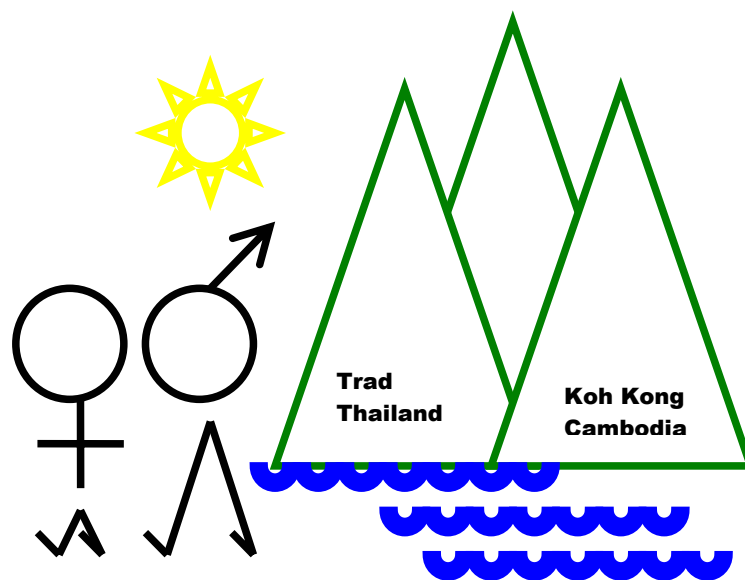




Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province



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Abbreviations

Adhoc	Cambodian Human Rights and Development Association
AFESIP	Agir pour les Femmes en Situations Précaires
ARCPPT	Asia Regional Cooperation to Prevent People Trafficking
BAHAP	Border Areas HIV/AIDS Prevention (CARE)
BLO	Border liaison office
CARAM	Coordination of Action Research on AIDS and Mobility
CLA	Children and Love Association
CWPD	Cambodian Women for Peace and Development
GMS	Greater Mekong sub-region
HCC	Healthcare Center for Children
HIV/AIDS	Acquired Human Immuno-Deficiency Virus/Syndrome
IDC	Immigration detention centre
IO	International organisation
JICA	Japan International Cooperation Agency
Licadho	Cambodian League for the Promotion and Defense of Human Rights
LSCW	Legal Support for Children and Women
NGO	Non-governmental organisation
MOSALVY	Ministry of Social Affairs, Labour and Vocational Training and Youth Rehabilitation ¹
MOWVA	Ministry of Women's and Veterans Affairs ²
MOU	Memorandum of Understanding
MP	Military police
PAO	Provincial Aids Office
PNKS	Ponleu Ney Kdey Sangkum (Light of Hope) organisation
STD	Sexually transmitted disease
UNICEF	United Nations Children's Fund

¹ Since the election in 2004, MOSALVY has been the Ministry of Social Affairs, Veterans and Youth Rehabilitation. Quotes within this report predate this change.

² Since the election in 2004, MOWVA has been the Ministry of Women's Affairs. Quotes within this report predate this change.

Use of terms in this report³

Child: the UN Convention on the Rights of the Child defines a child as: *'Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier'*.⁴

Cambodian migrants: refers generally to migrants from Cambodia.

Coercion: can include violence or threat of violence, including deprivation of freedom (of movement or of personal choice); deception with regard to working conditions and or/the nature of the work to be done; abuse of authority or dominant position which can range from confiscation of personal documents in order to place another person in a dependent position, abuse of social dominant position or natural parental authority, or abuse of the vulnerable position of an individual without legal status, which includes debt bondage.⁵

Debt bondage: defined in international law as *'The condition arising from a pledge by a debtor of his/her personal services or those of a person under his/her control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length or nature of those services are not respectively limited or defined'*.⁶ In more simple terms, it means pledging the personal services or labour of a person indefinitely as security for a debt when the length and nature of the debt is not clearly defined.⁷

Discrimination: any distinction, exclusion or preference based on sex, gender (or other classifiers in society, such as ethnicity, colour, religion or political opinion), which has the effect of nullifying or impairing equality of opportunity and treatment.⁸

Exploitation: the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines exploitation to include, at a minimum, *'The exploitation or 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'*.⁹

Forced or compulsory labour: the ILO Forced Labour Convention gives the following definition: *'All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'*.¹⁰

Irregular or undocumented migrants or workers: non-citizens who enter, or travel or work within a country without the necessary visa/travel documents and residency/work permits.

Migrant: someone who voluntarily leaves his/her community or country of origin to earn income in another town and/or province or in another country. Either regularly or irregularly, a migrant may engage in seasonal or longer term work and has not been forced to so by someone else. In this report, migrant refers both to foreign persons and to undocumented persons born in Thailand.

³ Many of these definitions have been adapted from Physicians for Human Rights, 2004.

⁴ UNICEF, 1989: Art. 1.

⁵ Wijers, M. and L. Lap-Chew, 1999: 48.

⁶ ILO, 1957: Art. 1.

⁷ Wijers, M. and L. Lap-Chew, 1999: 225.

⁸ Haspels, N. and B. Suriyasarn, 2003: 5.

⁹ UNODC, 2001b: Art. 3a.

¹⁰ ILO, 1930: Art. 2.

Migration: a description of the process of the movement of persons, thus including those forced or compelled to leave their homes, such as refugees, displaced persons, and uprooted persons, as well as economic migrants.

Unsafe migration: a situation in which the movement of persons is insecure, particularly for those who are undocumented, because of any unscrupulous behaviour of border officials, traffickers and others, and a lack of information with which to make choices and assess risks.

Sex work: as used in this report, sex work refers to the commercial provision of sexual services and encompasses a wide spectrum of coercion and/or force, from very little to extreme in nature and duration. This use is intended to recognise that the nature, degree or existence of sexual and other forms of exploitation to which an individual in sex work is subject, and that individual's perspective, may vary over time. In this report women and girls are referred to as sex workers rather than prostitutes, to avoid further stigmatising individuals and to emphasise the importance of promoting their health, well being and rights. This is in no way to diminish the recognition that commercial sexual exploitation is criminal and violates human rights and that measures to end the trafficking of women and children into the sex industry must be a priority for the international community.

(Human) Smuggling: the UN Protocol Against the Smuggling of Migrants defines the smuggling of migrants as '*The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a country of which the person is not a national or a permanent resident*'.¹¹ The chief distinction between smuggling and trafficking, for adults, is that there is consent present in smuggling.

(Human) Trafficking: the UN Protocol on Trafficking in Persons defines trafficking in persons 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*'.¹² The recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation is considered trafficking, regardless of the means used.

Trafficker: any person who lures any person, by means of enticing, forcing, threatening, using hypnotic drugs, or by other means, for the purposes of sale, forced prostitution, forced labour and servitude. People who are involved in the recruitment and/or transportation of a person within and across national boundaries for work or services, by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, deception and other forms of coercion.

¹¹ UNODC, 2001a: Art. 3a.

¹² UNODC, 2001b: Art. 3a.

Executive summary

Legal Support for Children and Women is a local Cambodian non-governmental organisation, whose mission is to work towards preventing and eliminating all forms of trafficking, exploitation and discrimination towards children and women in Cambodia. LSCW works to promote gender equality, protect men, women and children from all forms of exploitation and violence, gain recognition of and respect for their rights, and raise awareness of those rights among the target groups.

Trafficking of women and children has become a worldwide phenomenon, and in recent years the link between trafficking and labour migration has come more apparent. LSCW's decision to extend its work by providing legal support and protection to victims of trafficking in Koh Kong province was based on preliminary research carried out in this area. This highlighted that, despite its location on Cambodia's southwest border with Thailand and the long-time recognition of Koh Kong as a prime trafficking route both within the country and cross-border to Thailand, the province's relative inaccessibility has meant that most interventions to date have focused instead on the northwest border town of Poipet. As a result, very little concrete information exists on the situation of human trafficking in Koh Kong, although a field visit by LSCW to the province in March 2004 to interview NGO staff and local officials uncovered reports of women and girls being internally trafficked from other Cambodian provinces to brothels and karaoke bars in the provincial capital Koh Kong (Daung Tong) for sexual exploitation; similarly motivated cross-border trafficking of women and girls to Trad province, Thailand; and trafficking of men across the Thai border for the purpose of labour exploitation.

Meanwhile, gender has recently been pushed to the forefront with regard to trafficking and migration studies. As yet, no research has been carried out into the gender-related dimensions of who is trafficked to and through the province and why, or how the criminal justice system responds to the situation. Moreover, no studies have been done on the situation of trafficked men at all, despite the fact that this can be regarded as a critical issue.

This research project was initiated focusing on a thorough situational and gender analysis into the patterns of human trafficking into, through and from Koh Kong, and areas of weakness in the current criminal justice and social welfare response within Koh Kong and between Cambodia and Trad province in Thailand. In addition, Prey Veng province in Cambodia was identified as a major source province for migration and trafficking to these areas; research was planned in this area. This report aims to provide a clearer picture of human trafficking issues in the target areas, with a particular focus on the gender-related vulnerabilities and experiences of victims. This will serve to provide a solid foundation on which LSCW can structure gender-appropriate strategies for future programmatic and policy activities, as well as informing the work of other key government and non-governmental players in the target areas.

This research hopes that the highlighting of gender discrimination and female subordination will prevent donors, governments, NGO agencies and policy-makers from overlooking or neglecting it as a fundamental cause of internal and cross-border trafficking and exploitation in the future. LSCW aimed to address the need for more research into the gender aspects of trafficking by showing the differences in the process of migration which can lead to trafficking of men and women, focusing on the two border areas of Koh Kong (Cambodia) and Trad (Thailand) and one source province (Prey Veng). The research seeks to understand how gender is a variable in identifying those at risk and how women and girls, owing to gender factors, become more vulnerable to trafficking than men and the primary links with gender discrimination. Although men are also victims of trafficking, the research illustrates how

human rights and labour exploitation are more common for women, and how vulnerabilities that exist for men are in a different context to that of women. The research posited the hypothesis that a gender perspective is critical to understanding trafficking and the various steps of the process, as it is clear that poverty is not the major factor leading to the trafficking of Cambodian men and women. It outlines the dynamics of the decision-making process in the community and the cultural aspects of the demand side and the risk factors according to gender.

This report outlines the background to the research, including aims and objectives, target groups and areas, methodology, definitions and constraints. It then gives a background to gender roles and positions in Cambodian society. A gender analysis of trafficking outlines the underlying causes and contributing factors and details the differences between Cambodian men and women with regard to roles, responsibilities and needs and the gender values and norms in Cambodian society, including gender discrimination. The report examines all relevant pre-departure information and the trafficking and migration process in its various stages, including push factors and demand/pull factors, analysing the reasons why Cambodian men, women and girls leave the source province; the origins of trafficking; the risk groups; the decision to leave; and the recruitment process and characteristics of those involved.

The report continues by giving information about transportation and conditions of work in the destination provinces of Koh Kong and Trad (Thailand), according to gender. It points out the differences in men and women remitting money home to Cambodia, the length of time they leave home for, issues of returning home and the effect on the source province of Prey Veng. It uncovers the key features and differences defining the trafficking experience for men, women and girls respectively, showing what gender-related differences exist in patterns of transportation, destination, exploitative purpose and return. A sound understanding is gained of the gender-related vulnerabilities of different groups of migrants in Koh Kong and Trad.

The observed gender-related patterns of systemic response within the social welfare and criminal justice systems in Cambodia (Koh Kong and Prey Veng) and Thailand (Trad) are documented. This also includes the gaps that exist in response to trafficking and labour exploitation in Prey Veng, Koh Kong and Trad, especially concerning social and legal support.

The results from this study show that, owing to a number of circumstances, such as feminisation of poverty and migration and other gender factors, including gender discrimination in source provinces such as Prey Veng, Cambodian women and girls are forced to leave their villages in poor provinces for urban areas such as Phnom Penh and onwards to Koh Kong and Trad, or are tricked from the source province, reliant on traffickers to reach the destination point. Some men, finding themselves in debt and financial hardship, with lack of land or employment opportunities, risk unsafe migration to seek employment in Trad and other Thai provinces. As traffickers and smugglers are firmly based in poor provinces, men particularly pay such people to help them to migrate through illegal channels. Women and girls on the other hand are more vulnerable to being cheated by traffickers into sexual exploitation with the promise of well paid jobs, incurring debts to the trafficker on arrival at the destination (Trad or Koh Kong), the debt being wholly the responsibility of the women and girls.

Gender discrimination in destinations such as Koh Kong and Trad creates increased vulnerability for women and girls compared with men, often leading to trafficking for sexual exploitation, involving debt bondage. This is doubled when the trafficking is cross-border, as women and girls are discriminated for being not only migrants but also sex workers. For men, being poor, uneducated migrant workers in Thailand leads to labour exploitation and abuse of human rights. Without proper travel documents, Thai language skills, and familiar support

systems, as well as being undocumented, migrants are under the control of unscrupulous employers, traffickers and smugglers, and the police and authorities. In the case of women and girls, this can result in sexual abuse, exploitation and rape. Vulnerability for women and girls is associated with human rights abuses, discrimination, blind migration and gender-based violence; for men, labour exploitation, financial debt and tricking by traffickers and smugglers is more prevalent.

The research details conclusions and recommendations for effective intervention for Cambodian men, women and girls trafficked internally or cross-border in the light of the two existing MOUs on trafficking and employment. It recommends collaboration against the internal and cross-border trafficking as well as gender-appropriate strategies for future programmatic and policy activities for LSCW and others.

Chapter 1 Introduction

Legal Support for Children and Women (hereafter LSCW) is a local Cambodian non-governmental organisation, officially registered in 2002. The mission of LSCW is to work towards preventing and eliminating all forms of trafficking, exploitation and discrimination towards children and women in Cambodia. LSCW works to promote gender equality, protect men, women and children from all forms of exploitation and violence, gain recognition of and respect for their rights, and raise awareness of those rights among the target groups.

In early 2004, the decision to extend this work by providing legal support and protection to victims of trafficking in Koh Kong province was based on preliminary research that LSCW had carried out in this area. This highlighted that, despite its location on Cambodia's southwest border with Thailand and the long-time recognition of Koh Kong as a prime trafficking route both within the country and cross-border to Thailand, the province's relative inaccessibility has meant that most interventions to date have focused instead on the northwest border town of Poipet. As a result, very little concrete information exists on the situation of human trafficking in Koh Kong, although a field visit by LSCW to the province in March 2004 to interview NGO staff and local officials uncovered reports of: women and girls being internally trafficked from other Cambodian provinces to brothels and karaoke bars in the provincial capital Koh Kong (Daung Tong) for sexual exploitation; similarly motivated cross-border trafficking of women and girls to Trad province, Thailand; and trafficking of men across the Thai border for the purpose of labour exploitation.

There are currently five NGOs working on specific aspects of human trafficking issues in Koh Kong,¹³ but as yet no research has been carried out into the gender-related dimensions of who is trafficked to and through the province and why, or how the criminal justice system responds to the situation. In particular, no studies have been done on the situation of trafficked men at all, despite the fact that this has been regarded as a critical issue since at least 1998.¹⁴

In order for LSCW to address these issues it was crucial that a short research project was initiated, focusing on a thorough situational and gender analysis into the patterns of human trafficking into, through and from Koh Kong, and areas of weakness in the current criminal justice and social welfare response within Koh Kong and between Cambodia and Trad province in Thailand. In addition, Prey Veng province in Cambodia was identified as a major source province for migration and trafficking to these areas; research also needed to be carried out into this area. This report aims to provide a clearer picture of human trafficking issues in the target areas, with a particular focus on the gender-related vulnerabilities and experiences of victims. This will serve to provide a solid foundation on which LSCW can structure gender-appropriate strategies for future programmatic and policy activities, as well as informing the work of other key government and non-governmental players in the target areas.

Chapter 2 will outline the background to the research, including aims and objectives, target groups and areas, methodology, definitions and constraints. Chapter 3 gives a background to gender roles and positions in Cambodian society. A gender analysis of trafficking begins in

¹³ Human rights organisations *Adhoc* and *Licadho* are working on cases of trafficking; *Healthcare Center for Children* (HCC) are developing responses to child trafficking and planning the creation of a hotline and shelter for returned victims; and *Legal Aid Cambodia* (LAC) have been approached to defend individuals accused of trafficking. In addition, *CARE International* are working on HIV/AIDS issues in the province and focusing some of their efforts on brothels in Koh Kong.

¹⁴ The UN Special Representative on Human Rights underlined as serious the issue of trafficking of men and boys from Koh Kong to Thailand following his visit to Cambodia in 1998. See http://www.mekong.net/cambodia/un_th3.htm.

Chapter 4, which outlines the underlying causes and contributing factors and details the differences between Cambodian men and women with regard to roles, responsibilities and needs, and the gender values and norms in Cambodian society, including gender discrimination. The report then examines all relevant pre-departure information and the trafficking and migration process in its various stages. The push factors are followed by the demand/pull factors analysing the reasons why Cambodian men, women and girls leave the source province, the origins of trafficking, and the risk groups. Chapter 4 then focuses on the decision to leave and recruitment as well characteristics of traffickers and smugglers who are involved in recruitment.

Chapter 5 begins by giving information about transportation and conditions of work. This is followed by a general synopsis on cross-border migration and trafficking through Koh Kong to Trad province in Thailand and the broad situation for Cambodian men and women/girls in Trad. The chapter is separated according to gender, i.e. the first part focuses on female migrant workers in the sex industry and fish processing, which is compared with men in the fishing industry and family groups working in the sawmills and ice factories. It focuses primarily on jobs and working conditions. It ends by pointing out the differences for men and women in remitting money home to Cambodia, the length of time they leave home for, issues of returning home, and the effect on the source province of Prey Veng. It uncovers the key features and differences defining the trafficking experience for men, women and girls respectively, showing what gender-related differences exist in patterns of transportation, destination, exploitative purpose and return. A sound understanding is gained of the gender-related vulnerabilities of different groups of migrants in Koh Kong and Trad.

The observed gender-related patterns of systemic response within the social welfare and criminal justice systems in Cambodia (Koh Kong), Thailand (Trad) and some brief notes on Prey Veng (Cambodia) are documented in Chapter 6 with regard to assistance to trafficked victims. This also includes the gaps that exist in response to trafficking and labour exploitation in Prey Veng, Koh Kong and Trad, especially concerning social and legal support.

Finally, Chapter 8 details research conclusions and recommendations for effective intervention for Cambodian men, women and girls trafficked internally or cross-border in the light of the two existing MOUs on trafficking and employment.

Chapter 2 Background

2.1 Trafficking and migration in Cambodia

Trafficking of women and children has become a worldwide phenomenon, and in recent years the link between trafficking and labour migration has come more apparent. The process of trafficking cannot be viewed in isolation from the process of migration; to focus solely on one without mentioning or highlighting the other would give a distorted view of both. Fundamentally, it can be said that human trafficking involves the movement of a person from his/her origin to a new location, and the exploitation of that person at some stage in the process. The extent of trafficking is obscured by the general flow of migration.¹⁵

Trafficking in persons therefore is a particularly abusive form of migration, since the distinguishing feature of trafficking is the presence of force, coercion or deception for the purposes of exploitation.¹⁶ Migration has become a survival strategy for large sections of the Cambodian population. In the census of 1998, 881,400 people were migrating from rural areas in Cambodia and the average distance was also increasing.¹⁷ Cambodia is coming to terms with an increasing movement of people from poor rural areas to urban areas and across the border to Thailand, owing largely to the changes in supply and demand, particularly for women and girls. In the past it has primarily been men who have migrated to find work. However, this research points out that the overwhelming majority of migrants are young women, which is confirmed by a recent MOWVA report from six provinces.¹⁸ In a 1998 census, female migrants made 50.3 % of the total migrants, particularly in the 15–19 years old age group.¹⁹ There is an accelerated demand for women in the labour market, in Koh Kong and Trad and in urban areas such as Phnom Penh, and many women and girls with low education and skills see migration as an opportunity to make money.

Although migration for some Cambodians to Thailand and to urban centres such as Phnom Penh and Koh Kong has provided better opportunities for some, for others – particularly women and girls – it has led to serious vulnerabilities with regard to trafficking and human and labour rights violations. Hence, this research will attempt first to document the vulnerabilities of women and girls in comparison with men.

Secondly, interventions and programmes are prioritising women and children; trafficking in Cambodia, as in other countries, has become synonymous with brothel-based sexual exploitation of women and children, forced and coerced to migrate by unscrupulous traffickers or known persons. This has resulted in a major focus on this particular component of trafficking, meaning that other forms of trafficking have largely been ignored, e.g. trafficking into domestic work, marriage, fishing, fish processing and other industries. Furthermore, it has led to a grave misconception that men migrate and women are trafficked, and has led agencies to question whether this is appropriate. This preconceived and widespread idea feeds on the gender stereotype constructed by societies: in most societies, men are presented as in control and as the breadwinners.

However, with more and more women coming into the workforce, this notion is now being challenged. Moreover, it is often not recognised that men too are trafficked. As outlined in this report, Cambodian men are trafficked and exploited in many areas of work in Thailand, particularly onto fishing boats, where there is growing anecdotal evidence of extremely long working days, forced amphetamine use and even murder of those unable to keep up with the

¹⁵ Skrobanek, S. *et al.*, 1997: 16.

¹⁶ Huntington, D., 2002.

¹⁷ CDRI, 2002: 12.

¹⁸ MOWVA, 2003: 8.

¹⁹ OXFAM GB, 2000: 20.

work pressure.²⁰ Like men, Cambodian women and girls are trafficked, but also migrate into factories and fish processing. The causes of trafficking are applicable to both men and women, but women are faced with an additional vulnerability that stems from social discriminatory practices towards Cambodian women and girls. They are often found working in the worst forms of labour, related to the low status given to them in Cambodia society. This increases the risk of trafficking for women in comparison with men. Furthermore, it can be said that the patterns of women's migration differ from those of men. Men and women have differing reasons for leaving, and their means of travel and their destination are not always the same, as this research indicates.

In the past, prevention components of anti-trafficking programmes in Cambodia have frequently focused on seeking to discourage people from migrating internally and cross-border. These have included 'stranger/danger' campaigns; these have made little impact since the majority of traffickers and smugglers are known to their victims. Furthermore, many agencies have conducted counter-trafficking and prevention programmes in Cambodia, but very few have been tracked or evaluated, and for the most part are gender-unresponsive. In this research, the focus will be on trafficking and labour migration trends through a gender perspective – outlining the differences in the experiences of men and women, many of whom are willing to take substantial risks in order to obtain work which they see as a means of survival for themselves or their families; it will also look at how each process of migration can lead to trafficking.

Gender factors and dimensions have become important in shaping migration, and an integral part of discussions and strategic planning on trafficking. As the ARCPPT project has pointed out, 'Gender affects all aspects of the trafficking process, from the factors that contribute to trafficking to the nature of the laws and policies developed to deal with the phenomenon'.²¹

Recently, gender has been pushed to the forefront with regard to trafficking and migration studies. This research hopes that the highlighting of gender discrimination and female subordination will prevent donors, governments, NGO agencies and policy-makers from overlooking or neglecting it as a fundamental cause of internal and cross-border trafficking and exploitation in the future.

2.2 Aims and objectives

In this study, LSCW aimed to address the need for more research into the gender aspects of trafficking by showing the differences in the process of migration which can lead to trafficking of men and women, focusing on two border areas, Koh Kong (Cambodia) and Trad (Thailand) and one source province (Prey Veng). The research seeks to understand how gender is a variable in identifying those at risk and how women and girls, owing to gender factors, become more vulnerable to trafficking than men and the primary links with gender discrimination. Although men can also be victims of trafficking, the research illustrates how human rights and labour exploitation are more common for women, and how vulnerabilities that exist for men are in a different context to that of women. The research posited the hypothesis that a gender perspective is critical to understanding trafficking and the various steps of the process, as it is clear that poverty is not the major factor leading to the trafficking of Cambodian men and women. It outlines the dynamics of the decision-making process in the community and the cultural aspects of the demand side and the risk factors according to gender.

²⁰ UNIAP, 2003: 7.

²¹ ARCPPT, 2003b: 1.

Objectives were:

- To gather as much information as possible within the three-month period regarding the internal trafficking of women and girls to Koh Kong, and through Koh Kong (of men, women and girls) cross-border to Trad province in Thailand.
- To develop and improve the strategies that NGOs, IOs and government agencies use to prevent trafficking. It was hoped that once the gender analysis had been completed, LSCW and other agencies would be able to put together effective counter-trafficking strategies which would take into account the individual circumstances from a gender perspective in Cambodia and in the receiving countries.
- To improve understanding on the extent and situation of trafficking in Koh Kong and Trad with a particular focus on the gender-related push and pull factors affecting men and women respectively.
- To understand clearly how gender inequalities contribute to trafficking.
- To determine the principal provinces of origin for victims of trafficking to and through Koh Kong, recruitment methods and routes employed, as well as issues of destination and return.
- To provide a solid foundation of research on which LSCW could structure gender-appropriate strategies for future programmatic and policy activities related to the prevention of trafficking and the provision of legal support and protection for its victims.

2.3 Target areas

The research focused on two gap provinces (both geographically and with regard to NGO and government agency interventions on combating trafficking). These were Koh Kong, border province on the southwest coast of Cambodia, and Trad, the most eastern province in Thailand. The research also focused on one major source province in Cambodia (Prey Veng), in the east of Cambodia.

The research activities in Koh Kong province focused primarily on Daung Tong, the city area of Koh Kong, where internal trafficking to Koh Kong was prominent among women and girls in the sex industry. In Trad province, the main focus of the research was on cross-border migration leading to trafficking in the Klong Yai district, including Klong Soan and Koh Makam villages. Klong Yai was chosen owing to the large numbers of Cambodian men and women working in fishing, fish processing, ice and sawmill factories, and the sex industry, and the fact that it was easily accessible thanks to its border proximity. Koh Chang was also chosen as there were a number of Cambodian men working in the construction industry. Prey Veng was chosen as one of the poorest provinces of Cambodia, with the main focus being on Mesang district, where large numbers of both Cambodian women and men migrate to Trad province through Koh Kong. Reasons for choosing the three research areas can be summarised as follows:

Koh Kong province, Cambodia (source, transit and destination province)

- Status as a gap province within Cambodia with regard to NGOs and government agencies offering assistance to trafficked victims.
- Proximity to the border with Thailand: across the new bridge it is only a few kilometres to the checkpoint.
- Established legal and illegal trade routes.
- Established migration routes, particularly for labour migration to Koh Kong.
- High influxes of cross-border trade, business people and tourists.
- Large number of sex establishments and prevalence of sex tourism.

Trad province, Thailand (transit and destination province)

- Status as a gap province within Thailand with regard to NGOs and government agencies assisting trafficked victims.

- Large numbers of unaccompanied Cambodian men working in various industries, often indicating a number of Cambodian women in the sex industry.
- Presence of high numbers of Cambodian migrants in villages near the border with Koh Kong.
- Presence of cross-border migration to Trad since the opening of the border.

Prey Veng, Cambodia (source province)

- High percentage of out-migration (internal) to Phnom Penh and cross-border to Thailand, including women, girls and men.
- Number of brothel-based girls in Koh Kong and Trad originally from Prey Veng province.
- Relatively large size with high poverty level.
- Relative proximity to Phnom Penh.

2.4 Methodology

The research began with a desk review of existing secondary information on trafficking, both internal and cross-border, labour migration and gender issues from previous and available resources, books, and research papers, both nationally in Cambodia and regionally. This process of collecting other data was continued throughout the research period. Secondly, members of the research team travelled to Koh Kong and Trad to conduct interviews with key informants, such as NGO workers, IOs and government staff, and gained permission to conduct the research as well as forming plans on how to access the brothel areas and various industries. In addition, short questionnaires to establish whether respondents had been trafficked were made, as were more in-depth questionnaires which were pre-tested on girls who had been previously trafficked and were residing in NGO shelters in Phnom Penh. The team also collected different case information from two other Cambodian NGOs to assist the team with analysis and patterns and commonalities in the trafficking process.

Koh Kong

Field research was conducted in Koh Kong and cross-border in Trad province in Thailand. First, the team conducted sampling of the target group (sex workers) in Koh Kong (100 girls), assisted by a Cambodian government representative. 10–15 cases for further in-depth semi-structured interviews were chosen, with a particular focus on girls from Prey Veng as the target source province. Constraints (see below) meant that the team was able to interview 12 girls, but these were not necessarily the girls chosen through the sampling. The team also interviewed motodop drivers (motorcycle taxi drivers), fishermen, beer promotion girls, hotel staff, restaurant workers and taxi drivers about the situation in Koh Kong, which often led to more substantial information about migration and trafficking through and to Koh Kong. A young male migrant who had been cheated by a trafficker and dumped at the border also agreed to be interviewed.

Trad

In Trad province the team worked closely with CARE/RaksThai representatives based in Klong Yai and chose local industries such as sawmills, port and fishing areas, ice factories and brothels where Cambodian women and men were working and which were accessible from the main area of Klong Yai. Sampling had to be abandoned as there were continuing constraints in meeting target groups, which threw up security issues for respondents and staff. Interviews were conducted with a number of respondents in each industry, although it was not immediately obvious whether these people had been trafficked or exploited. The team also conducted some informal discussions with Cambodian migrant workers in Koh Chang, the tourist island in Trad province. In a number of interviews with construction workers and male migrants the team was able to record interviews using a microphone.

Prey Veng

Finally, the team returned to the chosen source province of Prey Veng to interview migrants who had returned, trafficking victims, families, NGOs, local authorities and government ministries, in order to gain insight into vulnerabilities and factors which result in trafficking and exploitative labour, focusing mainly on gender dynamics and roles. The research team travelled to six districts in Prey Veng, including Pear Raing and Kamchay Meas, as these were known to have a high percentage of migration. However, these districts were found to be prime migration areas to Thailand using a route through Battambang to Rayong and Pattani. As these two Thai provinces were not the focus of this research, it was decided to focus more in-depth interviews in Mesang district, where migration to Koh Kong and Trad and reports of trafficking were prevalent. The team worked with the local authorities who facilitated the attendance of migrants, both men and women, at interview sessions. The team used questionnaires to gain in-depth interviews; substantial information was gathered on migration and the situation in Trad province from the respondents.

Phnom Penh and Bangkok

The team conducted focus group discussions and individual meetings with NGOs (Cambodian, Thai and Burmese), the UN, and IOs working on trafficking, particularly issues of victim response. In Bangkok and Phnom Penh more information was collected on internal and cross-border trafficking to and through Koh Kong, the numbers migrating, the recent registration process in Thailand, and the main exploitative end-purposes for male and female victims of trafficking respectively. Brief discussions with migrant fishermen and construction workers took place in Samut Prakarn, a coastal province south of Bangkok.

In target areas the researchers used the following methodology:

- Sampling of respondents, where possible.
- In-depth interviewing with migrants, which sometimes took two appointments.
- Semi-structured interviews with girls (Koh Kong and Trad).
- Observations of the general environment of the interviewees.
- Recording of oral histories/testimonies.
- Gathering of documents and data on migrants and respondents.
- Obtaining of general information concerning demographics of the area.
- Semi-structured interviews with motodop drivers, taxi drivers, beer promotion girls, female restaurant workers and cheated migrants.
- Focused discussions with government agencies and ministries, IOs, NGOs, police, military, immigration police, lawyers, brothel owners, migrants, village chiefs and commune authorities and families.

2.5 Behavioural code

The research was conducted according to the behavioural code of the UN human rights protocol. All respondents were told the reasons for the research, although at times the term 'migration' was used rather than 'trafficking', and asked whether they agreed to the interview process and also whether written notes or microphones could be used. In many cases the respondents preferred information not to be written; at all times these requests were adhered to. Confidentiality was also respected; names of organisations/individuals requesting anonymity were not used. The research team attempted to be friendly, non-judgmental and culturally sensitive as well as receptive to the needs of the target groups.

2.6 Definitions

The research adopts the definition of trafficking according to the UN Protocol on Trafficking in Persons.

Trafficking in persons

shall mean the recruitment, transportation, transfer, harbouring or receipt of a person by means of the threat or use of force or other means of coercion, or by abduction, fraud, deception, abuse of

power or of a position of vulnerability, or by 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 should include, at a minimum, the exploitation or 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...The consent of a victim of trafficking in persons to the intended exploitation ... [set forth above] ... shall be irrelevant where any of the means set forth have been used.²²

2.7 Target population and coverage

The numbers of respondents (officials and migrants) interviewed in each area are outlined in Annex 2. Three girls who had been trafficked to Koh Kong were interviewed in Phnom Penh and Bangkok; these are not included in Annex 2 owing to these interviews taking place outside the research target areas.

2.8 Constraints to research

Issues addressed and not addressed

The research is not focused primarily on causes or comprehensive analysis based on substantial amounts of data but is a more quantitative study, reflective of a rapid assessment incorporating gender factors and encompassing the migration and trafficking processes. The research documents common themes and patterns which were exploitative in the different industries and concentrates on the differences and vulnerabilities of Cambodian men, women and girls during each stage of migration which could lead to trafficking and labour exploitation, particularly at the destination point.

The research focuses on Cambodian men migrating cross-border to Trad province in Thailand; with regard to women and girls the focus has been on internal migration to Koh Kong and cross-border to Trad where trafficking for sexual exploitation was likely. There was no evidence of trafficking of men to Koh Kong as a destination location. A few cases have emerged in remote locations in Koh Kong, but not enough information was available to pursue this. The priority focus was not children, although some girls interviewed in the brothels in Koh Kong and Trad were believed to have been under 18. This is not to indicate that trafficking in women and girls is confined to the sex industry, as is often portrayed in Cambodia, but that trafficking is prevalent among women and girls in Koh Kong and Trad into the sex industry owing to the various gender factors. Secondly, the research is not claiming to be representational of all Cambodian women and girls who find themselves trafficked into the sex industry, or cross-border to Thailand. Rather, the information gained from interviews with sex workers, as well as from Cambodian men working in the various industries in Trad, gives useful clues as to the differences between men and women migrating and the factors that make them vulnerable.

The research is based on interviews with respondents, some of which were in-depth detailed discussions lasting a number of hours, together with direct observations providing accurate information which was cross-checked. A large amount of the information may not be new to resource persons working with these issues in Cambodia and Thailand; the expectation was not that the findings would incorporate new processes or methods. However, the research hopes to create further understanding of gender factors which lead Cambodian men, women and girls to be vulnerable to trafficking, and to supply general information about the situation of Koh Kong and Trad provinces, two border areas overlooked in many major counter-trafficking interventions.

²²UNODC, 2001a: Art. 3a.

Limitations

Unforeseen limitations

The research was delayed owing to repeated illness of the main researcher and as a result of Cambodian national holidays in October and November 2004 which disrupted the data collection and interviewing. In addition, the research team needed to look for organisations that could facilitate access to information and respondents. This process took longer than anticipated as relationships with NGOs and government agencies had to be nurtured before interviews and data collection could take place.

Time limitations

The research was restricted to a period of three months, although general work was carried out on it for six months. It took place during the rainy season, making travel time longer and some places inaccessible. Cambodian migrants are found in other industries, such as dock work and fruit carrying, but the team was forced to limit the number of industries it could cover and to choose locations which were easily accessible. In the case of respondents in interviews that were less detailed it was difficult to understand the circumstances of the individual and make concrete analysis.

Information limitations

- Brothel owners in Koh Kong regularly change the names of the girls, their ages and their origin, making case-choosing particularly difficult. A number of interviews were brief as the migrants were restricted by their work schedule.
- The team in Trad met domestic workers and construction workers but the sample was too small to make any accurate conclusions.
- There is a dearth of reliable information on trafficking of women and especially of men, since data collection is hampered by the nature of the business. The task is sensitive, owing to the secrecy and invisibility of the trafficking business and the lack of secure and open brothels.
- There are no reliable statistics or data on trafficking or the number of Cambodian migrants or concerns and conditions, as most are undocumented, difficult to access and records are not accurate.

Data collection limitations

The original criteria and process was to be based on sampling in Koh Kong and Trad with the expectation that cases could be selected specifically from Prey Veng for in-depth interviews based on their province of origin, Prey Veng and if there was good reason to believe they had been trafficked. In addition, it was hoped that the research team could follow these cases both in Koh Kong and Trad back to their home villages. However, this process envisaged was limited due to the following reasons:

- In Prey Veng, families of the girls in Koh Kong and Trad were either were not in the village or could not be located. Without photos or communes and village names, it was impossible for the team to follow the cases back.
- Young girls working in the karaoke establishments were off-limits, owing to the need for security for the girls and LSCW staff, as advised by other NGOs.
- In Koh Kong and Trad, access to women and girls working in brothels and karaoke establishments was limited. The circumstances meant that the team was unable to gather substantial information or conduct in-depth interviews in a secure environment.
- Owing to regular crackdowns by the police, the team encountered mistrust and fear among Cambodian migrants in Trad, which made them cautious about being interviewed, particularly as many were undocumented, thus vulnerable to arrest.
- Disgruntled employers were cautious about the research team and the interviews had to be rushed and could not be repeated. This was the case with the interviews

conducted in sawmills and ice factories, as owners were reluctant to allow the research team to interview migrants repeatedly.

Addressing constraints

The LSCW team was able to deal with these constraints, and continued the research process to collect essential information from respondents in Koh Kong, Trad and Prey Veng. The integrity of the data and information has not been affected. The team conducted interviews with women and girls in brothels in Koh Kong and Trad with any girl available and accessible, usually in small groups. For example, male staff members had to pose as clients drinking beer in the karaoke establishments in Trad in order that information was more forthcoming. In these cases, they were not able to write or record responses, and therefore relied on memory. The research changed its focus to include all respondents from various provinces who had been trafficked to Koh Kong and Trad province and to gain information on industries. Forced and exploitative labour was far more visible than trafficking for sexual exploitation; the information provided on men during the research process is therefore more comprehensive.

The interview team conducted informal interviews with migrants in Trad and, particularly in terms of trafficking for sexual exploitation, were able to gather information from women and girls in brothels and karaoke establishments. They also interviewed girls in NGO shelters who had previously been trafficked, and sometimes relied on secondary data from NGO case databases. The team was able to determine and classify cases based on information provided by respondents in the field and on definitions of trafficking. In summary, essential critical information was gathered and was cross-checked with various resource persons and informants.

Chapter 3 Gender values and norms in Cambodian society

Findings

- Gender roles are reinforced by the gender values, norms and stereotypes that exist in each society. In Cambodia, societal and cultural factors increase the vulnerability of women and girls to trafficking as opposed to men.
- Cambodia's societal control over women's sexuality, strict cultural and societal norms and roles regarding virginity, and sexual repression create devaluation and marginalisation of Cambodian women and girls.
- Gender inequality and discrimination and lack of opportunities are linked to stereotyped ideas about men and women's roles in the workforce. These do not cause trafficking but exacerbate the vulnerability of women and girls.
- Religion, early marriage and divorce, sexual violence, health and education, land and access to resources highlight inequalities between men and women, which create conditions that assist trafficking and exploitation.
- War, changing demographics, female-headed households, and changing roles have impacted on Cambodian women and girls' decision to migrate.

Analysis

'Gender' describes those characteristics of women and men that are socially constructed rather than biologically defined. People are born female or male, but learn to be girls and boys who grow into women and men. It is learned attributes of behaviour, attitudes, roles and activities that constitute gender identity and define gender roles.²³ Notions of gender can help to explain the cultural basis for the existence of sex work and Cambodian women's vulnerability during the trafficking process as opposed to men. Gender equality is not an integral part of Cambodian culture, since Cambodian men and women perpetuate sexist ideals which are reinforced by Buddhist principles and Khmer moral codes of conduct,²⁴ and the low status of women and girls is ingrained in cultural values and customs.²⁵

Cambodian women's gender roles and their behaviour greatly affect the status of their husbands, sons and fathers. The ranking of a man within society has a direct correlation with the image projected by the women in his life. Women have the power to upset the entire status structure through their behaviour.²⁶ Cambodian women ('good' women) must remain virtuous to uphold the image of the family and conform to various ideals. For example, the ideal Cambodian woman is shy, submissive and reticent, speaks softly, walks lightly and is well mannered at all times. She takes care of the family, is a dutiful daughter, mother and wife who works and preserves the home.²⁷ A famous Cambodian poem entitled *Chbab Srei* (Rules of the Lady), which is taught in many grade schools, sets forth duties and acceptable behaviour for a good Cambodian wife. Advice includes: 'never tattle to your parents anything negative about your husband or this will cause the village to erupt'; 'never turn your back to your husband when he sleeps and never touch his head without first bowing in his honor'; and 'have patience, prove your patience, never respond to his excessive anger'.²⁸

Yet, women play a dynamic role within the household, and are seen to make up for the 'defects' of men. The honour and reputation of the family is embodied in the behaviour of wives and daughters. Women are generally viewed as objects, and particularly are taught to

²³ This working definition draws on a working definition developed in WHO, 1998.

²⁴ Gray, I. and B. Wouters, 1999: 10.

²⁵ Haspels, N. and B. Suriyasarn, 2003: 16.

²⁶ Chey, E., undated: 1.

²⁷ Ibid.: 2.

²⁸ Levi, R. S., undated.

accept their roles as housewives, submissive to the law of the male world.²⁹ Subordinate to their husbands, women retain close ties with and support from the family. However, three decades of conflict have disrupted traditional family life, leaving women with less protection and support.

In addition, there is societal control of women's sexuality, and of the different perspectives of male versus female sexuality, i.e. there are stories telling that men have uncontrollable sexuality and that female virginity is to be protected. Virginity is considered to be an important measure of a women's value in that if a girl loses it, even through repeated rape, she is seen as broken and can no longer marry. The Khmer word for sex work, *srei khauch*, means 'broken women', referring to a loss of reputation and virginity. Khmer traditionalists compare Cambodian girls to white cloth and boys to gold. When white cloth is muddied it can never be washed to the purity and whiteness it once had. Gold, on the other hand, can be cleaned to shine brighter.³⁰ Once a woman is not a virgin, she is seen as 'used goods'. This includes rape victims, who have brought shame to their families and can no longer expect to become respectful wives. Such attitudes can be seen as marginalising women into areas of sex work.

Good women are not supposed to have sexual feelings, desires, or knowledge about sex, thus sexual knowledge is prohibited, creating vulnerabilities – particularly for young girls when they leave home and migrate. Females are not in control of their own bodies³¹ and men commonly seek younger partners in order to feel youthful and assert their manhood, resulting in society permitting some women and girls who are already 'broken' or 'bad' to be used by men so that 'good women and girls', who are socially respectable faithful wives, can be protected. In contradiction, wives are held responsible for the fact that husbands are not faithful, since their knowledge of sex is limited. Hence, sex is purchased by many men in Cambodia and wives commonly state that they prefer their husband to visit a sex worker than take a second wife. A Cambodian proverb states: 'Ten rivers are not enough for one ocean'.³² Therefore, the demand for sex workers is high while sexual repression of women remains fundamental in Cambodian society.

Gender discrimination

Women and girls suffer from gender inequalities and discrimination in Cambodia. Such multilayered discrimination and inequality prevents women and girls from taking control of their lives and also increases their vulnerability to trafficking, especially into the sex trade. In a paper addressing sexual exploitation from a gender point of view, one of the causes mentioned is the 'systematic undervaluation of females in terms of property or ability to earn in the market'.³³ These relate to the cultural values regarding the role and status of women and men. Women and girls in Cambodia are seen to be shy and submissive, which means they grow up with a lack of opportunities, especially in the workforce, because of their demeanour, have greater constraints, especially in the highly competitive job market in the urban areas, and are more susceptible to differences in economic variations and financial recessions. The cycle of poverty for women coupled with gender discrimination means that from mothers to daughters this poverty and lack of opportunities is continued.

Gender-based discrimination and gender disparity in the labour market takes a variety of forms.³⁴ Women and girls earn substantially less than men, both internally in Cambodia and in Thailand. One of the reasons for this is labour market segregation where women and men are grouped in different occupations, linked to stereotyped ideas about men and women's

²⁹ Human Rights Vigilance of Cambodia, 1996: 3.

³⁰ Chey, E., undated.

³¹ WEDO, 1996: 13.

³² Brown, L., 2000: 131.

³³ WEDO, 1996: 12.

³⁴ UNIFEM, 2003: 19.

roles and weaknesses, i.e. men work in construction, fishing and factory work, whereas women work in the service industries, such as domestic work and the commercial sex sector, and in poorly paid exploitative jobs, such as garment factory work and fish processing.

Gender discrimination and inequalities are not the cause of trafficking but exacerbate the vulnerability of marginalised groups and render them increasingly more open to a variety of different harms. This leads women to leave home, migrating internally and cross-border, hence creating a potential supply of female migrants and livelihood seekers who, without education and skills, have limited opportunities and options to survive and are conditioned to accept their fate. Outlined below are other major factors, particularly gender constructs³⁵ which are influenced by the patriarchal system and religious and cultural values in Cambodia. These highlight discrimination and the unequal and unbalanced relations between the sexes.³⁶

Religion

Religious practices in Cambodia reinforce discrimination of Cambodian women and girls. A woman is thought to be born thus as a result of bad karma; women and girls are therefore thought to be unable to achieve enlightenment, suffering as they are for past illicit behaviour. Thus, whereas men can show gratitude and respect to their parents by becoming monks and pursuing a spiritual life, many girls have to make up for this by caring for and making sacrifices for the benefit of their families, villages and their own karma, resulting in women and girls trying at all costs to provide for their families through any opportunity they can find.³⁷

Early marriage and divorce

Many Cambodian women are subjected to early and arranged marriages, therefore losing their independence and right to consent to marriage. Often they suffer from domestic violence and rape. Divorce is also frowned upon as shameful in Cambodian society. According to PADV, 'Women who choose to get a divorce are discriminated against at every turn',³⁸ which results in many women living with constant violence from abusive husbands, leading to a life of servitude. Divorce can lead to vulnerability: women are shunned by their families and communities and are therefore without any support system, education or financial means, at risk of falling prey to trafficking and exploitation.

Violence

Violence against women and girls in Cambodia is prevalent, vicious and often ignored. One in every six women admits to being physically abused by husbands and sexual violence such as rape also appears to be on the rise.³⁹ The violence is often severe: 50% of women who reported spousal abuse stated that they received injuries and more than half of those injuries were to the head. Women reported beatings, whippings, stabbings, and even axe attacks. This can be linked to societal views of women in Cambodia.

Education

There are significant areas of gender disparity, particularly in educational attainment. It is estimated that 50% of rural women are illiterate and have not completed primary school education;⁴⁰ levels of literacy and education are low particularly in provinces such as Prey Veng.

³⁵ CARAM Asia, 2003.

³⁶ Haspels, N. and B. Surivasarn, 2003: 4.

³⁷ UNIFEM, 2002: 6.

³⁸ PADV, 26 January 1998, quoted in Levi, R. S., undated.

³⁹ Rasmussen, H. M., 2001.

⁴⁰ Gender and Development Network, 2003: 37.

Rural girls suffer from a lack of education and low enrolment, owing to the traditional belief which values investing in boys' education rather than girls'.⁴¹ Literacy rates for Cambodian women and girls remain low compared with the rest of Asia. This owes partly to the traditional roles of girls, both in the house as domestic workers and as agriculture workers in the fields, and partly to the traditional ideal that girls should stay close to home. Hence, the need to educate girls is not seen as a priority by rural communities. Only 60% of students completed primary schooling in 2003 and most of those were those were male pupils.⁴² Girls tend to drop out of school earlier because they have to start work as a result of poverty and the traditional responsibilities of girls within the family. In Koh Kong province, for example, 80% of sex workers are reported to be functionally illiterate.⁴³

Health

Rural women in general have poor health and nutrition, with inadequate access to health facilities. Health costs are extremely high (e.g. access to safe drinking water etc.) and there is a poor level of reproductive health.

Poverty

In 2003, 90% of citizens were living under the poverty line in rural areas and the majority of these were women.⁴⁴ 65% of women were farmers, responsible for 80% of food production.⁴⁵ In places like Prey Veng, which is prone to flooding and droughts, this means women in particular face great difficulties in providing enough food and income for the family or in releasing themselves from their debt and poverty cycle.

Wages

Women suffer from both wage and non-wage discrimination in the workplace and do not have the same opportunities when it comes to promotion, job seniority and benefits.⁴⁶ Men earn 33% more for equivalent work and dominate the private and public corridors of power.⁴⁷

Land and access to resources

Women are vulnerable with regard to ownership of land and contracts. In particular, single-headed households, widows and women whose husbands have migrated are susceptible to claims made by the more powerful on their land – leaving them without a source of income.⁴⁸ There are numerous reports of violations of land ownership and inheritance rights concerning women, an issue which is fundamental to women's autonomy.

Conclusion

These issues impact both on the causes and contributory factors involved in migration, and on the situation encountered by migrants on arriving in destination in Koh Kong province, Cambodia and Trad province, Thailand. This research will, in the next two chapters, present a gender analysis of both issues respectively, bearing in mind this background to the woman's role and position in Cambodian society.

⁴¹ Gray, I. and B. Wouters, 1999: 13.

⁴² Cambodia Independent Teachers Association, Phnom Penh, May 2004, quoted in Hicks, N. 2004: 53.

⁴³ CARE International/CARE Koh Kong, 2004: 2.

⁴⁴ Gender and Development Network, 2003: 37.

⁴⁵ Ibid.: 35.

⁴⁶ OXFAM GB, 2000: 13.

⁴⁷ ADB, 2000: 3.

⁴⁸ Hicks, N. 2004: 23.

Chapter 4 Gender analysis: causes and contributing factors

4.1 Source province (Prey Veng) background

Figure 4.1 Map of Prey Veng



Source: adapted from National Institute of Statistics, CD-ROM, 2000.

Prey Veng is the third poorest province in Cambodia, with one of the highest population rates, at 1,052,618. 52.8 % are females.^{49/50} The majority of the population are farmers and agriculture is the main industry. Most families are in rice production; some people have small businesses, involving *chamcar* (farm land), sugar palm products, and selling goods in the market.⁵¹

However, the rice crop is produced only once a year, owing to the lack of irrigation systems, and flooding and drought hit the rice crop severely. This creates a shortfall in the production of rice and affects a large percentage of the population, creating lack of income and financial crisis. In addition, there is a lack of employment opportunities both for men and women owing to this seasonal production. Those who have land have found it to be infertile; the rice yield and income are low. Furthermore, land-grabbing has meant that people are increasingly becoming landless. Families are getting larger but the amount of land for allocation has decreased. Health problems and inadequate income have forced people to sell their land or borrow money in cases of natural disaster, illness or loss of livestock, resulting in serious debt. These push factors impact on people's decision to migrate.

Men and women in Prey Veng migrate seasonally and long term. Prey Veng has the highest negative migration, i.e. more people have migrated out of the province than in.⁵² From the 12 districts, 67,486 people have migrated – 35,353 being men and 32,133 women.⁵³

⁴⁹ Department of Planning, 2001: 3.

⁵⁰ ILO/IPEC, 2004: 3.

⁵¹ Commune chief, Smaong Jerng commune, Tian Pleung village, 4 November 2004.

⁵² WUP-FIN, 2003: 18.

⁵³ ILO/IPEC, 2004: 10.

Prey Veng is a source province for many migrant workers. Migration routes for men and women/girls differ. Well known routes have been established for fishermen through Koh Kong cross-border to Trad in Thailand and through Battambang to Rayong and Pattani. Men also go to work in agriculture, sawmills, ice factories and construction.

Meanwhile, girls migrate internally to urban centres like Phnom Penh, predominantly to the garment factories, following their siblings/friends, and then to Koh Kong, often as a result of deception or luring. Reports from village chiefs suggest girls use domestic recruiters/traffickers who charge them US\$40 to take them to Phnom Penh and secure a job in the garment industry.⁵⁴ Women go to work in Thailand in the fish processing industry, occasionally following their husbands. In Prey Veng, there is a high drop-out rate from school among girls. This has been highlighted by World Education, who are implementing an education and literacy programme for girls in Prey Veng:

Girls are being pulled out of the programme by their family's need to earn an income. Migration, whether it be to work in a factory in Phnom Penh or unspecified, accounts for almost half of all drop out. This is especially alarming in that 'blind' migration of this sort increases girls' at risk status considerably.⁵⁵

There is a general opinion among parents that it is good for girls to work in garment factories in Phnom Penh, as they can earn more money there than through working the rice fields. Some families have stopped farming rice and rely on their daughters' salary. These factors combine with the specific push factors and urban pull (of education, Western-style life, commodities, family and friends, employment and higher wages) to encourage migration. As has been reported, in Phnom Penh, around the factories, girls are vulnerable to trafficking. In districts in Prey Veng, commune chiefs are aware of the link, as well as knowing that girls from Prey Veng are then taken to the southern coast areas, like Kompong Som, and transported to Koh Kong and on to Thailand. In addition, girls may be taken directly to Koh Kong and to Trad, but in less great numbers.

It has been revealed that people work in salt fields in Kampot, and in assorted industries such as sawmills, fishing and fish processing, construction, sex work, beer promotion, and domestic labour in Koh Kong and Kompong Som, Phnom Penh and Trad. Both men and women migrate to Trad from villages in Mesang district. Men usually migrate first and often return to get their wives.

The research team focused on Mesang district in Prey Veng for two reasons. First, Mesang is one of the poorest districts in Prey Veng, owing largely to its having the highest population density in Prey Veng and the lowest rice yield, with land shortage, the second-highest number of female-headed households, and a substantial number of unskilled, poor, illiterate people. Secondly, Mesang is known for high labour migration, with 5.69% of the district migrating (2.67% of men and 3.25% of women).⁵⁶ In 2001, every two families had one member migrating for labour.⁵⁷ Initial visits showed that many migrants aged between 18 and 50 were migrating to Trad through the southern coast and Koh Kong. As one woman pointed out whose family had migrated, 'everyone in this area [Chreh commune, Tnal Chey village] goes to Klong Yai through Koh Kong (Kao Wong). Most go for a long time.' Mesang, as reported by local NGOs, represents a source district for trafficking in Prey Veng.

⁵⁴ Village chief, Prey Pnov village (Peam Rou district) 3 November 2004.

⁵⁵ World Education, 2003.

⁵⁶ ILO/IPEC, 2004: 10.

⁵⁷ Department of Planning, 2001: 4 and 6.

4.2 Push factors

Findings

- The push factors which encourage men and women/girls to migrate and leave home are not only different but are gendered.
- Cambodian women and girls are affected by feminisation of poverty; cultural norms affect women and girls disproportionately to men. For example, family obligations, family problems, economic need, attitudes to women, lack of affection all are push factors. Men without education and skills, land, employment, debts and gambling frequently migrate.
- While the feminisation of poverty is key in migration issues, social factors within the backgrounds of women and girls were often found to be more relevant in increasing vulnerability.
- The reasons for women and girls being vulnerable to trafficking differ from those for men. Societal and cultural factors impact more heavily on women and girls than on men.

The information gathered is based on interviews with women and girls in Koh Kong and Trad and male migrants from Prey Veng, although some of the information comes from respondents from other provinces. Push factors affect both men and women but many affect women disproportionately, in terms both of their magnitude and their consequences.⁵⁸

Analysis: push factors affecting women and girls

Feminisation of poverty and economic push factors

Incidence of poverty among women is increasing owing to the impact of war in Cambodia and of globalisation; this is a process referred to as the feminisation of poverty. Shrinking prospects in the job market, and lack of opportunities through loss of land and decline in traditional agricultural practices have impacted greatly on Cambodian women and girls. For example, owing to the high economic poverty rates and to discrimination based on gender, as highlighted on in the last chapter, Cambodian women and girls are increasingly seeking job opportunities away from home for themselves and their families outside of their communities, as far away as Koh Kong and Trad, as well as other locations in Thailand. Money is needed to support families in an economic crisis forced by circumstance (e.g. health problems or other – one respondent stated her family had been moved to Unlong Kagnan after the fires in Tonle Bassac; it was difficult for her father to make enough money as a motodop driver there, whereupon she began working in a karaoke). Women thus make the decision to leave to improve the family's financial circumstances. Debts to moneylenders or relatives for a family crisis can fall on the shoulders of women and girls, especially the eldest daughter. Some girls resort to working as sex workers to help repay loans.

There are no opportunities for girls with low education to earn money, especially in source provinces such as Prey Veng (traditionally a rice farming area). Unequal access to education limits women's and girls' opportunities to increase their earnings in more skilled occupations.

Young women seem to be literally running away from the prospects of marriage to people they don't like and a large family, the dangers of high maternal mortality, and the drudgery involved in fetching fuel and water, caring for their families, and contributing to the family income through labour intensive agriculture or the other kinds of low paid and unskilled jobs available locally.⁵⁹

Girls are following traditional migration routes to places like Phnom Penh with their friends and female relatives, going to garment factories (which also provide recruitment grounds for

⁵⁸ ARCPPT, 2003a: 10.

⁵⁹ Corner, L. 2002: 12.

traffickers into the sex industry). However, these garment workers can only make between US\$35 month plus a US\$10 bonus in some factories. On average the wage is around US\$45 dollars and the work is highly repetitive and labour intensive. Some girls are not happy about the difficulties in making ends meet with such a small salary, especially those on probation, causing some to leave the factories in search of better economic opportunities.

Meanwhile, a further problem is that, owing to the patriarchal system that prevails in the rural communities and the lack of a male support system, female-headed households, an estimated 35% of Cambodian households, remain vulnerable, especially to loss of land, or are cheated into selling land for a very cheap price.⁶⁰ Women left alone with children try to earn money for their families through small businesses. Owing to a lack of business sense, the business often fails, leaving no money for survival and creating new debts.

Feminisation of migration and family push factors

While the feminisation of poverty is key in migration issues, social factors within the backgrounds of women and girls were often found to be more relevant in increasing vulnerability. Culture in Cambodia states that women are supposed to contribute to the family's income; women and girls feel pressurised to fulfil expectations and have a sense of responsibility to provide for the family. This, combined with livelihood constraints, forces women and girls to break with the usual tradition of staying close to home and to go to find a way to pay off debts. They send remittances home, sometimes in compensation for their absence. This is a process referred to as 'feminisation of migration'.⁶¹ As one interviewee stated in a brothel in Koh Kong, 'In Cambodia there is a proverb which states that girls have to help their parents when they are in need and is a kind of repayment for raising you'.

Or, as Louise Brown states, 'Girls are expected to pay back their breast money milk'.⁶² Nowadays, families allow their eldest daughter to leave and migrate to provide for the family and younger siblings, especially if other male siblings are unable to provide for the family. Also girls have to support the cost of younger brothers going to school. The responsibilities women and girls must take on to survive and to make a living for their families remove them from the traditional role of staying and taking care of the home; once they have left home the vulnerability is increased, as they are no longer in keeping with cultural standards. Hence, women are blamed for changing the culture, which also affects their worth and identity.

Meanwhile, parental divorce, problems with stepparents, and upheavals in the family, such as family break-ups and deaths, lead to lack of emotional support for girls, which often compels family members to send girls away or pushes women and girls to leave home to find work. As Sophorn (in a brothel in Koh Kong) stated, 'My parents died when I was 17 and I live with one older widowed sister and younger siblings. I am the older sister so I left home to try and find some income to help my sisters.'

Owing to the pressure put on by parents, siblings and family members to work away from home as well as strict societal constraints on women and girls with regard to freedom, girls complain of a lack of affection and love from parents. This has meant many girls feel the need to leave home or to make decisions without the consent of parents and relatives.

Finally, women and young girls accompany their male relatives to Trad province, especially when their land and rice is not enough to support the families' needs.

⁶⁰ IFAD, 1999.

⁶¹ Haspels, N. and B. Surivasarn, 2003: 10.

⁶² Brown, L, 2000: 34.

Social push factors

Female respondents in this research linked the difficulties of their own situation with the decision to leave. These included: girls who had been raped; girls who had lost their virginity to a boyfriend and had been left with a broken heart; girls who had run away with a boyfriend and then been duped or sold to a brothel; those married young and now divorced, after a failed marriage when the husband left, or when the husband drank, gambled and was violent i.e. women and girls who were escaping domestic violence. Rape and abuse are also increasing notable in Cambodian society. One respondent who had been trafficked to a karaoke in Trad province stated the following: 'I moved with my family to Koh Kong after leaving my drunk husband. As the oldest daughter and divorced woman I needed to earn money to support my family and was tricked by a friend and old women in Koh Kong to work in the sex industry.' Another respondent in the same place said her parents were very poor and her mother had become seriously sick, resulting in her needing money to help the family.

Push factors – outside influences

Girls in the sex industry stated that the earnings could be substantially higher than in factory work and the work is seen to be easier. A number of girls interviewed stated that in rare cases where debts had been paid off they could send US\$80 a month home to parents or buy gold jewellery. Generally, the girls who had seasonal work reported earning US\$35 a month in the factories, which they expressed as inadequate.

There has been an increase in competitive materialism to build new houses and buy new products, which has lead women especially to seek to improve their family's economic status within the communities. Traditional occupations such as farming can no longer provide the stable income to support the level of income and lifestyles many women and girls desire. This is exacerbated by the popularity in karaoke videos and TV series showing wealth, glamour, and romantic destinations. This has influenced young girls to leave home in order to seek opportunities and to have enough money to be able to afford better clothes and jewellery etc.

Vulnerability to trafficking

Push factors can lead to vulnerability to trafficking. Girls who were deemed to be at risk were often found to have problems or backgrounds with the characteristics in Table 4.1.

Table 4.1 Factors affecting vulnerability of women and girls to trafficking

Family	Social	Economic	Other
Oldest sister in the family	Illiteracy or low education (often not past Grade 3); dropping out (particularly in rural populations)	Poor source province, no land or animals	Originally left home and outside protection of family/community
Large family/no family planning		Having worked with the parents	Easily trusting and naïve
Domestic violence from immediate family, stepparents or extended family	Married young, sometimes as young as 14, lost virginity and husband died, left or divorced, drunk, violent or gambled	Parents with no skills/education, and jobs in unstable occupations such as farming and fishing	Without jobs and coming from border areas
Unstable family (e.g. mother changed husbands and left the family vulnerable)		Financial desperation owing to problems in the family such as debt and alcoholism	From traditional migratory areas such as Kampot or Kandal
Sick or ill parents (e.g. HIV/AIDS)		Lost jobs in factory areas in Phnom Penh or had seasonal, non-permanent work where active traffickers were present	Raped
Female-headed household with no family and means of support			
Recently orphaned and cared for by extended family who exploit or sell them			

Analysis: push factors affecting men

The principle reasons for men migrating and leaving the provinces differed from women and girls. Men migrated for economic reasons: they were escaping chronic poverty in Cambodia due to poor rice cultivation to seek employment. The following are included as push factors:

- Men without agricultural skills and land have difficulties in securing a job and making money.
- Inadequate, unfulfilling and legitimate employment opportunities in the poorer rural Cambodian provinces such as Prey Veng are combined with poor living conditions. Agricultural work is low paid and seasonal. There is only work for a few months per year, owing to a single rice crop. There are no other livelihood pursuits.
- Men can make 2,000 riel (US\$0.50) per day from rice cultivation and chicken-rearing, but this amount is not sufficient to meet daily living expenses and men are forced to borrow money from others to survive.
- Agricultural problems in source provinces such as Prey Veng include: loss of animals; rice crop failure; low land productivity; drought, flooding and natural disasters; lack of fertiliser; low price of rice products at market; and lack of an irrigation system.⁶³
- Debt crisis forces men to migrate to seek employment to repay loans to moneylenders in order to provide for families during the (agricultural) low season. As reported by the Cambodia Daily on 2 November 2004, moneylenders charge extremely high interest rates (20% per month), threatening those who fail to repay with jail and confiscation of property and land. As such moneylenders have powerful people behind them and threats are very real.⁶⁴ Hence, outstanding debt is a major push factor in the decision to leave and migrate. But if the migrants are cheated or trafficked the debt increases, and the initial cost of migration is usually paid for by taking out a new loan.
- A number of male respondents from Prey Veng do not own adequate land for farming or subsistence living, making daily life impossible. Land is sold to obtain quick cash for emergencies such as health needs, or to recover debt with high interest owing to decrease in income and increase in family members. In more recent years, land has been claimed by high-ranking officials and land-grabbing has become a serious issue for the poor rural communities that are cut off from their only means of living once the land is sold. One migrant fisherman from Prey Veng stated: 'My family had land for rice farming but the local authority came and took the land to build a hospital but in the end they did not build it but kept the land for themselves'.
- Some men get into debt as a result of gambling.
- Male respondents stated that by migrating they hoped to make enough money to support their family at home, for marriage and for material needs such as a house, land and cows. One respondent working in an ice factory in Trad said: 'I want to build a new house and marry a woman I love. In Cambodia, it is very difficult to find a job and earn a lot of money. Especially people like me. I only went to school until sixth grade. I can just read a little bit.' Men also stated that they wanted to expand their horizons beyond Prey Veng and see other places.

As will be outlined in the recruitment section, traffickers/smugglers (who are often returning migrants) are active in the communities where migration is the highest. Some traffickers/smugglers need to pay off a debt at home or in the destination and need to recruit others in order to do so.

Vulnerabilities for men

According to the research, some push factors create vulnerabilities among men who usually have backgrounds or problems from among those in Table 4.2.

⁶³ ILO/IPEC, 2004: 1.

⁶⁴ Cambodia Daily, 2 November 2004.

Table 4.2 Factors affecting vulnerability of men

Family	Social	Economic	Other
Family health problems	No professional skills, no schooling, illiteracy. Fishermen interviewed were educated to Grade 4–7	Reliance on crops for survival	Between ages 16 and 30
Large families (5–8 siblings)		Debt to others in the community and moneylenders	Reliance on trafficker or smuggler
Following other members of the family that migrate		Landless or small amount of land (1–15 hectares), producing one tonne of rice per year (i.e. not enough for consumption)	Desire for lifestyle improvement
		Natural disasters causing the rice yield to be reduced, especially droughts and floods	

4.3 Demand and pull factors

Findings

- Labour markets are gendered; there is an increasing demand for female migrants, both in Koh Kong and Trad.
- In Koh Kong, the presence of internal migrants, business people and trade, and the increase in sex tourism, have meant a demand for girls in the sex industry. In Trad, Cambodian migrant workers fuel the demand for Cambodian sex workers, and development policies, such as tourism on Koh Chang, create new demands for Cambodian women and girls.
- In Trad, Cambodian women and girls are required for labour-intensive industries such as fish processing, where hours are long and wages are low.
- Men are required in jobs that are dangerous and labour-intensive, and rejected by Thai nationals, in industries such as fishing, sawmills and ice factories.
- Employers demand migrants, such as Cambodian women and girls, who are easily manipulated and exploited, and men, who are willing to work harder, longer hours and for less pay in difficult working conditions, which is no longer the case with Thai nationals.
- Push/pull factors include: the opportunity to earn higher wages and the preconceived idea of Thailand as a land of prosperity; the ease with which money can be made in Thailand; the porous border (with corruption on both sides); and, for men from Prey Veng in particular, the habit of migrating to Thailand to work in the fishing industry, especially Trad province.

The demand for Cambodian men and women in different labour markets in Koh Kong and Trad and jobs is largely defined by gender.

Analysis: demand and pull factories for women and girls into the sex industry (Koh Kong)

Demand for female labour has increased with the growth of the sex and entertainment industries in the border areas such as Koh Kong, where Cambodian migrant fishermen and logging workers have been residing, 'often away from their traditional means of social control such as family and community. They feel a greater sense of freedom and usually are not travelling with their regular partners.'⁶⁵ Originally, the sex industry flourished owing to the logging and fishing industries. However, today, with the downturn in these industries,

⁶⁵ Calabria, M., 2001: 4.

fishermen and logging workers have been replaced by unaccompanied migrant workers employed in the casino, the military, as boat drivers, fishermen, traders and transport workers, labourers, state officials, uniformed officials, police and military police, and civil servants, all of whom have disposable incomes to spend on nights with friends and acquaintances and who are thus prone to getting involved in drinking and visiting sex workers and low-cost commercial sex venues.

The demand for girls in Koh Kong is therefore affected by the number of internal Cambodian male migrants; visitors to the casinos are important clients of sex workers in Koh Kong. In addition, brothel areas, such as Stung Veng, and karaoke establishments service a constant number of Thai customers who cross the border. Furthermore, a demand exists for young 'fresh' girls who are rotated in the brothels and sold on to other locations, as well as virgins, who are sold for high prices. One of the research staff was offered a young virgin for US\$700.

Sex tourism in Koh Kong

In the last few years there has been an increase in the number of male foreign tourists travelling from Koh Chang, Bangkok and Pattaya to Koh Kong and there are reports from local authorities that Thai, Japanese, Malaysian, Indian, European, Australian and American men are seen with young girls in the brothel areas. Local authorities report that some foreigners pay US\$500 to release a girl from the brothels for a period up to two to three months. There are also reports that Thais cross the border for cheap sex in Koh Kong. Thai men particularly seek Vietnamese girls whereas Japanese prefer the girls with white skin (as stated by the girls interviewed). They also request young Cambodian girls for one week. Prices for sex are cheaper than in Thailand. The number of Cambodian customers has decreased owing to the economic downturn in Koh Kong and in the wet season there are fewer tourists. In the last year, two male foreign proprietors (believed to be from Pattaya) have opened restaurants, where young girls have been witnessed working. Coupled with this is the increased visibility of male sex tourists in the brothel area of Stung Veng. Researchers witnessed different foreign men frequenting the brothels in Stung Veng and this was confirmed by girls, who stated that the majority of their customers were now foreigners. In information gathered by the immigration police, the number of male tourists crossing from Thailand (Trad) to Koh Kong was double the number of female tourists.⁶⁶

Sex workers who had previously been trafficked were interviewed, and stated that they had been attracted to go to Koh Kong as it seemed an entertaining and fun place where easy money could be made. Pull factors include economic differentials that make even relatively poor cities and regions seem a likely source of livelihood, especially as Koh Kong has since the 1980s been an established migration route for Cambodians from other poor provinces keen to make money from border trade. Furthermore, Koh Kong is far away from the source provinces, from where girls hide the nature of their work from their families. This also means that nowadays there are fewer constraints on travel owing to the new road (from Phnom Penh to Koh Kong), making the journey cheaper and faster.

Trad province, Thailand – demand for Cambodian sex workers

In Trad province, there has been an increased demand for Cambodian girls in the sex industry. With the collapse and downturn of many industries, especially fishing and logging in Koh Kong, many male Cambodian workers have migrated across the border, where fishing and sawmills still flourish. The number of brothel and karaoke establishments has also increased as a result of this cross-border movement. Trafficked Cambodian girls are commonly found in the cheapest forms of the sex industry in Thailand and Trad is no exception, owing largely to discrimination and their dark skin. Demand for their services

⁶⁶ See Annex 1 for number of tourists passing through Haad Lek international border crossing.

comes from the young or socially or economically marginalised,⁶⁷ such as Cambodian male migrant workers, some of whom have themselves been trafficked and exploited. They share language and culture; as one Trad-based karaoke owner stated, 'We need Cambodian girls to serve Cambodian clients. Why do we need other nationalities? It is also easy for me to control them.'

In the port areas in Trad during the full moon, large numbers of Cambodian fishermen with full salaries come into the ports at the same time and head for the bars to drink beer, sing karaoke and visit the karaoke establishments for sex. Sawmill and ice factory workers get drunk and visit sex workers during their holiday also. Cambodian girls working in the sex industry are also found in brothels in Koh Kud and Koh Chang, where Cambodian men are found working in the construction industry, building hotels. It would seem that the development in the tourism industry and increase in tourists in Koh Chang in the last five years have resulted in the increase in numbers of foreign men and tourists requiring sex workers.

Trad province, Thailand – demand for Cambodian women and girls for labour

Cambodian women and girls are also needed for domestic work, fish processing and agriculture in Trad province. Such industries are labour intensive, demanding, and low paid, factors which young Cambodian women and girls seem willing to accept as a result of having been socialised not to make demands or protest.

Trad province, Thailand – demand and pull factors (Cambodian men and women)

Thailand has the highest GDP in the region (91%).⁶⁸ Owing to its rapid increasing economy, Thailand's labour-intensive low-skill industries have become dependent on low wage, undocumented migrants who can fill the jobs that Thais no longer deem to be desirable, e.g. fishing, fish processing, construction, and factory and agriculture work in the Trad area. Hence, a large flow of Cambodian women and men migrate to Trad, where the relative economic prosperity, wealth and higher status salaries have created perceptions in Cambodia that people in Thailand have a good life and that opportunities are endless. As a centre of economic prosperity in the GMS, Thailand exerts a strong migrational pull on poorer neighbours like Cambodia.⁶⁹ The return of friends, neighbours and others in the communities with alluring stories and relative wealth appears to be significant in encouraging people from Cambodia to take the risk to leave and migrate. The lure of obtaining money easily and regular wages has meant Cambodian men and women cross the border in order to find opportunities and jobs. One young widow, after being robbed in her house in Kompong Som, migrated to Koh Kong to work in the shrimp industry with her sister. After this industry failed she went to Trad to find work. Cambodia's average annual income is just US\$320; workers in Thailand can expect to earn 80–299 baht (US\$2–7.50) daily – the lowest wage is twice as much as in Cambodia.⁷⁰ Fishery workers in Thailand receive seven times the wage in Cambodia and construction workers receive 2.3 times more.⁷¹ The porous border and number of illegal crossings,⁷² plus the number of small informal traffickers and smugglers in rural villages willing to transport migrants, are also significant push factors.

In addition, rice production is low in Koh Kong owing to the sandy soil (15%), and industries predominately for men and those for women are focused in Trad province. Families that originally migrated to Koh Kong either have family members working in Trad and Thailand or have moved across the border.

⁶⁷ MOWVA, 2003: 24.

⁶⁸ Arnold, D., 2004: 6.

⁶⁹ England, J. K. R., 2004.

⁷⁰ Sophal, C. and S. Sovannarith, 1999: 4.

⁷¹ Asian Migrant Centre, 2002: 56.

⁷² See Annex 1 on legal and illegal crossings.

There is a demand in Trad for strong hard-working men in the fishing industry, as Thai men have left it. In the fishing industry, Cambodian men are valued by Thai boat owners as they are willing to work and fish during the rainy season; accept lower wages than their Thai counterparts; and tolerate more difficult living and working conditions. In addition, men work at the tourist development construction sites in Koh Chang.

Employers in Trad prefer adult Cambodian male and female migrants for the following reasons:

- Hiring migrant workers is profitable (as wages are low) and the conditions can be hazardous, discouraging Thai workers.
- It is relatively easy to sidestep the law and there is a lack of regulatory controls or frameworks controlling the industries, especially sex work.
- There is a lack of organisation and bargaining powers for workers.
- There is a lack of access to mechanisms for protest or for seeking legal redress or remedies.
- There is a network of traffickers and smugglers willing to risk facilitating jobs and travel.
- There are few problems of labour control, as migrants fear arrest by the authorities for illegal immigration, especially as they are undocumented.
- Owing to increased development in Thailand, there is a rapidly increasing demand from Thai and Cambodian employers for Cambodian migrant workers as cheap labour in low-status work, for women in the fish processing industry and men as fishermen and construction.

The demand for Cambodian women stems from the following factors:

- Policies to promote tourism have created a demand from foreign sex tourists for Cambodian women and girls working in the sex industry in Koh Kong, and Koh Chang in Trad. These are linked to Cambodian male migration (internally), and to male migrant workers, such as casino workers, fishermen, ice factory and sawmill workers and construction workers along the coast in Trad.
- Thai women in Trad are not involved in this business; rather, Cambodian girls are trafficked to service these men at the cheap end of the market.
- There is a demand for young virgins, owing to traditional male belief in the restorative powers of sex with young virgins, seen as being less likely to be carrying diseases such as HIV/AIDS.
- Cambodian women and girls are preferred owing to the fact they work hard even under poor conditions and with low pay, and do not protest or make demands (are more subservient) when work is dirty, demeaning and dangerous. Hence, they can be easily controlled and manipulated, and are docile and subservient even in the face of exploitation.
- Women's are seen as suitable for labour-intensive low-wage manufacturing and production, such as fish processing, shrimp peeling and fish sorting (Trad province).

The report as follows will detail the experiences of Cambodian men, women and girls from the source province, in this case Prey Veng, outlining the decision-making process and the vulnerabilities that result in this decision to leave, as well as each part of the trafficking process: recruitment, transportation, and destination point, revealing the differences in vulnerabilities that exist owing to gender factors. Highlighting these vulnerabilities will assist in formulating strategic interventions that are likely to be more effective in helping the target groups.

4.4 Decision to leave

Findings

Women and girls leave owing to pressure or some disruption in the family and rarely discuss the decision with others, tending to be more impulsive about leaving, whereas men with their families plan and discuss the decision to migrate.

Analysis

When the research analysed who took or influenced the decision of Cambodian migrants to leave, men migrating from Prey Veng stated that they themselves had decided to leave with the trafficker/smuggler⁷³ after hearing from others of the ease of finding jobs and the high salaries paid in the fishing industry. Three respondents out of 17 discussed the decision with their wives or asked permission from parents, even when parents were against the idea; most made the decision themselves. Younger male fishermen discussed the decision and went to Thailand despite their family's reservations. Mothers in single female-headed households often decided for their adult children to migrate. There are a few cases of children of age 12 and upwards who tried to escape their parents and go with traffickers to Thailand.⁷⁴ One 17-year-old boy stole money from his mother so that he could pay to be transported to Thailand and was abandoned at the border crossing in Koh Kong, while the trafficker escaped.

Therefore, the research suggests that men plan their migration whereas a number of women and girls working in the sex industry both in Koh Kong and Trad stated that they alone made the decision, after societal and cultural pressure to provide for families. Hence, as we have seen, while economy and poverty do play a part in the women and girls decision to leave, domestic and social problems in the home and family disruptions were also key leading to hasty, impulsive decisions. Four girls interviewed out of 18 stated that they had been coerced and tricked by traffickers into leaving the source province; in the cases of Cambodian men, respondents interviewed had had more information and had left 'voluntarily', despite incidences of deceit and trickery particularly at the destination and other points.

4.5 Recruitment

Findings

- Women and girls are more susceptible to trafficking during the recruitment process, as more coercion and deceit is used in comparison with men. Men approach known smugglers to assist them whereas women and girls are often coerced or tricked into leaving by traffickers.
- There is a greater lack of awareness among female migrants of the risks of migration compared with men. Women and girls are more likely to have less knowledge about the journey, the destination, and the living and working conditions than men, and it appears they migrate under risky circumstances and with little consideration for their own safety. Blind migration is more common among women owing to lack of access to recruitment networks and job opportunities, and they are less prepared.
- Smuggling to Trad is more common among men who are migrating for work but, owing to the nature of the job and the demand, trafficking is more prevalent among women and girls. The latter are more vulnerable to trafficking during the recruitment process owing to their status and to gender factors.
- Male migrants do not understand the term trafficking or consider themselves victims of trafficking

⁷³ It was decided to use both terms, 'trafficker' and 'smuggler', as in many cases of migration of men it was not clear if it was the crime of trafficking or smuggling. If the case mentioned was trafficking then the word trafficker is used. With women and girls, trafficking was more prevalent so the word trafficker is used.

⁷⁴ Interview with commune chief, Trabek commune, Kamchay Meas district, 4 November 2004.

- Men accumulate debt to pay traffickers and smugglers in the source province and at times in the destination, whereas women accumulate debt to the employer at the destination, or debt bondage occurs.
- There are links with internal migration from the poorer provinces to Phnom Penh around the factory areas and then to Koh Kong. Women and girls remain vulnerable on their own in cities and encounter problems there, or are lured from Koh Kong across the border.
- Connections were found between Phnom Penh and Koh Kong and south coastal areas such as Kompong Som, Kampot and Trad in the trafficking of women and girls into the sex industry.

Analysis

Both men and women/girls from poor, uneducated families become vulnerable to exploitation and trafficking during the migration process as they travel to Phnom Penh, to the south coast, or to Koh Kong and on to Thailand. Both men and women hear about well paying jobs in Koh Kong and Trad through word-of-mouth in their communities, from family and friends, or through traffickers/smugglers or people who have previously worked in Koh Kong and Thailand and who offer to make travel and employment arrangements. The trafficker exploits the ignorance and poverty of their victims to persuade them to go. In the research the team found poor rural Cambodian men in Prey Veng who indicated that they had been influenced to leave by friends and relatives who had come back with newfound wealth.

During discussions, male migrants stated that they felt more secure and safe with someone who knew the route; the trafficker/smuggler possesses knowledge of the means and process, and geographical knowledge. The migrants become totally reliant on the person who organises the journey, whether this be the trafficker/smuggler, another family member, or a trusted person. They then arrive in a country with no support system, assistance or knowledge about whom to turn to for help, causing them to be vulnerable to manipulation and bribery and tricking. This is especially the case for women and girls who are far more likely to be involved in blind migration in Cambodia,⁷⁵ who succumb to the tricks and deception of traffickers placing them at risk as they leave the village or place of residence without informing anyone, without papers or visas, without giving family and friends contact addresses, and without knowing anyone or anything about the destination. This renders them more susceptible to trafficking; they are unaware of what awaits them when they agree to go and it is therefore easy for the trafficker to deceive them about the nature of the work and living conditions.

Lack of education and access to information is common, as is ignoring information that could prevent vulnerability. The trafficker also has absolute domination over the victim, who has no decision-making power. The victim can not negotiate the destination, the means, the process, the conditions or the timing, and is often viewed as a commodity. Cambodian women/girls are considered the property of the trafficker: it is characteristic of trafficking that a victim loses control over what eventuates.⁷⁶ During the recruitment process, many Cambodian women and girls become indebted to the brothel owner or trafficker for the expenses incurred during the journey and for her own 'price'.

As indicated below, the methods and means of recruitment differs between Cambodian men and women.

Migration to urban areas and links with trafficking into the sex industry in Koh Kong

In the past, there were many reported cases of trafficking from the poor provinces directly to Koh Kong (from source province to the destination), i.e. the brothel owner or karaoke

⁷⁵ Blind migration refers to un- or ill-informed migration that potentially puts the migrant at risk of trafficking.

⁷⁶ Iselin, B. and M. Adams, 2003: 6.

establishment needed new girls and sent their own staff to make connections with a smaller trafficker, who was trusted in the community, to seek new girls for them. The trafficker based in the source province is known to the family or to the girl, and generally known in the community. Girls in Koh Kong confirmed this as having happened to them. In one case, three girls from Kandal province were lured with false promises of good jobs; on arrival in Koh Kong they were forced to borrow money from the brothel owner in order to pay back the trafficker. Two girls residing in Koh Kong were trafficked across the border to Trad, reportedly by old women who forced them to borrow money from the brothel owner to send to their families.

In secondary sources and in this research, there are to be found women and girls who previously migrated to Phnom Penh in search of work (unskilled and labour intensive) in the garment factories, ending up being trafficked or working in the sex industry. Seven of the girls interviewed out of 18 plus one beer girl had previously been employees in the factories. It seems that many of these girls are under 18 (often families ask commune chiefs to change the ages of the girls so they can work in the factories), are naïve, lack skills, knowledge and familiarity with the city and the dangers; the majority have little or no education. The girls often left the provinces with other female relatives or were called by friends working in Phnom Penh around the time of Khmer New Year or P'chum Ben, or with persons who charged US\$40 to the girls for work in garment factories. This is different from men, who rely on the trafficker to assist them to leave although when they travel they are usually accompanied by other male relatives or friends. Depending on circumstances, the girls were recruited by mainly female traffickers outside the factories or around living quarters. In fact, as CARAM Asia points out, female garment workers in Phnom Penh are called 'as bad as prostitutes', owing to the fact that they do not conform to the rules of 'good' Cambodian girls who stay close to home and, being without any social control, are regarded to be involved in 'inappropriate sexual relationships'.⁷⁷ There is also anecdotal evidence of workers being lured into paid sexual activity in order to augment their income but the research was unable to gather any information regarding such evidence. This may explain how the link with the factories has developed.

Among the girls interviewed, there were distinctive links with factories in Chom Chau and in Phnom Penh generally. Lao told the research team: 'I used to work in a factory in Chom Chau. I worked there for three months and earned US\$35 but this was seasonal work and not permanent.' Street-level traffickers prey on girls who have lost their jobs, who have not been hired (owing to lack of skills and age) after their probation period, who did not possess the required skills to work in the factories, who have had conflict with their families, or who are broken-hearted or have been left by a husband/boyfriend after having lost their virginity. Without a support system, they are forced to indulge in risky behaviour, trusting individuals with whom they are not familiar, which results in vulnerability to trafficking and exploitation. One respondent in an NGO shelter stated she had come to Phnom Penh from Kampot province with her sister, but while she waited to hear if she had passed the test for the factories, her sister wanted to send her home. She ran away from the sister and befriended a friendly neighbour selling iced drinks around the factory living quarters for girls. This woman drugged her (with the drink) and when she woke up she was being taken to Koh Kong where she was forced to work in a karaoke establishment. Before she was forced to have sex, she escaped. However, it is hard to ascertain how common this scenario is.

Traffickers lure girls with jewellery and stories of exciting job opportunities, although on arrival in Koh Kong they find a reality far different from what they were expecting. In an analysis of old cases of trafficking to Koh Kong, dating from 1999–2002, 15 out of 26 cases were told that they could earn 2–5,000 baht per month (US\$50–125) in Koh Kong.⁷⁸ Other

⁷⁷ CARAM Asia, 2002: 6.

⁷⁸ Taken from the Licadho database of cases.

girls, often after conflict with the family, left the provinces with their friends, who had returned with exciting stories and wealth. Any said:

When I was 18 years old, my mother always yelled at me as she didn't want me to go out. The day I left home, I had an argument with my cousin and her husband. I decided to leave with one man whom I considered to be like a brother. He took me to Prey Veng and rented a room. I lost my virginity there with this man and after a few days he left me alone without food or money. I was approached by one woman who said she could help me find a job but she sold me to a brothel in Prey Veng. I was there for one year before I decided to escape and come to Koh Kong which is far away from Prey Veng and Phnom Penh.

Three sisters under 18 years old from Kampot were living near a pagoda in Phnom Penh and working at a factory. Two of the girls were persuaded by a trafficker to go to Koh Kong where they were told they could earn a lot of money opening a karaoke shop in Phum Bay. They rented a house for 2,000 baht (US\$50) by selling their jewellery and watches but this business failed. The trafficker then asked them to go to Trad to sell sweets but, on arrival there, the trafficker sold them. Another girl was persuaded by the trafficker, whom she called 'a friend', to sell her virginity for US\$300 to a Chinese man to support her brothers and sisters. Girls are promised high-income employment and jobs in Koh Kong by a trusted person in the village (a friend, a distant relative, or a known person); they hear stories that Koh Kong is exciting and entertaining, or a place where jobs and high wages were prevalent. Four girls found working as sex workers in brothels in Koh Kong, and who had been previously trafficked and had remained in the industry, had been informed by friends in the network that they had the potential to earn more money more quickly in Koh Kong.

Thus, some girls make choices based on limited opportunity and employment options but are not aware of conditions in the brothels or of requirements of debt bondage. One girl said 'I escaped from the brothel where I was sold in Poipet and returned home to Kompong Cham but my grandmother could not raise us. As I am an orphan I decided to come to Koh Kong to find a job but there was nothing for me, so I decided to come to the brothel.' Another said 'I am from Kompong Speu and have worked in Chom Chau but the money is not enough. I came to Koh Kong for a holiday and am not a virgin as I had a boyfriend before. I am not a good girl and I need money to buy jewellery and give to my parents.'

Deception and tricks to Koh Kong

Traffickers actively seek out girls who are in crisis after family problems and who are upset or angry with their families, relatives or husband/boyfriend. These traffickers (usually women) are particularly clever in gaining the trust of the girls and trying to persuade them, using friendly and emotionally supportive methods, as well as luring them with stories of high incomes and material possessions. Traffickers are on occasions introduced to potential victims by friends, relatives and acquaintances who are also involved in the deception. One respondent already working in Koh Kong returned to the factory where she used to work in Phnom Penh to recruit other girls. The traffickers regularly use the following information to persuade unsuspecting women and girls to go with them:

- That there is the potential to earn a lot of money and find a new job such as waitressing, working in a restaurant, or as a CD player in a karaoke shop.
- That there are jobs in domestic work and as cooks.
- That new factories in Koh Kong require employees. [In reality, the industrial area in Koh Kong has yet to be built (as of October 2004)].
- That they will be able to have jewellery, nice clothes and makeup.
- That Koh Kong is a fun and exciting place to be.
- That jobs are available in the shrimp farms [despite that they have already ceased operation].
- That they can work in a shop.
- That they will earn more money than (in factories) in Phnom Penh.
- That it is easy to find work and set up a karaoke establishment in Koh Kong.

Sex industry (Trad)

Traffickers who are working in direct contravention of national laws facilitate women crossing borders illegally. Many use coercion, force, or false promises in placing women in illegal sex work.⁷⁹ Trafficking of girls to Trad either begins in urban areas such as Phnom Penh, when girls who have previously migrated from poorer provinces are forced or lured across the border from Koh Kong, or occurs when girls decide to leave Koh Kong. Girls who are now working in Trad were tricked into leaving with false promises of different jobs or deceived by traffickers and brought to Koh Kong. The trafficker then calls the second trafficker in Trad to transport the girl across the border and take her to the destination point. This is illustrated below by one respondent from Kandal who had been working in Phnom Penh.

I was upset because my second husband gambled and drank and spent my wages. One day one old woman heard my crying and persuaded me to go with her to work in Thailand. We took a taxi from Phnom Penh to Koh Kong and when we arrived in Koh Kong she called the brothel owner with whom I now live to pick me up and arranged the border crossing.

Such traffickers are active in urban areas such as Phnom Penh, where they are able to take advantage of the naivety of the girls, their lack of other options and crisis in their lives. The research found that women and girls who had been married young but were now separated and divorced without means to support themselves were vulnerable to traffickers, as they were no longer virgins and were stigmatised by society for not being with their husbands. When asked why she ended up as a sex worker, Keng replied: 'I am already married but my husband left me and I am not a virgin'. Srei Rath said, I have been married since I was 14. My husband left me without reason.'

There are a number of cases of girls working in Trad province who have been misled or cheated and travel from either the source province or other provincial areas with the traffickers. One sex worker paid the trafficker 300,000 riel (US\$75) to take her to Trad on the promise that she would get a job in the fish processing industry but was duped into working in a karaoke bar. It was reported (but could not be substantiated) that female Cambodian migrants have left previous occupations in seafood processing or domestic work in Trad province to become sex workers owing to a lack of work or difficulties in surviving with the small incomes in Trad (which has a higher cost of living than Cambodia).⁸⁰

Furthermore, young girls who are poor, orphaned or in family crisis in Koh Kong itself are vulnerable to trafficking. One case was found during the research where the girl had been orphaned after the death of her mother (who was a sex worker) from HIV/AIDS. She was raped twice and then later sold by an unknown woman to a karaoke establishment in Klong Yai.

Two girls, who came from Kampot (a poor area with high levels of migration internally) were persuaded by old women in Koh Kong. One was introduced by a friend to the trafficker and informed of high paying jobs. The girls were cheated by the traffickers from Koh Kong on arrival in Trad. NGO community monitors in Koh Kong report a number of cases where Cambodian men return to Koh Kong to marry a girl and then sell her to a brothel or rich family for domestic work in Trad. However, cases were not found by the research team.

There are also indications that Cambodian girls who are being trafficked to Trad province are becoming younger or are transiting through Trad to other locations in Thailand. The women and girls travel with traffickers who charge about 2–4,000 baht (US\$50–100) to transport them to Thailand and find employment. In addition, there appears to be a rotation of girls from Koh Kong to Trad and vice versa, with some connections between those running

⁷⁹ UNIFEM, 2003: 6.

⁸⁰ OXFAM GB, 2000: 21.

brothels in both places. One Cambodian karaoke owner used to run a business in Koh Kong but, after the economic downturn in Koh Kong, moved his business to Klong Yai in Trad. Connections were found between brothels in various areas (Phnom Penh, Battambang, Kompong Som and especially Koh Kong and Klong Yai in Trad), whereby girls were rotated and replaced by new girls. Resource persons in Koh Kong repeatedly emphasised that girls were taken by boat at night to Trad from the Koh Kong brothels.

Deception and tricks to Trad

- That jobs and earnings are easier to find than in Cambodia and more available, but no information is given on high daily living costs.
- That girls can sell sweets, beer or wine and can earn between 1,500 and 5,000 baht (US\$37.50–125) per month.

Labour migration to Trad (women and girls)

Cambodian women and girls who migrate to work in labour-intensive industries in Trad province regularly borrow money from people from the same locality, such as neighbours, returned migrants or community leaders. Sometimes these loan the families of the women and girls money in the form of an advance for services to be rendered in the future. The women and girls become indebted to the trafficker/smuggler for this advance. Hence, the women and girls accumulate debt. Therefore, the first person in the trafficking chain is known but the victim is then passed on to more exploitative employers or traffickers at the point of destination. In other cases, money is owed to family, friends, loan sharks etc. and the person cannot return home without finances to repay the debt. One young girl from Koh Kong, who was living with her extended family which had with a history of domestic violence and exploitation, was persuaded by her great-aunt to go and work in Thailand selling makeup and flowers. On arrival in Thailand, her uncle took a loan from the shopkeeper for 200,000 riel (US\$50) which was to be paid off by the girl. Her whereabouts today is not known. Some girls from Prey Veng pay to secure jobs but are unaware of the exploitative nature of the labour. One girl from Prey Veng lost her leg from the knee down in a fish processing machine.

Another respondent was tricked by a male family member. Sophorn said:

I lived in Phnom Penh but my father died and our family moved to Kompong Som where we borrowed money from my uncle who tricked my mother in letting me go to work in Klong Yai. On arriving there he took an advance from the fish processing owner for debts owed which I have been forced to work and pay off.

Labour migration to Trad (men)

Numerous men in Prey Veng actively seek out traffickers/smugglers to transport them to Thailand. Others are approached by traffickers who are recruiting men to work in Trad, some of whom have experience of working in Thailand and know the route and have established contacts in Trad or other parts of Thailand. Occasionally the traffickers/smugglers are distant family members who have returned from working in Trad. Some traffickers/smugglers ask the men to make appointments with them if they are willing to go. Many of the traffickers/smugglers are members of the same community who return to the source province to see family and at the same time take other workers back. Sometimes, in order to pay back the debt to the original person involved, migrants will return to recruit others.

Women usually find themselves indebted financially to the traffickers and at the destination point, especially in cases of sexual exploitation, but men have to pay upfront for the transportation and/or for securing a job, although debt is also accumulated at the destination. This results in debt to rich people and moneylenders in the source communities. For example, the trafficker/smuggler demands money from the men. The poor are not likely to have access to this type of money so they sell other assets, such as animals, and mortgage

their land. Often men borrow from their families, taking loans from others in the village or the moneylender at extremely high rates of interest.⁸¹ Without assets or collateral, men are unable to borrow money from the banks. Men usually borrowed between 300,000 and 800,000 riel (US\$75–200), on average 350,000 riel (US\$87.50) at 5–20% interest per year, but it was repeatedly heard that respondents paid 100% interest for one year. It has also been suggested that men have more access to borrowing money than women and girls.

Much of this money is needed to pay for transportation, which can result in debt bondage to moneylenders. Traffickers/smugglers arrange travel but also may liaise with the authorities, pay bribes, determine the crossing points for leaving and entering, be proficient in Thai, and pay money received by the migrant at the destination point to families at home. Over the years connections between such traffickers and smugglers have been built with employers, labour contractors, the authorities and the police.⁸² Many migrants rely on traffickers/smugglers, especially those looking for long-term work in Trad. Men interviewed stated that they received transportation and food, could cross the border, and were placed in a job. Others paid once the job had been secured. In many villages, there were a variety of traffickers and smugglers working, with slightly different methods of crossing the border, and it was extremely difficult to get substantiated information on whether men were trafficked or smuggled: from the interviews conducted this was not always clear.

The majority of smugglers are friends or relatives of those migrating and are usually not held responsible for what happens at the workplace, only for the safe passage.⁸³ Distinctions between traffickers and smugglers become blurred when migrants pay/hire a smuggler but do not know that a smuggler is really a trafficker who intends to cheat, deceive and hold them in forced labour conditions.⁸⁴ Men interviewed did not understand the term trafficking or considered what had happened to others who had been cheated and exploited as victims of trafficking but that they had been unlucky.

The system of traffickers/smugglers relies heavily on well trodden routes and several layers of people. The first trafficker/smuggler is in contact with companies and employers in Trad and earns a high salary, the second trafficker/smuggler brings the people from Cambodia to Thailand and is possibly based in Koh Kong, and the third trafficker is based in the villages and provinces and recruits people directly and is a trusted member of the community. Other recruitment methods are less systematised, with returnee migrants seeking new workers for a particular industry in Trad. Each has a system (as reported by returnees) of contact from the source to the location, especially with the local authorities, police and immigration police. Traffickers/smugglers recruit labourers for work in construction, farms and fishing boats, but are not needed by male migrants from Koh Kong who already have knowledge of routes and connections in Trad. These are more aware of tricks of traffickers owing to wide knowledge and experience of working in Trad, hence vulnerability to trafficking is reduced. These men from Koh Kong take the opportunity to work in Trad as there are few jobs in Koh Kong; though earnings in Trad are not substantial, they continue to risk the journey.

Labour migration to Trad (men) – deception and tricks

Labour migration for men is also risky. During the research the team met young male migrants who had been tricked by smugglers, who took their money and transported them to Koh Kong from the poorer provinces. Once at the border or near the border (Cham Yeum) pagoda in Koh Kong, the men were abandoned. Furthermore, men who manage to cross the border with assistance from traffickers are frequently abandoned on the Trad side, where they risk being imprisoned. This was confirmed by local commune leaders in source

⁸¹ CDRI, 1999: 8.

⁸² Piper, N., 2002: 10.

⁸³ MOWVA, 2004: 11.

⁸⁴ Piper, N., 2002: 5.

provinces and NGOs working in Koh Kong. It was also the case that migrants were sold to Thai employers and others were tricked about the work and conditions, demands having been made of them that the money be paid when employment was secured. Cambodian fishermen are generally ignorant of the conditions of the work, having received inadequate information about the length of the period of work and the conditions to be endured, often including long working hours, lack of sleep, threatening behaviour by boat owners, and restrictions to personal freedom and movement through fear of arrest by the Thai police.

Two fishermen were deceived about the type of boat on which they would be working. Work was promised on boats that dock weekly; instead they went out to sea for two months. Traffickers often lie about the amount of money that can be earned. Men are led to believe they can earn between 6,000 and 10,000 baht (US\$150–250) per month. In reality, Cambodian fishermen can earn up to 4,000 baht (US\$100) per month. Traffickers often exaggerate salaries that can be earned; the worksite is often in a different location to what was arranged; three men arrived at the destination and had to wait weeks without money and food before starting the promised job.

Men in source provinces such as Prey Veng are also enticed by the stories of other migrants, who tell of earning high salaries. Migrants and village chief report of cases men who went to work in Thailand and were tricked and did not receive salaries, and returned from Trad without any money.

Recruitment process – differences for Cambodian men and women/girls

Today, Cambodian men with their families or wives make the decision themselves to leave home to seek their fortune in other urban areas or neighbouring countries such as Thailand, whereas women and girls are more often lured, tricked or deceived, either from home provinces or from urban areas to where they have previously migrated. Therefore, circumstances surrounding their migration differ. Men actively seek out traffickers/smugglers who know the route, or are persuaded to leave; deception is less prolific than it is in the recruitment of Cambodian women and girls for the sex industry. A large amount of coercion, manipulation and trickery is required in order for traffickers to persuade women and girls, as few choose to end up in the sex industry, which is highly abusive and exploitative, unless for economic survival. Women and girls are sought by traffickers to fill a particular demand and are usually tricked during recruitment about the nature of the work and the conditions, as well as told that it is easy to make money and that Koh Kong and Trad are places of opportunity.

Women and girls are not required to make payments to the trafficker at the source, unlike men, but accrue expenses at the destination point. For both men and women/girls debt is accumulated. Women and girls have to pay the trafficker for transportation costs; take loans from the brothel owner to send back to parents (with the trafficker); or accumulate a debt to the brothel owner for the payment to the trafficker. They are unaware in advance of these payments. Men accumulate debt at the source province to moneylenders when paying fees to the trafficker/smuggler who can assist them to find a job and for registration costs, therefore creating a demand for their services. Occasionally debts occur at the destination point (see page 58).

The extent to which women and men are informed about the migration process, the costs involved, and the situation they end up in thus differs according to gender. A growing number of girls are simply persuaded into a job, but are not aware of the debt bondage or exploitation they will be forced to endure. Women and girls do not have access to recruitment channels, and are less prepared and more ill informed than men. Four male returnees interviewed in Prey Veng report being given information by traffickers/smugglers that high salaries could be earned and that jobs were available, and information on the specific industry in which they would be working, transportation and route, but not on the cost of living in Thailand and the conditions of the work. They believe that migrating cross-border to Trad is a viable option

despite the risks and uncertainty involved and the illegal nature of the journey and even when tricked and exploited never consider themselves as having been trafficked.

Both men and women rely on information which focuses on the positive images of the destination, the high salaries and the attractions of the working environment. Some traffickers/smugglers return time and again to persuade migrants to leave. Women and girls in particular succumb to blind migration, leaving provinces and urban areas such as Phnom Penh, often lured by female traffickers who are professional in their guise as trusted 'friends'. Some experienced traffickers specifically cheat and exploit vulnerable migrants, whereas others provide services such as fake documents and illegal route knowledge. For many trafficked Cambodians, it is when they arrive in Trad or Koh Kong that their problems begin, as the work they were promised does not exist and they are forced to work in exploitative environments and conditions which they did not expect and to which they did not agree.

All of the cases of men migrating to Thailand appeared to be smuggling rather than trafficking although in most industries exploitative labour was noted. In Trad, places were pointed out where trafficking of men happened but access was too dangerous for the team. 16 out of 22 women and girls interviewed in brothels and karaokes had clearly been trafficked, thus it could be asserted that trafficking is more prolific for women into the sex industry than for men into labour exploitation. Two girls working in Trad in fish processing had been trafficked, but insufficient interviews and data on trafficking for labour exploitation of women and girls meant it was impossible to make comparisons with trafficking for sexual exploitation. More research is needed on trafficking for labour exploitation to Thailand.

4.6 Traffickers and smugglers

Findings

- Traffickers of women/girls into the sex industry befriend them during a time of crisis, especially in factory areas, or are known persons in the community using highly practised tricks and deceit. They tend to be female traffickers, to be beautiful, to wear expensive jewellery, to be a mother/aunt figure or another sex worker recruiting friends.
- Relatives, friends and boyfriends (motodop drivers) were found to be involved in deceiving girls and in trafficking.
- Traffickers and smugglers recruiting Cambodian men have worked in the industries in Thailand themselves and are known in the community, with loose informal networks from source to border and to the destination point.
- Male migrants view smugglers/traffickers as assisting and offering them a useful service
- There are incidences of young men being tricked and abandoned at the border.
- Police and immigration officials, according to migrants, assist in internal and cross-border trafficking.

Analysis

Family members such as uncles, aunts and stepfathers have been known to be involved in the trafficking of female relatives, especially for labour. There is a lack of information as to how prevalent this is currently. However, interviews show that in the majority of cases it was not blood relatives who instigated the sale of girls or the forcing of them into labour exploitation but more distant male relatives. The research documented the cases of one girl persuaded to go with her uncle to find a job, and one whose uncle took loans using her as collateral. Close friends, villagers or known people in the community were commonly known to trick the girls and sell them to brothels, as well as individuals from the destination, e.g. brothel owners, men working for brothel owners, karaoke shop owners and other sex workers from Koh Kong.

Three out of 16 trafficked cases were cheated by boyfriends. Mom (brought up in a high-ranking family) was persuaded to leave Phnom Penh with her boyfriend to visit his parents in Battambang. On arrival he got her drunk and then sold her to a brothel for 20,000 baht (US\$500). After three months she was sold to another brothel in Klong Soan. In Phnom Penh around the factory areas motodop drivers are often instrumental in seducing factory girls and then selling them to brothels. Kim Hor stated: 'I worked in a factory in Phnom Penh and had a boyfriend (motodop driver) who I fell in love with but he sold me to a brothel in Phnom Penh'. Vanna said: 'My boyfriend was a moto driver and he brought me for a visit to his aunts house in Kompong Som but it is not a house but a brothel to which he sold me'. The majority of girls interviewed claimed to have known the trafficker in some form or other or had befriended and trusted that person

There appear to be entrepreneurial networks of traffickers, i.e. opportunistic individuals seize the chance to deceive or coerce their victim into a situation of exploitation for profit. How this works is unclear. The research heard of small traffickers based in villages providing information to traffickers looking for women and girls to fill a demand, focusing on families and particularly women and girls in crisis, either in the villages or in cities such as Phnom Penh. 'Troubled families are the breeding ground for sex workers. And troubled families in poor, marginal and crisis ridden communities generate the most reliable source of cheap girls.'⁸⁵ The traffickers target pretty girls where conditions of vulnerability are obvious. Traffickers who recruit girls primarily for the sex industry are reported to be either attractive young women who dress nicely and wear expensive jewellery or old women (mother or aunt type figures). As employment opportunities in Phnom Penh are limited, traffickers use other potential areas, such as Koh Kong and Thailand, in order to disorientate the girls.

During the interviews, it was found that girls already working as sex workers (two cases) who had maintained contacts with friends in Phnom Penh in factory areas were often instrumental in persuading others to join them and played a significant role in the networks that sent and employed new recruits. One sex worker had returned home and brought back her cousin, who was still a virgin. The research team did not think that this young girl knew what was likely to happen to her.

Brothel owners employ motodop drivers and guards who work together with sex workers (keen to earn additional money) to recruit new girls from factories in Phnom Penh. Brothel owners and their husbands from Koh Kong and Trad pose as taxi drivers to transport girls to the destination. Other girls are trafficked by women who are based in residential areas around the garment factories, promising highly paid jobs in Koh Kong. Girls residing in Koh Kong are often tricked by family members into working in Trad and then are sold in exchange for a loan from the brothel or shop owner; this corroborates the view that traffickers are small, independent entrepreneurs rather than tightly organised networks. Respondents who had been trafficked by strangers seemed unaware of and confused about who and how the trafficker operated. Very few girls trafficked at the destination point remembered the name of the trafficker or where they were from, probably through concern for their own safety.

Profits are high for numerous individuals, i.e. traffickers and people involved in the process; those who organise the transportation; those who provide the transportation; those who guide through the numerous cross-border routes; those who are paid to ignore border crossings; those who provide legal documents for inflated prices at international crossings; those who find employment and jobs. The risks are minimal. According to MOSALVY, 'The country's geographical location, poverty, weak law enforcement and war torn infrastructure as well as corruption provide an ideal environment for traffickers'.⁸⁶ Traffickers are aware of the demand in certain industries where the jobs are illegal (sex industry) and where the

⁸⁵ Brown, L. 2000: 6.

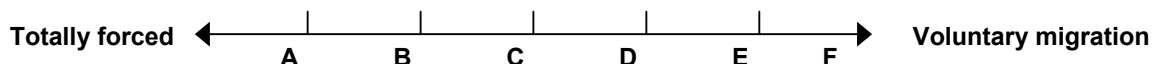
⁸⁶ MOSALVY, 2003: 32.

conditions are labour intensive (such as fishing), largely because they themselves have worked in these occupations. Traffickers and smugglers who recruit men to work in Trad are primarily men who have been working in Trad themselves and know the routes. In one particular village, fishermen claimed the trafficker/smuggler moved into the area and then recruited men to work in Thailand using a particular route and destination. They are seen as offering a service to the male migrants and assisting them across the border. However, many traffickers/smugglers come from the home village, commune and district of the victims and rely on connections and relationships they have with communities in order to operate.⁸⁷ Other are based at the border crossing but have families in the source villages. It seems they are conscious that in the poorer provinces Cambodian men and women require employment, that it is easy to transport people unnoticed, and that Cambodian men, women and girls will have no choice but to enter and work in exploitative jobs in Koh Kong or Trad.

As has been pointed out by many sources (including respondents who were victims, migrants and other NGOs), a number of traffickers are uniformed men who facilitate cross-border trafficking of Cambodian girls and illegal male migrants to Trad province, enjoying impunity on both sides of the border. It is clear that not all police are involved. However, in order to operate, traffickers, employers and brothel owners need to make payments to some police and authorities so that the latter turn a blind eye to undocumented migrants. The price of this is often transferred to trafficked and exploited victims. In addition, particularly in Trad, trafficking was reported as organised and controlled by crime syndicates and mafia, although this could not be directly confirmed. It has been revealed that many female brothel owners are married to policemen and military and border officials, or have close contact with them. This is reported to be the case in Koh Kong.⁸⁸ It seems thus that some police benefit from maintaining the *status quo*.

A note about trafficking versus voluntary migration (regarding women interviewed)

Figure 4.2 The continuum of trafficking



- A Victims are forced and/or kidnapped, and trafficked
- B Victims are given false promises, and are trafficked into types of businesses other than promised
- C Victims are aware of the kind of work, but not the work conditions
- D Victims are aware of the kind of work and work conditions, but are not aware and/or not able to foresee the situations they may encounter
- E The workers (who may have been trafficked before) are aware of the kind of work and work conditions, but are not given alternative worksite (cannot choose where they want to work)
- F The workers (who may have been trafficked before) are aware of the kind of work and work conditions and are able to select their worksites

Source: UNICEF, 2003: 7.

Trafficking is often falsely described as one static phenomenon. However, many analysts perceive trafficking as a continuum, with extreme forms of force and coercion at one end and voluntary aspects through economic need on the other.⁸⁹ This helps clarify that respondents interviewed in this research fell into different segments of the continuum.

- Out of the 18 girls interviewed in Koh Kong and Trad, for six it was unclear if the girls had been trafficked or not, owing to lack of in-depth information; for these six, it was not clear if they fell under category D or E as there was not sufficient information to analyse.
- 16 out of 22 were clear trafficking cases.

⁸⁷ ILO/IPEC, 2004: 11.

⁸⁸ Derks, A., 1998: 35.

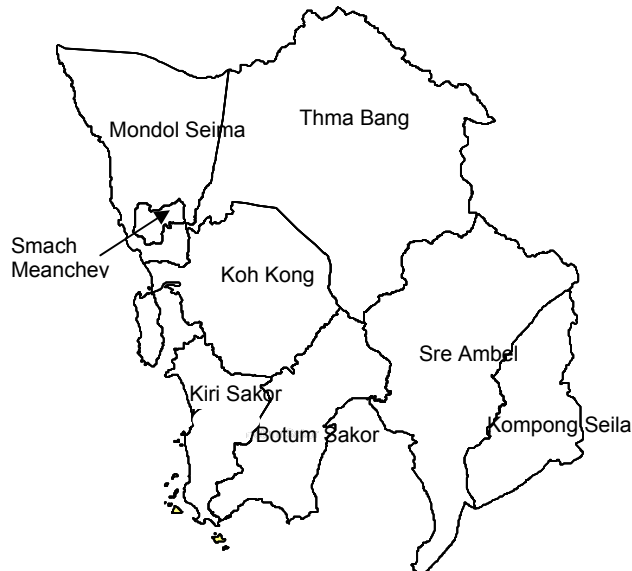
⁸⁹ Archavanitkul, 1998, updated 2000, quoted in UNICEF, 2003: 7.

- Eight were trafficked by known persons, such as uncles, boyfriends and friends.
- Eight were trafficked by unknown persons, or it was unclear whether the victim knew the trafficker.
- Six fall under the category A – victims forced/kidnapped and trafficked as they were sold. Two of these were either drugged or given alcohol.
- 10 of the 16 cases come under the category B – victims given false promises and trafficked into types of businesses other than promised.

Chapter 5 Gender analysis: destination and returning home

5.1 Destination province (Koh Kong) background

Figure 5.1 Map of Koh Kong



Source: adapted from National Institute of Statistics, CD-ROM, 2000.

Koh Kong has been a migration area for Cambodians from other provinces since the 1980s and is also a source, transit and destination for trafficking of men, women and children. The promise of economic prosperity in Koh Kong swelled the population of the province in 1998 to 116,745,⁹⁰ as internal migrants travelled to the region through positive migration in search of jobs – more men migrated to Koh Kong for agriculture, fishing and business. Koh Kong is also a province of marine fishing, fruit tree plantations, casinos, tourism, and cross-border trade with Thailand.

Many of today's population of 132,106 previous migrated to Koh Kong in search of work and opportunities. Some of these men were military in the area. Two years ago, Koh Kong became a boomtown, upon the reopening of the border. Migrant fishermen and merchants from all over Cambodia converged to work in Koh Kong or Trad in Thailand. Thousands of Cambodian fishermen were mobile in Cambodian waters, docking particularly in Koh Kong, where marijuana was grown and smuggled along with numerous other goods, and where logs were secretly exported to Thailand from places like Sre Ambel. Women, especially from Kampot and Kompong Som, came to work in the shrimp processing industries. Motodop drivers and internal migrants stated that they had come to Koh Kong in the hope of improved fortunes. The most commonly recorded previous occupation was logging or forestry work. The 20-odd hotels and guesthouses were full every night, restaurants owners could make 30,000 baht a day (US\$750), motodop drivers could earn US\$20 every day, and the [red light] girls had clientele.⁹¹

⁹⁰ Calabria, M., 2001: 6.

⁹¹ Bardon, J. M. and W. Em-Im, 2000: 18.

In 1999, the logging industry clampdown changed everything. The economy in Koh Kong collapsed and incomes in many industries fell. In addition, the fishing industry suffered, as competition from large boats and fewer fish meant that fishermen moved out of Koh Kong back to their provinces or to Thailand where it was said substantial earnings could be made. The shrimp farms also failed; female workers also crossed the border to Trad.

These industries are now quiet; migration to Koh Kong has reduced. According to CARE's BAHAP project assessment, migrants to Koh Kong are primarily Cambodian, either changing residence for a significant period of time (police, sex workers, housewives) or mobile populations who travel to Koh Kong but do not change their formal residence (e.g. seafarers, boat owners, motodop drivers).⁹² Hotels are often empty and some have closed down, as have at least three nightclubs. Motodop drivers are struggling to make 100 baht (US\$2.50) per day. The girls have been relocated to the outskirts of town and the bank has shut its doors. The sex industry has also reduced, as the presence of a number of human rights NGOs has meant that torture and physical violence towards the girls is less prolific.

Koh Kong is divided into eight districts, many of which are isolated owing to lack of roads or accessible only by boat. This has had a direct bearing on the number of NGOs that have been willing to work in Koh Kong province. From 1980, the only access to Koh Kong was by boat from Kompong Som (a four/five hour journey). However, since April 2002 a national road has been built by the Thai military from Sre Ambel to Daung Tong, which has meant road travel to Koh Kong and access has greatly improved. In addition, a bridge has been constructed over the river, linking the main town area of Smach Meanchey district (which includes Daung Tong city – also known as Koh Kong city) with Mondol Seima district, which holds the border checkpoint to Thailand's Trad province. This recently extended its operating hours to 8pm. Daung Tong, the main urban centre, is about seven kilometres from the border and has a large market area and several trading shops. Daung Tong also has several hotels for Thai business people and travellers and many commercial sex establishments employing Cambodian women and a small number of Vietnamese. Metres from the border, a Thai businessman has built a casino, hotel/duty free shop and safari park on land in Mondol Seima district (Cham Yeam). The casino is popular with Thai gamblers from across the border, where gambling is illegal, and has approximately 300 employees, mostly internal migrant workers from other poorer provinces.⁹³

Establishments and sex workers

In 1994, all the brothels were in the downtown area, but in 1994 the provincial authority moved them out of the town to Stung Veng village. There were few clients there, so they moved back to the busier urban areas. After the downturn in the logging industries in 1998, the brothels were moved out of the city again into the surrounding areas of Stung Veng by the Provincial Aids Authority (PAO) and the authorities. In July 2002, there were reported to be 158 establishments, including brothels and karaoke, and 788 sex workers.⁹⁴ In August 2004, these numbers were seen to have reduced considerably.

⁹² Bardon, J. M. and W. Em-Im, 2000: 18.

⁹³ Calabria, M., 2001: 7.

⁹⁴ HCC, 2002: 15.

Table 5.1 Sex work establishments and number of sex workers

Establishment		No.	No. of sex workers	District	Village
Direct sex work	Brothel	12	110	Smach Meanchey	Stung Veng
	Brothel	2	7	Mondol Seima	Phum Thmei
	Brothel	7	17	Sre Ambel	Sre Ambel
	Subtotal	21	134		
Indirect sex work	Karaoke/nightclubs	39	116	Smach Meanchey	Phum Bay
	Beer gardens	2	68	Smach Meanchey	Phum Bay
	Massage parlours	1	4	Smach Meanchey	Phum Bi
		2	5	Sre Ambel	Not available
	Beer girl companies	3	11	Smach Meanchey	Phum Bi
	Restaurant	1	5	Smach Meanchey	Phum Bay
	Subtotal	48	209		

Source: CARE's Koh Kong Prevention Team, data on sex service and entertainment establishments in Smach Meanchey, Mondol Seima and Sre Ambel districts, August 2004.

Brothels (direct sex workers)

There are now only two brothel areas surrounding the town area, Stung Veng and Phum Thmei. Brothel-based workers are direct sex workers; this is the only service they provide. Brothel-based sex workers are deemed to be cheap, accessible and have a lower status.

Indirect sex workers

Karaoke

The girls who work in karaoke must be beautiful and able to sing, drink and attract clients. The girls must be highly attentive to clients and the customers pay for this service through drink prices.⁹⁵ Karaoke establishments insist that girls drink beer; girls, many of whom are from Phnom Penh, are forced to become sex workers. Men are encouraged to select a girl and take her to a hotel or guesthouse. Girls working in the karaoke are seen to be the most desirable. There are many cheap, legal karaoke shops in Phum Bay where the girls are paid 300–500 baht (US\$7.50–12.50) to sing karaoke. In addition, there are estimated to be 20 karaoke establishments on Koh Sdach island.

Beer gardens

There are three main beer gardens: Raksmei Makara, Juliana and the RCA disco, in Phum Bay. In Raksmei Makara, there are estimated to be 35 girls. It is not clear whether the girls are working directly as sex workers. Some of these establishments have high-ranking owners and are frequented by affluent and powerful military and high-ranking personnel from Koh Kong and Phnom Penh. Some of the girls are said to be very young and sold to rich customers or trafficked and sold to Thailand, although the research team were unable to interview and gather evidence, as these girls are kept out of view from the public.⁹⁶ Unlike in Stung Veng, the local authorities have no information on girls working in these three places.

Massage parlours

Massage workers offer a massage service with an additional charge for sex. Some parlours are more expensive and there is a higher chance of the girls being Vietnamese.⁹⁷

Beer promotion

A beer promotion girl's role is to sell beer in a number of different establishments during the evening; whether she sells sex depends on the individual. There is an official figure of 11 beer girls working in Koh Kong.⁹⁸

⁹⁵ Greenwood, Z., 2000a: 40.

⁹⁶ See HCC: 14.

⁹⁷ Ibid.: 41.

5.2 Destination issues for women and girls in the sex industry in Koh Kong

This section outlines transportation to the destination, in this case Koh Kong, and the conditions for the women and girls who were interviewed and were working there. This has been separated from information regarding Cambodian women and girls working across the border in Trad province in Thailand, whose vulnerability is heightened for various reasons.

Transportation findings

The improvement in roads and infrastructure in Cambodia has created greater ease for those trafficking girls to Koh Kong, invariably using taxis, and for those crossing illegally to Trad (men and women), who use a variety of different means: boat; walking over mountain passes; border passes etc. Girls travelling alone with the trafficker without any support system are more vulnerable than men in groups.

Transportation analysis

In the past, women and girls were bought by boat from Kompong Som or Sre Ambel to Koh Kong. Now only those from Kampot and Kompong Som come this way. Women and girls trafficked directly from home provinces to Koh Kong are usually transported by road owing to the development of the new road from Phnom Penh to Koh Kong: first to Phnom Penh and then to Koh Kong by taxi or car. Those already working or residing in Phnom Penh are taken by taxi. Usually the girls travel with the trafficker or brothel owner and some male guards. As Koh Kong is also a source province for trafficked girls, especially those who are living near the brothel and karaoke areas in Daung Tong, motodops and local transportation are used.

Living and working conditions findings

The sample area was Stung Veng in Smach Meanchey district. Two villages make up the area, Stung Veng and Prek Svay. The area is also known as Chhma Bat, Bei Srok or Smach Ngeub. The LSCW team documented 12 brothels and 110 girls, but this fluctuates. 11 brothels house Cambodian sex workers and one brothel has Vietnamese girls. Although the brothel owners register the girls with the local authorities, figures change on a monthly basis. When girls are brought from the provinces and taken to brothels, they must be registered. Some girls have identity cards, others do not; on arrival they are interviewed by the local authorities to establish where they are from. The girls who were interviewed were aged between 18 and 38 and the brothel owners were mainly women. In the past, the brothels were inaccessible and hence it was difficult to get information about the situation inside.

Table 5.2 Stung Veng (Smach Meanchey) brothels, as of August 2004

Brothel number	No. of girls	Permanent girls	New girls	Khmer	Vietnamese
2	7	6	1	7	0
3	16	16	0	15	1
4	13	12	1	0	13
5	7	7	0	7	0
6	14	14	0	14	0
7	13	11	2	13	0
8	8	8	0	8	0
9	10	9	1	10	0
11	5	5	0	5	0
25	5	4	1	5	0
26	5	1	4	5	0
36	7	5	2	7	0
Total (12)	110				

Source: Working group on 100% condom use in Koh Kong compiled by CARE Koh Kong prevention team.

⁹⁸ Although in an interview with a beer girl on 29 August 2004, the interviewee claimed that there were 21. Official and unofficial information often does not tally.

The information above shows the numbers of girls and brothels as 110 as of August 2004, but more up-to-date information on 6 September 2004 from the same working group states there were 112 girls, reflecting the movement of girls in and out of the brothels. Information from this working group in September regarding the source provinces of the girls, is reflected in Table 5.3. Interviewees in Stung Veng were from the poorer provinces.

Table 5.3 Source provinces of girls working in brothels in Smach Meanchey

Province of origination	Number of girls	Province of origination	Number of girls
Kandal	17	Battambang	2
Kompong Cham	16	Kompong Chhnang	1
Prey Veng	11	Pursat	1
Phnom Penh	10	Svay Rieng	3
Kampot	8	Koh Kong	3
Kompong Thom	7	Kratie	1
Takeo	4	Banteay Meanchey	1
Siem Reap	1	Vietnam	15
Kompong Som	3		
Preah Vihear	1		
Kompong Speu	7		
Total		112	

Source: owing to the sensitive nature of the data above, the source of the figures must remain confidential. These numbers have been backed up by September 2004 registration figures.

- A variety of reasons were found for different types of Cambodian girls ending up in brothels in Koh Kong. Some had come into the industry after having lost their virginity, some after divorce, some after previously working in the sex industry, some after having previously been trafficked, a few recently; some saw it as the only way to provide for their families.
- The living and working conditions for girls in Trad and Koh Kong in the sex industry highlight the exploitative nature of trafficking, particularly with regard to debt bondage, which allows brothel owners to control and manipulate the situation.
- Cambodian girls in Koh Kong and Trad suffer from extreme human rights violations, violence, rape, exploitation, debt bondage and lack of freedom.

Living and working conditions analysis

Stung Veng, a small village just outside the centre of Daung Tong in Koh Kong province, has small wooden traditional houses which are overcrowded, have cramped sleeping conditions, and have very little privacy and access to clean running water and toilets, with only curtains separating the area designated for customers. In a few brothels in Stung Veng, children of the sex workers and siblings were staying and living in the brothels. The majority of brothel owners were women, with male relatives acting as security and as guards to the girls.

In Koh Kong, there was evidence of some working voluntarily as sex workers (or those who had made a choice with few alternatives) and of trafficking, especially debt bondage. In the past few years, the trafficking phenomenon for women in the sex industry in Cambodia has changed. The girls to whom the research team had access had in the past been forced or sold at a very young age into the sex industry; these girls made up the majority of interviewees.

- Srey had been cheated by a friend and sold to a brothel in Poipet (five years previously).
- Samnang had been sold by an unknown friend in Prey Veng (two years previously).
- Thida had been sold to a brothel in Koh Kong when she was 14.

Some girls use the sex workers' informal network to find work in Koh Kong. Sokom said 'I had already worked as a sex worker in Poipet so what is different to come to Koh Kong?' Half of the girls the team interviewed had previously been trafficked into the sex industry in

other locations but had stayed within this working environment owing to debt bondage and fear of escaping. Two girls working in Stung Veng had already been rescued and assisted by NGOs in the past, but complained that the NGO shelter was no better than the brothel, with strict rules, no freedom, no contact with families allowed, and staff often condemning and blaming them rather than being supportive.

A number of respondents also stated that they arrived in Koh Kong seeking jobs and were unable to find them; they approached motodop drivers to take them to brothels as the last means of survival and borrowed money from the brothel owner. This was confirmed by other NGO reports.⁹⁹ In April 2004, a number of girls stated that they worked as waitresses on first arriving in Koh Kong but were lured into selling sex so they could provide for their families. The sex industry is one of the few channels open to women with low levels of education and which permits them to make money rapidly and in substantial quantities.¹⁰⁰ A number of the respondents came to Koh Kong of their own accord or with friends (five cases). Those who come with a trafficker are forced to take a loan from the brothel owner to pay for transportation and then are responsible for the debt. One girl who was destined for Trad refused to go and hence the trafficker forced her on arrival in Koh Kong to take a loan from the brothel owner to reimburse for the taxi, food and accommodation. Girls are often told that they only have to work to pay off the debt but find themselves trapped and unable to escape. The brothel owner signs a contract with the girl to ensure repayment (this is illegal in Cambodia). Brothel owners use debt bondage to enforce some system of control over the girls especially those who have newly arrived.

Debt bondage

Today many girls who were originally trafficked (between three and five years ago) are still working in the sex industry in Koh Kong in debt bondage situations. Women and girls choose to stay working in the sex industry as they have debts, and as a way of providing for families and making money for materials possessions for themselves. Srey-mom stated: 'I want to return home but I still owe money to the brothel owner. When I pay off the debt, I will return home.'

Debt bondage is a form of coercion whereby women pay back traffickers/smugglers, brothel owners or an agency the sum of money for which they were purchased, or a sum for travel documents, food and housing, and other services. It is one of the most frequently used methods of binding women. The girls may have been trafficked but still feel an obligation to pay back the brothel owner, and believe that eventually they will be able to make money in their own right. This expectation may prove false as their initial debt can be inflated through charges for accommodation, food and interest on the original loan.

During the research, the team repeatedly heard that a girl's family had come to Koh Kong to borrow money or taken advances from the brothel owner for material possessions such as houses, jewellery and phones (not for basic means of survival), thus pressuring their daughters to enhance the family's economic status. On arrival the girls are told that they already have accumulated a debt to the brothel owner, as the brothel owner pays the trafficker for transportation costs and the 'price' of the girl. Two girls stated that contracts were made with the brothel owner with police attendance; the latter threatened them that they would be tortured if they tried to escape from the brothel. This could reflect the previously mentioned link between brothel owners and the police. With such pressure, the presence of male relatives and guards, and without assistance or knowledge of where to go if they escaped, the sex workers felt they had to continue working to pay off these debts.

⁹⁹ HCC, 2002.

¹⁰⁰ Wijers M. and L. Lap-Chew, 1997: 23.

Debt pays a big part in the life of the sex workers and accumulates through payments for:

- Clothes, makeup and jewellery.
- Assistance to family and siblings at home.
- Gambling (the girls play cards).
- Abortions.
- Having sex with a boyfriend in the brothel without payment (the girl has to pay 300 baht – US\$7.50 – to the brothel owner).
- The transportation and recruitment fee to the trafficker on arrival in Koh Kong.

In some brothels in Stung Veng, the brothel owner takes 50% of the takings of the girls. For example, if the girl earns 100 baht (US\$2.50) per sexual act, the brothel owner will take 50 baht (US\$1.25). In other establishments, the girls have to forfeit 70% of their earnings. With accumulating debt, the girls rarely have the opportunity to save money. The girls sampled in Koh Kong owed between 1,000 and 7,000 baht (US\$25–175). The brothel owners also keep their earnings on the pretext of safekeeping, so they never know how much they earn.

Pheap stated: 'Every time we serve the customer, all the money we earn, Mom [brothel owner] keeps it. Once or twice a month we will see how much we owe in our account book. Mom calculates 50/50 per customer, I trust Mom.' Other girls interviewed outside of the brothel revealed that all their earnings had been kept by the brothel owner and two had been informed by the brothel owner that 10,000 baht (US\$250) was still owing. All of the money made from customers goes directly to the brothel owner and only when the debt is paid will the brothel owner agree to share 50% with the girl. However, the research team suspects that this rolling debt is never paid off. During one interview, the brothel owner and sex worker both stated that the sex worker owed 3 million baht (US\$75,000), but it is likely this amount is false, made up by the brothel owner to ensure the girl does not escape.

The brothel owner uses forms of bribery, such as purchasing jewellery and expensive clothes to keep girls happy. In reality, the costs of these goods are added to their individual debts. In addition, the women and girls are overcharged for everything they need and so the debt increases instead of decreases. For example, those restricted from leaving the brothel rely on the brothel owner to shop for them, which is done at inflated prices added to their daily debt. Debt bondage is used perpetually to ensure the highest profit can be gained from the women and girls. Commonly, just before she repays her debt she is sold once again to another brothel, hence commencing the cycle of debt repayment debt once again. Girls are said to be moved or sold on to other brothels to fill the demand for new girls and prevent problems for those trying to locate the girls; this could not be substantiated clearly although there did seem to be a relationship between the brothels in Koh Kong and Trad. In a different location, they are unlikely to be able to pay off the new cycle of debt. When the debt is repaid it is not uncommon for some women and girls to remain working in the industry in order to commence saving money for their own purposes. Those who escape, hopeless of paying off the debt to the brothel owners, are frequently caught by the police who monitor the first ferry point on the road from Koh Kong to Phnom Penh. Some do manage to escape, sometimes with the help of male clients, to bring their case to NGOs.

Working issues

Registration: Girls in brothels in Stung Veng are registered as sex workers at the police administrative post for the 100% condom programme.

Lack of freedom: All girls with debts have their freedom curtailed and are guarded, unable to leave the brothel unless escorted by one of the men hired by the brothel owner. The research heard repeatedly that many customers were foreigners who paid 1,000 baht (US\$25) a night to release the girl (300–500 baht – US\$7.50–8 – per night for Cambodian customers). If the girls go to a hotel or guesthouse then the brothel owner will send one of the hired men to look after the girl and make sure she does not run away. Tight security is

imperative to the everyday management of the brothels in Koh Kong (the research team observed such behaviour in a number of hotels). Only those girls who are no longer in debt to the brothel owner can leave the brothel for social activities.

Mobility of girls: There is evidence that the number of girls in the brothel area fluctuates as brothel owners seek new girls and hold them to sell inside and outside the country.

Working hours and customers: working hours are from 4pm–5am in Koh Kong, but the girls generally report that the brothels are open 24 hours a day. The girls have no right to choose or refuse customers even when these are drunk and violent.

Mistreatment by brothel owners: In the past, at the height of the logging and fishing industry in Koh Kong, the demand for girls in brothels and karaoke was extremely high; it was during this period (1999–2002) that there were many reports of girls being beaten, tortured, deprived and generally mistreated by the brothel owners. The brothels were also closed and ‘force’ and ‘coercion’ were common from the brothel and karaoke owners, who deemed the girls to be their commodities. Non-compliance could result in terrible abuses.

Nowadays, with the increase in the number of NGOs and organisations in Koh Kong monitoring trafficking, it is believed that brothel owners are more careful and the reports of abuses and violence have decreased dramatically. Some brothels have a reputation for mistreating girls and therefore have trouble keeping girls there. Furthermore, a number of brothels still beat and withdraw food from girls who fail to secure clients. One respondent said she escaped from one of the ‘bad brothels’ and moved to another brothel where conditions were better. In moving, the girl had to borrow money from the new brothel to pay off the debt to the original brothel owner. Meanwhile, girls report being threatened by the brothel owner that if they try and escape the police will return them to repay the debts owed.

Virginity sold: Two girls had their virginity sold. Srey was sold to a rich Thai businessman for US\$1,875 in the Casino Hotel in Poipet before coming to work in Koh Kong. Thida said: ‘Before I became a sex worker, I was cheated by one woman. I was very young (approximately 14 years old) when she sold me to a brothel in Koh Kong. When I arrived, they kept me in a room and gave me good food. Then they sold my virginity.’ In Koh Kong, it is said that if a customer requires a young girl, a trafficker will seek young virgins from poor provinces. They are brought to Koh Kong and are hidden away in karaoke establishments.

Personal issues

Emotional support: Some brothel owners provide the emotional support, affection and warmth the girls need as a means to encourage them to remain. Since the girls have already been deceived by friends, families and people they trust, many feel that the only person they can trust is the brothel owner. Brothel owners are called ‘Mom’, as in the English word ‘Mum’; respondents interviewed talked fondly about them and felt safe and secure in the brothel.

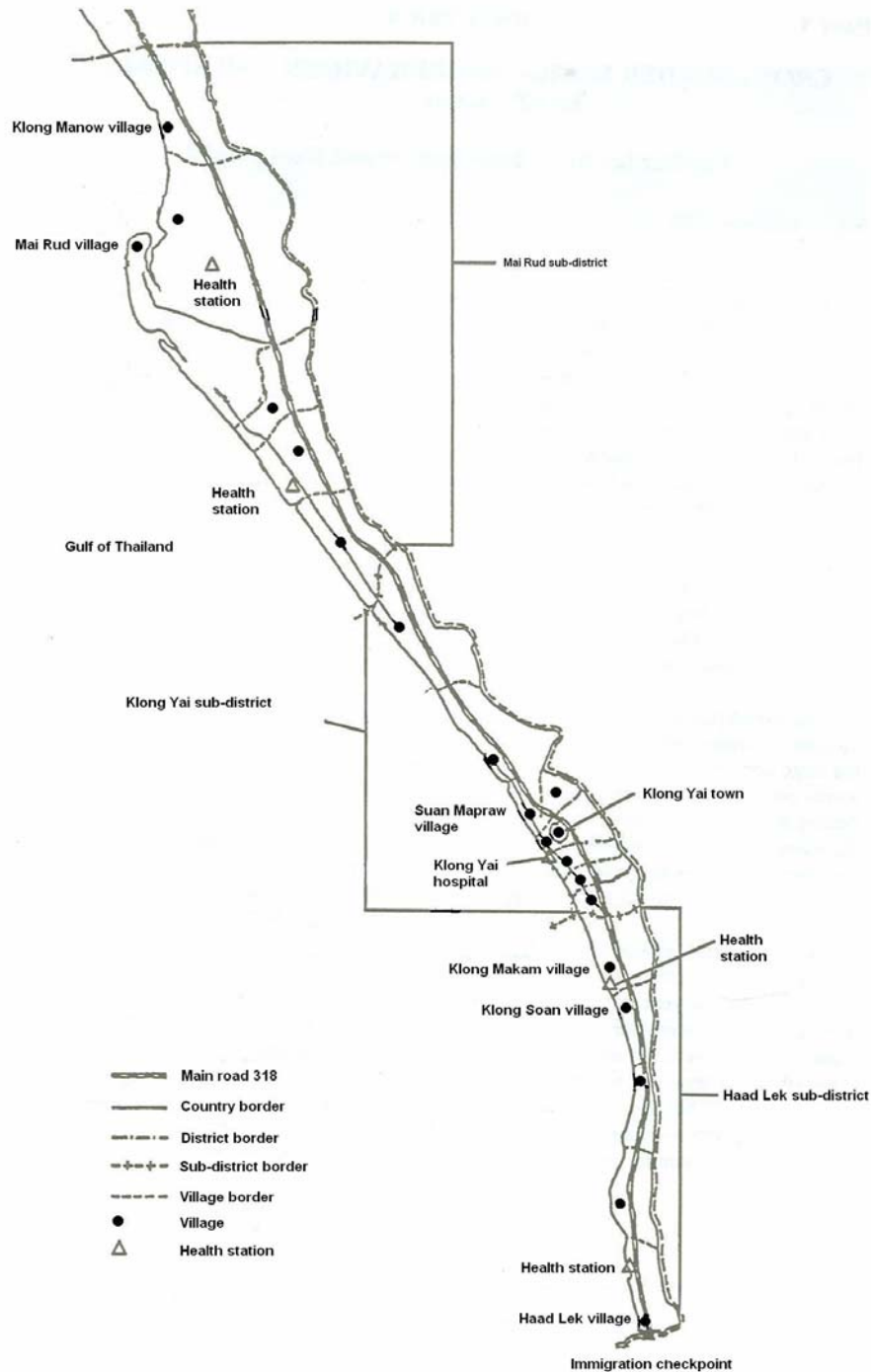
Emotional problems: Girls working in brothels and as beer promotion girls felt that people in the communities looked down on them. Girls interviewed were seen to have cuts and marks on their arms; when asked, they stated they had done this themselves because they were angry with their boyfriends. Many of the girls interviewed were afraid to talk. They stated that they wanted to leave but felt that there were no options or other means to make money. The girls seemed despondent and resigned; others displayed anger and aggressive behaviour.

Health problems: The girls in the brothel do not have good hygiene levels and live in unsanitary conditions. STDs are common; in 2000, Koh Kong had much higher rates of HIV/AIDS than the national average of Cambodia.¹⁰¹

¹⁰¹ Chantavich, S. *et al.*, 2000: 131.

5.3 Destination province (Trad) background

Figure 5.2 Map of Klong Yai district, Trad province



Source: Chantavich, S. *et al.*, 2000: 124.

Klong Yai district in Trad province borders Koh Kong province in Cambodia and is roughly 12 kilometres from the border, where there is a market at Haad Lek. Both Haad Lek and Koh Kong have long sea borders and are also accessible by land. Therefore, trade between the

two countries is substantial, as has been the trade in undocumented migrants and mobile populations from Cambodia since the 1990s, despite the ban on logging and the closure of the sawmills. These industries have been replaced by the expansion of the Thai fishing industry, which has petered out in Koh Kong where small-scale fishermen have been unable to compete with the large Thai boats. Hence, many fishermen previously working in Koh Kong have crossed the border into Trad province, where there are a number of sex workers and karaoke shops.

In Klong Yai district there are a number of large piers, as well smaller ports and docking areas. Villages in Klong Yai district have three main ports – Chalalai Port (also called Phe Yeay Kob by the migrant workers) Kallapangha Port (called Phe Yeay Kim), and Kassemisiri port (Phe Monkol or Phe Kamnann), which is the smallest port in the area. Most of the boats dock at these ports, with a large number of medium-size fishing boats near to the ports and a large number of Cambodian fishermen, dock workers and female workers in the seafood processing industries. Chalalai Port and Kallapangha Port have trade/goods boats which come to and from Koh Kong, Kompong Som and Vietnam. In addition, there are numerous motor boats that travel from Klong Makam dock and Klong Soan to Haad Lek and on to Koh Kong, with large amounts of migration and movement back and forth across the border. Other industries, such as ice factories and sawmills, sustain a mixture of Cambodian men and women, especially family groups. Many Cambodians also work in Koh Chang, Trad town and Koh Kud.

Long-term communities of Cambodian migrant workers have been established in Klong Yai and along the coast in Trad. Resource persons and some respondents interviewed have often lived in the area between 10 and 15 years. Two Kampuchea Krom and military respondents fled across the border after the elections in 1993. They have rented houses and many of them congregate together in small areas (especially in Klong Yai), speak Thai, and have children educated in Thai schools. Recently arrived migrants working in the factories are often related to the long-term Cambodian community.

Owing to the economic development on islands such as Koh Chang and Koh Kud in the last five years, there has been a substantial increase in the number of Cambodian men working in the construction sites on new hotel developments and women as domestic and service staff in hotels (cleaning, waitressing and washing up). Fishing boats unable to get to Klong Yai also dock in Koh Kud and hence sex workers are also found in these locations.

The industries are gender segregated in Trad, except sawmills and ice factories where both Cambodian men and women are found, but conducting different tasks. Cambodian men work in fishing, construction, agriculture and farms, sawmills, ice factories, rubber plantations and as dock workers. Cambodian women and girls are working as domestic workers, cleaners, waitresses, and clothes sellers, in textile factories, fruit picking, fish and shrimp processing, and construction, and as sex workers. Some Cambodian girls originally working as domestic helpers and retail workers become sex and entertainment workers.

Cambodian men employed in the various industries in Trad province often come from Prey Veng to work in fishing. This has become a migratory route for men to work in Trad province and reside in small fishing communities near the Cambodian/Thai border. Men and women from Koh Kong work in Trad, sometimes seasonally, as well as Cambodian migrants who are originally from Kompong Cham, Takeo, Kandal, Phnom Penh, Kompong Speu and Kompong Thom. The majority of those working in the fishing and fish processing industry are from Koh Sdach, Sre Ambel, Kampot and Kompong Som, and villages along the southern Cambodian coast.

Klong Yai was chosen as a sample area for the research because the majority of Cambodian migrant workers work in this district of Trad. The main focus was on Klong Soan and Klong

Makam villages. The research team was additionally able to make a short visit to Koh Chang. There are also large numbers of Cambodian migrants in the downtown area of Trad city. The team was able to gain access during the research process to sawmills, ice factories, and fish processing areas, and to talk to construction workers and fishermen, but no reliable data on numbers was available.

The research team met other Cambodian migrant workers in a number of different industries in Trad province, but as the interviews were short and information minimum, few conclusions could be drawn.

5.4 Cross-border migration to Trad

Transportation findings

The improvement in roads and infrastructure in Cambodia has created greater ease for those trafficking girls to Koh Kong, invariably using taxis, and for those crossing illegally to Trad (men and women), who use a variety of different means: boat; walking over mountain passes; border passes etc. Girls travelling alone with the trafficker without any support system are more vulnerable than men in groups.

Cross-border transportation and routes analysis

Trafficking and illegal migration through Koh Kong to Trad province in Thailand involves men, women and girls. There were numerous trafficking routes and various types of transportation documented by the research. All of the respondents interviewed used illegal channels, or corrupt means with legal documents, allowing them to cross and disappear. However, not all information below was from those trafficked. Cases of smuggling were also uncovered. Men often have to find substantial finances for the traffickers/smugglers to pay the authorities in Koh Kong and Trad so they can avoid detection and be able to pass. Some 'guides' in Koh Kong are known to facilitate this movement. There are an unofficial 320 entry points along the 789km border to Thailand.¹⁰²

Cambodian men report that they are taken to Koh Kong and then placed in the hands of others who escort them across the border through the various routes, where they are then met by Thai traffickers/smugglers and taken to the employment site. Experienced migrants who know the route help men across the border to a prearranged job.

Debts are incurred for transportation and the trafficker's fee. A case of 72 Cambodian men in Kompong Som in March 2004 was intercepted by Kompong Som police. The men were forced to pay 40,000 riel (US\$10) for the travel and transportation cost and 220,000 riel (US\$55) to the traffickers. The traffickers had planned to take the men to an island, Puluvai, where Thai middlemen were waiting to pick them up before selling them to Thailand.¹⁰³ Men who are long-term migrants in Trad (since 1996) state that they crossed the border and paid 70 baht (US\$1.75) for the border pass. A few male respondents from Prey Veng stated that they did not use smugglers but travelled independently. Other family groups report paying 1,000 baht (US\$25) from Prey Veng to Koh Kong via Chba Ampou, just outside Phnom Penh, by taxi to Koh Kong, where they took a motorboat for 100 baht (US\$2.50) per person with other migrants to Kao Wong¹⁰⁴ and walked to Thailand across the mountains. Guides are employed to assist in the journey. This took two to three hours.

Men tended to travel in small groups with other relatives, such as brothers, uncles, brothers-in-law, and friends and neighbours who had previously worked in Trad and who were able to support and provide protection to female family members, lessening vulnerability.

¹⁰² Asian Migrant Centre, 2002: 54. Also see Annex 5.

¹⁰³ Found on Cambodian weblog, since erased. Date of incident 29 March 2004.

¹⁰⁴ See Annex 1 on legal and illegal crossings.

Migrating Cambodian women and girls, especially those being transported into the sex industry, travelled alone with the trafficker, brothel owner or guide, increasing their dependency on that person and therefore their vulnerability. Female fish processing respondents working in Klong Yai were transported by boat from Kompong Som to Klong Yai with boat owners from Kompong Som or from Koh Kong to Klong Soan by boat. The cost is from 300 to 500 baht (US\$7.50–12.50). The journey took two to three days and migrants travelled in small groups, hiding at the bottom of the boat from the police. If discovered, the boat owner has to pay the police.

Another female respondent from Kompong Speu was taken via Sre Ambel to Koh Kong and then walked across the mountains into a taxi to Klong Yai. The cost was 3,000 baht (US\$75); 500 baht (US\$12.50) was paid to the border police who guard the mountain. A single man working in the ice factory came by wooden boat from Sre Ambel by sea to Trad and paid 3,000 baht (US\$75).

Three girls interviewed working in the sex industry in Trad were transported from Phnom Penh to Koh Kong by taxi, where they were picked up by the brothel owner from Trad who made a VIP pass for crossing the border at the international checkpoint which cost 2,300–2,500 baht (US\$57–62).¹⁰⁵ They then took a taxi from there to the brothel.

I was transported from Battambang to Phnom Penh, and then to Koh Kong by taxi and escorted by a Cambodian male brothel owner and driver who is also a military policeman in Koh Kong. I was not allowed to get out of the car even during the ferry crossings. When we arrived in Koh Kong they took me to stay in a guesthouse where I had to wait for two days while documents were made and I crossed at the international checkpoint and was given a small red passport and told to say I was visiting relatives.

Another woman travelled alone to Trad to work seasonally selling fruit. She stated that she had problems with the Thai police at Kao Wong who would not let her cross. Women and girls trafficked alone can be easily detected by immigration and border police, increasing their risk of further violations and problems.

The improvement in the road and transportation system from urban centres such as Phnom Penh to Koh Kong and across the border to Trad has increased the ease of internal trafficking to Trad as well as to Koh Kong. Travelling to the Klong Yai area by boat from the islands surrounding Koh Kong and Daung Tong itself avoids police and immigration officials.

Cross-border migration – general situation of Cambodians in Trad

Greater vulnerability to trafficking exists for those migrating far from their home and crossing from Koh Kong to Trad, the southern eastern province of Thailand. As legal means through private labour offices are not accessible for most Cambodians, the majority seeking to migrate use illegal means with traffickers/smugglers as outlined previously.

On arrival in Thailand, 'Often the only available options left to migrant trafficked workers are to work in 3D jobs – difficult, dirty and dangerous being expected to work longer hours for less pay than their Thai counterparts'.¹⁰⁶

Many Cambodian low-skilled, low-income migrant workers remain undocumented and do not register with the Thai authorities. In July 2004, there was a nationwide decline in registering, owing mainly to the cost and low benefit of registration for migrants.¹⁰⁷ Some report being

¹⁰⁵ See Annex 1. Officially, only NGOs and officials can use the VIP pass at a cost of US\$30. During interviews, various prices were given for the VIP pass.

¹⁰⁶ Haspels, N. and B. Suriyasarn, 2003: 11.

¹⁰⁷ Arnold, D. 2004: 7.

charged 10,000 baht rather than the official price of 3,800 baht (US\$250 rather than US\$95). It is estimated that the number of undocumented workers working in physically hard jobs and avoiding the authorities is three times higher than that of registered.

However, migrants continuously strive to return to the worksite. This was reiterated by one Cambodian fisherman: 'The police came to ask me for the legal documents for working here but I didn't have them, so they arrested and detained me at the prison and then deported me to Cambodia but within one day I was back working here and am still unregistered'.¹⁰⁸

Cambodian migrant workers who may also be victims of trafficking and smuggling are natural targets for exploitation; they are easy to control owing to their undocumented status. This means much of their life is spent hiding from the authorities and law enforcement offices for fear of arrest. They are also targets of exploitations for agents, employers and boat owners.

With cultural differences, lack of contact with the local Thai population and lack of ability to communicate effectively in Thai, Cambodian migrants are wrongly accused of robbery and other criminal activity. This often results in conflict and fights with Thai co-workers, especially in the fishing industry. One ex-fisherman declared: 'If the Cambodians made a problem, the Thais would kill or hurt them – it was their country so no problem for them.'

Cambodians are separated from their family and community support networks. This puts them in a new hostile environment where they then find themselves excluded from mainstream society, not able to attend school, living in slum-like dwellings, which are overcrowded and unhygienic, and subject to a high cost of living. This results in an inability to save money other than for basic needs; lack of banking access for migrants further complicates this problem. Combined, these factors make it increasingly difficult for them to access freedoms and rights (even if they knew what these were) and look for medical assistance, support or legal protection. They face numerous problems on a daily basis, leaving it impossible to complain about working conditions and pay, or to make demands. Cambodian migrants have no redress or place to make complaints; they do not trust police or local authorities, who are known to be responsible for violations against migrants.

Even with the proper Thai employment registration papers, Cambodian migrant workers (the majority of whom are men) are at the mercy of unscrupulous owners and bosses, are obliged to accept any kind of job, living and working conditions,¹⁰⁹ and are constantly harassed by authorities and law enforcers who can request payment and threaten jail or deportation. Fear of arrest for all Cambodians working in Trad is real, owing to the close proximity of the working places to the border (Klong Yai is only 10km from the border).

Undocumented men

Undocumented Cambodian men report cases of debt bondage when they were forced to pay off fees (paid by the employer) to the traffickers/smugglers for their recruitment; salaries were withheld until the debt was repaid. Men may have to find additional finances in order to pay back traffickers/smugglers and authorities on both sides of the border. Payment to the Thai police to look the other way if employers hire undocumented migrants is also the burden of undocumented migrant workers. Other respondents stated that the factory owner encouraged the migrants to hide in the mountains when the police arrived to check their documents. Undocumented men are largely excluded from services in Trad and Thai migration policies mean the law is there to prosecute rather than protect them, resulting in repeated avoidance of police and authorities, making them more vulnerable to various forms of exploitation and control by employers.¹¹⁰ In certain industries, however, such as fishing,

¹⁰⁸ UNICEF, 2003: 8.

¹⁰⁹ World Campaign for Human Rights, 2003: 7.

¹¹⁰ Asian Migrant Centre, 2002: 76.

where exploitative conditions are regularly reported, men are often prevented from registering by the boat owner as men may not have shore leave and can be working in far away locations. Others stated that they had not registered owing to the high cost of the registration fees and the lack of Thai language. Male respondents claim they are permitted to register by their employers but fear deportation and arrest by the police if they leave their work areas to go to do so. Employers also gain from non-registering, as this means they can pay workers below the legal minimum wage. Law enforcement is weak even for registered workers, with Cambodians seeing little value or benefit in registering. However, without such documentation, Cambodian men are unable to access services and remain constantly worried about arrest and deportation.

Undocumented women and girls

During the research in the target areas, it was found that all of the female Cambodian migrant respondents were not registered. This is another major factor increasing the risk of trafficking and exploitation at the destination point. For example, as reported by the RaksThai Foundation, it is estimated that in the fish processing industry fewer than one in three female migrant workers are registered.¹¹¹ Undocumented female workers in the fish processing industry fear leaving their work area and job owing to their undocumented status. A fish sorter stated her wages were taken by her alcoholic stepfather who beat her; she was unable to contact the police owing to her family's undocumented status. One woman who works in a factory in Klong Yai stated: 'In this industry most people do not register and I have no money to register and the owner does not pay for the registration either'.

Furthermore, it appeared women and children accompanying husbands were rarely registered, as the family could only afford for the men of the family to register, placing women and children in a far greater vulnerable situation. As one woman selling fruit reported, 'When the police arrest you there you have to give them money. When the police came, I ran away. Thailand was very difficult. The police kept interrupting work.'

Undocumented women and girls who are trafficked in the sex industry in Trad are not permitted to register at all, as the sex industry is illegal (including direct and indirect sex workers) according to the 1996 Prostitution Act.¹¹² In Thailand there are said to be 3,000–8,000 undocumented sex workers.¹¹³ This makes them prime targets for extortion, bribes, abuse and exploitation by the authorities and for detention, arrest and deportation in violation of the two MOUs signed between Cambodia and Thailand.¹¹⁴ They are therefore forced to isolate themselves from the community, making it extremely hard for them to access any services. In addition, Thai hospitals and clinics are reluctant to take care of workers who are undocumented and those that do charge high prices.

Hence, working in the sex industry is unregulated and unrecognised and not one of the designated areas where registration is permitted. Owing to the nature of the work, Cambodian sex workers have double the vulnerability of other female migrants. Reportedly, sexual violence and rape are committed by police and military personnel. Sex workers face worse discrimination; they are not seen as worthy of empathy and human rights as they are at the bottom rung of the societal ladder. As a large proportion of Cambodian women and girls work in these industries, their status results in less protection and increases the vulnerability which they face. Without familiar support structures, they lose control over their own lives. Even in registered industries since 1999, any pregnant female migrants have been

¹¹¹ Press, B., 2003: 24.

¹¹² See Annex 2 for Thai and Cambodian laws.

¹¹³ Physicians for Human Rights, 2004: 13.

¹¹⁴ MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Human Trafficking, signed 31 May 2003 and the MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Cooperation in the Employment of Workers, signed 31 May 2003.

denied the right to renew work permits and they and their families have faced harsh deportation policies.¹¹⁵

On the other hand, Cambodian men in work in industries that are covered by the labour laws are permitted to register but employers and migrants do not always register. In the fishing industry six migrants were confirmed not registered and four were confirmed registered out of 17 interviewed. In sawmills and fish processing, the migrants interviewed were not registered, whereas those in the ice factories were documented.

None of the Cambodian female migrants interviewed were registered in the sawmills, fish processing and sex industry. The lack of human rights for migrant women as undocumented leaves them vulnerable to trafficking, without access to services or knowledge about human rights and laws.

Trad as a transit location

The following information details the various industries in which Cambodian men and women work in Trad province. It was not found that trafficking was present in all cases of migrants interviewed but the conditions below indicate exploitative labour and elements of trafficking, particularly in the sex industry. Further research and interviews are needed to substantiate clearly as to whether migrants were trafficked or smuggled. In addition, it should be stated that Trad itself is both a destination and transit point for trafficking of Cambodian men, women and girls. As a transit location, there are reports from a number of sources that Vietnamese and Cambodian girls are trafficked through Trad to other destinations in Thailand and also Malaysia. Although possible this could not be clearly confirmed.

Living and working conditions findings

- The living and working conditions for women and girls in Trad and Koh Kong in the sex industry highlight the exploitative nature of trafficking, particularly with regard to debt bondage, which allows brothel owners to control and manipulate the situation.
- When Cambodians cross the border, the likelihood of exploitative labour conditions and trafficking increases. Coupled with undocumented status, this can create further vulnerabilities with no access to redress and services.
- Cambodian women and girls work in gendered occupations which are less likely to be registered owing to the illegal nature of the work and also to gender inequalities. Crossing the border to Trad increases the vulnerability of Cambodian migrants, particularly so for women and girls, and especially for sex workers. Men have more access to registration procedures and are therefore less at risk.
- Cambodian girls in Koh Kong and Trad suffer from extreme human rights violations, violence, rape, exploitation, debt bondage and lack of freedom.
- Exploitative labour was found in other industries both for men and women (sawmills, ice factories and fish processing).
- For men, exploitative conditions were visible in the fishing industry owing to the unsafe conditions and excessive working hours.

Living and working conditions analysis of Cambodian women and girls in the sex industry (Trad)

With regard to the sex industry, there is some documentation. In 1999, the BAHAP project reported 15 brothels, against 100 brothels and 1,000 sex workers during the logging boom.¹¹⁶ In August 1999 in Klong Yai, the closing of sawmills – restricting log imports from Cambodia – and also a crackdown on brothels meant some sex workers were forced to leave the

¹¹⁵ Thailand's 1999 Cabinet resolution also orders the mandatory pregnancy testing of registering migrants and their forced deportation if found pregnant. This violates Article 11 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). This information was found in MOWVA, 2004: 24.

¹¹⁶ Bardon J. M. and W. Em-Im, 2000: 15.

area.¹¹⁷ However, the increase in the number of Cambodian fishermen moving from Koh Kong to work in the fishing and construction industries has impacted on the numbers of sex workers. The number of sex workers seems dependent on the fishing season and number of Cambodian fishermen. In a more recent report by RaksThai it was stated that in Klong Yai district, Trad, the number of girls can range from 20 to 85.¹¹⁸

Sex workers in Klong Yai are rotated on a regular basis, so the team was only able to obtain figures from September 2004.

Table 5.4 Karaoke owners, workers and numbers of rooms in Klong Yai, September 2004

	Karaoke owners	Number of girls	Number of rooms
Khmer	19	81	19
Thai	2	n/a	2

Source: owing to the sensitivity of this industry, the source of these figures is confidential.

Female migrant workers

The brothels in the sample area masquerade as karaoke establishments; they are based in Klong Yai commune in Ban Klong Soan, with one in Kallapangha port. They comprise simple wooden shacks with basic amenities. The girls live there in small narrow rooms or flimsy cubicles, sharing three to a room, with nothing more than a mattress on the floor, a fan, and magazine pictures on the walls. The girls have to pay 600 baht (US\$15) per room and 3,000 baht for electricity, food and water (US\$75). The Thai authorities in this area only allow three girls per room. The reason was unclear.

There are also a number of brothels on the islands of Koh Kud and Koh Chang, a tourist destination three hours from Klong Yai. When the weather is bad and the fishermen are unable to come into port, they land at these destinations. Owing to stricter law enforcement, brothels have become less prominent and have been replaced by numerous karaoke bars, which are considered legitimate establishments.¹¹⁹ In addition, there are a number of beer gardens where a few Cambodian girls work selling beer, but no detailed information could be obtained as girls were too afraid to discuss with the research team. The karaoke bars are said to be controlled either by Thai police officers or directly by relatives of the police. The majority of the karaoke owners in Klong Yai are Cambodians who have previously lived in Koh Kong. Their business premises cost 150 baht (US\$3.75) per day per room.

The karaoke establishments that research staff visited were low-standard brothels with 11 girls, three girls in each room. Each karaoke room has three girls, of whom a number had been trafficked to other places before coming to Trad; some had been sex workers before and others had been transferred from the brothels in Cambodia (Phnom Penh, Kompong Som, Koh Kong and Battambang). The girls found in the sex industry in Trad are between 16 and 30 years old.

The girls in Trad do not have sex with clients on the premises of the karaoke. The girls have to go with clients to a rented room near the karaoke shop which costs 50 baht (US\$1.50) per hour. The customer is responsible for paying for the sex worker, the motodop and the rented room. Thai clients prefer to use hotels in Klong Yai rather than rented rooms. The research staff reported that the brothels had a high turnover of girls and on average the girls stayed in the brothel for around six months with an increase in the number of girls during the full moon period. A number of informants stated that Cambodian women and girls were moved

¹¹⁷ Ibid.: 27.

¹¹⁸ Press, B., 2003: 43.

¹¹⁹ Press, B., 2003: 16.

between Koh Kong, Koh Kud and Klong Yai. Many of them are given new identities and names in order to comply with the owner's demands and expectations.

Working conditions

Lack of freedom: Girls have no freedom outside the confines of the karaoke owing to fear of the police and control by the owners. Girls find themselves alone and isolated from any support or contact with other Cambodians working in the area. The majority of girls fear arrest and therefore are not permitted to leave the brothel premises. One girl, however, said that she returned to Koh Kong to visit her family as the brothel owner dropped her at the border. She stated she had a legal document but the police refused to let her go and detained her for the whole day until she paid money. In addition, trusted motodop drivers are used to accompany the girls when they go to the rented rooms with customers.

Serve many clients: Sex workers interviewed state they had to serve many clients, especially during the full moon period. The conditions are exploitative as they are forced to sell sex and have no power to choose customers. Some customers use pills to increase their sexual capability. The customers are mainly Cambodian migrant workers who themselves are working in exploitative situations, as well as a few Thai and Burmese.

Documents/papers: The girls have the blue passport (border pass) which has to be stamped every month at the border checkpoint. The brothel owner takes the girls to the checkpoint. The cost to the immigration police is 1,000 baht (US\$25). However, there appears to be no official border pass which can be stamped every month. The situation of these 'other' border passes could not be clarified.¹²⁰ The brothel owners take the border pass from the girls to protect themselves, which prevents girls from escaping: the police will arrest and deport girls as she has no legal status without her border pass.

Earnings: The amount sex workers can make is generally higher than for other work in Trad province. However, the risks are higher in that the girls face daily harassment, threat of being arrested as well as being under the control of the karaoke owner and pimps who take a cut of any money the girl makes. As Cambodian girls are at the cheapest end of the sex industry, serving mainly Cambodian fishermen, payment per sexual act is much lower than for their Thai counterparts.

The girls can earn 50–150 baht (US\$1.25–3.75) per sexual act or around 200–300 baht per hour (US\$5–7.50) and 1,500–2,000 baht per night (US\$37.50–50). During the period of the full moon the girls can earn 2,000–3,000 baht (US\$50–75 per day) but in the normal period can earn only 200–300 baht per day (US\$7–7.50). Half of all their earnings are taken by the karaoke owner.

Working hours: The girls work from 2pm to the early morning and cannot sleep even if there are no clients. They normally work 10 hours a day, seven days a week. The girls never have a day off. During the days of the full moon there are many clients and the girls work from morning to the early hours of the next morning.

Other risks

Sexual assault by authorities: Cambodian women and girls working in the sex industry are often forced and coerced into providing free sex to avoid penalties, i.e. sexual exploitation and assault by the police, military, immigration officials and employers. They face further violence or have to pay bribes for basic help, the turning of a blind eye to their undocumented status, or the protection of the establishment (karaoke owners give some financial incentive for this).

¹²⁰ See Annex 1 on legal documents.

Dangerous practices: There are reports from Cambodian sex workers that Thai men and especially Cambodian fishermen use penis enhancement marbles or balls on the end of their penis and small pieces of glass. These enlargement devices, known as *fang muk*, can cause vaginal walls to rip, which causes the girls to haemorrhage and sometimes die.¹²¹ Such practices increase the likelihood of HIV/AIDS. This information was substantiated by girls working in Koh Kong and Trad and in other reports such as the RaksThai 2004 report.¹²² Sex workers in Klong Soan reportedly taking drugs (yamma), possibly under force. Girls are also forced to drink a great deal of beer to persuade and encourage clients to drink more, increasing the amount of money the karaoke owner can make.

Violence from customers and risk of HIV: Attitudes towards women and particularly migrant women mean that such women in the sex industry suffer from physical and sexual abuse. Girls in Trad complained about the nature of the sex. One girl stated that the sex is 'ugly and horrible'. They frequently get into arguments with customers about condom use which can result in the customers using violence and raping the girls. The girls report that some clients refuse to use a condom and they have no choice as they require money to pay off the debt and daily costs. The rates of HIV infection for sex workers are among the highest in Thailand.¹²³ One girl interviewed said she had a disease which gave her stomach ache and took tablets which the karaoke owner had given her. Lack of language and cost deterred her from going to the hospital. During the full moon the men are often drunk, cause fights and are violent.

Forced to have sex: Newly arrived girls are permitted by the karaoke owner to serve beer and sing karaoke. Within a short period of time, sometimes the same night they arrive, they are forced to have sex with the customers as the karaoke owner reminds the girls that in order to earn their freedom, they must take customers to repay the debt. Girls claim that on arrival at the karaoke they are forced to have sex with Thai policeman, thus compounding their fear of the police and owner, resulting in compliance. This was reiterated in another resource book: 'In Klong Yai the police had special arrangements with the karaoke owners and could take the girls for free'.¹²⁴

Threat of arrest and deportation: Cambodian women and girls working in the sex industry encounter threats from the police and immigration authorities of arrest and deportation owing to their illegal residence and illicit work.¹²⁵ The karaoke owner told one respondent that if she left the karaoke the police would arrest her and send her to prison. When the girls are arrested the brothel owner pays 2,000 baht (US\$50) release money per girl to the police. This bribe money is added to the girl's debt, which generally is between 5 and 10,000 baht (US\$125–250).

Escape: One girl escaped when other female relatives working in the karaoke agreed to stay and pay off her debt (50,000 baht – US\$1,250). Another girl managed to contact a friend who was a policeman in Trad and some girls were assisted by male clients.

Discrimination: Discrimination against Cambodian female migrant workers, particularly sex workers, is commonplace in Thailand owing to the stigma of being a sex worker and a migrant worker. Sex workers, as a result of the increase in HIV/AIDS, are seen as being 'diseased', 'bad girls' working to lure unsuspecting men.

¹²¹ Press, B. 2003: 12.

¹²² Ibid.

¹²³ Chantavich *et al.*, 2000: 135.

¹²⁴ Wijers, M. and L. Lap-Chew, 1997: 174.

¹²⁵ Skrobaneck, S. *et al.*, 1997: 66.

Debt bondage

The majority of sex workers are financially indebted to the brothel owner and trafficker and often are not aware of the amount. This amount accumulates through payments for:

- Transportation and traffickers fee (even though the girl was promised a well paid job and did not know she would end up in the sex industry, the debt will have to be paid by her).
- New clothes and makeup bought by brothel owner.
- A loan which families took from the trafficker or karaoke owner.
- Money borrowed money from the karaoke owner to support siblings and family members. The trafficker persuaded two respondents interviewed to borrow money from the brothel owner to send back to their families. The trafficker said she would take the money to their families: 8,000 baht (US\$200) and 10,000 baht (US\$250).

Respondents have debts to the brothel owner amounting to around 15,000 baht (US\$375). The girls have to pay inflated prices for food, medicine, electricity, clothing and makeup, costs of which are constantly added to their debt. They have to share half their fee with the karaoke owner. The girls hope they can eventually earn enough money to pay off the debt but this rarely happens as the brothel owner keeps adding expenses. Debt bondage is an easy way for brothel owners to make additional money from the girls, and a method of controlling and forcing girls to comply with the wishes of customers. Despite such exploitation, girls rarely question the debt bondage system, merely accepting it as their duty to pay back the karaoke owner.

Living and working conditions analysis of Cambodian women and girls working in the fish processing and other industries

In the fish processing industry, only a few respondents were interviewed as respondents were fearful of their bosses. At the piers in Klong Yai in Trad province and in factories, women and girls work in shrimp peeling, and fish processing and sorting. It is common to find Cambodian migrant women in these industries as the work is labour intensive and salaries are low. In 2003, there were a reported 597 Cambodian women registered as working in fisheries in Trad.¹²⁶

Many of the women come from Kompong Som and Kampot, which are traditional fishing areas in Cambodia. Before arriving, they knew other residents from their communities who had gone to work in Thailand. The work tends to be seasonal from December to July; it continues during the monsoon months but working hours are shorter.

The research witnessed around 100 young Cambodian women and children working in this industry in each port, especially shrimp peeling or fish sorting, dividing the fish and wearing gloves and rubber boots. In 2003, UNICEF released a report on the conditions of Cambodian children working in Trad province.¹²⁷ There are estimated to be around 50–200 children working in the fishing industry fish peeling, fish sorting, drying fish, and shrimp peeling, as well as some men.¹²⁸ The children are related to the women who are working and try to earn additional money for the family. Wages in the fish processing industry in Trad vary depending on the type of work. One 10-year-old boy said: 'I can shell around 6–10kg per day and they pay me 12 baht per kilo. Sometimes I can earn 100 baht [US\$2.50] per day and all the money I give to my mother.'

Shrimp peelers work from morning to evening at the port or in the ice factory. Their income depends on their experience but the average is around 10–12 baht per kilo. They can usually shell 10–15kg per day and average 60–100 baht per day (US\$1.40–2.50). Fish dryers were

¹²⁶ Press, B., 2003: 25.

¹²⁷ UNICEF, 2003.

¹²⁸ Ibid., 2003: 49.

paid according to the amount they could dry, around 300 baht (US\$7.50) for two weeks. The fish sorters earn 3,000 to 3,500 baht per month (US\$75–87.50, usually 100–120 baht per day).

Living conditions

The women and girls rent houses together for which the cost is between 800 and 1,000 baht (US\$20–25) per month. Electricity and water are 500 baht (US\$12.50) and it is 60 baht (US\$1.50) per day for food.

Working conditions and risks

Fish sorting is not regular and is dependent on the arrival of fishing boats in the port. When boats arrive, sorters work more than eight hours a day, seven days a week, with no day off and no holiday. Fish sorting can involve working all night in unhygienic working conditions; hands become soft from the salt water.

Respondents interviewed were not registered owing to the cost. As with fishermen, women working in fish processing may not have access to health services in Trad province as factory owners hold the registration papers and cards required. Bopha's family had migrated two years previously and had brought her to Klong Soan to join them and made her work as a fish picker, for which she earns 100 baht per day. Her stepfather takes all earnings to pay for his alcohol and beats her when he is drunk. Her mother wanted to complain to the police but is afraid the police will arrest them.

Debt bondage

One young female respondent from Sihanoukville who had a family crisis owing to health had to borrow money from an uncle for medical costs. She had worked in fish processing in Klong Soan; on arrival her uncle took an advance of half of her salary for half a year for the debt owed for transportation and medical costs, so instead of 3,000 baht (US\$75), she received only 1,500 baht (US\$37.50).

Domestic work: A small number of Cambodian women and girls were interviewed who worked in Thai families in Trad province, working from morning to evening for 1,500–2,500 baht (US\$37.50–62.50) per month; they were in good families with friendly employers. One woman in Mesang whose daughter had migrated to Klong Yai for domestic work complained that the employer never paid her daughter.

Cleaners: Cambodian girls are found working as cleaners in the hotels in Klong Yai and work from 8am–4pm seven days a week, earning a salary of 2,500 baht (US\$62.50) per month. There is also a demand for Cambodian girls in the tourism industry, working in hotels as cleaners. These girls generally work eight hours per day, are allocated four days per month off and are provided with lunch and dinner. The salary is between 1,800 and 3,500 baht (US\$45–87.50) per month but depends on experience and tips from customers. Conditions are generally better in Koh Chang as the girls are permitted to have holidays, are registered, and are given accommodation.

Shop assistants and construction workers: Shop assistants are paid from 1,700 to 3,000 baht (US\$42.50–75) per month, working 10 hours a day, seven days a week. Girls from Prey Veng also work in the construction industry in Trad and, depending on the owner, are given free accommodation and medical assistance. They tend to do lighter physical work compared with the men and work from 8–12 and 2–5, seven days a week. One girl interviewed stated a salary of 4,500 baht (US\$112.50) per month; this seems high: it may be that she had a reasonable employer.

Waitresses: Waitresses in Klong Yai restaurants earn a salary of 1,500–2,500 baht (US\$37.50–62.50) per month, work 8–10 hours per day, with no holidays or days off. Their

counterparts in Koh Chang work from 7am to 10pm. Their basic salary is around 1,800 baht to 2,500 baht (US\$45–62.50) and they are not issued with contracts.

Cambodian men and trafficking

During the data-gathering process, the researchers were unable to meet Cambodian men who had been directly sold by a trafficker. One trafficking case of a fisherman from Kompong Som was documented who in Klong Soan was told by a trafficker that without paying a fee of 2,000 baht (US\$50) he could not secure a job and was promised 5,000 baht (US\$125) per month. On the boat he was not paid a salary, as the boat owner informed him that his salary had been given to the trafficker. The boat was a large boat travelling to Pattani and rarely docked so he could not escape. Furthermore, reports from residents in Trad state that Cambodian men, especially young, single men, were being trafficked through Trad to other destinations such as Rayong and Pattani (an area frequented by boats from Trad) and sold for 1,000–5,000 baht (US\$20–125) to boat owners. A common route for such activities was said to be from Kompong Som or Sre Ambel to Klong Soan in Trad, where there are three established safe-houses used by traffickers. These latter promised work then sold the men on to large fishing boats which came from Pattani. The research team were not able to substantiate these reports as victims were not residing in the area of Klong Soan.

Pattani is an area seen to be unstable owing to regular conflicts with Muslims and the authorities. Fishermen who regularly dock in the area report witnessing difficult conditions for Cambodian migrant workers. It is consequently possible that the fishing industry may have difficulties recruiting migrant fishermen through the usual channels without involving some coercion. It was reported that Cambodian men in the source provinces are lured with false information of high wages to Trad and other areas such as Pattani, Rayong and Samut Prakarn.

The research found higher instances of labour exploitation and cheating by smugglers which was hugely evident in many industries in Trad but tended to be more prevalent in the fishing industry. Migrant male respondents report cases of exploited labour where fishermen were not paid by their bosses and also of recruiters cheating men to pay them money for transportation and then dumping them at the border. One village chief reported six or seven cases where men had been left at the Thai border. These cases are difficult to solve since the person who had cheated the migrants was still present in the community, indicating fear of this person. One respondent was told he could earn a lot of money but on arrival he waited for half a month without work or food.

Living and working conditions analysis of Cambodian men working as fishermen

In Trad, it is estimated and reported that 90% of the fishermen are Cambodians¹²⁹ and were originally from poor provinces such as Prey Veng, Kampot, and Kompong Som. Some fishermen previously worked on boats carrying logs and wood from Cambodia to Thailand but had changed occupations with the ban on logging. Thai men no longer choose to work in the fishing industry owing to the improvement in the economic and development situation in Thailand, creating a large demand for migrant fishermen. Along the Thai coast there are various types of boats: small, medium and large. Small boats go out nightly to catch squid or shrimp, for three to seven days. This work is physically hard with very little sleep; there is a crew of three to five. Medium boats with a crew of 5–29 and large boats with a crew of 30 or more can be at sea for weeks. Medium and larger boats are found in Trad province and often travel as far as Malaysia, Singapore and Pattani. The larger boats are deep-sea trawlers that leave for three months, six months and one year, often depending on the size of the port. The large and medium boats are called *aun dam* or *aun sam*. Conditions on board depend on the type and size of the boat. Fishing locations are determined by the amount of fish. In 1998, there were an estimated 250–480 boats docking at Ban Koh Makam/Ban Klong Soan,

¹²⁹ Press, B., 2003: 30.

with an estimated 1,000 fishermen.¹³⁰ The fishing season is from December to July. Cambodian men also work at the ports as dock workers or labourers. Owners of the boats were all Thai.

A substantial number of the fishermen are undocumented (six confirmed out of 17, with others with unclear status) and do not complete the registration process. The fishing industry is notorious for exploitative working conditions, as seen below. However, this is dependent on owner and type of boat although it can be stated that the larger boats, because of the nature of their trips, are more exploitative, as the boats travel to distant places not allowing for docking and free time. According to the recent study by the RaksThai Foundation, 'These large trawlers go out for six months for up to three years or more, docking internationally and selling their catch. The crew can be sizeable with at least 40 men who are mostly young and single.'¹³¹ Cambodian fishermen stated that they chose not to work on these boats if possible, preferring those that docked on a weekly basis where the salary was paid every month.

Living and working conditions

Squalid living conditions, poor ventilation and overcrowding add to health problems; men sleep on the boats or are given rooms by the port owners. If on smaller boats which dock regularly they rent rooms for 700 baht (US\$17.50) per month.

Salaries: Respondents interviewed in Trad earned from 4,000–6,000 baht (US\$100–150) per month. Two fishermen received 4,500 baht (\$112.50) on a large boat and were paid every four months. Another received 40,000 baht (US\$1,000) for 28 months work or 30,000 baht (US\$750) per year. Shrimp fishermen were paid 90–100 baht (US\$2.25) a day plus 3% extra on the income when the boat owner sold the shrimp.

Long hours and overwork: Cambodian fishermen report working out at sea for many days and being due shore leave but then unexpectedly being transferred to another boat near shore and made to return to sea. Fishermen often work 18 hours per day but on average, depending on the boat, 10–12 hours a day. Fishermen work at night and in the mornings they repair fishing nets, leaving the afternoon for rest. The conditions and work on the boats are demanding, including carrying heavy weights and nets all night long; there are reports of fishermen dying from exhaustion.

Lack of free time: Fishermen interviewed had four to five days a month off, but this depended on the boat. One respondent working on a large boat reported having only two hours rest in the whole day.

Forced to work: One fisherman stated that he was unable to quit work on the boat. Even though he wanted to leave, his boss forced him to continue. A number of fishermen report having contracts with the boat owner despite being undocumented, and being forced to honour this. Only when the boat docked could fishermen leave, once the salary was paid. (Sometimes this was after one year.)

Other risks

Salaries not paid: Fishermen working on large boats, which go out for a year, are frequently cheated and salaries are not paid, especially if they leave before the allotted contract date. Those who do receive salaries are paid on a six monthly or yearly basis. Boat owners frequently keep pushing back the salary date in order to maintain control over the fishermen. One interviewee stated that boat owners always cut the salary of the workers. 'I earned

¹³⁰ Chantavich, S. *et al.*, 2000: 127 and 128.

¹³¹ Press, B., 2003: 19.

50,000 baht [US\$1,250] per year, but after the boss calculated and cut my daily expenses from this money, I got only 20,000 baht [US\$500].'

Tricked by the boat owners: There were reports that, after paying salaries, the owner informed the Thai police that the migrants were undocumented, so the police arrested and jailed them. The police then took a cut of the money and returned the rest to the boat owner.

Extortion: Like many migrants, fishermen are sometimes cheated out of their salaries and savings by traffickers, smugglers, boat owners and police. Contrasting reports indicate that some boat owners helped the fishermen when they were arrested by the police, while others deceived them.

Dangers: Fishermen endure rough seas and risk the boat sinking. One fisherman reported that he fell while repairing the boat and hurt his back, from which he has not recovered. Another fisherman stated: 'The boat with five people in sank and one Thai man who worked as foreman died. So, I came back home.'

Murder and violence: There is a growing amount of anecdotal evidence to suggest that, with 20-hour working days, murder by employers sometimes occurs of fishermen who are unable to keep up the strenuous routine. Some are killed during fights amongst the fishermen. A few fishermen reported beatings by the boat owner or the boat driver when they were not satisfied with their work.

Fear of police, arrest and deportation: Fishermen not registered live in constant fear of the police and authorities, especially during times of docking along the coast. As one fisherman stated, 'I am scared of being deported. Back in Cambodia jobs are very scarce. Last time there was a police raid, I hid in a muddy swamp for hours.'¹³²

Personal issues

Drugs: In previous research on fishermen it has been stated that the boat owner or chief on the boat laces drinking water with yamma, an amphetamine to keep them awake during the physically gruelling work schedule. Fishermen become addicted and other 'people' sell it on the boats. It is unclear how widespread this practice is. The majority of the fishermen interviewed claimed they were never *forced* to take drugs but many did because it helped with energy levels. One ex-fisherman from Prey Veng said; 'The boat driver did not force me to use drugs. I could use it if I wanted to, but it was my choice. I used yamma. It was 100 baht [US\$2.50] per time.' (He came back to Prey Veng addicted.)

Gambling and fighting: Gambling and fights break out on the boats owing to the cramped conditions and fishermen report injuries from such altercations.

Lack of food: A few fishermen complain that during the time spent at sea they do not have enough food to eat.

Lack of savings/money management: When fishermen have shore leave, especially during the full moon, they head to the bars/karaoke establishments in Klong Soan for drinking, gambling and sex. A substantial amount of their salaries is spent on alcohol, drugs, karaoke and sex workers, and gambling.¹³³ Many fishermen are paid at four-monthly intervals, meaning that once they dock, they have large sums of money (500–1,000 baht – US\$12.50–25) which is spent on 'entertainment', clothes and medical care.

¹³² Press, B., 2003: 28.

¹³³ Ibid: 86.

Medical problems: Owing to the physical demands of the job, Cambodian men frequently get ill. Disease is easily spread as a result of close proximity and overcrowding on boats. Some boat owners provide medicine, but this is always deducted from the salary. During the full moon period, fishermen flock to the karaoke shops in Klong Yai to drink and visit Cambodian sex workers. Risk of HIV/AIDS and STDs is high. Fishermen also indulge in risky practices such as penis enhancement, as stated by sex workers (see page 64 of this report).

Fishermen have difficulties accessing health services owing to lack of time at shore at the same place where they have registered. Boat owners refuse to let them leave the boat and go to shore or provide any medical assistance on the boat.

Living and working conditions analysis of Cambodian men working in other occupations

Construction work: Cambodian men were found working in the construction industry in Koh Chang and around different areas of Trad province, although Cambodian women also labour in this industry. The men work for eight or nine hours per day, seven days a week, without contract or safety equipment. Those who have more experience or depending on the boss are paid a higher wage – around 1,000 baht (US\$25) per week, this is lower than the amount for some normal workers and the contractors tends to be Cambodian. The workers are paid 80–250 baht (US\$3.75–6.25) per day (the higher price is paid in Koh Chang, where wages are generally higher). The employer provides some accommodation but food, electricity and water are paid by the workers. The majority of construction workers are registered and have never faced problems of non-payment of salaries. A number of construction workers were previously fishermen. Families in the researched source province of Prey Veng reported their sons and husbands earned 100 baht (US\$2.50) a day, and the salary was only enough for their living expenses. Salaries are clearly dependent on location, worksite and employer.

Plantations: Cambodian male migrant workers work in the rubber plantations in Trad province and are provided with holidays and contracts. The pay is 70–80 baht (US\$1.75–2.00) per day. Accommodation is provided but electricity and water have to be paid by the workers. Daily expenses mean migrant workers are rarely able to save money.

Living and working conditions analysis of Cambodian men and family groups working in the sawmills

In the Klong Yai area there are only five sawmills now in operation owing to the logging ban. In previous years, sawmills were numerous in Trad but now the workload has reduced and therefore the need for Cambodian workers has lessened. The Cambodians working in this industry come from different provinces: Mesang (Prey Veng), Kompong Cham and Kampot. Both men and women work in sawmills. Some of the workers have been working in this industry for 10 years and live in the compound with their families.

In the sawmill where interviews took place there lived around 30 families, providing temporary work for relatives who have recently arrived from Cambodia seeking job opportunities. Sawmill owners and managers were reportedly Cambodian long-term residents.

Living conditions

Sawmill workers are provided with free accommodation in compounds with cramped and overcrowded rooms. The owner of the factory visited, who is Cambodian and previously lived in Koh Kong, provides a house for workers in the factory. Four to five people have to share a room. The room is about two metres wide and four metres long and the workers have to pay for water, food and electricity. This amounts to a quarter of their salary. It is very rare for sawmill workers to leave the compound. Other workers rent houses, and pay between 300 and 500 baht (US\$7.50–12.50) for electricity and water per month.

Division of labour

The women based in the sawmills help their husbands but there is a division of labour, with women operating the machines, bark stripping and collecting sawdust, whereas men arrange and stack the wood and haul it onto lorries. The men are paid per amount of wood they can cut and prepare for transportation.

Payment and income disparity

In the past, during the height of the logging industry, men could earn 6,000 baht (US\$150) per month. Nowadays, the men are paid up to 4,500 baht (US\$112.50) per month whereas the women are paid 100–150 baht per day (US\$2.25–3.75) and 3,000 baht (US\$75) per month. The men can therefore earn more money than the women. The men have the chance to work overtime carrying the wood to lorries from 6–10am or 6pm–6am. One wife in Mesang stated her son and husband could earn 500 baht (US\$12.50) each a day if they worked together but the work depended on how much wood there was. Usually the hours of work are from 7–10am and 1–5pm, seven days a week, and the workers can earn approximately 100B per day (US\$2.25). Families report that their husbands are sometimes not paid their salaries by the sawmill owners.

Working conditions: lack of safety equipment

Working conditions were claimed to be bad in the sawmill, particularly on the overtime night shift. There is no safety equipment and workers must work with the wood and logs with their bare hands, using electric machines. If accidents happened, workers had to go to hospital and were responsible for the cost.

Drugs

In an interview, one respondent from Mesang stated that the sawmill owner bought yamma and put it in big jugs of coke for the workers. The first time, he did not know it was there. It made him feel strong. Afterwards he knew what was going on and only took it four or five times, not getting addicted. How widespread this practice is, is hard to ascertain. The team witnessed sick people with yellow skin in the sawmills.

Fear of arrest

Many of the men are registered but their wives and children are not. The fear of arrest is a constant stress to the families. In the cases of a few men who were arrested, the police were bribed by the sawmill owner for their release; this amount was deducted from their salaries.

Living and working conditions analysis of Cambodian men and women working in the ice factories

In the area of Klong Yai there are many ice factories, established to serve the port and fish processing industries. The research team was able to access 25 people, 12 men and eight women from Cambodia and five Thai workers working in an ice factory; a number of men (who were registered) were accompanied by their wives and children. Female children work to support the education of their male siblings. Many of these workers come from areas on the southern coast of Cambodia, such as Sre Ambel and Kampot. The wives often work in the fish processing industries in Klong Yai or in the ice factories as well.

Living and working conditions

The workers in the ice factory are provided with free accommodation close to the factory but are responsible for paying for water and electricity. Recently arrived migrants have to rent their own housing outside of the compound which costs 800 baht (US\$20) per month plus electricity. Women are involved in bagging the ice or shrimp processing and men prepare the ice for the factories and port when the boats have docked. The men work from 5am–8pm with no opportunity for time off.

Payment and income disparity

The men earn between 2,800 and 3,000 baht (US\$70–75) per month and women and girls earn 2,500 baht (US\$62.50) per month. The salary is not enough for living expenses, at 100 baht per day (US\$2.25).

Issues

Migrants complain about lack of access to medical facilities owing to fear of arrest and cost of treatment. One male worker stated he had debts to his boss to cover his living expenses, education for children and for the registration fee. He pays back 100 baht per month (US\$2.25) but borrows additional sums in order to survive.

5.5 Assessment of differences between Cambodian men, women and girls in Trad

As the research indicates, in information both from Koh Kong and Trad, the type of work in which Cambodians are found follows gender-stereotyped patterns and divisions. Women and girls predominate in feminised earning opportunities and gender-specific occupations. For example, Cambodian women and girls who lack education skills and opportunities are usually trafficked into more private, personal or intimate business which extends traditional female reproductive roles, i.e. the provision of entertainment and commercial sex work.¹³⁴ Cambodian women and girls were found working in Koh Kong and Trad in the sex industry, as beer girls, or in factories and fish processing under sweatshop conditions. The sex industry in particular intrudes into and violates a women's person and privacy in ways which are not experienced by men working in male-dominated sectors in low-skilled jobs such as fishing, manufacturing, and in sawmills or on construction sites. The labour markets for women and girls remain limited and the status of the jobs and employment is low, indicating that the personal and social costs for women are far greater than for men.

Vulnerability to exploitation, bonded labour and debt bondage is compounded: the sector in which Cambodian women work in Koh Kong and Trad is illegal; their age is often below the legally stipulated age of employment; conditions of work are not up to standards; brothels and work environments in which they reside are unregulated, unprotected and difficult to access. Contracts are not available. Wages are often not paid or Cambodian women and girls find themselves in debt bondage to traffickers and employers who have brought them to fill a demand. Gender creates further risk including sexual harassment, such as abuse, and rape within the work environment (mostly in the sex industry by pimps, brothel owners and guards). Wages are low, work hours are long and labour rights are non-existent.

Migration for work cross-border from the southern coast of Cambodia to Trad increases the vulnerability not only of Cambodian female migrants but also of men away from their traditional social and familiar support systems. However, the research supports ILO's view that women are especially at risk with their status as poor women, undocumented migrants or non-nationals, and workers in gender-segregated labour markets, which makes them particularly vulnerable to various forms of exploitation and discrimination, and trafficking.¹³⁵

Cambodian women and girls work in restricted types of labour, vulnerable to harsh and dangerous labour and unhealthy and unsanitary living conditions. Cambodian women and girls are doubly vulnerable when they are trafficked into the sex industry to Klong Yai, unlike their counterparts in Koh Kong. This is a result of their undocumented status and also of the illegality of the industry (as well as their being seen as at the lowest end of this industry). They are targets of discrimination by gender and the inequality which results from this, as sex workers by Thai locals, and as female migrant workers deemed to be inferior, unskilled and in low-paid jobs. Women and girls in fish processing tend to be young; some have been sold by family members or are forced to work by them in difficult conditions where hazardous

¹³⁴ UNIFEM/UNIAP, 2002.

¹³⁵ ILO, 2004a.

labour is common. As we have seen, one female respondent from Prey Veng lost her leg from below the knee after it was caught in a fish processing machine. The majority of female migrants interviewed were not registered owing to cost and fear of blood tests, adding to vulnerability.

Cambodian men are also vulnerable in Trad, particularly in the fishing industry where the work is often perilous, the age of the men/boys is often below the legally stipulated age of employment, and their status of workers in Thailand is uncertain. Cambodian men suffer from health problems owing to the nature of the work, feelings of isolation and depression, fear of arrest, detainment and deportation, as well as fear of employers, police and authorities. They have little job security, wages are often not paid, exploitation is common and they face difficulties in sending money to their families. Some have additional problems owing to a lack of Thai language skills. The jobs in which they are found are low skilled and low paid. In the other industries documented, such as sawmills and ice factories, women reside in family groups with more access to support. However, Cambodian women and girls receive a lower salary than their male counterparts owing to gender discrimination and, unlike male family members, are undocumented. Additional salary for male migrants in Trad allows them to register with the authorities and increases their access to commercial sex.

Illiterate and poorly informed women and girls already conditioned by gender relations in Cambodia are more prone to accept more passively than men their fate (karma) in Trad in poor conditions.¹³⁶ The research has shown that Cambodian female migrant workers, trafficked or not, suffer from gender-based violence and discrimination, sexual exploitation, and harassment and abuse by employers, traffickers and authorities. They often find themselves working in highly unprotected, undesirable working environments, leaving them little resource to avenues for redress where they can claim rights and seek assistance.

5.6 Remitting money and returning home

Findings

- Girls who have control over their earnings try to assist families at home with basic needs. Other girls in brothels have to hand over their wages to brothel owners. Single men have more control and spend on entertainment and remit less money home than those with families.
- Cambodian men migrate for a longer period of time and rarely visit home. Girls are more confined and have less freedom to leave their workplace.
- Cambodian men return when they have money but also return to face debt and health problems, whereas women and girls, particularly sex workers, face gender-specific issues such as stigmatisation and discrimination if they return without money.
- Owing to high migration of men from Prey Veng, the vulnerability of women and girls who remain in the source province is increased. In addition, they are burdened with outstanding debt, family survival and expenses from health and drug problems.

Analysis

Remitting money home

Girls working in Koh Kong stated that their families came to collect money or took money home. Girls tended to be more supportive of family members at home, sacrificing their own personal needs to make sure a substantial amount of their earnings went to relatives. However, those with large debts to the brothel owner were unable to send money home, as employers took large amounts of what was owed. One girl working in a brothel in Koh Kong reported sending US\$80 home to her family. In poor provinces such as Prey Veng, girls are generally thought of as saving more money than men/boys.

¹³⁶ Corner, L., 2002: 15.

In Trad province, patterns of remitting money back to Cambodia emerged. Those with families sent money back every two or three months. A son working in seafood processing sent 50,000 riel (US\$125) back after five months. A village chief stated that he believed only 30% sent money home; some were cheated by their employers; some became addicted to drugs. Those who are away longer than three years rarely send savings back. One woman from Mesang stated that her husband and son had never sent money back in the five years they had been away. Unaware in advance of the cost of living in Thailand, many men and female migrants only make enough money for their own survival during the working period in Thailand. Younger, single men seem less likely to remit money back home as money is regularly spent on drinking beer, karaoke and entertainment. This was confirmed in research done by the *Promdan* project: 'Out of 812 men identified as having gone to work in Thailand from one district, only 379 had sent money home and only 101 of the men had returned home at some point'.¹³⁷

A few fishermen transferred money back to Prey Veng to pay off the debt incurred in migrating. Those respondents able to remit money back to Cambodia were charged 10% by traffickers/smugglers to transport the money back to families in the source province or alternatively sent savings back with friends and known people who did not charge a fee. One respondent used a transfer business based in Svaing Tou near Neak Long (Prey Veng) which charged 500 baht (US\$12.50) for every 10,000 baht (US\$250) transferred.

Duration of absence from home

It was found that short-term migrants tended to be women living near the border who migrated for seasonal work, such as fish processing, from places like Koh Kong to Trad. Those trafficked in the sex industry had limited option to leave or escape. A few girls working in Koh Kong maintained contact with their family and received visits, whereas those in Trad had no means of communication. In Mesang in Prey Veng, villages reported that women and girls rarely returned, possibly owing to enforced confinement (in brothels etc.); the few who did stated that they had to pay the authorities for permission to cross through one of the illegal crossings. If they refused to pay, the police would take them to work cleaning their houses. Another woman working in fish processing stated: 'When I get back home, I will tell the people not to come to Thailand because it is too difficult, even harder than Cambodia'.

Men, on the other hand, are away from home for longer periods (three to nine years) owing to the nature of the work; they also tended to work deep inside Thailand as construction workers, farmers, fishermen, and in manufacturing industries. Men are found often to marry Thai women, leaving their former wives in Cambodia without support. Migrants working in Klong Yai who have been away 10–15 years tend to have their families living with them, especially in the sawmills.

Men interviewed stated they rarely returned home owing to the cost and problems at the border. A few fishermen claimed they were forced to use illegal routes in order to return to Cambodia (usually the same route by which they originally came). They regularly use smugglers to arrange the journey home. The cost is 1,400 baht (US\$350) and it is particularly risky. The migrants often report that the Thai police catch and arrest them, stripping them of all their valuables and money. One respondent tried to escape from prison and was beaten by the police. The police then return the migrants to their original route. Other respondents risked the return journey to Cambodia by boat, thus avoiding the police. The boat journeys from Klong Yai (Klong Soan) to Sre Ambel (200 baht/US\$5) or Kompong Som (300 baht/US\$7.50). They are hidden under goods and fruit. Some go via Koh Kong and then back to Prey Veng (28,000 riel – US\$70).

¹³⁷ *Promdan* mid-term evaluation 2001 as quoted in Press, B., 2003: 11.

The interview team met family members who had travelled from Prey Veng to Koh Kong in search of their brother (fisherman) who had only returned once since leaving to work in Thailand. They had borrowed money from a moneylender to fund the trip and had not been successful in locating him.

Returning home

Men especially return with successful stories about their migration and situation in Trad and other areas in Thailand. NGOs working in Prey Veng report that stories of failure are rare. There is pretence from those who return that they are happy and prosperous in a need to show their newfound wealth; this encourages more people to migrate. In a few cases, migration has been successful; despite difficult living and working conditions in Trad, male migrants report being able to save money and return to Prey Veng to build new houses for their families and parents or to pay off the original debt. However, those who return may not have any significant savings or have less than they had hoped. Many Cambodian returnees have to sell assets to repay debts. The original debt for payment of the trafficker/smuggler may not have been paid off and has accumulated interest while the migrant has been away. Some sell land in order to pay the debts or work for others villagers in order to get money.

Those returning without financial gain are stigmatised. One man working in the ice factory said: 'I want to return back to Cambodia. But I don't have money. My neighbourhood in my hometown will laugh at me. If I return back empty handed it is shameful.' Men who have spent the money or been unable to save money owing to the high cost of living in Trad rarely return home. Female migrant workers also reiterated that until they had saved sufficient amounts of money they could not return to Cambodia.

In most of the communes where the research team conducted interviews the commune chiefs stated that there were repeated incidences of young men being tricked or cheated during the recruitment stage and then abandoned at the borders in Koh Kong, returning home through begging. They return home empty handed and in serious debt, from which is almost impossible to recover.¹³⁸

Some have been exploited, beaten, forced to take drugs and, in the worse case, are ill/have HIV/AIDS. However, despite the risks of trafficking and exploitation, migration remains the only option for many people in Prey Veng. A women interviewed in Mesang stated: 'The benefits to the village are money. Although nobody seems to have had any success, there have been instances in the past when people did succeed, and this is why people still do it.' Another returnee shrimp fisherman said: 'I have been back from Thailand for one year but I have nothing to do and need to seek money to pay off the debt.' The majority of returnees interviewed felt that if no means to make money in Prey Veng was available, they would return to Trad.

Women and girls continue to face gender-specific issues upon their return.¹³⁹ Single women who have left the province in search of work (i.e. garment workers) are viewed as suspicious as they are deemed not to be 'good girls' with morals that conform to the gender construct of traditional Cambodian female behaviour. Sex workers returning to their communities risk being rejected and therefore do not reveal the nature of their work in brothels and karaoke bars. Some girls indicated fear that on returning parents would reject them; very few take the chance to return. Those who do face stigmatisation; a web of pretence is therefore a common tactic used to prevent the girl and the family honour from being tainted, i.e. the family inform the community that their daughter has been a waitress. Only through visible material gain and wealth can the women and girls be welcomed, as they feel they must justify their means of livelihood. 'Women sex workers seek acceptance from the community –

¹³⁸ CDRI, 1999: 8.

¹³⁹ Asian Migrant Centre, 2002: 11.

if they return with conspicuous wealth this is seen as one way of compelling respect from fellow villages and relatives but if they return empty handed there is little sympathy.¹⁴⁰

Women and girls may not be able to endure these problems at home and seek to migrate again, increasing the likelihood of problems and vulnerabilities during the migration process.

Effect on source provinces (Prey Veng)

The effect on the source province is also gendered. With the increase in migration in source provinces such as Prey Veng, various communes and villages have been affected by demographic changes, especially in certain places where large numbers of men have migrated to work to Thailand. In addition, Prey Veng is also the highest sending province of women and girls (74% of whom are under 25 years old) to work in the garment factories.¹⁴¹ Thus, married women and those older are left to support and bring up the family, cultivate the rice and are responsible for the survival of the family. Women and girls are deprived of the traditional support and protection of male relatives (husbands, brothers, uncles etc.), which means they are left alone and are susceptible to the tricks of traffickers, theft and land-grabbing. The research team reports of a number of villages with few male residents. Additional difficulties occur owing to the debt that is incurred by men for transportation and traffickers/smugglers costs. Hence, the following problems affect communities in the source province, particularly women and girls left at home (sisters, wives and older female family members):

- Fewer men help with subsistence farming and crop cultivation and therefore the burden of men's work is taken on by female relatives and wives.
- Men who work in Trad do not send regular financial support to their families and the longer they stay away the less they communicate with their families or make visits.
- Men do not regularly send back remittances and the original loan accumulates, falling on the shoulders of wives and mothers to repay.
- Men may not return as they are ashamed if they have nothing to show for their work and have no savings.
- Men may return with illness (including HIV/AIDS and STDs) and unknowingly pass on the diseases to their spouses.
- Men return with the original debt, placing an additional burden on wives and sisters to support the family financially.

One wife had to provide money for travel expenses for her husband who had returned from Thailand. Another had to arrange relatives to transfer money to her husband after his boat sank. One married women who had returned from Thailand without her husband said: 'I still owe 1,000,000 riel (US\$250) including interest and my husband has not sent money. I have six children and must borrow rice to feed my family and pay back at double the rate.'

As reported in the ILO/IPEC rapid assessment,¹⁴² some men disappear and never return to Prey Veng, while others died of illness on their return or have disappeared. In Trabek commune, 17 cases of death or disappearance of migrants were reported in 2004.¹⁴³ One women interviewed in Prey Pnov stated her son-in-law had drowned in Thailand. The employer paid 30,000 baht (US\$750) to the family to prevent a scandal (the police did investigate but the body was released to Cambodia). This money was sent with the body and his brother back to Cambodia. His wife used it for the funeral and to repay debts. Without the support of husbands and male family members, women and girls also become vulnerable to trafficking and exploitation.

¹⁴⁰ Boonpakdee, N. *et al.*, 1997: 69.

¹⁴¹ ILO (TICW)/UNIAP, 2004: 27.

¹⁴² ILO/IPEC, 2004.

¹⁴³ *Ibid.*: 11 (Reported by Trabek commune chief).

Chapter 6 Response by authorities in Koh Kong, Trad and Prey Veng

This section of the research documents the response by the authorities, particularly the criminal justice authorities, with regard to trafficking in Koh Kong, Trad and Prey Veng provinces.

6.1 Response by the authorities in Koh Kong

Military police

The military police respond when a complaint is made to them by the victim, government agency or NGO and need authorisation from the prosecutor to take action. They do not have a presence at the commune level so indicate that they are unable to control activities there and rely on the administrative and local police for information. The MP have arrested some migrant workers travelling through Koh Kong to Thailand. The reason for these arrests (as stated in interviews) was to inform the migrants, both men and women, of the difficulties of working in Thailand without passports and to appeal to them to return to work in the source province. The police stated the need for the establishment of an office to give information to migrants wanting to work in Thailand legally.

Provincial police

The provincial police investigate cases of trafficking; if these are substantiated, they send the cases to court. However, the court frequently releases the perpetrator owing to lack of evidence and incorrect procedure. A specialised office for anti-trafficking has not been established in Koh Kong but it is possible one will be set up in the future.

Local police

The local police post in the sample area of Stung Veng collect data from all the brothel-based girls. If there are new arrivals, they must give information to the local authorities. If a trafficking case is reported to the post, police investigate and monitor the case and rescue the girls and send them to the NGOs. In the past, the police have arrested traffickers who have trafficked children to Thailand but feel they lack the jurisdiction to act further.

NGOs in Koh Kong repeatedly complain that the police send cases to a prosecutor who is rarely interested; often the police do not conduct follow-up investigations and cases are solved through intervention by the police, i.e. monetary compensation is paid by the perpetrator to the victim.

The authorities and police seem ineffectual in Koh Kong in preventing the trade, as Archavanitkul pointed out in 1998: 'Many civil servants are involved in trafficking...some police not all, but some are involved with the traffickers. Police are often protectors and enforcers for the brothels and there is increasing evidence that they are involved in buying and selling kidnapped girls or at least willing to turn a blind eye.'¹⁴⁴

During the research process it was reported that a hotel in a prominent position with links to those with positions of power in Koh Kong could arrange transportation (act as trafficker) to Thailand for 3,000 baht (US\$75). Transportation of trafficked men and women across the border also involves corrupt authorities. In a case involving 72 Cambodian men in March 2004 in Kompong Som, the six suspected traffickers, including a boat captain, were working under the management of Kompong Som's Ream-based Navy.¹⁴⁵

¹⁴⁴ Archavanitkul, K., 1998, updated 2000: 207.

¹⁴⁵ Found on Cambodian weblog, since erased. Date of incident 29 March 2004.

Regarding arrests, it is often the small opportunistic traffickers, themselves from poor villages, who are targeted; big traffickers and brothels owners remain protected. The low-risk high-profit nature of trafficking and the lack of will on the part of enforcers to prosecute traffickers result in very few prosecutions. No perpetrators or traffickers have been jailed in Koh Kong to date.

In addition, the following factors also create limitations in the system of prosecuting perpetrators:

- The court process is lengthy and, as there is no long-term shelter, the victim is moved to an NGO centre in Phnom Penh. During the investigation process, the victim not being in Koh Kong, the procedure cannot be completed. The court states there is no victim, so will not start the procedure.
- The perpetrator escapes (sometimes cross-border to Thailand).
- The victim is afraid of the brothel owners and those who remain behind them.
- The perpetrators are repeatedly released by the prosecutor owing to lack of evidence.
- Monetary compensation is paid by the perpetrator to the victim in lieu of prosecution.
- The court interviews the girl and states the girl is a voluntary sex worker although the NGOs believe her to be a cheated and trafficked.
- There is a lack of action by the investigating judge.
- There is a lack of updated knowledge of legal procedures and law.
- There is a limited knowledge of investigative skills.
- There is no equipment, and no safe places in which to protect the victim during the investigation process; the trial causes the victim to fear any legal procedure.

Social support

A few girls manage to escape from the brothel/karaoke with the assistance of NGOs, particularly Licadho, HCC and Adhoc in collaboration with MOWVA. Occasionally male customers have asked for assistance on behalf of the girls. Many of the girls rescued from brothels want to go home and do not want to file a complaint. Others are escaping the debt they owe to the brothel owner.

MOSALVY has a policy of assisting in children trafficking issues but they suffer from lack of human resources and funding. In June 2004, MOWVA sent girls who were rescued to HCC and AFESIP who then took them into residential care in Phnom Penh and Kompong Cham. CARE's Koh Kong Children in Distress team, who have young volunteers in the villages in a number of districts, also makes referrals to HCC regarding at risk children.

6.2 Immigration police, Koh Kong (Cambodian) and Trad (Thai)

Robbing migrants

In Trad, the police often arrest Cambodian male migrants on orders from the owners of places where the migrants are working. One of the biggest concerns of Cambodian migrants in Trad, both documented and undocumented, as reported to the research team, is that if they return to Cambodia through the international checkpoint at Haad Lek, they are robbed of all their savings (as much as 1,000 baht – US\$25), jewellery, watches, and possessions by the Cambodian police and before being deported are occasionally robbed by the Thai border and immigration police before they are let go. Respondents try to have motodop drivers ready to take them as soon as possible to prevent any further loss of money, or in the past have crossed undetected in the casino car. The migrants report being asked by the Cambodian police for from 200–500 baht (US\$5–12.50) to cross the border and are threatened with guns if they do not comply. At various points, including Phum Thmei and inside Koh Kong, money must be given. This includes travelling by boat, which police occasionally intercept. Documents and papers are also confiscated, leaving migrants

stranded at the border where additional problems surface with the Cambodian immigration and border police, owing to lack of Cambodian ID etc. Such problems have been instrumental in encouraging further illegal migration to Thailand using various routes. Many Cambodians escaping exploitative conditions or returning home use traffickers or guides to take them back across the border through illegal routes rather than risk being robbed by the authorities on both sides.

Deportations from Trad to Koh Kong¹⁴⁶

Unlike the situation in Poipet, where there is a mechanism between Cambodian and Thai authorities, the immigration police in Koh Kong are unable to control deportations. Despite attempts by the Cambodian immigration police to ask for cooperation with Thai counterparts on deportations, so far no official system or mechanism is in place. Cambodians who have been arrested by the Thai police are sent back to the border but no official meeting or handover of migrants and trafficked person is conducted.

Deportations have increased since the registration period in Thailand. On arrival at the Cambodian immigration post, migrants are interviewed and information is obtained by the immigration authorities. Then they are sent to the provincial authorities.

Respondents report that those who enter Thailand through Poipet are deported to Koh Kong and vice versa as a way of preventing them from returning. Deportation to Cambodia without considering the consequences to migrants increases the latter's vulnerability to re-trafficking and worse debts. NGOs working in Koh Kong report that male migrants deported from Trad are often sick, have substance abuse problems, and have no food, money or means to return to their home province. Cambodian men especially are found begging near the border in order to make enough money to transport themselves back to their home provinces.

6.3 Response by the Thai authorities, Trad province

Arrest, jail and deportations

Male migrants who are arrested for having undocumented status in Trad report that the Thai police are often violent; they usually spend two or three days in jail and are forced to work in the prison. When the police have enough people (around 10), they deport them in a group. Others claim they were arrested and released once the Thai police had stolen their money, or forced them to pay for travel documents costing around 2,000 baht (US\$50) to cross back over the border. A woman from Prey Veng reported that her husband, working in the sawmill industry, had been arrested by the Thai police in 2003 in the workplace, was beaten and robbed, and was still in prison. The police threatened her, pointed a gun and swore at her. She was deported and robbed of 10,000 baht (US\$250). Her brother came to give her money to get back to Cambodia. The Cambodian police took it all. She has had no information about her husband since she was deported.

Response by authorities

Owing to lack of political will and resources, the police in both Trad and Koh Kong have been unable to provide protection for trafficked men and women who have crossed the border and often their rights are not recognised or protected. Trafficked victims are not identified and are treated as criminals rather than victims. This is particularly problematic when trafficking is viewed or seen as illegal immigration, as violence and crime against person is then no longer important. Consequently, the case becomes protection of state not of victim, and is not an issue of human rights violations against that victim. Cambodian trafficked and exploited men, women and girls who are undocumented are prime targets of police sweeps. They have no mechanism for complaint, and are unable to collect belongings or wages or to seek legal advice. Rather, they are detained, jailed and then dumped at the border.

¹⁴⁶ See deportation information Annex 1.

In Trad, migrants report that the police often raid their workplaces but the sex industry is particularly targeted as an illegal industry harbouring illegal migrants. Sex workers are regularly arrested, detained and deported. They risk prosecution for illegal entry and for working as sex workers (under the Prostitution Act), and are reportedly sexually harassed while being detained, which further victimises and marginalises the women and girls. The authorities target powerless men, women, and girls who are victims of crimes and therefore, despite the existence of trafficking laws and labour laws, the perpetrators or the exploitation often goes unpunished. There have been reports, as in Cambodia, that government officials, including immigration and military police, are financially involved in the commercial sex industry both in and out of Thailand. According to another report, 'not a single officer has been prosecuted or punished'.¹⁴⁷

Hence, all migrants are deterred from reporting crimes and violations to the police, particularly women and girls who fear discrimination if they have worked in the sex industry and, at worst, further violations.

Social services

Living and working conditions result in frequent health problems for Cambodian migrant workers, both male and female. The government public health hospital in Trad province in previous years allowed registered green and red rimmed cards to be given to the Klong Soan community, qualifying them for medical care, by the government public health hospital and health training programme for Cambodian volunteers. However, registered migrants are not aware of their rights to the 30 baht health scheme; others have little access because it is dependent on registration and work permits. Even for registered migrants, work permits are confiscated by bosses and owners, which means migrants do not have the right or authorisation to seek any medical assistance and hospital staff are required to report cases of non-registration to the immigration police. Thus, undocumented Cambodian men and women fear arrest and deportation if they try to seek medical treatment away from the port or area of work.

Registered fishermen who have docked in Klong Yai and those working in sawmills are able to seek health services at the Klong Yai hospital or can ask colleagues to purchase medication for them. However, language difficulties create problems in explaining symptoms to the doctor or pharmacy. As the research has specified, female Cambodian migrant workers are rarely registered and lack adequate preventative and general healthcare because of uncertain legal status. If they are injured while at work they are often denied medical treatment and can lose their jobs. Owing to the illegality of their work and status, Cambodian sex workers have little access to medical/legal services or social assistance. Sex workers who do manage to get to hospital complain about high costs for treatment. The Thai police state that trafficked women and children are helped by the 49 NGOs in Thailand and these women and children are then reintegrated through Poipet. Apart from CARE/RaksThai, who work on health issues with the aim of reducing the spread of HIV/AIDS, no other IO, UN agency or local NGO has a presence in Trad assisting trafficked and exploited Cambodian migrant workers. Social welfare and legal assistance for migrants, especially women and girls who have suffered sexual violence and exploitation, remains a gap in Trad province.

6.4 Response by authorities in Prey Veng

According to local NGOs and the authorities, no traffickers or smugglers have been arrested in the migratory areas in Prey Veng. A recent case occurred where a trafficker took workers to the border near Koh Kong, then took their money and ran away. The families of the workers complained to the commune chief who stated he was powerless to act. The only action usually taken is if the trafficker returns to the area, when that person must repay the

¹⁴⁷ Wijers, M. and L. Lap-Chew, 1999: 153.

money. There is a lack of evidence, which causes another problem. Cases only come to light when migrants returning from Thailand make a complaint. The traffickers and smugglers are known in the villages but all the local authority can do is request that the trafficker's family reimburse the migrants who were cheated, or negotiate a settlement between the victim and perpetrator. In Prey Veng, a number of NGOs are working on raising awareness on trafficking issues, particularly with women and children, but there is limited assistance to trafficked or exploited men who may be ill, have contracted HIV/AIDS or who have been abused. Community health services are unable to cope as they do not have the resources to assist returning migrants, who generally have limited access to health, social services and education and programmes.

6.5 Gaps in Koh Kong and Prey Veng¹⁴⁸

Lack of concise information and data on the trafficking situation

There is very little documented and concise information on the numbers and situation of internal and cross-border trafficking from Prey Veng to urban areas within Cambodia and to border towns such as Koh Kong (Daung Tong), as well as cross-border to Trad and other Thai provinces such as Rayong, Chonburi, and Pattani, especially in the case of trafficked men.

Legal procedures gap

Trafficking cases are often solved through monetary compensation. Cases are submitted and reported to the police but often are not deemed by the police to be trafficking, or manipulated to make it appear that the brothel owner is the victim. Police, the judiciary and authorities are not aware of the law related to trafficking and lack resources, while some individuals are reported to be involved in informal, loose networks and take bribes. Traffickers generally escape because key legal provisions are not clear and are therefore subject to various interpretations.

Lack of legal services

Lack of free legal services and representation in source and destination province, especially in Koh Kong where only one Cambodian lawyer has been working on cases, has meant legal redress for victims and access to the judicial system has seriously been curbed. In addition, in Koh Kong and Prey Veng there is a lack of female lawyers, needed to work sensitively with female clients.

Criminalising victims and lack of trust in the judiciary

Positive developments in legislation have not ensured the protection of people from trafficking nor prevented victims from being treated as criminals and arrested by the authorities, especially sex workers, who are detained instead of the traffickers and brothel owners who have violated their rights. This has resulted in a lack of confidence in the criminal and court system. Overcrowded court calendars also limit the amount of court cases brought to trial.

Perpetrators rarely sentenced

Traffickers, smugglers and brothel owners are rarely sentenced in court. This owes to the unwillingness to act on the part of the authorities, through fear of perpetrators' powerful connections, lack of evidence, and the fact that, at times during investigations, perpetrators escape prosecution by fleeing across the border to Thailand or leaving the province. Lack of punishment has helped sustain the lucrative human trafficking industry.

¹⁴⁸ The majority of information relates to Koh Kong rather than Prey Veng. See recommendations (Chapter 7).

Victims are reluctant to file a complaint

Many trafficked victims are rescued or escape but are reluctant to press charges against perpetrators, preferring to request assistance to return to their home province. Victims are afraid to file a complaint owing to lack of trust in the judicial system, fear they will be blamed for being a sex worker, worry about exposure, and safety concerns. A number of cases are thus solved through monetary compensation. Additionally, communities do not trust the local authorities in protecting them from traffickers.

Lack of cooperation on deportations

There is a lack of cross-border cooperation between the Cambodian (Koh Kong) and Thai authorities (Trad) with regard to deportations. The immigration police stated that their Thai counterparts did not officially hand over migrants that had been deported, despite appeals. The Thai police complain that the Cambodian police rob the migrants. There is a lack of mechanism with regard to responsibility for cooperation on legal action and law enforcement and those that exist are not enforced, such as the MOUs between Cambodia and Thailand.

Lack of border protection

The Thai and Cambodian governments' border protection systems are unable to stop traffickers and smugglers, particular through Koh Kong and other areas, such as border crossings in Battambang province.¹⁴⁹ NGOs report that trafficked and exploited Cambodians could not cross borders illegally without a host of migration officials and other law enforcers 'looking the other way'.

Lack of cooperation between service providers

Cooperation and coordination constraints between government agencies, local NGOs, UN and IOs create a lack of an effective, systematic and holistic response in trafficking cases in Koh Kong and Prey Veng.

Lack of assistance to deportees

In Koh Kong, unlike Poipet, no government ministry, IO, UN or local NGO is assisting or providing services to trafficked and exploited victims who have been deported by the Thai authorities from Trad to Koh Kong.

Lack of reintegration services

Lack of reintegration services hinders assistance support for Cambodian men, women and girls who are trafficked internally and cross-border to Thailand. Government efforts to rehabilitate trafficking survivors are insufficient to guarantee their rights. In addition there is no assistance to clients returning home to source provinces after having been trafficked, exploited or abused and, furthermore, if victims want to prosecute the perpetrators in Koh Kong, there is currently no shelter or centre to house them during this procedure and no assistance to men and boys.

Lack of agency of victims

Agency refers to the absence of appropriate interventions that takes into account the interest, opinions and needs of victims as perceived by the victims themselves. Cambodian women and girls are often viewed as passive victims who need to be rescued and reintegrated, thus individual choice and decision-making of women and girls is often not prioritised by victim support agencies.

6.6 Gaps in Trad province, Thailand

Generally, in Trad there is limited assistance to Cambodians migrant workers who have been trafficked and exploited and to the general migrant populations, apart from the HIV/AIDS and health project run by CARE/RaksThai. Cambodian NGOs, IOs, and government agencies in

¹⁴⁹ Quote remains confidential. See Annex 1 on other illegal routes from Cambodia to Thailand.

cooperation with Thai counterparts have failed to reach these vulnerable communities and address their needs.

Thailand has not comprehensively planned for services that can assist Cambodian trafficked women and girls, especially in border provinces near Cambodia, and has failed to address the issue effectively with regard to welfare, support and legal issues, i.e. investigative procedures to identify trafficked victims. Law enforcers seem unwilling and lack training to try to establish systems in the case that, for example, women and girls arrested in raids are identified as trafficked and therefore need to be referred. Furthermore, there is no witness protection programme and, although a reintegration programme does exist in cooperation with the IDC centre and IOM, this relies on the authorities to identify women and children as trafficked. In most cases, the preference is to arrest and deport them. The research found that, despite the 1999 MOU on trafficking,¹⁵⁰ law enforcement officials as seen above continue to treat trafficking victims as illegal migrants, especially forced labour victims. Instead of being treated as victims, they are arrested, detained and deported as illegal workers. Cambodian sex workers are prime targets, as police are often reported to use the anti-prostitution law or immigration law to coerce them into paying bribes and providing free sex, threatening arrest or deportation and generally intimidating migrant sex workers.¹⁵¹ In the target area during the research, police carried out raids where 10 girls were arrested. It is not clear what happened to these girls. It can be stated therefore that crime prevention policies focus more on punishment of the trafficking victims than on the perpetrators. Trad Police Commissioner stated that if men and women are victims of trafficking or are involved in sex work and over 18 years old the police arrest them as illegal migrants if they are undocumented.

Other gaps noted by the research team are documented below

Services

- There is a lack of NGOs, IOs and government ministries focusing on and advocating on behalf of Cambodian migrants in Thailand or offering services, particularly in border areas such as Trad, other destination countries and in Cambodia itself.
- Few service or legal NGOs are working on trafficking, or labour organisations working to address the needs of migrant workers in Trad and other areas where Cambodian migrant workers are prevalent, e.g. Samut Prakarn and Pattani.
- Cambodian women and girls, especially in the sex industry, are excluded from the services they require owing to their undocumented status, discrimination and difficulty of accessing their workplaces.
- Thailand does not recognise men as trafficked victims and there are no provisions or services made for them.
- Police and health officials discriminate against Cambodian migrant workers, creating constraints for them in accessing services.

Lack of awareness

- There is inadequate information and awareness-raising materials in Khmer on Thai labour law, registration process and entitlements, procedures for gaining a work permit, benefits, and workers' rights.
- There is a lack of awareness of the prospects, conditions of work, and type of work, and living conditions in Trad and Thailand as a whole seem to be low in many provincial areas in Cambodia.

¹⁵⁰ See Annex 3 for the 1999 Thai MOU.

¹⁵¹ See Annex 3 for information on the 1996 Prostitution Prevention and Suppression Act.

Legal constraints

- There is a lack of enforcement of anti-trafficking laws, Thai MOUs and those signed with Cambodia, as well as government policies.¹⁵² In addition, the trafficking MOU recognises that women and children should not be prosecuted for illegal entry or detained in an immigration detention centre by the Thai government, but does not mention the right to legal representation or the right to stay in Thailand during the legal process.
- Many victims of trafficking and forced labour, particularly Cambodian female migrants working as sex workers and domestic workers, are undocumented and therefore not covered by the Labour Protection Act.¹⁵³ Thailand has ratified various ILO conventions which require it to afford protection to all workers regardless of their status but in reality this does not happen.
- Labour laws in Trad are not enforced, resulting in employers receiving no legal action against them for any violation of the human and labour rights of Cambodian migrants, both men and women.
- There is a lack of punishment of traffickers/smugglers, pimps, unscrupulous employers, bosses and owners who are involved in exploitation and trafficking of Cambodian men, women and children in Trad, thus sending the message that to conduct such violations is without risk.
- Successful prosecutions are thwarted by the release of offenders on bail, who then escape.
- The absence of legal support and services in Trad, combined with the undocumented status of migrants, leaves trafficked and exploited Cambodians at the mercy of employers and authorities.
- A lack of understanding by officials results in weak law enforcement and leads to the criminalisation of trafficking victims, especially in the sex industry where workers are frequently detained, jailed and deported.

¹⁵² MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for eliminating trafficking in children and women and assisting victims of human trafficking and the MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Cooperation in the Employment of Workers, signed 31 May 2003.

¹⁵³ See Annex 3 for Thailand's 1998 Labour Protection Act.

Chapter 7 Conclusions and recommendations

The research team believes that the findings in this research reiterate the growing belief that factors that contribute to trafficking and that ultimately result in women and girls becoming more susceptible to trafficking are a result of gender.¹⁵⁴ As the ILO has noted, 'It is the gender-segregated labour markets as well as the sexual division of labour in the household that determine gender-selective migration flows'.¹⁵⁵

Stated simply, men and women follow different migration patterns because they do different things in the sending country (Cambodia) and are expected to engage in gender-specific occupations on arrival to the host country (Thailand). Cambodian men, women and girls are faced with a myriad of problems when migrating to Koh Kong and Trad. Indeed, it is clear that all categories of migrant workers are regularly subject to abusive, exploitative and discriminatory treatment. However, for Cambodian women and girls the dangers, vulnerabilities, violations and consequences of trafficking and exploitation are far greater than for men owing to unequal gender relations and less social and economic power at every stage of the migrating process.

The report would like to conclude by summarising the vulnerability factors that have come to light which have caused women and girls to be trafficked or engaged in various work sectors that expose them to sexual exploitation and other abuses. It will additionally show vulnerabilities for men and generally for Cambodian migrants interviewed, as this has formed a major part of this research. It will then make recommendations for future action.

7.1 Conclusions

Pre-departure

Cultural and societal roles

Cultural and societal roles result in the powerlessness, subordination and low social value and status of Cambodian women, leading to inequality and discrimination on the basis of sex. This means they lack rights to education, property, resources and control of assets. In addition, women and girls lack information, exposure to places outside their communities, services, choice and decision-making powers.¹⁵⁶ All these factors are intrinsically tied to trafficking. The community and cultural contexts that tolerate violence against women and children are also a major factor. Women and girls are viewed as commodities by society, family and men. As Roseanna Barbero from OXFAM Hong Kong and WAC stated recently, 'In Cambodian society women's bodies are used for labour and sex'.¹⁵⁷ Cultural prohibitions regarding knowledge about sex among Cambodian young women and girls has meant a submissive and defenceless stance in the face of inappropriate sexual advances and behaviour by men, resulting in abuse and exploitation.

Feminisation of poverty

War has caused a nationwide gender imbalance and changes in demographics within the population, resulting in many single-headed households. Poverty is more severe and binding for women in that it is harder for them and their children to escape it.¹⁵⁸ As women and girls have low status in society, household and workforce, poverty and viable employment factors, perhaps caused by Cambodia's transition to a market economy, will impact deeply on them.

¹⁵⁴ Wijers, M. and L. Lap-Chew, 1997: 87.

¹⁵⁵ ILO, 2004b.

¹⁵⁶ CARAM Asia, 2002: 64.

¹⁵⁷ Cambodia Daily, Monday 8 November 2004.

¹⁵⁸ IFAD, 1999.

They are more likely to look beyond the limited options of source provinces such as Prey Veng, which are undergoing rapid social changes, anxious to seek survival mechanisms and to earn money to support their families.

Feminisation of migration

As this research indicates, gender roles can and do change, especially in source provinces. In the past, girls were supposed to stay close to home but, as their economic value has increased owing to changes in supply and demand factors, this has led to the feminisation of migration flows and a sharp increase in the numbers and proportions of women and girls migrating.¹⁵⁹ This creates somewhat conflicting ideals in that while girls are expected to adhere to their duty to provide for their families, at the same time they are not permitted to leave home. For example, one village chief stated that girls especially in provinces are prevented from continuing study, as the school is too far, but can travel to Phnom Penh to work in the garment factories. Hence, Cambodian girls, as this research has indicated, have more economic value in gender-specific sectors of the labour markets, e.g. garment factories, fish processing and entertainment industries such as the sex industry, areas where trafficking is common. There is increasing pressure on women and girls to fulfil their traditional financial obligation to support their families, and to seek opportunities away from the restrictions of poor provinces such as Prey Veng. There are family restrictions placed on girls (i.e. lack of freedom) and other family problems, as well as societal restrictions (looking down on girls who have lost their virginity). Understanding unstable family backgrounds and social and personal factors, such as early marriages, divorce and domestic violence, is fundamental to understanding the vulnerability of women and girls. Without family support and assistance, Cambodian women and girls often make the decision to leave hastily and partake in risky behaviour, such as blind migration, or succumb to the lure of a trafficker's offer of opportunities and high-income jobs. Lack of skills, social status and education, landlessness and inadequate income, the need to improve their economic situation, and lack of employment opportunities are important factors in men deciding to migrate.

Development strategies and policies

Development policies and strategies in Cambodia and Thailand, such as international tourism in Koh Kong and Trad, are changing economic opportunities in the border areas. This is creating vulnerability for Cambodian women and girls, especially as demand is linked to sex tourism and the commercial sex industry. Internal migration to Koh Kong and cross-border to Trad has been dictated by the downturn in the logging and fishing industry, creating a movement of Cambodian men across the border which links directly with the movement of Cambodian women and girls, especially in the sex and labour industries.

Recruitment

Where deception has been used to encourage people to migrate, this is equivalent to trafficking. However, the research shows that most of the cases, especially men, indicate that migrants left voluntarily, indicating a voluntary process of labour migration (particularly for men) where smuggling was more common. Deception was more prevalent during the recruitment process of women and girls who, while they migrated voluntarily, were tricked, coerced and cheated by traffickers into the sex industry at different times. When women and girls are deceived with promises of a better life or job elsewhere or of greater working opportunities or rewards, some choose to remain in this industry owing to the economical reality that it is more lucrative to continue to work servicing the sexual needs of men than working 40–50 hours for low pay in the factories. Without education and skills, girls continue to work in the sex industry after trafficking has occurred so they will be able to help fulfil their families' needs, or were forced by debt bondage.

¹⁵⁹ Corner, L., 2002: 5.

The following vulnerability factors existed for **women and girls during the recruitment stage**:

- Internal female migration to urban cities such as Phnom Penh without traditional support systems.
- Family crisis or social problems, such as partner abuse, rape, early marriage/divorce, loss of virginity, sexual violence, especially in poor provinces and around the factory areas of Phnom Penh where garment workers are viewed as 'easy' women and turn to friendly traffickers with whom they are not acquainted.
- Blind migration or not informing family of the decision to leave.
- Lack of information of destination, work and living conditions.
- Frequent luring and deception by female traffickers using clever techniques, especially the promise of high wages and glamorous jobs, possibilities which are usually not open to poor, rural women and girls without skills.
- Deception about the nature of the work or the conditions of the work.
- Socioeconomic and demographic factors of the source province, and social factors and educational background of the women and girls resulting in them becoming easy targets for traffickers.
- Debt beginning with the trafficker on the journey – few women and girls realise they will end up in a debt bondage situation with a substantial debt.

The following vulnerability factors existed for **men during the recruitment stage**:

- Young men without the prior knowledge of their families being more vulnerable to being cheated.
- Trust in traffickers/smugglers known in the communities.
- Lack of understanding of the term trafficking or considering themselves as victims of trafficking
- Large debts and excessive rates of interests on loans to moneylenders and rich individuals in the source province to pay the trafficker/smuggler for transportation.
- No cheap method to migrate legally.
- Ignorance of the cost of living and working conditions (also for women and girls).
- Lack of knowledge of conditions and debt bondage, and high living costs.

Traffickers (who recruit for the sex industry and labour – women) are:

- Other sex workers who persuade their female friends and family members.
- Extended family or relatives of the girls coerced into negotiating with traffickers.
- Attractive, well dressed young women or older aunt-type figures.
- Relatives of the brothel owners.
- Motodop drivers/boyfriends

Traffickers (who recruit men) are:

- Migrants who have previously worked in Thailand.
- Military, immigration and regular police.
- Known individuals in source province.

Route and transportation

There are particular cross-border migration and trafficking patterns from districts in source provinces in Cambodia to particular destination areas in Thailand, which differ according to gender. For example, men particularly travel from source provinces like Prey Veng directly to the coast (Sre Ambel or Koh Kong) and then use some illegal route to reach Trad. For girls, the route tends to be from Prey Veng to Phnom Penh (internal migration) and then to Koh Kong and Trad. Furthermore, each commune or village has a tradition of migrating to certain provinces in Thailand. Migrants, both men and women, from Mesang district transit through Koh Kong to Trad using well used social networks, whereas other districts in Prey Veng,

such as Peam Ro, go to Rayong.¹⁶⁰ The reason stated is that migrants returning who become traffickers or smugglers dictate the route.

The following vulnerability factors existed for **women and girls during the transportation stage**:

- They tended to travel alone with the trafficker.
- They were ignorant about the destination, route and transportation.
- They relied heavily for all arrangements and needs on the trafficker.

Men and women travelling in family groups were less vulnerable but were still highly dependent on the trafficker/smuggler and guides, while those migrating from border areas such as Koh Kong were less likely to deal with traffickers/smugglers and guides.

Destination

Because of the sectors or areas of work in which some Cambodian women and girls are found in Koh Kong and Trad – i.e. those that are hidden, illegal, or unregulated – the likelihood of these women and girls being trafficked and tricked into these industries increases. This risk is increased again when Cambodian women and girls cross the border from Cambodia to Trad, as their undocumented legal status and lack of knowledge of Klong Yai or how to access services confines them to their work areas. They are caught in a web of powerlessness where brothel owners and employers and others involved make a profit but view them as disposable commodities, which can make them vulnerable to trafficking, exploitative labour, and sexual exploitation, and limits their access to health and social support. The sex industry particularly is known for its gender-based vulnerabilities. Sex workers are discriminated and stigmatised in Cambodia and Thailand; female migrant workers are thought to be inferior by the local Thai population. Cambodian female migrant workers also find themselves in legitimate jobs but many of these jobs are hazardous, short term and poorly paid, leaving them again vulnerable to abuse or susceptible to the false promises of traffickers.

Because of their gender, Cambodian women and girls migrating to Koh Kong and Trad province are more at risk than men of being commoditised, exploited and at risk of sexual violations and abuse, coercion and deception by a whole array of different people: family and friends; boyfriends; motodops; traffickers; brothel owners; police and authorities; customers; and society, which profits from the vulnerability of girls far away from home as undocumented workers in Thailand. For men, exploitation in the form of debts and cheating at the recruitment stage and at the destination point is often dependent on the type of industry, employer and on the conditions of work.

The following vulnerability factors existed for **women and girls at the destination point**:

- They work in gender-segregated occupations where risk of trafficking and exploitation is high (e.g. the sex industry).
- Trafficked Cambodian women and girls in the sex industry are ‘hidden’, moved around and are difficult to access.
- Debt bondage, which is illegal, ensures compliance, control and dependency on the employer and brothel owner and creates a lack of economic and social freedom and curbs willingness to leave or escape. Debt bondage was most prevalent in the sex industry, as covered in this report.
- Incomes are dependent on the inclinations of the brothel or karaoke owner and there is often a lack of access to earnings and knowledge of amounts.

¹⁶⁰ See Annex 1 for other border crossings to Thailand.

- Women are easily manipulated and suffer from gender-based violence such as rape and dangerous sexual practices (i.e. unsafe working conditions) against which they are unable to defend themselves.
- Cambodian women and girls are rarely registered, even after a prolonged period working in Trad; owing to their legal status and the nature of work, especially the sex industry, they fear arrest, which also restricts their freedom.
- Cambodian female migrant workers are paid less than their male counterparts and therefore have less disposable income and more difficulties in surviving.
- There is a lack of knowledge of services or places to go to for help; women and girls are deprived of protective avenues in Trad and Koh Kong.
- Society, authorities and law enforcers operate in a discriminatory manner, resulting in gendered violations of rights of women and girls.
- There is unlawful withholding of legal documents and work permits.
- Fear of reprisals, violence, arrest, lack of knowledge of the work destination, and the language barrier deter women and girls from leaving or escaping.

The following vulnerability factors existed for **men at the destination point**:

- Men work in difficult, dirty and dangerous jobs where they are willing to work for less than the minimum wage.
- The fishing industry, particularly large boats, is notorious for hazardous labour conditions.
- There is a lack of awareness and information about labour rights and entitlements once registered.
- Debt to moneylenders in the source province, to traffickers/smugglers, and to employers creates bonded labour situations.
- There is irregular payment of salaries.
- Sawmills particularly have long hours, are difficult to access and have a lack of registration.

The following general vulnerability factors exist for **Cambodian migrants (both men and women/girls) at the destination point**:

- They do not speak the language of the country and have low levels of education and skills.
- There is a lack of access to information and services owing to fear of arrest.
- Lack of information on legal means to migrate thrusts Cambodian migrants into the hands of traffickers and smugglers.
- There is a constant threat of harassment, arrest, detention and deportation, often realised unreasonably.
- There is a lack of labour rights, realised as underpayment, lack of free time and holidays.
- Authorities rarely screen migrants to establish whether they have been trafficked or exploited; they are therefore unable to give evidence or seek redress, limiting the possibility of prosecution.
- Poor illiterate non-Thai-speaking Cambodians fear contracts and the registration process.
- There is discrimination and social marginalisation of Cambodian migrants in Trad.
- Lack of information on the high living costs in Thailand means salaries are only adequate for daily survival and there is little possibility for saving money.
- There is labour exploitation in a number of industries in Trad province.

Remitting money, return and effect on source province

The following vulnerability factors existed for **women and girls on return**:

- Women and girls are more likely to send money home and support families, adhering to their traditional responsibilities, which perhaps encourages them to endure exploitative conditions (whereas single men seemed less likely to remit money home).
- Women and girls risk being rejected and stigmatised by the general community for leaving; this is doubly problematic if it is suspected that returning women and girls have worked in the sex industry, which may encourage them to re-migrate, trapping them in a cycle.
- Single women who have migrated rarely return, impacting on demographics of the source provinces, such as Prey Veng.
- Support and assistance is infrequently given to those returning home, who encounter a huge numbers of problems, e.g. social, economic and health.

The following vulnerability factors existed for **men on return**:

- There was outstanding debt to the trafficker/smuggler caused by migration, and less money and fewer assets than before they migrated.
- Extortion by some uniformed officials is a constant problem for migrants crossing borders and returning home.
- There is unemployment and no rice or land to farm.
- Illness and health problems create further financial burdens.

The following vulnerability factors existed for **women and girls who remain in the source provinces**:

- With the main income earner away, women and girls frequently face socioeconomic problems.¹⁶¹ For example, they are left responsible for the survival of the family, have large outstanding debts caused by migration of male relatives, have to find rice and employment, and are vulnerable themselves without the support of male relatives to being abused, cheated, pressured by law and trafficked.
- Some men never return, rarely communicate with families, marry another woman in Trad, die in Trad, or return with an illness, creating an additional financial burden on women and girls and those left behind.

Summary

The results from this study conclude that, owing to a number of circumstances, such as feminisation of poverty and migration and other gender factors, including gender discrimination in source provinces such as Prey Veng, Cambodian women and girls are forced to leave their villages in poor provinces for urban areas such as Phnom Penh and onwards to Koh Kong and Trad, reliant on traffickers/smugglers to reach the destination point. Some men, finding themselves in debt and financial hardship, with lack of land or employment opportunities, risk unsafe migration to seek employment in Trad and other Thai provinces. As traffickers and smugglers are firmly based in poor provinces, men particularly pay such people to help them to migrate through illegal channels. Women and girls on the other hand are more vulnerable to being cheated by traffickers into sexual exploitation after the promise of well paying jobs, incurring debts to the trafficker on arrival at the destination (Trad or Koh Kong), the debt being wholly the responsibility of the women and girls.

Gender discrimination in destinations such as Koh Kong and Trad creates increased vulnerability for women and girls compared with men, often leading to trafficking for sexual exploitation, involving debt bondage. This is doubled when the trafficking is cross-border, as women and girls are discriminated for being not only migrants but also sex workers. For men, being poor, uneducated migrant workers in Thailand leads to labour exploitation and abuse

¹⁶¹ MOWVA, 2004: 12.

of human rights. Without proper travel documents, Thai language and communication skills, and familiar support systems, as well as being undocumented, migrants are under the control of unscrupulous employers, traffickers and smugglers, and the police. In the case of women and girls, this can result in sexual abuse, exploitation and rape. Vulnerability for women and girls is associated with human rights abuses, discrimination, blind migration and gender-based violence; for men, labour exploitation, financial debt and tricking by traffickers and smugglers is more prevalent.

7.2 Recommendations

Starting from the country of origin, through transit, country of destination (Thailand) and even integration, as has been outlined in this research, women and girls have to bear an extra burden of vulnerability when migrating. The research has highlighted the need to address the root causes of migration to prevent Cambodian migrants, especially women and girls, becoming vulnerable to trafficking and sexual exploitation. As the Special Rapporteur on violence against women stated, 'The root causes of trafficking and migration greatly overlap. The lack of rights afforded to women as the primary causative factor at the root of both women's migration and trafficking in women.'¹⁶²

The research has shown how the initiation, the process and the outcome are different for men and women during migration. Programmes initiated to combat trafficking, whether for labour or for sexual exploitation, need to understand gender disparities to understand how migration impacts men and women differently if they want to reach out effectively to men/boys and women/girls.¹⁶³ Furthermore, interventions and development programmes that are gender specific and address gender equality as well as protecting rights need to be developed. A holistic gender-responsive approach can address the factors that cause women and girls to be vulnerable and support the strengths of all migrants. It is also a rights-based approach, since gender discrimination is now recognised as a fundamental denial of human rights. Human rights must therefore lie at the core of any credible counter-trafficking strategy and must also be responsive to gender differences and disparities, and focused on realising human rights equally for men and women, boys and girls.

Importantly, developing more understanding of the needs of migrant workers is fundamental as new programmes and policies need input from those who have been previously trafficked or exploited, and from migrants generally, so they are able to influence decisions and solutions that affect them. Consequently, stakeholders' implementing programmes must focus on issues and needs raised by migrants, especially female migrants. Their participation is needed to work towards improving their conditions, recognising their rights and reducing vulnerabilities. Furthermore, LSCW appeals to the government agencies, NGOs, IOs, UN and donors in both Thailand and Cambodia to consider the following:

- Addressing the gaps in assistance to Cambodian trafficked and exploited migrants is vital, as programmes and projects are limited in numbers and locations, particularly in Thailand.
- As the research has highlighted, the needs and vulnerability of Cambodian women and girls differ from men. Thus there is a need for specialised intervention to address these differences. Furthermore, all agencies need to work together to guarantee that migration does not lead to trafficking and exploitation.
- Policies dealing with trafficking need to take migration issues on board; this needs to include trafficking concerns, as often these issues cannot be separated. There should be full comprehension of gender issues with regard to both.
- There is a need to address the risks in certain sectors, such as fishing and the sex industry, where migrants are frequently trafficked and exploited. This should involve exploring specific measures and action to reduce such violations in the future.

¹⁶² Pearson, E. *et al.*, 2001: 45.

¹⁶³ CARAM Asia, 2002: 65.

- Cambodia is in the process of implementing an MOU with Thailand¹⁶⁴ which will offer legal channels of migration to Cambodians, but it is possible that these legal channels will focus on the male-dominated sectors such as fishing and construction, putting Cambodian women at a severe disadvantage: the gender-segregated industries, such as domestic work and the sex industry, are not covered in migration policies. Such moves could increase vulnerability to trafficking, exploitation and abuse, with little recourse for protection from the authorities. It is vital that such moves are prevented.¹⁶⁵

General recommendations

Cambodian and Thailand have signed two MOUs towards joint cooperation on trafficking and migrant workers. In 2004, Prime Minister Thaksin Shinawatra reiterated his government's commitment to combating trafficking and declared this to be a national priority. Therefore, the following recommendations are highly relevant.

To governments (Cambodia and Thailand)

- There should be integration of a gender perspective into all trafficking interventions; gender-sensitivity training should be designed and run for government staff and agencies. Mainstreaming gender is vital for solving the increasing problems of trafficking and preventing gender discrimination.
- Government agencies UN, IOs and local NGOs together should be instrumental in addressing key attitude changes towards women in Cambodia, and on sexuality, gender relations and sex work.
- Governments of Thailand and Cambodia should ensure rights-based, clear gender-specific migration policies are planned and implemented.
- Government and agencies should adhere to the MOU on trafficking to prevent arrest, detention and deportation of Cambodian trafficked women and girls.¹⁶⁶
- The government of Thailand should permit Cambodian organisations to assist trafficked and exploited migrants through legal channels in Thailand.
- There should be concerted efforts to prevent corruption, bribes, extortion, harassment and violations of human rights by officials (authorities, police, military, and immigration officers), especially in the border areas.
- Government agencies, UN, IOs and local NGOs should address the gap identified to respond to the needs of female migrant workers and children, and work to support women, encourage participation, strengthen positions and allow them to speak up for their rights.
- There should be implementation and enforcement of existing bilateral agreements, such as MOUs (on i) trafficking and ii) employment of workers). New agreements should be formed on cross-border cooperation between Thailand and Cambodia, particularly focusing on Koh Kong and Trad and other cross-border areas.
- Men are not recognised as victims of trafficking within the two MOUs that have been signed with Thailand (on i) trafficking and ii) employment of workers). Generally, there is little concern of the needs of men, with extremely few interventions undertaken to reach out to them. Agencies need to make provision for trafficked and exploited men through migrant assistance programmes to provide support, legal services and protection.
- Concerted efforts are needed to break trafficking networks and prosecute people who exploit migrant workers with heavy penalties; victims should be offered special visa

¹⁶⁴ MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Cooperation in the Employment of Workers, signed 31 May 2003.

¹⁶⁵ Corner, L., 2002: 15A.

¹⁶⁶ MOU between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Human Trafficking, signed 31 May 2003.

status, protection and social services in exchange for testifying against exploitative employers, traffickers and smugglers.

- Reports should be examined of increased numbers of sex tourists in places like Koh Kong and Trad province, and strategies and action created, especially among law enforcers, to prevent exploitation and rights of Cambodian women and children in this regard.
- Legal labour recruitment organisations in Cambodia should be monitored to prevent high costs to migrants, corruption and other bad practices.
- Thai labour laws should be enforced as legally stated as entitlements for registered migrants who face exploitation; these need to be in line with international standards.
- Destination countries such as Thailand should regulate the status of undocumented migrants, particularly women and girls in the sex industry.
- Thai and Cambodian governments should ratify international conventions which pertain to migrant workers, such as the ILO Convention on Migrant Workers (97 and 143), and the Convention against Transnational Organized Crime and its protocols, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Governments with assistance from IOs and UN agencies should train labour inspectors to monitor and inspect industries which are notoriously exploitative and where trafficking is common, e.g. fishing.
- Government agencies in cooperation with NGOs need to adopt concrete strategies to monitor areas around factories and garment factory girls'/women's accommodation in order to prevent active traffickers from operating and to address the issues surrounding shutdowns of factories and possible job losses among the 240,000 female garment workers after the US quota expiry on 31 December 2004.¹⁶⁷

Research and other issues

Further research is required on the following topics:

- The vulnerabilities and factors surrounding the trafficking of men, to encourage more understanding of men as victims of trafficking.
- Trafficking from a broad perspective, including forms such as domestic work and fish processing.
- Baseline research on the problems affecting Cambodian migrants who cross the border to Thailand.
- General situation of migrants, such as work issues, labour conditions and abuses, needs, family life and living conditions, effect on home communities and particularly on gender issues.
- Root causes of migration and gender vulnerability, to prevent further trafficking, abuse and exploitation.
- Gender-based vulnerabilities and discrimination of women in source, transit and destination areas.
- Impact of migration on source province and households.
- The link between trafficking and voluntary entry into the sex industry among garment factories in Phnom Penh, at the same time increasing monitoring after possible factory closures, concentrating especially on formulating strategies for future employment.

Safe migration and prevention of trafficking

Governments and supporting agencies need to work to increase opportunities and expand channels and mechanisms for safe legal migration, including improvements in migration management and connecting with worker protection measures, and the creation of migrant worker support networks. Such moves can minimise vulnerability of undocumented Cambodian migrants to trafficking and labour and human rights violations.

¹⁶⁷ Cambodia Daily, Monday 8 November 2004.

Potential Cambodian migrants need to be properly informed about the risks of migration internally and cross-border (exploitation, violence, lack of freedom, debt bondage, health and security etc.), as well as avenues for legal non-exploitative migration.¹⁶⁸ In addition, there is a need to enable migrants to learn about protection strategies, perhaps in the form of a checklist, which can enable them to leave the village more informed about the destination etc., i.e. they will not be departing blind and putting themselves at risk. For example, potential migrants need to tell their families and the authorities, ask more questions to the person recruiting them, and not travel with those they do not know, which can put them in danger of trafficking. The migrants need to be able to protect themselves and could formulate tools to give these messages, e.g. through video, radio, comedy etc. Providing reliable information to communities (migrant individuals and families) about the realities of migration, deception by traffickers, human rights, and legal literacy and options is imperative in preventing trafficking and exploitation.

Safe migration and prevention strategies

- Education, information and awareness-raising materials need to be developed on safe migration and protection, accessible for people who cannot read and write, to give them practical information on trafficking. Materials need to be visual or use innovative ways to disseminate information to illiterate people who are considering migrating.
- Protection strategies need to be developed in the vulnerable communities, especially with regard to how to report problems and to which agencies in provinces can assist community members when trafficking and smuggling violations are suspected, e.g. hotlines and response mechanisms.
- There needs to be awareness creation in communities with high migratory patterns, through various media, on the dangers of illegal migration, hazards, working conditions – especially in certain industries, the cost of living in Thailand, cultural differences, tricks of traffickers and smugglers, and protection strategies that can help counteract the risk of trafficking and exploitation.
- There should be greater participation by communities in preventing trafficking, through the establishment of village-based protection activities, the identification of key focal points for safe migration in the village, and effective educators on safe migration. Migrants who have not been successful could be encouraged to talk about the problems of labour migration and the reality of the living and working situation in Thailand.
- Government agencies and NGOs should undertake campaigns aimed at Cambodian women and girls who need to be given dependable information at the village level (source), not only of the opportunities of migration but also of the limitations and dangers they can encounter through the migration process, in order that they can make informed choices.
- Pre-departure training programmes in areas and provinces of high migration should include information on labour law, rights, details of contracts, and registration procedure and entitlements under the Thai registration process.
- Information should be given to women and girls who are considering migrating on how they can access services and information in their home province, by providing telephone numbers and names of NGO programmes or agencies.
- There should be opportunities created and changes considered on discriminatory attitudes to men and women's roles, bodies and sexuality.
- There should be public education on the beneficial aspects of a women's role and gender-awareness training on the changing roles of Cambodian women and girls as migrants, to prevent discrimination in all areas and 'create more positive attitudes to women and girls rights, roles and status'.¹⁶⁹

¹⁶⁸ MOWVA, 2004: 19.

¹⁶⁹ Corner, L., 2002: 17.

- Men and communities should be encouraged to look at the internalised ‘good/bad women’ concept, to recognise that in human rights women should be treated with the same respect as men.¹⁷⁰

Skills and education in source provinces

- Alternatives should be broadened and choices developed for employment and income generation for men and young boys in the poor communities where traffickers and smugglers operate to obtain workers for industries in Thailand.
- Long-term initiatives should be created to empower Cambodian women and girls from key migrating communities with skills training and education, so they can enter and compete in the labour market and make sustainable changes to their livelihood. Income generation for women and girls needs to be dependent on market forces in the province, and competitive with salaries in migration destinations in order for them to be attractive enough for people to decide not to migrate, e.g. with loans, training in technology or different agriculture techniques.
- The Cambodian government should be encouraged to make an integrated effort to overcome poverty and provide funds for rural development, involving participation of communities with high migration to Thailand and other destinations, both internally and cross-border.
- Support services are required for families and women left alone in the source province to prevent creating additional vulnerability (debt, financial insecurity, trafficking and exploitation).

Legal protection

Training

- NGO lawyers and staff, local authorities, and police, especially immigration police, need further training in basic legal instruments, legal procedure – focusing particularly on better investigation techniques – and evidentiary procedures to create a disincentive for traffickers and to impact on demand (Koh Kong and Prey Veng).
- It is imperative that the anti-trafficking bureau police in Cambodia conduct further training in Koh Kong with the immigration, border and provincial police, especially on the current and new anti-trafficking laws.
- Young female lawyers need to be trained to represent female clients; female police officers should be encouraged for collecting evidence to support convictions and for sensitivity to the needs of the client. In addition, an increase in recruitment and training of female police officers, prosecutors and judges should be promoted.
- Immigration and border police, the judiciary and social services should be trained on the treatment of trafficked, exploited and in-crisis migrants, laws and MOUs. The criminalisation of traffickers, decriminalisation of victims and prevention of the practice of deportation/viewing victims as illegal migrants should be promoted. Training is also required on how to recognise possible cases of trafficking and the difference between smuggling and trafficking.

Improvement in legal awareness and policies

- NGOs and other agencies need to disseminate and implement relevant laws to agencies and lawyers working with victims, as well as to local authorities, commune councils, village chiefs and the communities.
- Labour laws should be standardised to ensure equal rights and working conditions, regardless of origin and gender of workers.¹⁷¹

¹⁷⁰ CARAM Asia, 2002: 6.

¹⁷¹ Wijers, M. and L. Lap-Chew, 1997: 25.

- There should be education on legislation for better enforcement; judges and judiciary should be interviewed to find out about attitudes and identify gaps in knowledge.
- Cambodian migrants require knowledge and understanding of how to use legal instruments to seek redress and legal rights under Thai and international law, e.g. CEDAW and the MOUs with Thailand, on reclaiming belongings, claiming compensation, or payment for unpaid services etc.

Improvement in legal procedure

- NGOs are urged to send complaints of misconduct by the courts to the Ministry of Justice or Supreme Council of Magistrates.
- There should be a reduction in demand for trafficked victims, achieved through cracking down on, arresting and prosecuting traffickers/smugglers and closing exploitative businesses.
- Policies based on rights are needed so that traffickers and smugglers and those involved in exploitative recruitment practices are punished, as are those who exploit and physically and sexually abuse Cambodian men, women and children at the source, during transportation, and in transit and destination areas, such as brothel owners, police, authorities and employers, including those who profit and extort money from those crossing the border, such as border guards.
- There should be advocacy to strengthen judicial procedures during trials that are rights based or victim friendly, including client and witness protection. Protection of women and children who testify in court needs to be improved, as confronting them with their tormentors in court often leads to prolonged trauma. No victims should be encouraged to pursue legal means without protection.
- Law enforcement practices need to be reviewed, as trafficked victims tend to be exploited numerous times, first by the trafficker, then by the police/border/immigration police, and finally by employers and brothel owners.

Legal services

- There should be access to free legal services, assistance and representation for women and girls in Koh Kong and Prey Veng, and Cambodian migrant workers in Trad.
- There should be free translation services for Cambodian migrant workers in Trad province during legal proceedings.
- There should be access to legal redress and compensation.
- Housing, protection and financial assistance should be provided during the legal process.
- Discussions should take place in a number of places with appropriate stakeholders on registration of sex workers in Cambodia, with particular regard to legal implications and control by the authorities, which could trap rather than protect women and girls.¹⁷²
- Lobbying should be carried out to improve the legal position of women and girls in Cambodia, as fully recognised workers protected by labour law in destination countries such as Thailand.

Community protection (destination)

- Community-based intervention programmes are important to reduce vulnerability to trafficking.
- Training programmes need to be developed to sensitise authorities on the problems and needs of trafficked and exploited persons, especially women and girls.
- Support networks need to be established in the gap provinces of Thailand where Cambodian migrant workers are prolific, including remote areas, so that migrant

¹⁷² On Tuesday 7 December 2004 in the Cambodia Daily, it was reported in an article that the local police in an unknown destination photograph sex workers and collect US\$2.50 every couple of weeks from the girls.

workers can exercise their rights together (Samut Prakarn, Pattani, Songkla, Bangkok, Trad, and Chonburi).

- Information needs to be provided regarding services available for victims of trafficking and exploitation for migrants (both internally and cross-border) in destination country or location.
- Community drop-in centres need to be established, which can be a focal point for various services and information for migrants and their families, and where issues such as rights and protection of migrants can be monitored, especially in the areas of trafficking, exploitation and discrimination.
- A response system with services for women and girls in Koh Kong and Trad province who have been trafficked, exploited, raped or suffered violence needs to be mobilised in a holistic manner, i.e. covering health, legal, psycho-social issues etc.
- There needs to be creation of a mechanism whereby victims within Cambodia, and Cambodian migrants, can report complaints of labour violations, trafficking and exploitation, in confidence without retribution, in order to prosecute employers involved.
- Employers need to be educated about their obligations to protect the rights of workers and to adhere to national labour laws.
- Cambodian migrants need access to information about what they are entitled to in the registration process, labour laws, and MOUs (between Thailand and Cambodia). Hence, translation of Thai labour laws, registration documents and procedures into Khmer is needed.
- Understanding needs to be created of migrants' rights to services if trafficked or exploited (under national trafficking laws and MOUs), irrespective of status and gender.
- All Cambodians, whether migrants, documented, undocumented, trafficked or exploited, need to be provided with assistance to address health, social and personal problems.
- Migrant support programmes should be set up by women themselves to prevent violence against female migrants, with services for those who have survived gender-based violence, e.g. educating female migrants on their rights and training other female migrants to offer support and monitor violations of trafficking, exploitation and other human and labour rights.
- A communication system or hotline should be set up in Koh Kong to offer emergency help for those who require it and provide services such as translation, lawyers and legal support.
- A system needs to be developed, with the input of migrants, by which Cambodians can remit money back to Cambodia from Thailand. This should take into account the fact that Cambodians generally do not trust the banking system and only trust family members or known persons.
- Advocacy should take place through government ministries for protective regulations for women and girls working in the sex industry in Koh Kong and Trad.¹⁷³
- Agencies, with the assistance of the Thai media, need to present positive images of migrant workers to prevent stigmatisation and discrimination.

Reintegration

- Services and referrals from the border to the home province should be in place for all migrants and for trafficked and exploited men, women and girls, particularly those without any Cambodian ID.
- Review of Cambodian NGO shelter policies, codes of conduct and manner of operation so that high quality services are provided to trafficked women and girls
- A safe and secure halfway house, centre or shelter for girls rescued or needing assistance in Koh Kong and Prey Veng needs to be set up, where victims of trafficking can be temporarily housed and where they can receive medical care, psychological

¹⁷³ Asian Migrant Centre, 2002: 19.

counselling and legal advice. This should take into account the different needs of adults and children and acknowledge the agency of Cambodian women and girls in choosing whether reintegration back to families/relatives/community is in their best interests.

- Assistance is needed, particularly for women and girls and migrants in crisis being deported from Trad to Koh Kong, in order to ensure safety across the border.
- Programmes are necessary to tap into the already existing support mechanisms in communities, to assist returning migrants and victims.
- Assistance is needed for women and girls with STDs or HIV/AIDS, who are pregnant, traumatised, or have psycho-social problems, as well as those without support networks in their province owing to rejection/stigmatisation from families/communities.
- Awareness-raising is required in communities to which trafficked and exploited men and women return, to prevent stigmatisation and create supportive environments.
- Cooperation is needed between government and NGOs to create opportunities for employment/utilise skills migrants have acquired, e.g. in construction, fish processing and agriculture, to assist in the development of rural areas and source provinces.
- Men also require reintegration assistance, such as health services, support groups and low-key counselling sessions, and training and employment assistance.
- Extradition and return agreements within the MOU need to be implemented in Koh Kong, similar to those already in place in Poipet.
- Protocols need to be established between the police, border authorities, and assisting agencies, both in Thailand and Cambodia.
- Government agencies, UN, IOs, NGOs and government agencies in destination areas need to assist trafficked and exploited victims in obtaining holistic services and assistance in their home province.

Networking and cooperation

- Networking, cooperation and collaboration needs to be encouraged and strengthened among NGOs, IOs, government and UN agencies that can provide services to victims in Koh Kong and Prey Veng, especially focusing on women and girls.
- A mapping exercise of government, UN agencies, IOs and NGOs in various key provinces could help establish who is focusing on trafficking and migration issues, in what areas activities, programmes and projects are being conducted, and what has been accomplished, to avoid overlap and assist in cooperation.
- The Cambodian government, UN agencies, IOs and NGOs should work closely with Thai counterparts in providing protection to Cambodian victims.
- The Cambodian government should be assisted in implementing the two MOUs with Thailand (on i) trafficking and ii) employment of workers), through cooperation between government ministries in Trad and Koh Kong.
- Cross-border agreements developed between Koh Kong and Trad, and mechanisms for networking and collaboration at governmental and non-governmental levels, should assist trafficked and exploited victims in Trad province, and other transiting migrants who are vulnerable (in the areas of health, gender, labour and law).
- The immigration police have regular meetings with their Thai partners and occasional meetings with the border liaison office (BLO), but these need to be expanded to address trafficking/labour migration issues. An official agreement is needed between Trad and Koh Kong on deportations. Joint training for Cambodian and Thai law enforcers, e.g. on MOUs, trafficking/smuggling and migration, can assist collaboration.
- It is important for counter-trafficking programmes to connect with migrant workers and health organisations to make clear that the protection of migrant workers' rights and the rights of trafficked persons are integrally linked.¹⁷⁴ There is a need to exchange information and develop joint strategies and mechanisms among stakeholders, particularly in source provinces in Cambodia and destination locations in Thailand.

¹⁷⁴ GATTW, 2003.

- All agencies and sectors, including private, government and civil society, need to build stronger relationships with each other and form agreements on activities, as well as providing channels of communication to help reduce the vulnerability of Cambodian women and girls and the exploitation of men in certain industries.

Specific recommendations for trafficked and sexually exploited women and girls

As the research has indicated, Cambodian women and girls are more vulnerable to trafficking for sexual exploitation than men. The following specific recommendations have been made:

- Specialised programmes should be developed for women and girls who have been trafficked in the sex industry, such as shelters, care and psycho-social support, and improved social services to women and girls working in the sex industry in Koh Kong and in Trad.
- Government agencies and NGOs need to assist girls in the sex industry and other areas to recognise that debt bondage labour is exploitative and that they have labour and human rights, as well as encouraging them to move to have more self-sufficiency.
- Sex workers need to be informed of their rights and legal procedures, for example that debts to brothel owners are illegal and any such contracts and obligations are against international and national law.
- Through collaboration between government and NGO agencies, girls who no longer want to stay working in brothels, karaokes etc. should be assisted to leave and helped in gaining self-worth and value, combined with empowerment to make their own decisions, live independently, and have the opportunity to take part in skills training that will lead to jobs based on the needs of the source province.
- Outreach strategies are necessary to assist women and girls who continue to work in brothels, karaokes and other establishments, to provide them with vocational training to increase their range of future choices based on their needs and linked to the local labour market, to assist them in making such a transition, and to seek job placements.
- Appropriate strategies should be formed, focusing not necessarily only on reintegration/return of women and girls to their homes as the sole options, but also on building self-esteem and empowerment, so that women and girls have the capability to make life choices and are aware of their value, qualities and abilities.
- Empowerment of sex workers and trafficked women and girls should ensure that those who have experience of migration and trafficking are involved in developing strategies of resistance. Victims of trafficking must be given a voice; women and girls must therefore be consulted before projects developed are implemented.
- Partnerships should be formed with sex worker groups, with victim/survivor participation encouraged, in order to form strategies to gain access to girls working in the sex industry. This could include establishing drop-in centres where girls can come for free beauty treatment, information, education and services. Also important is identifying key locations from which trafficking and exploitation-related activities are run and reporting on problems that need immediate solutions.

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Annex 1 Registration procedure (Thailand) and border crossing

A1.1 Registration procedure¹⁷⁵

Registration of migrant workers has been taking place for a number of years but the rules surrounding registration have been tighter particularly in regard to the industries that migrants are permitted to work in. By April 2004, the Thai government had approved written guidelines for migrant workers management prepared by the Ministry of Labour. New registration took place from the period 21 July to 15 October. During Phase 1 in July 2004, migrant workers 12 years old and upwards could register directly at district offices, or village headmen's offices by paying a 3,800 baht (US\$95) fee (including 600 baht – US\$15 – for the health check and 1,300 baht – US\$32.50 for health insurance) and receive one year work permits; migrants should have completed medical checks at designated hospitals by the end of October 2004. Migrants can also register family members and be entitled to the minimum wage of 135 baht a day (US\$3.35), healthcare and education for children.

Fees paid:

- 600 baht for medical check-up (US\$15)
- 1,300 baht for health insurance per year (US\$32.50)
- 1,800 baht work registration fee for one year (US\$45)
 - 900 baht for 6 months (US\$22.50)
 - 450 baht for 3 months (US\$11.25)
- 100 baht work permit card (US\$2.50)

Total fees paid for registration:

- 2,450 baht for 3 months (US\$61.25)
- 2,900 baht for 6 months (US\$72.50)
- 3,800 baht for 1 year (US\$95)

The policy for health insurance is as follows:

Migrants should be in good health before buying insurance.

- If the disease can be treated in Thailand, purchase of Thai health insurance is allowed. However, if the illness cannot be treated in Thailand, it is not allowed and migrants must return to the source country (e.g. for HIV/AIDS).
- The insurance covers also pregnant women, who can receive the same treatment as Thai citizens.

Migrant workers are entitled to the following (they must keep the work permit with them):

- To go to hospital and receive treatment for 30 baht (US\$75) per disease.
- Protection under the labour laws.
- The minimum wage.

During Phase 2, the migrants' countries of origin are needed to certify the citizenship of registered migrants and to issue them home country identification. In Phase 3 of the new Thai Labour management programme, the Ministry of Interior will for the first time issue two-year renewable work permits to unskilled foreign workers who were registered in July 2004, and had their citizenship certified by their country of origin. 'The police state that they are now focusing on apprehending and prosecuting illegal migrant workers and their employers. Illegal migrant workers face a maximum of three months in prison and/or a maximum 5,000 baht fine (US\$120). Employers of illegal migrant workers face maximum penalties of three years in prison and/or a 60,000 baht fine. A large number of unregistered migrant workers are reported to have been deported since the registration period ended.'¹⁷⁶

¹⁷⁵ Mekong News, September to October 2004: 3–4.

¹⁷⁶ Antislavery International, 2005: <http://www.antislavery.org/homepage/traffic%20news/october2004.htm#4>

Annex Table A1.1 Demand, quota and work permits given to illegal migrants, September 2004

Demand for migrant workers						
Type of company	No of employers	Total demand	Burmese total (male and female)	Lao total (male and female)	Cambodian male	Cambodian female
Sea fishing	746	8,447	1,191	5	7,027	224
River fishing	246	1,020	130	64	679	147
Fisheries	182	3,544	67	0	2,039	1,438
Farming	1,292	6,769	3,934	267	1,638	930
Animal raising	15	75	15	0	45	15
Brickwork	1	3	0	0	1	2
Ice factory	12	190	9	0	143	38
Sea trade	2	12	0	0	10	2
Construction	87	961	98	12	578	273
Domestic work	808	1,109	73	10	131	895
Other	477	4,027	347	167	1,073	1,810
Total	3,868	26,157	5,864	525	13,994	5,774
Quota filled						
Type of company	No of employers	Total quota filled	Burmese total (male and female)	Lao total (male and female)	Cambodian male	Cambodian female
Sea fishing	746	8,224	1,179	5	6,834	206
River fishing	246	989	125	62	660	142
Fisheries	182	3,509	67	0	2,010	1,432
Farming	1,292	6,713	3,934	267	1,605	907
Animal raising	15	75	15	0	45	15
Brickwork	1	3	0	0	1	2
Ice factory	12	190	9	0	143	38
Sea trade	2	10	0	0	9	1
Construction	87	938	101	12	560	265
Domestic work	808	982	69	10	102	801
Other	477	4,014	342	167	1,697	1,808
Total	3,868	25,647	5,841	523	13,666	5,617
Work permits given						
Type of company	No of employers	Total	Burmese total (male and female)	Lao total (male and female)	Cambodian male	Cambodian female
Sea fishing	2	5	0	0	5	0
River fishing	6	9	0	2	5	2
Fisheries	0	0	0	0	0	0
Farming	10	43	22	0	12	9
Animal raising	0	0	0	0	0	0
Brickwork	0	0	0	0	0	0
Ice factory	1	2	0	0	0	2
Sea trade	0	0	0	0	0	0
Construction	1	3	0	0	0	0
Domestic work	6	7	0	0	1	6
Other	6	34	0	2	14	18
Total	32	103	22	4	40	37

Source: adapted from Trad Department of Labour (2004)

Registration of Cambodian migrant workers in Thailand and Trad

There are no reliable figures on the numbers of Cambodians living and working in Thailand (both registered and undocumented). The Asian Migrant Yearbook in 2000 estimated that 112,000 Cambodians were living outside the country.¹⁷⁷ This includes other countries of labour migration, such as Malaysia.

In the recent nationwide registration process conducted in Thailand, data collected on 13 August 2004 by the Cambodian Embassy in Thailand stated that there were 181,579 Cambodians registered, 123,998 male and 57,581 female.¹⁷⁸ This shows that the figures quoted in 2000 were low or that migration to Thailand has increased in the last four years. Cambodian migrant workers are predominantly male, single, aged 21–30, have primary to lower secondary education and can speak some basic Thai.¹⁷⁹

In Trad province and Klong Yai district

In Trad province overall in 2003, 9,675 Cambodian migrant workers registered in all categories. Of this number, 2,557 were men and women employed in fisheries and 1,363 of these were men working in the fishing industry.¹⁸⁰

Annex Table A1.2 Registered Cambodian migrant workers in Klong Yai district, 2003

Type of work	Male	Female	Total
Worker	203	68	271
Fishing/seafood	667	205	872
Factory work	4	1	5
Domestic work	12	138	148
Shrimp farming	38	13	51
Agriculture	5	3	8
Sawmills	n/a	n/a	n/a
Total	929	426	1,355

Source: Council of Ministers database, 2003.

The 2004 registration showed Trad as having the third-highest number of Cambodian migrant workers after Bangkok and Chonburi. From 1–31 July 2004, 11,945 Cambodian men and 7,577 Cambodian women registered, making a total of 19,522 Cambodian registered migrant workers,¹⁸¹ although by the end of the registration period the figure was estimated at 25,000, with an estimated 5,000 remaining undocumented. This is not based on full-proof data.¹⁸²

A1.2 International border crossing at Haad Lek (Koh Kong – Trad)

- Cambodians can cross to Thailand with a passport and visa.
- Koh Kong and Trad have an agreement which allows Cambodians living in Koh Kong to use a border pass for travel in Trad province, officially for five days but extendable to one week. The cost is 1,200 baht (US\$30).
- A VIP pass is issued, for three days, ostensibly for government officials and NGOs free of charge if permission is granted by the provincial governor. Non-officials/NGOs have to pay permission: the price is again 1,200 baht or US\$30.
- Cambodians from Koh Kong can cross the border to the market at Haad Lek, paying 10 baht and a photo per time. They are not permitted to venture further than the market and can only collect and sell goods and conduct trading. The border pass is only valid

¹⁷⁷ Asian Migrant Centre, 2000: 101.

¹⁷⁸ Thailand Ministry of Labour, 2004.

¹⁷⁹ Asian Migrant Centre, 2000: 101.

¹⁸⁰ Press, B., 2003: 19.

¹⁸¹ Thailand Ministry of Labour, 2004.

¹⁸² Interview with Deputy Director, Provincial Department of Labour in Trad, 22 September 2004.

for one day. The perimeter of the market is controlled by Thai military police (three checkpoints).

Annex Table A1.3 People to Cambodia, 10 March – 31 May 2004 (Cambodian figures)

	Male	Female	Total
Expatriate tourists	86	41	127
Business people	287	59	346
Tourists	3,421	1,405	4,826
Thais	63	42	105
Cambodians	439	1,214	1,653
Those with border pass	468	278	746

Source: Cambodian immigration police, 27 August 2004.

Annex Table A1.4 People to Thailand 10 March – 31 May 2004 (Cambodian figures)

	Male	Female	Total
Diplomats	21	4	25
Officials	48	15	63
Courtesy visitors	10	10	20
Tourists	5,131	2,345	7,476
Business people	308	71	379
Expatriates	85	38	123
Normal citizens	525	1,200	1,725
Cambodians	498	1,164	1,662
Thais	27	36	63
Those with border pass	580	258	738

Source: *ibid.*

Annex Table A1.5 Migrants into Thailand and Cambodia 10 March – 31 May 2004 (Cambodian figures)

	Men	Women	Total
Migrants returning to Cambodia	1,021	1,682	2,703
Cambodians going to Thailand	1,105	1,708	2,813

Source: *ibid.*

Annex Table A1.6 People deported by Thai authorities at the border (Cambodian figures)

	Deportation occasions	Men	Women	Total
1 March – 31 May	29	254	39	293
1 – 31 July	3	38	4	42

Source: Cambodian immigration police, 27 August 2004.

Annex Table A1.7 Haad Lek border crossings 2003/2004 (Thai figures)

	Thai passport				Khmer passport			
	2003		2004		2003		2004	
	In	Out	In	Out	In	Out	In	Out
January	225	235	4,286	3,973	413	537	427	377
February	34	0	2,746	2,667	0	98	291	325
March	279	213	2,900	2,835	57	104	397	365
April	2,318	2,304	4,592	4,451	350	313	349	354
May	2,363	2,493	3,496	3,472	325	339	366	308
June	2,438	2,251	2,812	3,076	913	930	327	334
July	2,279	2,256	2,872	2,857	334	368	346	293
August	2,188	2,250	2,777	2,538	554	423	243	295
September	2,035	2,005	1,244	1,229	431	413	228	116
October	2,422	2,434			350	368		
November	2,628	2,668			439	408		
December	2,907	3,261			376	368		
Total	22,116	22,370	27,725	27,098	4,542	4,669	2,864	2,767

	Thai border pass				Khmer border pass			
	2003		2004		2003		2004	
	In	Out	In	Out	In	Out	In	Out
January	6	7	739	744	559	505	2,863	2,455
February	0	0	433	470	0	0	2,264	2,232
March	6	6	382	358	270	175	2,456	2,439
April	610	610	376	465	855	835	2,253	2,047
May	596	665	389	360	1,206	1,201	2,270	2,235
June	515	521	626	632	913	930	2,695	2,322
July	310	321	421	423	818	878	2,373	2,186
August	282	284	647	665	737	723	2,349	2,183
September	254	255	308	369	750	792	1,119	1,230
October	338	345			1,795	1,780		
November	268	275			2,534	2,464		
December	443	462			2,559	2,649		
Total	3,628	3,751	4,321	4,486	12,996	12,932	20,642	19,329

Source: adapted from Klong Yai immigration police statistics.

Annex Table A1.8 Cambodians arrested/deported in Klong Yai January – September 2004 (Thai figures)

	Arrested by Thai police				Deported by Thai police			
	Men	Women	Boys	Girls	Men	Women	Boys	Girls
January	38	6	0	0	368	72	2	0
February	61	16	0	0	277	49	5	4
March	61	16	0	2	329	53	0	2
April	104	92	2	1	457	154	4	1
May	38	22	0	0	378	98	5	3
June	7	0	0	0	124	11	2	1
July	59	22	0	0	295	66	8	1
August	23	9	0	0	123	28	5	0
September	10	2	0	0	25	5	0	0
Total	401	185	2	3	2,376	536	31	12

Source: ibid.

Illegal routes from Koh Kong province to Trad province

Information on illegal routes was provided by local NGOs and Cambodian migrants.

- When there is a demand for Cambodian workers, Thai and Cambodian traffickers and smugglers rent boats to take people to Thailand. Small boats leave from the Cham Yeam pagoda beach near the main city area of Koh Kong to Klong Makam or Klong Soan in Trad province. Bigger Thai business boats also transport migrants. Migrants hide in the bottom of boats under products to be sold in Thailand to avoid detection by the police. The authorities are said to request money from the traffickers/smugglers and boat drivers for allowing them to depart. The cost is normally 50 baht (US\$1.25) per person or 300 baht (US\$7.50) per boat, but depends on the boat crews/transporters and can be as high as 3,000 baht (US\$75). The boats often leave between 7pm and 8pm. Boats from Trad also transport migrants back to Cambodia via Koh Kong or Sre Ambel.

- Fishing boats come from Sre Ambel, Kampot and Kompong Som and stop at Koh Sdach and Bat Klong. The migrants wear fishing clothes to look like fishermen. The boats from Sre Ambel stop in Koh Kong in Daung Tong and then continue to the Thai border. Koh Kong residents who are working in Thailand can cross to Thailand by sea without paying.
- People take the boat from Daung Tong up the river and then go on foot through a small pathway locally known as Kao Wong or Sokavong (Thai name) and walk across the border (only in the daytime), as well as going through Checkpoint 205. Traffickers and smugglers ask for 200 baht (US\$5) for entering Thailand without papers. This crossing is an official legal crossing for Cambodians from Koh Kong and Trad and was mentioned as a common route for crossing the border.
- Boats from Sre Ambel take migrants to Daung Tong (Koh Kong) from where they then cross the mountain on foot (see above).
- Migrants travel on foot or take motos to Vongtathak, in the mountains in Koh Kong (not an official border crossing). Walking over the mountain is 200–300 baht per person (US\$5–7.50), paid to local guides said to be farm workers who are willing to help people across safely (there are landmines). If the Thai police intercept them, the guides change the routes. People cross early in the evening or in the morning. A number of paths are used through the forest and migrants report being asked for between 100 and 500 baht (US\$2.50–12.50) by border police patrolling the area.
- The three-day VIP pass at the international entry point is provided to government officials and NGO staff free of charge. Normal citizens are charged US\$30. Traffickers and smugglers contact the police from the source province (e.g. Prey Veng) and request fake VIP passes to be ready for their arrival by taxi at the Haad Lek border, or charge US\$75 for real passes, as reported by respondents. Some of the respondents were able to obtain this pass at the border and then disappear in Trad province, not returning after the three-day deadline. Traffickers transporting Cambodian women and girls working in the sex industry are said commonly to use this route, as brothel owners in Thailand wait on the other side of the border. The Thai immigration police are aware that the VIP pass is not only used by officials and NGOs.
- Traffickers/smugglers transport migrants to Thailand through the international entry point by pretending that they are cart pullers or vegetable carriers, using the agreement for Cambodians to cross without papers to Haad Lek market.

The border control police estimated in an interview on 25 August that around 600 Cambodian were arrested in 2003 trying to cross the border.

Other border crossings from Prey Veng to Thailand

In Battambang, migrants from Prey Veng use a crossing point known as Lem in Kamreang district. It was stated that the majority of Cambodian fishermen from Prey Veng going to work in Rayong and Pattani used this border crossing or crossed from another place in Banteay Meanchey called Malay. One respondent reported the following story about this route:

We walked up a mountain and through a forest where there were many mines which was very difficult. It took two to three hours to cross the border and then we came to a road. The trafficker/smuggler told us to hide in the forest and then called for a pick-up laden with fruit to pick us up. We hid under the bags of fruit to hide from the police. When we arrived at the Thai checkpoint the police used spears to poke the bags of fruit and one man was speared and was hurt. The Thai police arrested us at gun point and forced us to take off our clothes and checked everything. Then the Thai driver and trafficker/smuggler talked to the police and I saw them give money to the police and then they let us go.

Many migrants in Prey Veng province stated that there was a connection between the Thai and Cambodian police in handing people over the border, as well as with the Thai police transporting migrants from the Thai side of the border to Rayong. Trafficked girls from Kompong Cham also claimed to have been transported through this route to Thailand.

Annex 2 Interviewees in Koh Kong, Trad and Prey Veng

Government, NGO, civil society

Koh Kong province (Cambodia)			
Name	Job title	Place of work	Sector
Ms Lok Somamet	Deputy Director	MOWVA	Government
Ms Mang Mayouda	Deputy Director	Department of Tourism	Government
Mr Sun Seng	Vice Commissioner	Provincial Police Department	Government
Mr Seng Gnor	Chief of Minor Office	Provincial Police Department	Government
Mr Nob Leng	Director	MOSALVY Office	Government
Mr Uk Sakhon	Policeman	Border police	Government
Mr Chhun Chhean	Policeman	Border police	Government
Mr Un Phannarith	Policeman	Border police	Government
Mr Ngoun Heang	Police administration	Stung Veng police	Government
	Group of members	Stung Veng commune council	Government
Mr Meas Salash	Commander	Military police	Government
Mr Khiem Seitha	Deputy Commander	Military police	Government
Mr Thong Narong	Deputy Commander	Military police	Government
Mr Sreng Hong	Deputy Commander	Military police	Government
Mr Sisowath Piyavong	Deputy Commander	Military police	Government
Mr Top Sovann	Director	Immigration police	Government
Mr Chhoeurn Chhuna	Team Leader	Care Koh Kong	NGO
Ms Socheata	Assistant	Care Koh Kong	NGO
Ms Som Sithan	CID Team Leader	Care Koh Kong	NGO
Mr Jonathan Gareth	Coordinator	Partners for Development	NGO
Ms Lim Y	Human Rights Educator	Licadho	NGO
Mr Vouch Leng	Prison Observer	Licadho	NGO
Ms Gnoun Solyna	Coordinator	Adhoc	NGO
Ms Socheat	Assistant	HCC	NGO
	Motodop driver		Civil society
	Motodop driver		Civil society
	Motodop driver		Civil society
	Border guide		Civil society

Trad province (Thailand)			
Name	Job title	Place of work	Sector
Mr Sampoan	Governor	Klong Yai District	Government
Mr Pichet Raktasin	Deputy Director	Trad Department of Labour	Government
Mr Wimon Suprapean	Captain	Immigration Police Haad Lek	Government
Ms Warairath		Trad Department of Health	Government
Mr Viphath		Trad Department of Health	Government
Ms Kanchoun		Trad Department of Health	Government
Name withheld		CARE/RaksThai	

Prey Veng province (Cambodia)			
Name	Job title	Place of work	Sector
Ms Kim Lang	Official	Department of Women's Affairs	Government
	Project Assistant	UNICEF	NGO
	Coordinator	Adhoc	NGO
Mr Chhorn Satre	Coordinator	VAWCC	NGO
Mr Lorn	Coordinator, Mesang	World Education	NGO
Estelle Day	Programme Coordinator	World Education	NGO
Ms Bin Samphea	Programme Coordinator	PKNS	NGO
Ms Buth Samon	Executive Director	Children and Love	NGO
Ms Chu Bunleang	Project Coordinator	CWPD	NGO
	Commune chief	Peam Ro District and commune	Government
	Commune chief	Mesang District, Knol Chney Commune	Government
	Commune chief	Pear Raing District, Prey Pnov Commune	Government
	Commune clerk	Pear Raing District, Prey Pnov Commune	Government
	Commune chief	Kamchay Meas District, Smaong Jerng Commune	Government
	Commune chief	Kamchay Meas District, Seang Kveang Commune	Government
	Commune chief	Kamchay Meas District, Trabek Commune	Government
	Village chief	Pear Raing District, Roka Commune, Snaipol Village	Government

Migrants

Koh Kong province (Cambodia)			
Sex	Returnee/migrant/ family of migrant?	Employment of migrant/returnee/family member	Source province
M	Migrant	Child	Svay Rieng
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker	
F	Migrant	Sex worker (HCC primary)	Kompong Cham
F	Migrant	Sex worker (Licadho secondary)	Phnom Penh
F	Migrant	Sex worker (Licadho secondary)	Kandal
F	Migrant	Sex worker (Licadho secondary)	Kampot
F	Migrant	Beer promotion	Kandal

Totals: 18 individuals, 3 secondary. Of primary individuals, 1 man, 14 women

Trad province (Thailand)			
Sex	Returnee/migrant/ family of migrant?	Employment of migrant/returnee/family member	Source province
M	Migrant	Fishing boat*	Prey Veng
M	Migrant	Fishing boat*	Prey Veng
M	Migrant	Fishing boat*	Prey Veng
M	Migrant	Fishing boat+	Prey Veng
F	Migrant	Fish processing*	Kampot
F	Migrant	Fish processing*	Kampot
F	Migrant	Fish processing+	Sihanoukville
M	Migrant	Construction*	Sihanoukville
M	Migrant	Construction+	Kampot
F	Migrant	Cleaning+	Kampot
F	Migrant	Waitressing+	Kompong Cham
M	Migrant	Ice factory*	Kampot
M	Migrant	Ice factory*	Sre Ambel
F	Migrant	Ice factory*	Kampot
M	Migrant	Sawmill+	Phnom Penh
F	Migrant	Sex worker*	Phnom Penh
F	Migrant	Sex worker*	Koh Kong
F	Migrant	Sex worker*	Kandal
F	Migrant	Sex worker (HCC primary)*	Kompong Som
F	Migrant	Sex worker (HCC primary)*	Koh Kong
F	Migrant	Brothel owner [□]	Koh Kong
	Migrant	Children+	Koh Kong
	Migrant	Family+	Kampot
	Migrant	Family+	Kampot
	Migrant	Family+	Kampot
F	Migrant	Sex worker (Licadho secondary)	Koh Kong

Totals: 15 individuals, 7 groups, 3 families Of individuals, 5 men, 9 women 1 secondary case

* Individual in-depth interview +Group interview, not transcribed but quoted [□] Individual interview, not transcribed but quote

Prey Veng province (Cambodia)

Sex	Returnee/migrant/family of migrant?	Employment of migrant/returnee/family member	Source province	District	Commune	Village	Route followed/destination
M	Returnee	Fishing boat	Prey Veng	Prey Veng	Po Pis	Tnal Chey	Battambang to Rayong/Pattani
M	Returnee	Fishing boat	Prey Veng	Prey Veng	Po Pis	Tnal Chey	Battambang to Rayong/Pattani
M	Returnee	Fishing boat	Prey Veng	Prey Veng	Po Pis	Tnal Chey	Battambang to Rayong, back through Koh Kong
M	Returnee	Fishing boat	Prey Veng	Prey Veng	Po Pis	Tnal Chey	To Rayong
M	Returnee	Construction	Prey Veng	Peam Ro	Peam Ro	Chak Lagn	To Bangkok
M	Returnee	Worker	Prey Veng	Peam Ro	Peam Ro	Chak Lagn	To Ayuthaya
F	Family	Husband in construction, son in fish processing (Trad)	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
F	Returnee	Fruit selling	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
F	Family	Husband and son in construction (Trad)	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
F	Family	3 sons in construction, 1 daughter in domestic work (Trad)	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
F	Family	2 sons, son-in-law, nephew on fishing boats (Rayong and Pattani)	Prey Veng	Mesang	Knol Chney	Meanchey	To Rayong and Pattani
F	Family	Husband on fishing boat (Rayong ad Pattani)	Prey Veng	Mesang	Knol Chney	Meanchey	To Rayong and Pattani
M	Returnee	Sawmill/garage/fishing boat	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
M	Returnee	Fishing boat	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
M	Returnee	Fishing boat	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
F	Returnee	Fish drying	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
F	Returnee	Sawmill	Prey Veng	Mesang	Knol Chney	Meanchey	Koh Kong to Trad
M	Returnee	Fishing boat	Prey Veng	Pear Raing	Prey Pnov	Prey Pnov	Battambang to Rayong
F	Family	Husband and brother on fishing boat (Rayong)	Prey Veng	Pear Raing	Prey Pnov	Prey Pnov	To Rayong
F	Family	Husband (Rayong) on fishing boat	Prey Veng	Pear Raing	Prey Pnov	Prey Pnov	To Rayong
F	Family	Brother on fishing board (Rayong)	Prey Veng	Pear Raing	Prey Pnov	Prey Pnov	To Rayong
M	Returnee	Fishing boat	Prey Veng	Kamchay Meas	Smaong Jerng	Tian Pleung	Battambang to Rayong
F	Family	Husband (Rayong) on fishing boat	Prey Veng	Kamchay Meas	Trabek	Prey Tbaing	To Rayong
F	Family	Two sons (Pattani/Songkla) on fishing boats	Prey Veng	Kamchay Meas	Trabek	Prey Tbaing	Through Poipet

Total number: 13 returnees (11 men 2 women); 10 family members of returnees/migrants (all female).

Annex 3 Laws – Cambodia and Thailand

Laws in Cambodia

The law on Suppression of Kidnapping, Trafficking, Exploitation of Human Persons (January 1996) has addressed human trafficking by aiming to eradicate '*All sexual exploitation or service which is exacted from any person under menace of any form and for which the said person has not offered him/herself voluntarily*'. This powerful instrument confirms human trafficking as a practice similar to slavery and calls for Cambodian citizens to take immediate action to secure the prohibition and elimination of human trafficking, especially in the form of sexual exploitation.¹⁸³

Constitution of the Kingdom of Cambodia 1993, Article 36, states that '*The government shall recognise and respect human rights as stipulated in the UN charter, the universal declaration of human rights and the convenience and conventions related to human rights, women's and Children's Rights*'. Article 46 further states that '*The commerce in human beings exploited by prostitution and obscenity, which affect the reputation of women, shall be prohibited*'. Hence, buying and selling and trafficking of women and forcing them into prostitution violate Cambodia's supreme law.¹⁸⁴

Laws in Thailand¹⁸⁵

The Prevention and Suppression of Trafficking in Women and Children Act (Trafficking Act) 1997 prohibits trafficking for sexual exploitation and other purposes and other 'illicit benefits' and has increased penalties for trafficking and the purposes of prostitution or slave labour and expands law enforcement measures providing for wide powers of search and for assistance to victims.¹⁸⁶ It extends coverage to boys under 18 as well as girls but does not cover adult men. The Act

- Defines conspiracy to commit trafficking as a crime.
- Grants the government the right to search areas or regions where traffickers might be.
- Stipulates that abettors are to be punished the same as direct offenders.
- Grants officials the right to detain individually and search those who are suspected of trafficking.
- Allows the right to bring trafficked victims immediately to court so that they can testify against the traffickers with evidence that might be used later in a trial.
- Allows, as part of the evidentiary procedure, trafficked victims to be detained by law enforcement officials for up to 10 days.
- Means that officials are to use their judgment in providing assistance to trafficking victims, which may range from providing food and shelter to repatriation to country of origin.

Prostitution Prevention and Suppression Act 1996 states that commercial sex is illegal, but the penalty for those convicted as prostitutes has been reduced to a fine not exceeding 1,000 baht (US\$25).¹⁸⁷ It was intended to punish the following:

- Those involved in commercial sexual exploitation of minors.
- The clients of a child prostitute under the age of 18.

¹⁸³ ARCPPT, 2003b: 33.

¹⁸⁴ Ibid.: 35.

¹⁸⁵ Analysis of laws taken from Physicians for Human Rights, 2004: 46.

¹⁸⁷ Physicians for Human Rights, 2004: 48.

- The ‘procurers’ of children and owners of brothels where children are found.
- Parents and guardians who collaborate in the prostitution of a child under the age of 18.

Such persons are punishable by a fine or revocation of guardianship. Those involved in forcing others into prostitution face imprisonment of 10–20 years and high fines. There are also anti-trafficking provisions in the Act. The authorities have occasionally used these powers, but the number of prosecutions has remained small compared with the scope of the problem. A money-laundering law, which became effective in August 1999, included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution.

1999 Memorandum of Understanding (MOU) among Thai government agencies and the government and NGOs outlines measures for cooperation to improve the treatment of trafficked victims. Under the MOU, trafficked victims are not to be treated as illegal immigrants and the prosecution of traffickers is facilitated. The MOU explicitly covers forced labour, begging and ‘other inhuman acts’. The MOU stipulates that foreign women and children who have been trafficked into Thailand should not be treated as illegal migrants.¹⁸⁸

Labour Protection Act 1998 provides the legal basis for employer/employee relations in Thailand. The act regulates such employment issues as working hours, holidays, minimum employment age, sick leave, severance pay, termination of employment, and employee welfare funds.¹⁸⁹ Migrant workers in Thailand are protected by Thai labour law, and the only exception of legal discrimination regards restriction on trade union rights.

The Immigration Act 1969 considers any foreigner without legal documents in Thailand as an illegal immigrant, which is a legal offence punishable by two years imprisonment and a fine. Trafficked people are often treated the same as illegal migrants, meaning that they have to pay a fine or stay in prison, after which they are detained in an immigration detention centre.¹⁹⁰

Section 30 of Thailand’s 1997 Constitution, the so-called People’s Constitution, states ‘All persons are equal before the law and shall enjoy equal protection under the law...Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.’¹⁹¹

MOUs between the Thai and Cambodian governments

The Kingdom of Cambodia recently signed (31 May 2003) a Memorandum of Understanding with the Kingdom of Thailand, to cooperate in working towards the elimination of trafficking in women and children and assisting victims of trafficking. Article 7 of the MOU officially establishes that trafficked children and women are ‘victims’ and provides that participating countries should give assistance and protection to victims of trafficking, but implementation is still at the early stages.¹⁹²

International conventions

There is limited assistance for Cambodian migrant workers (those who have been trafficked and exploited), as both the Cambodian and Thai Governments have not ratified the following conventions which protect migrant rights:

¹⁸⁸ Pearson, E., 2002: 173.

¹⁸⁹ Physicians for Human Rights, 2004: 47.

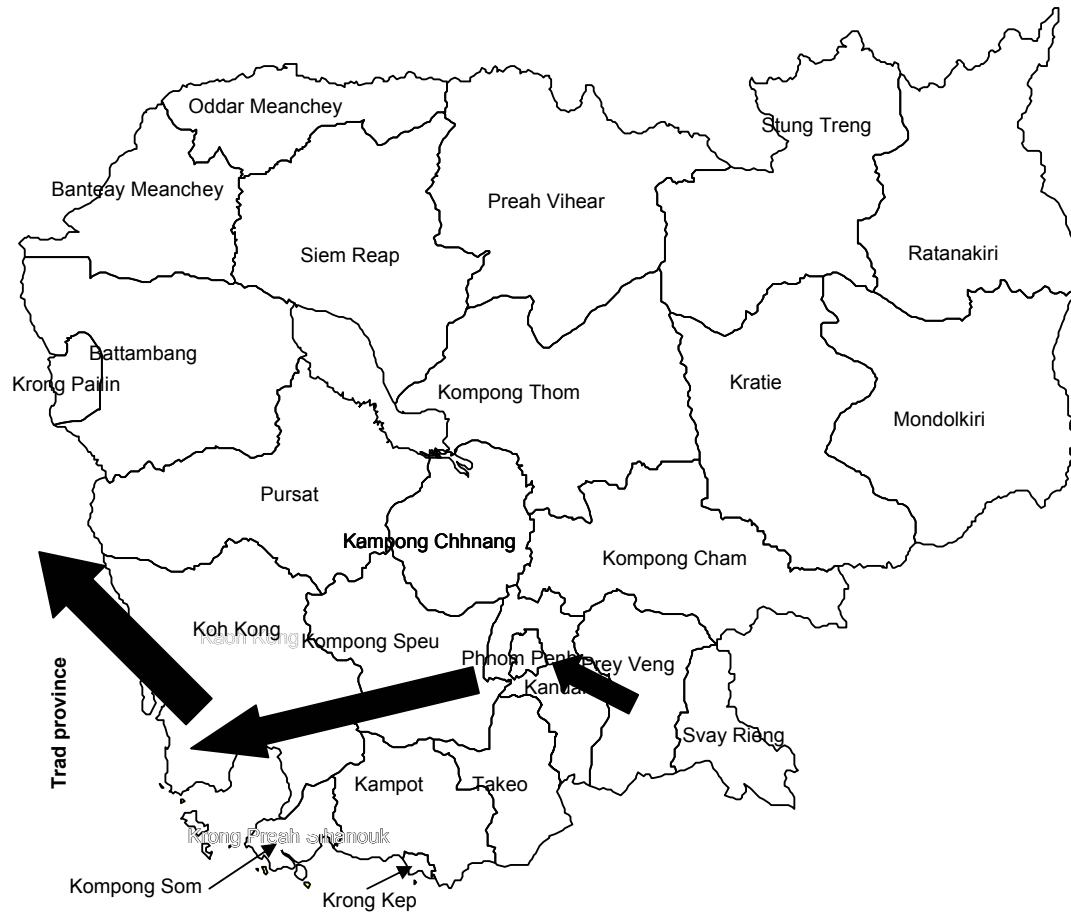
¹⁹⁰ Derks, A., 2002: 33.

¹⁹¹ Arnold, D., 2004: 9.

¹⁹² ACPPT, 2003b: 42.

- International Convention on the Protection of the Rights of the All Migrant Workers and Members of their Families (G.A. res 45/158 annex 45 entered into force 1 July 2003).
- ILO Convention 97 (Migration for Employment Convention).
- ILO Convention 143 (Migrant Workers Supplementary Provisions, 1975).
- ILO C87 Convention on Freedom of Association and Protection of the Right to Organise (1948).
- C98 Convention on the Right to Organise and Collective Bargaining (1949).
- ILO Convention on Racial Discrimination and Sexual Harassment.
- UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (October 2000). Cambodia signed the protocol on 11 November 2001 and Thailand on 21 December 2001 but neither has ratified it.

Annex 4 One route commonly taken by migrants to Trad province



Source: adapted from National Institute of Statistics, CD-ROM, 2000.

Annex 5 Sample checklist questions for interviewees¹⁹³

No.	Question	Yes	No	No.	Question	Yes	No
<i>I Personal information</i>				<i>V Transportation</i>			
1	Province			44	What transportation?		
2	District			44	Which route?		
3	Commune			45	Go alone/group?		
4	Village			46	Who involved?		
5	Sex			47	Encounter any problems with police, authorities?		
6	How long in village?			48	Who had to pay during journey (each stage)?		
7	Marriage/single? Children – no.			49	Anything bad during journey?		
8	Age?			<i>VI Cross-border</i>			
9	No./info family/parents/steps			50	How cross border? Payment?		
10	Education/how long/grade?			51	Cross with whom?		
11	What skills?			52	Why decide?		
12	Opportunities for boy and girl?			53	Documents at border? (3 day/2 weeks)		
<i>II Socioeconomic situation</i>				54	Passport? ID? Who keeps?		
13	Income activity? Not enough, why?			55	Documents who? Payment/debt?		
14	What job? M/F?			56	Moved to 3rd country? Another place Thai? Purpose?		
15	How much/riel/dollars?			57	How travelled and route with whom?		
16	Land/rice/ <i>chamcar</i> /how much?			58	Encounter problems with police/authorities?		
17	Who has/who owns?			<i>VII Destination and job</i>			
18	Money problem/debt – who and why?			59	How long in destination?		
19	You/ family had these problems? Loss animals/land/rice crop			60	Sent or moved from? Where? Purpose?		
	Drought/flood			61	Difference from promised work?		
	Health problems			62	What info about transport/job/work/salary?		
	Marriage problems/domestic violence			63	Who are the owners?		
20	No food, can't buy new things			64	Demand side? M/F		
20	Access to healthcare (M/F)			65	Working hours/days per week?		
21	Why leave? (cultural reason)			66	Food and basic necessities?		
21	Who made decision and discuss with whom?			67	Living conditions/accommodation?		
22	Sold/kidnapped/tricked/cheated by whom?			68	Type of working conditions?		
23	Why take risk?			69	Salary when/how much (different M/F in same job)?		
24	Known people left before? KK/Thailand?			70	Owe money? (whom?) Why in debt?		
<i>III Recruitment</i>				71	Can leave? Y/N/Why?		
25	Who arranged trip?			72	What things forced to do?		
	Who involved?			73	What things forced to do?		
26	Who go with? M/F			74	How do you feel about this job?		
27	Trafficker/smuggler find you or you find?			74	What medical problems?		
28	Info before leaving (job route transport)			76	How do they treat you/bad happen?		
29	Why believed/trusted?			77	Who are the customers? Treatment?		
30	How much paid? For what?			78	Drugs taken – by whom/forced?		
31	Borrow money from whom?			79	Encounter problems with police/authorities?		
32	Did trafficker/smuggler change?			80	Arrested, held by police or deported?		
33	Problems with police/ authorities?			81	What danger face in job?		
<i>IV Migration of community</i>				82	Assistance – from whom?		
34	Number of people leaving?			83	Reason not to leave? What prevents?		
35	Sex M/F why?			84	Would leave if had known bad?		
36	Age?			85	Positive from leaving/migrating?		
37	People migrate in family/community?			86	Other people – bad experience – why?		
38	M/F why?			87	How many? From where? (province/ethnic)		
39	Type of work M/F?			88	When increase in people? Seasonal?		
40	How long left for? Come back M/F?			<i>VIII Return</i>			
41	Migrate to where?			89	How did you leave the job?		
42	Migrate to same workplace?			90	How support agencies and police treat? M/F		
43	Encounter any problems with police, authorities?			91	Why leave the job?		
				92	What route/transport use?		
				93	What assistance received? (M/F)		
				94	Deport, what happen?		
				95	How got home?		
				96	What needs and problems on your return?		
				97	How treated?		
				98	Did you return to same job? Why?		
				99	Did you have the same experience?		
				100	What assistance received or needed? (M/F)		

¹⁹³ Adapted in interviews as necessary.