



United Nations

United Nations A framework for addressing human trafficking in Cambodia



Joint frameworks represent the cohesive approach of the UN Country Team in Cambodia to coordination of its work so as to maximize results, reduce duplication, adopt common goals and objectives and harmonize inputs into Cambodia's development agenda.

This UN Joint Framework is designed to show how and where the UN family is supporting this sector.

1

Summary



Photo © Mirror Art Group

Human trafficking continues to increase throughout the world, including in the Greater Mekong Sub-region (GMS).¹ In Cambodia, human trafficking emerged as a priority issue in the 1990s and has increased exponentially since then. The UN in Cambodia has identified combatting human trafficking as one of its priorities for 2006-2010, noting the particular vulnerability of women and the need to improve legal frameworks.

The UN in Cambodia is strengthening national and regional efforts to combat human trafficking in a four part response:

1. **prevention** of human trafficking
2. **protection** of trafficking victims, including return and reintegration support
3. **prosecution** of traffickers through the facilitation of an appropriate criminal justice response; and
4. **policy** on human trafficking, including support for the development of comprehensive and multisectoral policy approaches.

The approach of the UN in Cambodia to human trafficking is:

- ☒ To maintain a close partnership with the Royal Government of Cambodia (RGC), particularly through supporting the development and implementation of national, bilateral and regional policy frameworks, action plans, and capacity building including training for government officials.
- ☒ To promote the involvement of appropriate non-government organisations (NGOs), and to facilitate the smooth operation of joint government-NGO activities.
- ☒ To promote a victim-centred approach to all human trafficking interventions, to ensure that the human rights of the victim are a primary concern.
- ☒ To promote and support sound research, especially to measure progress.
- ☒ To promote the use of the UN Protocol definition of human trafficking, and to encourage the recognition of all forms of human trafficking both internally and transnationally.
- ☒ To promote recognition of the special vulnerability and needs of trafficked women and children, while encouraging increased attention to the issue of trafficking in men.
- ☒ To emphasise a holistic approach to human trafficking through supporting related projects such as those addressing violence against women, irregular and unsafe migration, labour exploitation, corruption and poverty alleviation.
- ☒ Promote a coordinated approach to human trafficking including working collaboratively with government and non-government organizations.

Resources are required to continue the advancement of this important work. Details of how to contribute and where support is most needed are available from the United Nations Inter-Agency Project on Human Trafficking (UNIAP) Cambodia.

¹ UNODC website, www.unodc.org



2

Introduction

Purpose

Human trafficking trends are changing rapidly. This Joint Framework outlines the response of the UN System² to human trafficking in Cambodia and the importance of a multisectoral approach and provides a basis for further discussion, coordination and collaboration.

Definition of human trafficking

Many forms of slavery persist, including forced and bonded labour, child labour and slavery for ritual or religious purposes. The world is also now wrestling with a new form of slavery -- trafficking in human beings, in which many vulnerable people are virtually abandoned by legal and social systems into a sordid realm of exploitation and abuse.

Kofi Annan
United Nations Secretary-General
21 November 2005

On 15 November 2000, the UN General Assembly adopted the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementary to the UN Convention on Transnational Organized Crime (the Trafficking Protocol). The Trafficking Protocol entered into force on 25 December 2003 and defines trafficking as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other

forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.³

Human trafficking should not be confused with people smuggling, where a person pays a smuggler to arrange their illegal passage into another country. The trafficking victim continues to be exploited after arriving at the destination, whereas a smuggler profits from their client's one-time payment to cross an international border illegally and the relationship usually ends upon arrival. Human trafficking should also not be confused with either irregular migration, where a migrant enters another country without the required documentation, or unsafe migration, where the migrant is vulnerable to exploitation. Victims of cross-border human trafficking might also have asylum claims and could be asylum seekers. An asylum-seeker is an individual who is seeking international protection and recognition as a refugee.

² For the purposes of the Joint Framework, the International Organization for Migration (IOM) is included as part of the UN system due to its close relationship with the UN and its involvement in the UNCT.

³ Article 3.

3 Background

Combatting human trafficking is now an international priority. The low risks and high profits from the exploitation of trafficking victims attract organised criminal groups and opportunists. Worldwide efforts are now being made to address human trafficking, provide support and protection to victims, and secure the prosecution of perpetrators.

In recent years, donors and anti-trafficking organizations have focussed on human trafficking in the Greater Mekong Sub-Region (GMS) where significant levels of trafficking take place. Thailand is the regional hub, and Thailand and Malaysia are prime destination countries.

Trafficking is new to Cambodia. While isolated instances of trafficking date back to the 1970s, the crime was largely unknown or unrecognised until the 1990s. Its emergence and detection was facilitated by the rapid expansion of the sex trade following the opening up of the country, uneven economic development, economic liberalisation and increased tourism. Trafficking networks in Cambodia range from small-scale ad hoc activities to large-scale and well-organised operations. Cambodia has significant levels of internal and transboundary trafficking, and is a country of origin, transit and destination.

Cambodian men and women are trafficked to Thailand, Malaysia and Indonesia to work in fisheries, construction and manufacturing. Children are trafficked to Thailand and Vietnam to work as street sellers and beggars. Women are trafficked to Malaysia, Taiwan and further afield for sexual exploitation and for work as domestic servants and garment factory workers. Trafficking of Cambodians goes as far as Saudi Arabia and Somalia. Cambodia also receives women from Vietnam who are trafficked into the sex industry. High levels of internal trafficking, result from inadequate economic opportunities in rural areas. Many Cambodians are trafficked to Phnom Penh, as well as to Siem Reap, Koh Kong and Sihanoukville to the sex industry.



Photo © Thitiporn Winijmongkolsin

Combatting human trafficking is a priority in the UN Development Assistance Framework 2006-2010 (UNDAF) for Cambodia. The UN is committed to reducing the trafficking of women and children, and identifies prevention and support for an improved legal framework and effective law enforcement as two ways to achieve this end.



4

A UN framework for action

Overall Objective

The UN in Cambodia is strengthening national and regional efforts to combat human trafficking in order to reduce and eventually eradicate it.

Elements of the UN Response to Human Trafficking

While UN agencies have different mandates, the priorities of prevention, protection, prosecution and policy represent the UN's comprehensive approach to the challenge of human trafficking:

Women and children are not property, but human beings. The international community should declare, loudly and more strongly than ever, that we are all members of the human family. Slavery simply has no place in a world of human rights.

Kofi Annan
United Nations Secretary-General

⊗ **Prevention.** A commitment to facilitating regular and safe transnational and internal migration by: building government capacity; establishing provincial and community networks; and empowering female migrant workers. There is a focus on improving regulatory labour frameworks through government capacity building and activities with employers' and workers' groups and labour protection in the workplace. Prevention is addressed at the national, provincial and grassroots levels, and helps government ministries to raise awareness about the dangers of human trafficking and unsafe migration; supports grassroots NGOs; and promotes alternative

livelihood options through education and rural skills training. Broader UN efforts, such as improving access to health and nutrition, increasing primary school completion rates and addressing poverty, also have a positive impact on reducing vulnerabilities related to human trafficking.

- ⊗ **Protection.** Building government and NGO capacity to support victims and provide physical and psycho-social support. This includes targeted improvement of transit and reintegration centres and community-based support networks for victims. A priority is strengthening the Government's capacity to coordinate, follow-up and monitor returns, assist in family tracing and facilitate reintegration. Training for police, prosecutors and judges on the treatment and protection of trafficking victims and enhancement of partnerships between victim support agencies and law enforcement. The UN also builds strong partnerships with NGOs in implementing protection activities.
- ⊗ **Prosecution.** Facilitating an appropriate criminal justice response to human trafficking is an important part of the UN's anti-trafficking efforts. The UN focuses on capacity building and training for law enforcement, prosecutorial and judicial officers to improve prosecution success rates. UN agencies are supporting the adoption of the eight draft laws essential to the rule of law, and are working to enhance access to justice in formal and informal sectors. The UN's role responds to gaps in the work of anti-trafficking stakeholders and promotes international standards.

- ⊗ **Policy.** The UN in Cambodia is involved in the development of national and ministerial plans to combat human trafficking, and also supports their implementation. For example, the UN has been closely involved with the development of the 2nd *National Plan Against Trafficking in Persons and Sexual Exploitation (2006-2010)* and the *National Plan of Action on the Elimination of the Worst Forms of Child Labour (2004-2010)*. The UN supports Cambodia's adoption of a legal framework on human trafficking in accordance with international standards, and has contributed to the proposed anti-human trafficking law. At a bilateral level, the UN facilitated two agreements between *Cambodia and Thailand*, another with *Vietnam* and also assists in the implementation of these bilateral policy frameworks.

Regionally, the UN in Cambodia supports the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) process and the implementation of national activities under the COMMIT Sub-Regional Plan of Action (SPA).



Photo © UNICEF



5

The UN System's Approach in Cambodia

In order to support the RGC's anti-trafficking efforts, the UN adopts the following approaches:

⊗ **Close partnership with government.** A multisectoral and coordinated approach to human trafficking in Cambodia supports the development and implementation of national, bilateral and regional policy frameworks. This includes national capacity building, particularly through training and advice to the RGC and awareness raising of other anti-human trafficking activities. The maintenance of this close and consultative relationship is a cornerstone of the UN's anti-trafficking response in Cambodia.



Photo © UNICEF

⊗ **Cooperation with NGOs.** The UN recognises the importance of NGOs in combating human trafficking and their involvement at every level of the anti-trafficking response. In Cambodia the UN-NGO partnership supports indigenous anti-trafficking efforts, capacity building of grassroots NGOs, and facilitates effective collaboration between NGOs and the RGC.

⊗ **Victim-centred approach.** The rights of the victim are central in the design and implementation of all anti-trafficking activities. The UN in Cambodia adopts and promotes a victim-centred approach, and ensures that in all its activities, recognition of the human rights of the victim are a primary concern.

⊗ **Research.** Extensive research on human trafficking is undertaken through measuring baselines, producing reliable data and measuring success against international benchmarks, including international law. This work includes in-depth research for reports and recommendations on emerging issues and problems, to encourage government action. The UN is committed to ensuring all its interventions are designed on the basis of thorough research, and promotes realistic and effective indicators.

⊗ **Promoting the international definition of human trafficking.** Anti-human trafficking activities in Cambodia over-emphasise the deceptive recruitment of women into the sex industry. Some activities also confuse human trafficking with people smuggling. The UN in Cambodia recognises the international definition of human trafficking, and notes that men, women and children may be trafficked for many purposes including garment and other manufacturing, construction, fishing, begging and domestic work, and that trafficking may be international or internal. UN activities in Cambodia reflect an understanding of the complexity of the problem.

⊗ **Emphasis on women and children, and the need to recognise men.** The UN recognises trafficking in men, but considers that women and children in their different categories are particularly vulnerable and may need special support. There is inadequate attention to trafficking in men, and this UN joint response will bring more focus to this area in the future.

- ⊗ **Recognition of the need for a holistic approach to human trafficking.** Human trafficking cannot be addressed by anti-human trafficking activities alone. There is the need for a broader and more holistic approach. The UN recognises the linkages between development programmes and trafficking, and supports activities that address violence against women and children, irregular and unsafe migration, labour exploitation, corruption and poverty alleviation.
- ⊗ **Coordination.** Anti-trafficking activities are coordinated by UNIAP through its quarterly Stakeholder Meeting and day-to-day coordination activities. The UN in Cambodia maintains strong collaboration with the RGC and NGOs to ensure a comprehensive response.



6

The Cambodian national plan

The *Second National Plan against Trafficking in Persons and Sexual Exploitation (2006-2010)* (the National Plan) sets out overall objectives and targets, which supported by individual ministries' own strategic and implementation plans. It complements other national plans including the National Plan of Action on the *Elimination of the Worst Forms of Child Labour 2004-2010* and the Council of Ministers' commitment to adopt the eight draft laws essential to the rule of law.



At the sub-regional level, Cambodia has signed the COMMIT Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region, and its supporting Sub-regional Plan of Action (SPA), which sets out 11 key areas for action.

The UN's coordinated response is built around the National Plan which adopts the four Ps (Prevention, Protection, Prosecution and Policy) of anti-human trafficking responses.

Prevention

The National Plan has a broad approach to prevention, including awareness-raising and promoting opportunities for safe labour migration and labour protection. It also outlines other activities including community action, vulnerability reduction and child sex tourism.

A number of UN agencies are closely involved in safe migration and labour protection. The UN works closely with the Ministry of Tourism to promote child-safe tourism to prevent trafficking in tourism sectors in Cambodia. Community-level efforts to prevent human trafficking support the RGC's commitments, and include activities with the Ministry of Women's Affairs (MoWA) on mass information dissemination in the provinces. Support is also provided to community awareness-raising on the risks of trafficking and exploitation through District Social Workers and Commune Councils.

Prosecution

The National Plan outlines a criminal justice response to human trafficking in Cambodia, including a comprehensive legal framework, trained police, judicial reform, victim protection and legal sector cooperation.

The UN is currently supporting the Law Enforcement against Sexual Exploitation and Trafficking of Children Project with the Ministry of Interior to build the capacity of police and other criminal justice efforts.

Protection

In the National Plan, the RGC outlines extensive victim protection measures, including shelters, services and referral systems, specific services to victims including psychosocial counselling and vocational training, family tracing and assessment and reintegration and monitoring. Failure to provide effective reintegration assistance renders trafficking victims vulnerable to being re-trafficked or discriminated in society. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) has a database on trafficking and reintegration and follows-up on reintegrated children through District Social Workers. The UN supports its maintenance, since it stores valuable information for future interventions. Furthermore, the UN supports the inclusion of skilled NGOs in protection activities, and assists in the cooperation between NGOs and the RGC.

Policy, Cooperation and Coordination

The National Plan prioritises coordination; the appropriate management of information; participation of all affected groups; bilateral and regional cooperation; research and analysis; and monitoring and evaluation. The UN emphasises the need for improved research and analysis by the RGC to support policy development, for example through the UNIAP-funded basic research methodology training. Whilst supporting the RGC in developing and implementing human trafficking policies, the UN promotes the international definition of human trafficking with the RGC.



At a national level, there are seven task forces related to human trafficking. These are:

1. The COMMIT Taskforce, chaired by MoWA;
2. The National Task Force on the Implementation of the *Memorandum of Understanding of the Cambodia and Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting the Victims of Human Trafficking*, chaired by MoSAVY;
3. The National Coordination Team of Undertaking the Repatriation of Trafficked Children and Women through the Cambodian-Thai Border, chaired by MoSAVY;
4. The Cambodian National Council for Children (CNCC)'s Sub-Commission on Trafficking and Sexual Exploitation of Children, chaired by the Ministry of Interior;
5. The CNCC Sub-Commission on Child Labour and Other Forms of Exploitation, chaired by the Ministry of Labour;
6. The Criminal Justice Technical Working Group on Human Trafficking, chaired by the Ministry of Justice;
7. The Cambodian National Council on Women, chaired by the Minister for Women's Affairs.



The RGC may also establish a task force on the implementation of the *Agreement Between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking*.

Ensuring full respect for the human being requires zero tolerance for slavery.

Kofi Annan
United Nations Secretary-General
12 November 2005

The RGC has established coordination mechanisms to ensure a multi-sector approach to human trafficking. However, coordination between task forces is minimal, and there is some confusion surrounding the overlapping of responsibilities. The UN works to streamline coordination activities on human trafficking by the RGC.

The UN supports Cambodia's engagement with the regional COMMIT process, particularly through the role of UNIAP as the COMMIT Secretariat. A number of UN agencies in Cambodia have implemented activities under the COMMIT SPA.

NGOs also have a forum for communication with UN agencies and the RGC through the quarterly Stakeholder Meeting on Human Trafficking.

Annexe 3 provides a graphic representation of this coordination structure.

Annexe 5 provides a summary of the coordination role of UNIAP and the position of its Cambodia office

Special Programmes

Special programmes address issues that fall outside the usual anti-trafficking response and broaden anti-trafficking responses into new areas. They identify the need to: reduce demand; address violence against women and children; combat pornography; reduce corruption; and address the linkages between human trafficking and drugs.

Funding and Future Support

Support for anti-trafficking activities is delivered through several funding arrangements. Some UN activities deliver support through individual projects earmarked specifically for trafficking, whilst more general programmes identify specific support for anti-trafficking efforts.

UNIAP can help interested donors identify gaps in the anti-human trafficking response, and connect donors with the appropriate UN agency for proposed activities.

International

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Regional

The COMMIT Memorandum of Understanding and the Sub-regional Plan of Action (2005- 2007)

Cambodia

The Second National Plan Against Trafficking in Persons and Sexual Exploitation (2006-2010)

The UN Development Assistance Framework (UNDAF) for Cambodia, 2006-2010, Office of the UN Resident Coordinator



Cambodia Second National Plan Against Trafficking in Persons and Sexual Exploitation (2005-2009)

Programme 1: Policy and Cooperation

- 1.1. Planning and Coordination
- 1.2. Information collection, Collation and Dissemination
- 1.3. Participation
- 1.4. Bilateral and Regional Cooperation
- 1.5. Research: Experience Sharing and Analysis
- 1.6. Monitoring and Evaluation

Programme 2. Prevention

- 2.1. Increasing Understanding/Awareness Raising
- 2.2. Safer Migration
- 2.3. Labour Protection
- 2.4. Community Action
- 2.5. Vulnerability Reduction
- 2.6. Child Sex Tourism\

Programme 3: Criminal Justice

- 3.1. Legal Frameworks
- 3.2. Specialist anti-TIPSE response
- 3.3. Police (non-specialist unit)
- 3.4. Judiciary
- 3.5. Victim identification, protection and support
- 3.6. Legal sector cooperation

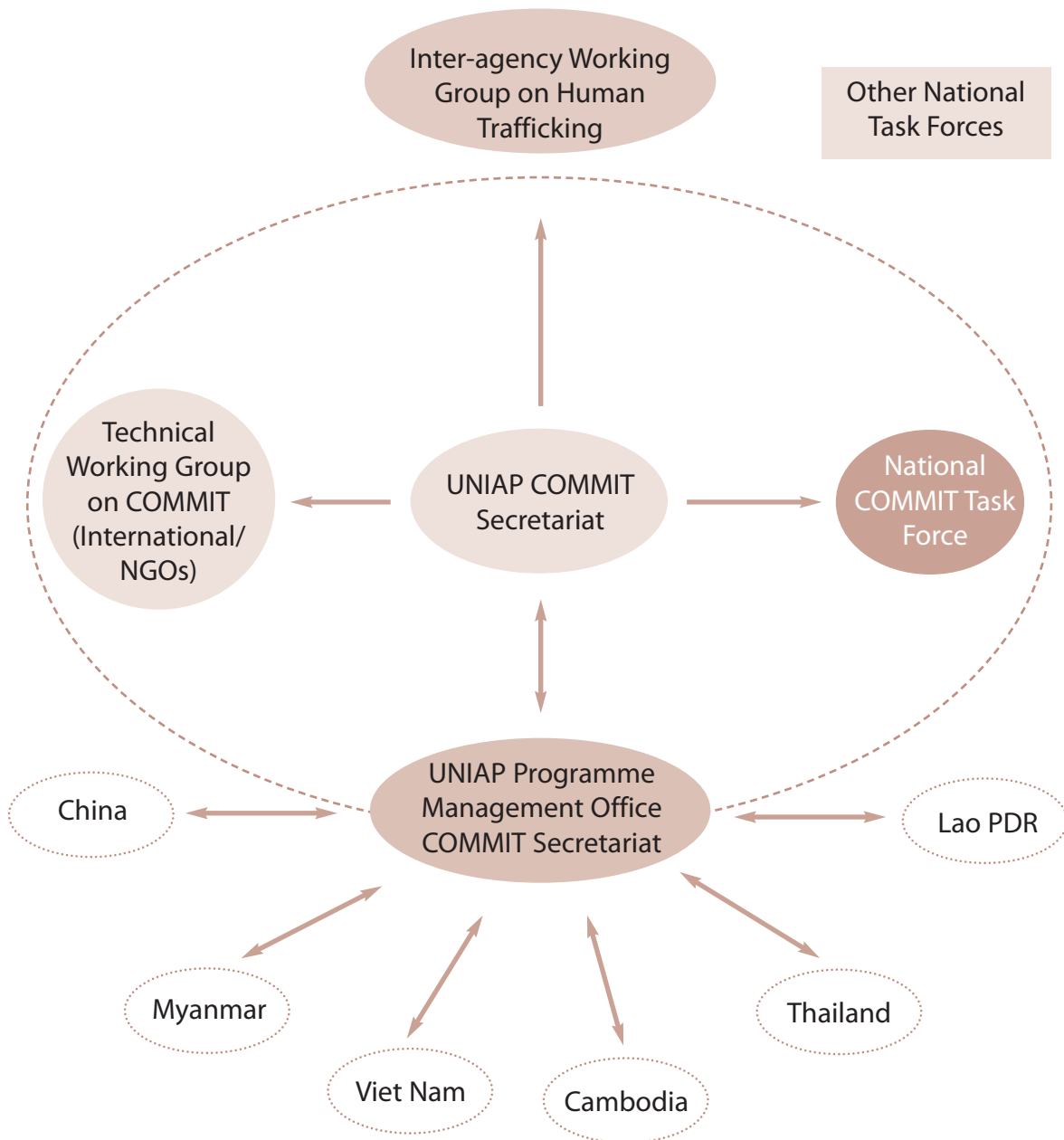
Programme 4. Protection, Recovery and Reintegration

- 4.1. Shelters, Services and Referral Systems
- 4.2. Services to Victims: Specific
- 4.3. Family Tracing and Assessment (including Repatriation)
- 4.4. Re-integration and Monitoring

Programme 5: Special Programmes

- 5.1. Reducing Demand/Social Norms
- 5.2. Violence against Children and Women
- 5.3. Pornography
- 5.4. Corruption
- 5.5. Drug Dependency

Annex **3** Coordination structures



The United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) was established to support a more coordinated response to human trafficking. At a regional level, UNIAP brings together six governments, thirteen UN agencies and eight international NGOs.



Annex
4

Summary - United Nations Inter-Agency Project on Human Trafficking

The United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) was established in June 2000 to facilitate a stronger and more coordinated response to human trafficking in the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam). At a regional level, UNIAP brings together six governments, thirteen UN agencies and eight international NGOs.

The project aims to strengthen the regional response to human trafficking through improved knowledge, effective collaboration and better targeted action, with a view to reducing the harm and severity associated with human trafficking in the Greater Mekong Sub-region.

UNIAP's Cambodia office (UNIAP-C) works under the UN Resident Coordinator to coordinate human trafficking activities in Cambodia. UNIAP-C aims to build a joint and strategic response amongst agencies and organisations at all levels. Of key concern is the need for greater conceptual clarity, and for future interventions to be based on a greater appreciation of lessons learnt.

UNIAP promotes a strong, collaborative network amongst grassroots organisations, national and international agencies and various sectors of government, to reduce duplication of efforts, direct funding to appropriate areas of need, and create a central knowledge base for all parties committed to the elimination of human trafficking.

UNIAP has four activity areas:

1. Building the knowledge base on human trafficking. UNIAP Cambodia acts as a clearinghouse for information and a centre for knowledge building. UNIAP works together with partners in Cambodia to share information, identify gaps and key priorities, and develop appropriate interventions.
2. Supporting action on high priority issues. UNIAP Cambodia identifies and supports high priority issues about human trafficking through facilitating partnerships amongst all organizations (government ministries, UN agencies, international and local NGOs) working to combat human trafficking in Cambodia.
3. Targeted interventions that respond to identified gaps. UNIAP Cambodia identifies and supports interventions that respond to gaps in the campaign against human trafficking.
4. Strengthening advocacy on the issues of trafficking. UNIAP Cambodia provides advocacy support to ministries and partners.



Office of the United Nations Resident Coordinator in Cambodia
No. 53, Pasteur Street, Boeung Keng Kang, P.O. Box 877, Phnom Penh, Cambodia
Tel: 855-23-216-167 Fax: 855-23-216-257
E-mail: registry.kh@undp.org <http://www.un.org.kh/>