases of forced marriage in 2016 and 63 cases in 2017.

Currently, at only half way through 2018 (January-June), there are 55 cases of forced marriage alone, all originating from China (J. Arnhold, email, June 20, 2018).

Chab Dai Coalition incorporate three of the components of successful reintegration, preventing stigmatization, legal support and providing psychological services. A crucial aspect to Chab Dai's work is their collaboration with other organisations, for the services that they do not offer or are able to provide for, they refer clients to other organisations that may be able to assist.

Hagar

Hagar is an international organization which operates within Cambodia with survivors of slavery, trafficking and/or abuse. Hagar offers a range of intensive and individualized services, providing counselling, case management services, education, employment and legal support. Hagar works not only with individual survivors but also closely with the Cambodian Government. Hagar provides recommendations and advice to increase capacity within provincial and national ministries. Hagar also developed a tool kit for legal professionals after recognizing that for survivors, the legal process was inflicting re-traumatization.

CWCC

Cambodian Women's Crisis Centre is considered a leading organisation for the advocacy of the rights of women and the elimination of violence against women and children. Their specific 'protection' projects include, monitoring project, legal assistance, safe shelter, literacy and vocational skills training and a repatriation phase.

CWCC recognizes the importance of the reintegration phase and acknowledges that for most women, they will be returning to very poor conditions and run the risk of being exploited again. For this reason, CWCC staff assist women to set up their own business using the skills that they gained from living in a shelter.

Maryknoll

The Catholic Organization Maryknoll runs a specific reintegration project called Horizons, which is open to women from 15-19 years old, who are referred from shelters where they have been placed after being trafficked from countries such as Thailand and young girls who are referred by an NGO because an older sister who works in the sex industry etc. and are considered vulnerable to exploitation.

The objective of the project Horizons' is to give women occupational skills that take them out of the informal sector and 'pink collar' industry. Sister Helene O'Sullivan (personal interview, May 31, 2018), the woman who created the project, believes that organizations have primarily been giving women vocational training that is too 'weak', preparing them with skills such as sewing and hair dressing, when the demand for this skill is diminishing because of the import of cheap used clothing from the US, Europe and Japan. Hair dressing is another skill that in her view places the women into the informal sectors where there are no paid sick days or other benefits.

Horizons provides basic education up to grade 9 followed by 2-year vocational training at PSE in the hotel industry leading to an ASEAN certification, employment in a hotel, accommodation whilst studying, psychological support and independent financial education. When the women graduate from their training and receive permanent employment, they begin to transition into complete independence.

By training the women into higher, more current occupations, they are putting the young women in the best position to succeed whilst further decreasing their vulnerability to exploitation. Horizons actively incorporates the components education, training/employment social services, psychological services and preventing stigmatization.

Daughters of Cambodia

Daughters of Cambodia is an organization that works to empower those trapped in the sex industry and also those that have been trafficked abroad for the purpose of sexual exploitation. Daughters of Cambodia offer a range of services, these being, counselling, medical treatment, creative programs, daycare and education.

In regard to their cross-border trafficked clients, currently, they have 5 Cambodian women who were trafficked from Vietnam and 1 Cambodian woman from Malaysia (P. Huch, personal interview, 1 June, 2018). Daughters of Cambodia incorporate training, employment, medical/health care, social and psychological services.

Recommendations

- Enhance safe migration by reducing the cost and lengthy process of documentation and promote safe migration programs.
- Continue to foster the implementation of existing legal mechanisms – laws, international conventions and both regional and bilateral MoUs.
- It is advised that reintegration efforts include independent living options and alternatives to repatriation into families and communities of origin.
- NGOs should continue to enhance cooperation and coordination agreements between one another and formalize these channels.
- NGOs are not expected to incorporate all components of successful reintegration within their singular programs, however, if they cannot do so it would be beneficial to outsource with other NGOs that do employ these components, so that the survivor is successfully reintegrated.
- It would be beneficial if programs that operate in the training and employment of women, work with the intent of moving them out of the informal sector and into the formal sector.
- It is advised that NGOs begin to train women in occupational skills that establish a desirable future, which removes them from the ‘pink-collar’ work force.
- In order to counteract stigmatization, it would be beneficial if projects of reintegration no longer labeled their clients as ‘victims’ or ‘survivors’ and instead draw no attention to the fact that they were once victims of trafficking.

References

Aberdein, C, & Zimmerman, C (2015), 'Access to mental health and psychosocial services in Cambodia by survivors of trafficking and exploitation: A qualitative study', *International Journal Of Mental Health Systems*, 9, 1, Scopus®, EBSCOhost, viewed 6 June 2018.

Arnhold, J (2018, May 28). Personal Interview
Arnhold, J (2018, June 20). Email.

Channdya, Chhay (2016). 'China-Kingdom MoU targets illicit bride market', *Phnom Penh Post*
<https://www.phnompenhpost.com/national/china-kingdom-mou-targets-illicit-bride-market>

GAATW 1999, *Human Rights in Practice, A Guide to Assist Trafficked Women and Children—Human Rights Standards for the Treatment of Trafficked Persons*, GAATW, Bangkok,.

Gleeson, M (2012). *State of Migration- An Overview of Forced Displacement in Cambodia*

HONG, L. S. (2016). *Cross-Border Labor Migration Surges in Cambodia, Raising Risk of Human Trafficking* [Online].

Huch, P (2018, June 1). Personal Interview.

ILO (2014), *Cambodia Thailand International Agreements*
http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=70625&p_country=THA&p_court=458&p_classification=23&p_classcount=7

ILO and ADB: *ASEAN Community 2015: Managing integration for better jobs and shared prosperity* (Bangkok, 2014), p. 12

MOLVT (2017). *Annual Report 2016-2017*. Phnom Penh, Cambodia: Ministry of Labour and NATIONAL COMMITTEE FOR COUNTER TRAFFICKING (2016). *Summary Report on Results of Counter Trafficking in 2016*.

O'Sullivan, H (2018, May 31). Personal Interview.

Royal Thai Government Gazette, *Prevention and Suppression of Human Trafficking Act, 2009-01*, Vol. 63, No. 1, pp. 28-49

The Asia Foundation, (2005). *Reintegration Assistance for Trafficked Women and Children in Cambodia – A Review*
https://www.mensenhandelweb.nl/system/files/documents/17%20dec%202014/asiafoundation_250806.pdf

TITTHARA, M. & CUDD, A. (2015). *The Shackles Of Abuse*. The Phnom Penh Post, September 26, 2015.