

An Assessment of the Law Enforcement against Sexual Abuse, Sexual Exploitation & Trafficking of Children (LEASETC) Project



Condensed from the Report Prepared
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Table of Contents

Acronyms

EXECUTIVE SUMMARY

1 INTRODUCTION

- 1.1 Background on the LEASETC Project**
- 1.2 Purpose and Objectives of the Assessment**
- 1.3 Methodology**
- 1.4 Limitations**

2 LEASETC IN PRACTICE: KEY FINDINGS

- 2.1 Impact**
- 2.2 Outcomes**
- 2.3 Outputs**

3 PROMISING PRACTICES

- 3.1 Ownership**
- 3.2 Mentorship**
- 3.3 Evidence based practice**
- 3.4 Child-centred approach**
- 3.5 Trainings & capacity building**
- 3.6 Structures & protocols**
- 3.7 Hotline**
- 3.8 Cooperation & coordination**

4 GAPS & LESSONS LEARNED

- 4.1 Framework**
- 4.2 Legal paradigm**
- 4.3 Child Victim Protection**
- 4.4 Trainings & capacity building**
- 4.5 Hotline**
- 4.6 Database**
- 4.7 Forensics**
- 4.8 Crime prevention**
- 4.9 Cooperation & coordination**

5 SUSTAINABILITY

- 5.1 Cost-sharing**
- 5.2 Future challenges**

6 BROADER INFLUENCES

- 6.1 Legislative and Policy Reform**
- 6.2 Policy Mechanisms**
- 6.3 The Gendarmerie, Cambodian National Police & Justice Sector**

7 RECOMMENDATIONS

7.1 Sector Wide Approach to Justice

7.1.1 Setting the Vision

7.1.2 Developing a Common Understanding

7.1.3 Taking stock & building consensus

7.1.4 LEASETC Paradigm Shift

7.1.5 Framework, Plan of Action & Technical Assistance

7.2 Sector Wide Approach on Child Protection

ANNEXES

A-1 Assessment Terms of Reference

A-2 Assessment Instruments

A-3 Broader Influences

Acronyms

ADB	Asian Development Bank
ADHOC	Cambodian Human Rights and Development Association
AFESIP	Acting for Women in Distressing Situations
AHTJP	Anti-Human Trafficking and Juvenile Protection
APLE	Action Pour Les Enfants
ARTIP	Asia Regional Trafficking in Persons Project
ASEAN	Association of Southeast Asian Nations
CCJAP	Cambodia Criminal Justice Assistance Project
CJWG	Child Justice Working Group
CLEC	Community Legal Education Centre
CNCC	Cambodian National Council for Children
CNP	Cambodian National Police
COMMIT	Coordinated Mekong Ministerial Initiative on Trafficking
COSECAM	Coalition to Address (Sexual) Exploitation of Children in Cambodia
CPC	Criminal Procedure Code
CRC	Convention on the Rights of the Child
CSEC	Commercial Sexual Exploitation of Children
CSTC	Child Safe Tourism Committees
CWCC	Cambodian Women’s Crisis Centre
DoSVY	Provincial Department of Social Affairs, Veterans & Youth Rehabilitation
DV	Domestic Violence
ECPAT	End Child Prostitution, Abuses and Trafficking in Cambodia
GMS	Greater Mekong Sub-Region
HLWG	High Level Working Group
IJM	International Justice Mission
ILO	International Labour Organisation
ILO-IPEC	International Labour Organisation – International Programmes to Eliminate Child Labour
IOM	International Organisation for Migration
LAC	Legal Aid of Cambodia
LICADHO	Cambodian League for the Promotion and Defence of Human Rights
LEASETC	Law Enforcement against Sexual Exploitation, Abuse & Trafficking of Children
LSCW	Legal Support for Children and Women
MoC	Ministry of Commerce
MoFA	Ministry of Foreign Affairs
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLVT	Ministry of Labour and Vocational Training
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MoT	Ministry of Tourism
NGO	Non Governmental Organisation
NTF	National Task Force
NPA-TIPSE	Second National Plan of Action Against Trafficking in Persons and Sexual Exploitation
PJJ	Protection of Juvenile Justice

SWAp	Sector-Wide Approach
RGK	Royal Government of Cambodia
SISHA	South East Asia Investigations into Social and Humanitarian Activities
TAF	The Asia Foundation
TIPSE	Trafficking in Persons and Sexual Exploitation (Law)
TOT	Training of Trainers
TSEC	Trafficking and Sexual Exploitation of Children
UNDP	United Nations Development Fund
UNHCHR	United Nations High Commissioner for Human Rights
UNIAP	United Nations Inter-agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNHCHR	United Nations Office for High Commissioner on Human Rights
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development
VSA	Victim Support Agency
WFCL	Worst Forms of Child Labour
WG	Working Group
WHO	World Health Organisation
WVC	World Vision Cambodia
VCAO	Vulnerable Children Assistance Organisation

EXECUTIVE SUMMARY

The Ministry of Interior (Mol) launched the Law Enforcement Against Sexual Exploitation and Trafficking in Children (LEASECT) Project in 2000 as a response to the increasing reports of trafficking and sexual exploitation of children in Cambodia.

The LEASECT project principally aims to improve the capacity of the Cambodian National Police (CNP) to investigate cases of sexual exploitation and trafficking of children, rescue victims of trafficking and sexual exploitation, arrest offenders, search for evidence and prepare cases for prosecution.

The project has been implemented in three phases from years 2000 to 2008 in cooperation with the United Nations Children's Fund (UNICEF), World Vision Cambodia (WVC), International Organisation for Migration (IOM), Save the Children (SCF) Australia, and the United Nations Office for High Commissioner on Human Rights (UNOCHR).

In 2008, a program assessment focusing on Phase Three of the project implementation was conducted to determine the impact, effectiveness, relevance and sustainability of the Project, as well as to forward recommendations as to its future direction and strategies. The assessment touched on project approaches, mechanisms and component activities, partnerships and cooperation, the broader operating context and structural frameworks.

Quantitative and qualitative information were collected in four weeks from 150 respondents through semi-structured interviews, focus group discussions, site observations in Phnom Penh, Siem Reap, Banteay Meanchey, Kampong Chhnang, Takeo and Kampong Cham. The respondents included children and their families, relevant government ministries, law enforcers, prosecutors, investigating judges and presidents of court, UK and French embassies, IGOs and NGOs. Review of pertinent documents was also undertaken.

The assessment faced time constraints to be able to provide a rigorous analysis, at the same time, the challenge of being able to distil LEASECT's contribution to the overall impact of various child protection initiatives in the country.

Key Findings

1) Impact

LEASECT's most significant impact has been stronger protection for child victims of sexual abuse, exploitation, trafficking and domestic violence. Victims are now better identified, treated and served by law enforcement, social affairs and civil society.

Services for child and adult victims have grown dramatically with improved collaboration and increase in victim referrals from law enforcement to social affairs. There is growing recognition of the distinct roles played by law enforcement and social affairs.

LEASECT's timely training activities have improved the capacities of AHTJP and local law enforcement units to address crimes against children. Nonetheless, law enforcement referrals to court may not necessarily translate into an increase in the percentage of cases prosecuted. Statistics between law enforcement and judicial data appear to be inconsistent and would need to be further investigated.

NGOs have reported a decline in trafficking for sexual exploitation from 2005 to 2008, however conditions that influence vulnerability such as poverty and food insecurity, low education, domestic violence, debt, continue to persist.

2) Outcomes

LEASETC has supported the development and strengthening of AHTJP department and provincial units, such as the establishment of national and provincial hotlines, child friendly interview rooms and better equipment for provincial stations. The creation of a standardised data base system has improved monitoring, action and the policy environment. There is a strong ownership of the LEASETC project by the Ministry of Interior and relevant law enforcement agencies at various levels. Joint workshops have led to a more robust cooperation between law enforcement and justice, social affairs, health and civil society bodies.

3) Outputs

The project lists several trainings and workshops among law enforcers that enhanced their capacities in dealing with child exploitation cases. These included basic and advanced refresher training for local police as well as specialized courses, such as medical forensic examinations and evidence collection. The LEASETC training manuals and police training handbooks have also been updated.

Promising Practices

LEASETC has gained legitimacy, respect and the ability to influence high level government decisions and ground-level police operations. The international advisor has effectively imparted knowledge and skills to the LEASETC team, who can now carry on important tasks independently or with very minimal supervision. Improvements in forensic examinations and evidence collection system have helped elevate the standards of Cambodian law enforcement practice. There is a growing appreciation of “equal” human rights of all children who come into contact with the law, as well as an increasing recognition of the interconnectedness of child protection issues by law enforcement officers, police trainers and MoI officials.

Participants to LEASETC trainings expressed appreciation that these were conducted by Khmer police trainers who have practical field experiences. The need to further improve on more child-sensitive treatment (interviewing, imparting information, opinions solicitation) was raised by development partners. LEASETC continued to strengthen the AHTJP Department and Provincial Unit structures and advocated for stronger gender balance across the ranks. AHTJP units were organized in ten provinces and a number of female law enforcement officers have joined AHTJP units, most visibly in Kampong Chhnang. LEASETC has also supported the expansion of a database network and hotline operations to additional provinces. Seven provincial and a Phnom Penh municipal hotlines were set up from 2005 to 2008.

LEASETC has harmonized activities with broader developments --TIPSE and Domestic Violence laws, Criminal Procedure Code, *Prakas* on Cooperation and Coordination in the Child Justice Process, Provincial Committees on Trafficking, etc. LEASETC also works effectively with other ministries particularly MoJ, MoSVY and MoH.

Gaps and Lessons Learned

LEASETTC remains an informal structure which has not been fully integrated into the Ministry of Interior, that lacks clear linkages to the Cambodian National Police Academy, as well as annual MoI budgetary allocations. Challenges to date include an informal structure, unclear mandate, activity-based planning, unarticulated terms of reference, limited capacity and experience, dual roles within the MoI, lack of a formal monitoring and evaluation system, time, resource and institutional constraints. There are indications that ‘extra judicial settlements’ and ‘victim offender reconciliations’ remain as common practices.

Training and capacity building has to be systematized with better targeted participants and with consideration for their roles, responsibilities and learning needs. Reach to provincial and district levels have been minimal.

The hotline mandate and operational capacities should be reviewed particularly at the national level, and internal protocols developed to ensure that urgent phone calls are urgently handled. Database reporting mechanisms were not fully optimized, utilised or monitored and were inconsistently used. For instance, some officers enter cases only if these were referred to court whereas others will enter data for arrest cases as well. Crime prevention should go beyond information dissemination.

There is a general misunderstanding among law enforcement respondents on what “causes” (and hence prevents) crimes against children, as well as the linkages between trafficking, exploitation and broader child protection violation. The range of factors (poverty, family breakdown, substance abuse, etc) that render children vulnerable should be considered in prevention measures. A holistic strategy that also addresses the demand side including intermediaries such as labour recruitment, accreditation and licensing agencies, is absent.

Practices in forensics should be improved to ensure the effective and efficient functioning of the system that has already been introduced and the compliance with standard protocols.

Uneven levels of cooperation and partnerships between AHTJP, other government entities and NGOs should be addressed. The donor/IGO/NGO resources are fragmented across numerous ministries (and departments within ministries) with different aid modalities and requirements hamper coordination and collaboration.

Sustainability

Withdrawal of financial and technical support from donors at this point in time is untenable. However, it is critical that MoI carve out more significant budgetary allocations for LEASETTC in the next phase. A progressive cost sharing model can be developed leading to a point wherein MoI can assume full responsibility and accountability for the project.

RECOMMENDATIONS

Cambodia’s recent history in child trafficking and protection signals significant levels of aid fragmentation, ever-shifting changes and rapid turnovers in policy and programmes. The time is ripe for the Royal Government of Cambodia to assume leadership, ownership and oversight in a sector-wide response to justice and child protection issues.

1. Vision Setting

Through a participatory process, Mol and stakeholders (both rights holders and duty bearers), collectively define the long term vision for promoting justice and realising children's rights to protection in Cambodia. The Vision Statement, spanning through ten years, will not be limited by the mandates and/or priorities of the government and development organizations. It will visualise a justice system model that integrates children's issues and a comprehensive sector-wide approach to child protection, including the strengthening of national child protection system that will address concerns beyond law enforcement. It will take into account the roles of different players (government, donors, NGO partners) but most of all ensure that the voices and concerns of the child victims and their families are heard and mirrored in policy and practice.

2. Developing a Common Understanding

Stakeholders support a shared sector wide policy and strategy, including:

- Medium term budget in support of the sector-wide strategic framework;
- Government leadership in a sustained partnership including policy directions, technical support and aid coordination;
- Shared processes and approaches for the implementation and management of the sector-wide strategy and plan of action

3. LEASETC Paradigm Shift

An "evolving" LEASETC serves as a coordination mechanism to facilitate the sector wide approach to justice. This will require a formalised structure, a Strategic Plan formulated in a participatory process, engagements with the broader development community, and a transition strategy including a "weaning process" from its traditional donors.

4. From LEASETC to LEAP

- The new program will be called Law Enforcement Advancing Protections (LEAP) for Crime Victims;
- Retain current principal LEASETC team members during the transitional period;
- Where applicable, the new LEAP unit should build on existing mechanisms such as the hotlines, data bases, medical forensic evidence forms, AJHTP indicators, etc;
- Recruit an international consultant for one year to develop Mol capacities to manage, monitor and review LEAP activities;
- Mol, MoJ, MoSALVY to develop a common strategic plan for training and capacity building with well defined content, audience and methodology;
- Develop and implement a standardised law enforcement training curriculum on basic criminal skills and specialised skills related to crime against children;
- Institutionalise a monitoring and evaluation system that will ensure the relevance and quality delivery of program activities, better targeting of participants and avoid duplication;

- Improve coordination among partners through effective coordination mechanisms such as regular meetings, consultation of training needs assessments, peer reviews of training curriculum, databank of training materials, shared annual training plan.
- Standardize intake criteria and process for program personnel, as well as promotion practices particularly of AHTJP;
- Reinforce the capacity of AHTJP police to collect forensic evidence;
- Explore the need to create a unit that will support other judicial services in criminal investigation.

LEAP will facilitate the coordination and management of capacity development in addressing child protection issues. It is designed as a program fully-owned by MoI supported by international and national organizations. Such external support will be principally in terms of equipment, financial support and technical advice.

1 INTRODUCTION

1.1 Background on the LEASECT Project

The Law Enforcement Against Sexual Exploitation and Trafficking of Children (LEASETC) Project was launched in April 2000 by the Ministry of Interior (Mol) in cooperation with United Nations Children's Fund (UNICEF), World Vision Cambodia (WVC), International Organisation for Migration (IOM), Save the Children (SCF) Australia, and the United Nations Office for High Commissioner on Human Rights (UNCHR) as a response to the increasing reports of trafficking and sexual exploitation of children in Cambodia.

The overall goal of the LEASETC project is to improve the capacity of the Cambodian National Police (CNP) to investigate cases of sexual exploitation and trafficking of children, rescue victims of trafficking and sexual exploitation, arrest offenders, search for evidence and prepare cases for prosecution. Since the project's launching in 2000, the project has received continuing financial and technical support primarily from UNICEF and World Vision Cambodia (WVC).

The LEASETC Project has been implemented in three phases: Phase 1 from April 2000 to March 2002; Phase 2 from April 2002 to March 2005; and Phase 3 from April 2005 to December 2008. Over its three phases, the project has focused on:

- a) developing and improving reference documents, training materials and modules;
- b) delivering training of national trainers and selected police officers nationwide on investigation techniques and child sensitization;
- c) providing on the job training and material support to selected specialist police units
- d) establishing and extending a 24-hour telephone hotline; and
- e) establishing and extending a national Sex Crimes database.

An assessment of Phases 1 and 2 was conducted in 2006 documenting project achievements and lessons learned, including:

- a) establishment of the Anti-Human Trafficking and Juvenile Protection (AHTJP) Department and its corresponding specialist units in 7 provinces and sub-sections in 17 provinces;
- b) development and functioning of a national database and standard forms for data collection and monitoring of trafficking, sexual abuse and exploitation cases (TSEAC), as well as of a 24-hour/7-day hotline;
- c) development and use of a standard medical examination form and certificate for sexual abuse cases;
- d) significant improvement in AHTJP police investigation skills in five priority provinces; and
- e) greater sensitivity and awareness by police to the needs of and laws applying to children.

During Phase 3, LEASETC supported 10 priority provinces: Phnom Penh, Siem Reap, Battambang, Banteay Meanchey, Sihanoukville, Kandal, Prey Veng, Svay Rieng, Kampong Chhnang and Kampong Thom. LEASETC support included: on-the-job training; follow up and case management sessions for existing and newly created AHTJP provincial sub-units; basic and refresher trainings for district and commune police; and technical assistance on newly enacted legislation such as the Criminal Procedures Code, the Law on Suppression of the Kidnapping and Trafficking of Human Persons and Exploitation of Human Persons (TIPSE Law) and the Law on Domestic Violence, as well as database operations, hotline services and medical forensic evidence certification.

With the dramatic increases in reporting, arrests and investigations of cases of TSEAC cases from the time of inception of the LEASETC project, it has been praised by the top officials of the government and by many development partners for the significant progress it has achieved, especially its contribution to the creation of the first specialist police unit in the Southeast Asia Region to combat trafficking and sexual exploitation of children and the remarkable impact of the project on police work. Spurred by these positive outcomes, MoI, UNICEF and World Vision extended the LEASETC project into its third phase with support from the UK government via the British Embassy in Cambodia, World Vision UK and World Vision Canada.

LEASECT Phase 3 focused on:

- a) creation of further specialist units in additional provinces;
- b) on-the-job training, follow-up and case management for AHTJP units in ten priority provinces;
- c) updating of training materials to conform to newly adopted legislation;
- d) establishment of local police training at the district and commune levels;
- e) integration of LEASETC training into the curriculum of the Cambodian Police Academy and Regional Training Schools;
- f) strengthening of forensic evidence examination for sexual abuse cases;
- g) establishment of provincial hotlines and a database networking system in selected locations;
- h) improving collaboration between the police, social and justice sectors.

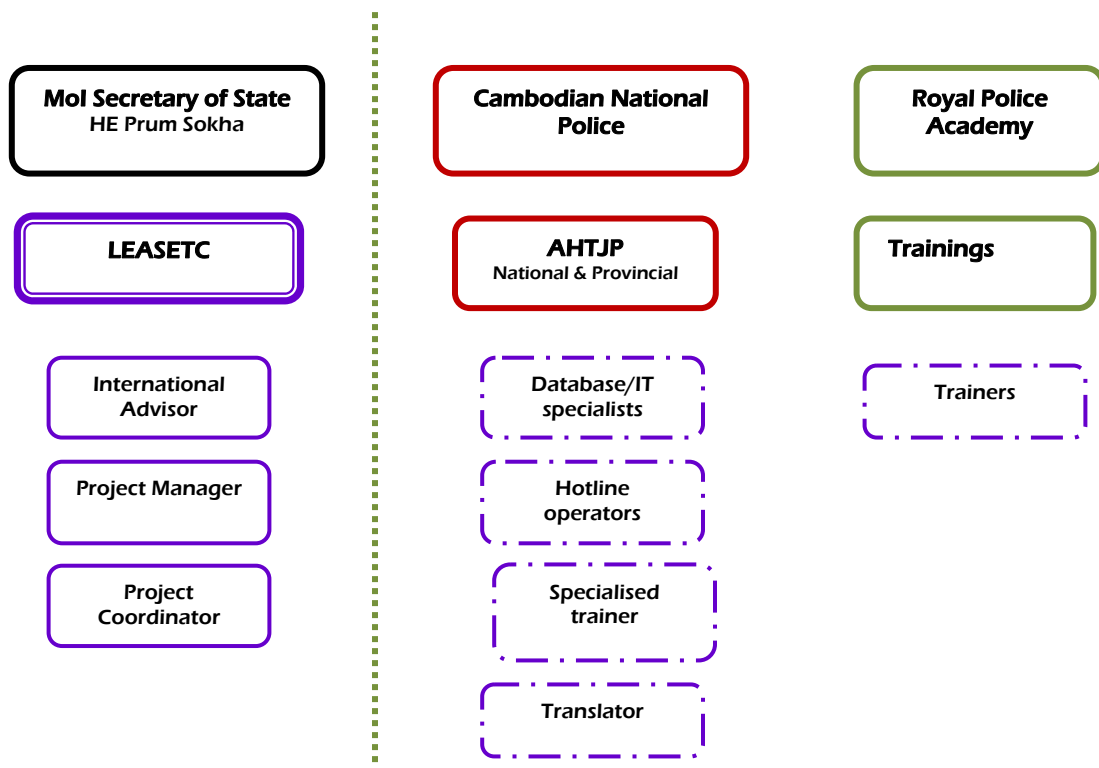
Other significant developments to combat trafficking and sexual exploitation of children in Cambodia took place during the last three years of LEASETC operations. This includes:

- a) establishment of a National Task Force and a High-level Leading Working Group against Trafficking, Human Smuggling, Exploitation and Sexual Exploitation (HLWG) headed by the Deputy Prime Minister as well as the creation of its working groups and clusters – now the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour Exploitation and Sexual Exploitation of Women and Children (STLS)
- b) finalization and adoption of the Criminal Procedure Code and the new Law on Suppression of Trafficking and Sexual Exploitation and its Implementing Guidelines for police; and the
- c) development of a 2006-2010 National Plan of Action against Trafficking and Sexual Exploitation
- d) finalization and adoption of the Penal Code in November 2009

Although LEASETC falls under the chairmanship of H.E. Prum Sokha, MoI Secretary of State, LEASETC's structure has not been formalised within the Ministry of Interior. LEASETC's 40-strong team is composed of members who are officially affiliated with different entities across the ministry, in particular the Department of Inspections, the Anti-Human Trafficking Department, Cambodian National Police; AHTJP units, Provincial Police Headquarters; and the Royal Police Academy. This informal cross-departmental structure reflects de facto funding arrangements, whereby the LEASETC project covers salaries or incentives for existing staff and officials of MoI, CNP and the Royal Police Academy (denoted by violet dotted boxes in the diagram below).

While this ad hoc configuration is untenable over the long term, it works at the present time out of necessity due to severe shortfalls in MoI/CNP budget and owing to strong working relations among the various actors. Terms of reference are not articulated for the entire LEASETC team and the ladder of responsibility and linkages between various LEASETC project implementers are not consistently clear.

LEASECT Structure



1.2 Objectives of the LEASECT Project Assessment

This assessment has two main objectives:

- to assess the impact, effectiveness, relevance and sustainability of the LEASETC Project's approaches, mechanisms and component activities, as well as partnerships and cooperation with relevant agencies; and
- to recommend future directions and strategies to assist the Royal Government of Cambodia (RGC), UNICEF and World Vision Cambodia to strengthen the country's justice system, particularly the law enforcement sector for child victims of exploitation, trafficking, abuse and violence.

This assessment also aims to establish an evidence base of promising practices and lessons learned – with respect to law enforcement trainings, capacity building measures, database operations, hotline services and forensic examinations-- to inform future law enforcement initiatives at the national, provincial and local levels. Further, this assessment examines partnerships and inter-agency/inter-sectoral collaboration, as well as existing/emerging opportunities and risks in light of broader policy developments and newly created regulatory and structural frameworks relating to child trafficking, exploitation, abuse and violence.

1.3 Methodology

The evaluator gathered quantitative and qualitative information through semi-structured interviews, focus group discussions, site observations, and document review of international instruments, laws, decrees, draft legislation, national policies, guidelines & circulars, LEASETC project documents, AHTJP references, interagency documents, and reports, presentations and assessments.

Utilizing a participatory and mixed method approach, this evaluation addresses the following key questions:

- a) What have been the impact/outcomes of project objectives – intended, positive and negative? Have there been any unforeseen impacts/outcomes?
- b) What are the promising practices and lessons learned from the LEASETC project? Challenges and opportunities? Gaps and areas for improvement?
- c) What are your recommendations for the LEASETC project’s future direction and strategies?

This evaluation combines qualitative and quantitative information and promotes maximum input from all relevant stakeholders to obtain diverse perspectives on the various aspects of child justice. Respondents were also asked to provide recommendations to improve the law enforcement response to child victims of exploitation, trafficking, abuse and violence. Additionally, an evaluation tool containing targeted questions was designed to obtain information specific to the expertise, experience and profile of respondents. This yielded rich and varied information, lending itself to a fuller portrait of the law enforcement response and broader context for children in Cambodia.

Although the Assessment ToR focuses primarily on LEASETC, the evaluator undertook a broader analysis, examining issues of governance, structural frameworks, legislative reform initiatives, policy coherence and aid effectiveness in addition to LEASETC’s functioning and compliance with international standards. This is envisaged to establish an evidence base to inform future initiatives utilising a sector wide approach whilst ensuring coherence with national priorities and policies, ministerial/departmental strategic plans, child protection systems building, and other broader developments.

Over twenty days, the evaluator conducted interviews, focus group discussions and site observations in Phnom Penh, Siem Reap, Banteay Meanchey, Kampong Chhnang, Takeo and Kampong Cham. Approximately 150 stakeholders across six locations provided invaluable input into this evaluation, representing children and families, relevant Ministries, law enforcement, prosecutors, investigating judges and presidents of court, UK and French embassies, IGOs and NGOs.

1.4 Limitations

The four weeks allocated for this field research does not allow for a rigorous evaluation of the LEASETC project, including a comprehensive analysis of all project activities and examination of the law enforcement, judicial, social and labour sectors at both national and sub-national levels.

Further, the challenges of attribution – that is, how and to what extent LEASETC project activities contributed to the overall impact – are inherent within the Cambodian development context where socio-economic, political and cultural dynamics are complex and dynamic. The evaluator therefore does not rely on statistics alone but utilises multiple methodologies, including qualitative measurement tools, in order to generate a better understanding of what has worked, why it has worked and to what extent can change be attributed to LEASETC contributions. Nevertheless, this assessment report should be considered with these limitations in mind.

2 LEASETC IN PRACTICE: KEY FINDINGS

2.1 IMPACT

When we started LEASETC, we started from scratch ... even discussions about human trafficking and child sexual exploitation focused on public awareness and there was nothing in action. Step by step, LEASETC has focused on training police on technical aspects of critical operations. It is not just talking, raising awareness ... police capacity has significantly improved to respond to [child] exploitation and trafficking since 2000 ... I'm proud to say that although LEASETC is very small, the momentum generated by this project is big ...the ownership is with the police not me ... we still have a long way to go ... Cambodian government ownership must grow with strong partnerships ... there should be a balance between government ownership and civil society partnerships ...

~ H.E. Prum Sokha, Secretary of State, Mol

While this assessment focuses on Phase 3, it is important to bear in mind LEASETC's overall trajectory and cumulative strides to date. From a child-centred lens, LEASETC's most significant impact has been stronger protection for child victims of sexual abuse, exploitation, trafficking and domestic violence – who are now better identified, treated and served by law enforcement, social affairs and civil society, from a rights based approach.

From 2005's year end baseline, **greater numbers of arrests have been made in connection with offences involving child abuse, child exploitation, child trafficking and domestic violence** – 55% increase from 2005 to 2006; 35% increase from 2005 to 2007; and 15% increase from 2005 to 2008. Moreover, higher numbers of law enforcement cases have been referred to court for prosecution – 54% increase from 2005 to 2006; 33% increase from 2005 to 2007; and 9% increase from 2005 to 2008. While 2006, 2007 and 2008 figures are higher than 2005 and previous years' figures, the rate of increase in arrests and referrals to court for prosecution has steadily dropped with each progressive year.

Further, **law enforcement referrals to court do not necessarily translate into an increase in the percentage of cases prosecuted. Anecdotal evidence points to stark inconsistencies between law enforcement and judicial figures.** At the court level, there are reports of cases being dismissed or charges being 'converted' to a lesser offence – the reasons offered vary including allusions to judicial misconduct, weak/insufficient evidence in cases being referred by law enforcement to court, or unmet burden of proof after further investigation or when the case comes before court.

Beginning 2006, **LEASETC transferred ownership of hotline and database operations to AHTJP.** Confirmed hotline reports have not been tallied and data therefore is not available from 2006 to 2008. **There are some statistical irregularities in the AHTJP database statistics.** The figures also need to be checked against judicial statistics. While judicial statistics were not available for review, according to the most recent USG trafficking in persons report, "after enactment of a law that included anti-trafficking provisions in February 2008, the government . . . initiated 71 trafficking prosecutions over [2008]."¹ In light of 2008 data – 47 arrests for trafficking– there are obvious discrepancies. Closer scrutiny of various data sets across the justice system is necessary.

There has also been an **overall increase in the numbers of victims rescued and assisted, including children** – 27% increase from 2005 to 2006; 25% increase from 2005 to 2007; and 54% increase from

¹ *Trafficking in Persons Report 2009 (Cambodia Country Narrative)*, United States Department of State, Office to Monitor and Combat Trafficking in Persons, 2009.

2005 to 2008. It should be noted, however, that the rate of child victims rescued in 2008 and 2007 is lower than in 2005, 2004 and 2003. According to some respondents, effective law enforcement actions have led to a decrease in the number of child victims; this has not been substantiated however and requires further examination.

ECPAT-Cambodia, NGOCRC and COSECAM reported a decrease in trafficking for sexual exploitation, most recently an 8.4% decrease from 179 reported cases in 2005-2006 to 165 cases in 2007-2008. Yet they also indicate that it is 'too early to conclude that trafficking in Cambodia is decreasing ... in Cambodia [there is] still a continued presence of certain factors that influence vulnerability such as: poverty, slow, if not deteriorating, economic growth and corrupt practices among some law enforcers.² Other vulnerability factors based on a recent study include: low levels of education, food shortages, increasing levels of migration, domestic violence, illness/disease and high costs of medical treatment leading to debt³. These create an environment where there is little to act as a restraint on trafficking activity. Internal trafficking appears to be of greater significance than cross-border trafficking and trafficking is noted to have spread to more provinces.⁴ AHTJP trafficking statistics and trends (e.g. suspects' profiles, victims' age range, nature of commercial sexual activity, etc) should be compared with NGO statistics and trends to gain a better understanding of the situation, including reasons for statistical discrepancies.

Services for child and adult victims, meanwhile, has grown dramatically with improved collaboration and an increase in victim referrals from law enforcement to social affairs, at all levels – 31% increase in referrals from 2005 to 2006; 43% increase from 2005 to 2007; and 248% increase from 2005 to 2008. There are signs of robust commitment and growing capacity of DoSVY to serve as the focal point for screening, intervening and providing/coordinating services on behalf of child victims:

DoSVY supports victims of trafficking, either women or children and we also support child victims of rape, abuse, exploitation. In line with 2007 guidelines, all trafficking cases must be referred to DoSVY who serves as the focal point for handling these cases ... we will interview children to verify age and will make referrals to NGOs in accordance with their organisational policies, e.g. some NGOs only accept children who volunteer to stay in their shelter. The role of the police usually ends after the case is filed for prosecution. Police transfer victims to DoSVY and don't follow up anymore ... they defer the care of victims to DoSVY. If the child victim is a witness, the court will issue a summons to DoSVY, who will then cooperate with NGOs to prepare the child for and transport the child to court. DoSVY is also the provincial focal point for reintegration programmes ... we conduct family tracing and an assessment before referring the child or women victims home and conduct follow up for up to one year, in cooperation with district level social affairs or NGOs. (DoSVY staff)

As a result of policy developments, inter-sectoral workshops (i.e. inter-ministerial workshops on child justice and quarterly ATRO-AHTJP workshops in Siem Reap and Battambang) and reinforcement by LEASETC, **there is growing recognition of the distinct roles played by law enforcement and social affairs.**

² NGO Joint Statistics: Database Report on Trafficking and Rape in Cambodia, 2008-2008, NGO Coalitions (ECPAT Cambodia, NGOCRC and COSECAM), 2008, p. 8.

³ General finding of the baseline study on factors influencing vulnerability to Trafficking and the Sexual Exploitation of Women and Children, by Children and Life Association (CLA), Rural Aid Organization (RAO), Vulnerable Children Assistance Organization (VCAO) and the Healthcare Centre for Children (HCC) and coordinated by ECPAT-Cambodia, 20009, pp. 9-11.

⁴ NGO Joint Statistics: Database Report on Trafficking and Rape in Cambodia, 2008-2008, NGO Coalitions (ECPAT Cambodia, NGOCRC and COSECAM), 2008, p. 8.

Over the past several years, improved cooperation between these two entities has been felt in cases involving child sexual exploitation, trafficking, sexual abuse and domestic violence. Much more is required, however, to build the capacity of government social workers and to further differentiate the roles and functions of social affairs versus NGOs in the broader social sector, as well as NGOs and law enforcement in the justice sector, to a lesser degree.

During Phase 3, there has been greater official recognition of and protections for children who are victims of debauchery, illegal confinement, pornography, unlawful removal, unlawful recruitment for exploitation, selling, buying and exchange, indecent acts, prostitution and domestic violence due to LEASETC's timely trainings on relevant new legislation, vis-à-vis trafficking in persons and sexual exploitation (TIPSE), domestic violence and the Criminal Procedure Code. As a result, the national AHTJP department, provincial AHTJP units and local law enforcement developed stronger capacity to address crimes against children, in particular:

- recognition of different elements of a broad range of specialized crimes targeting children and adults
- knowledge on how to apply laws specific to child sexual exploitation, trafficking, abuse and domestic violence
- professional skills to conduct investigations, conduct surveillance and collect evidence
- interviewing skills with victims, including children
- preparing stronger case files for submission to the court

2.2 OUTCOMES

2.2.1 Children

Children served by LEASETC-supported AHTJP units are more likely to be⁵:

- recognized, identified and served as victims of trafficking, sexual exploitation, abuse and violence
- questioned by police (together with their parents) who use child-friendly techniques and child-friendly interview rooms
- referred to MoSVY/DoSVY, NGOs and legal aid organizations for social services and legal representation
- referred to the hospital for forensic examinations in sexual abuse cases

2.2.2 Institutional Reform and Institutional Strengthening

LEASETC has supported the development and strengthening of AHTJP Department and AHTJP Provincial Unit structures, including:

Creation and support for national and 7 provincial hotlines

- Creation and support for national and 6 linked provincial databases
- Establishment of child-friendly interview rooms in 10 priority provinces
- Better equipped AHTJP provincial stations (e.g. furniture, computers, cameras and other necessary devices)

⁵ Conclusions are extrapolated from a basic comparative analysis of 5 provincial AHTJP units, 3 of which were supported by LEASETC and 2 of which received very minimal support limited to several trainings.

LEASETC has empowered the AHTJP department, 10 specialist units and district/commune police focal points to prevent and respond to child trafficking, sexual exploitation, sexual abuse and domestic violence. Further, LEASETC training modules were mainstreamed into the curriculum of the National and Regional Police Training Schools in 2006 and the Cambodian Police Academy in 2007. Tangible outcomes include:

- clearer chain of command and inter- and intra-departmental cooperation between AHTJP and CID on child trafficking, sexual exploitation, sexual abuse and domestic violence, at national, provincial, district and commune levels
- corps of law enforcement trainers with strengthened capacity (and minimal supervision) to design and deliver trainings and capacity building sessions on the law, child-sensitive law enforcement protocols and database operations
- improved understanding of various crimes against children and evidence required, criminal procedures, child friendly interviewing
- significant improvement in police investigation techniques and skills and more substantive case files, including forensic evidence such as photos, video films, medical certificates, etc.

All District Police Inspection offices and Commune police posts in 10 priority LEASETC provinces (89 districts and 854 communes) assigned and trained AHTJP focal officers to handle TSEC/CSA cases.

2.2.3 Evidence Base & Monitoring

With LEASETC support, AHTJP's technical infrastructure has been established, refined and expanded in recent years. **Since 2006, LEASETC has supported the expansion of the database to six provinces:** Kampong Chhnang, Banteay Meanchey, Battambang, Siem Reap, Sihanoukville and Kampong Thom. This database network creates a single source of official information on arrests, court referrals and portfolio of child victims of sexual exploitation, trafficking, sexual abuse and domestic violence. Standardised forms ensure consistency of quality information collected and sent to courts. This database also serves as a central repository of critical information, including profiles of offenders, and provides greater accessibility to information across the AHTJP network⁶. Although not yet utilised to maximum effect, the database has also served as a monitoring tool to chart progress across the country. **Systematic collection of data nationwide contributes to a growing evidence base to inform future law enforcement strategies, practice and broader policy.**

2.2.4 Commitment & Cooperation

Under the leadership of H.E. Prum Sokha and endorsement by General Bith Kim Hong, there is strong ownership of the LEASETC project by the Ministry of Interior and unanimous support of LEASETC by all law enforcement respondents. Issues of child trafficking, sexual abuse, exploitation and domestic violence are high on the radar of all law enforcement respondents - supported by their firm commitment to investigate and suppress offences and high aspirations to continually develop professional capacity.

LEASETC's joint law enforcement - justice and social affairs workshops and LEASETC support for medical forensic evidence for child sexual abuse cases have led to more robust cooperation and collaboration between law enforcement and justice, social affairs, health professionals and civil society

⁶ Interview with Rene Poirier, database consultant, 14 August 2009.

on cases involving child victims. In recent years, law enforcement has also strengthened cooperation with the private sector. During the first six months of 2008, provincial AHTJP police in Siem Reap disseminated governmental directives to 44 entertainment facilities on the prohibition of sexual exploitation on children and women in their places⁷.

2.3 OUTPUTS

2.3.1 Basic and Advanced Refresher Trainings for Local Police

The 5-day basic trainings are provided by MoI police trainers with support from the LEASECT Technical Adviser. Topics include: victim sensitivity, legal procedures and investigating skills in dealing with TSEC/CSA cases. Records show that a total of 2,730 district and commune police in 10 priority provinces had been designated and trained as AHTJP focal points between 2006 and 2008. Basic trainings were only conducted between 2006 and 2008.

In addition, a total of 1,400 district and commune police in 10 priority provinces was provided 5-day advanced refresher trainings in 2008, focusing on the newly enacted Criminal Procedure Code and Case Management of TSEC/CSA cases.

2.3.2 On-the-job Training, Follow Up & Case Management for Specialist AHTJP Police

A total of 300 police officers assigned to AHTJP Department and provincial sub-units in 10 priority provinces were provided 5-day per quarter on-the-job training, follow up and case management sessions. Approximately 12 to 20 police officers from each of the AHTJP sub-units in the 10 priority provinces benefited from this capacity building initiative. Topics included: Investigations and referral of trafficking, sexual abuse and exploitation of children, Criminal Procedure Code and Law on Suppression of Human Trafficking and Sexual Exploitation

2.3.3 Trainings at Police Academy & Police Training Schools

A total of 1,679 police officers of all ranks attended the Training Programme at the newly established Cambodian Police Academy (360) and the National and five Regional Police Training Schools (1,319). Police officers are required to participate in the LEASECT training course on TSEC/CSA issues. Approximately 50 to 200 police officers have been trained in police academy/schools each quarter.

2.3.4 Training of Trainers & TIPSE Law Workshop and Specialised Training

Training of Trainers of AHTJP police on the new TIPSE Law was conducted by MoI in March 2008, in cooperation with MoJ. A total of 58 police officers (Cambodian Police Training Department, Cambodian Police Academy, AHTJP Department and the District/Commune Chiefs and Deputy Chiefs) participated in the training. A TIPSE Law Workshop for 57 AHTJP police officers across 10 provinces was conducted in June 2008. Topics included: Investigation and Referrals of trafficking, sexual abuse

⁷ Joint interview with Lieutenant Colonel Sun Bun Thorng, AHTJP chief, and Major Duong Thavry, AHTJP deputy chief, Siem Reap, 28 August 2009; Provincial Department of Social Affairs, Veterans and Youth Rehabilitation in Siem Reap: Strengthening Collaboration between DOSVY and AHTJP Police Workshop Progress Notes, June 2008.

and exploitation of children cases, Criminal Procedure Code and the Law on Suppression of Human Trafficking and Sexual Exploitation, Case management and case studies. Trainers were from Mol Police Training Department & AHTJP Department, and MOJ officials.

Medical Forensic Examinations

30 AHTJP provincial police officers, 48 judges and prosecutors and 30 doctors from the Provincial Committee in charge of Forensic Medical Examinations and the Ministry of Health (MoH) received training on Forensic Medical Examination and Welfare Aspects of Child Sexual Abuse Investigations. A series of trainings on the proper use of the forms/certificates was conducted for 150 provincial and district doctors and midwives in Sihanoukville, Siem Reap, Battambang, Kampong Chhnang, Kampong Thom, and Takeo.

The Provincial trainings were conducted by the LEASECT Trainers with support from WVC and CCJAP. The focus was on the use of medical examination forms and certificates. The National training was conducted by the UK-based Child Exploitation and On-Line Protection Centre (CEOP) which is affiliated with the UK Serious Organised Crime Agency (SOCA). The focus was on Forensic medical examinations for child victims; issues of injury to the anatomy; best practices in the identification, collection and production of forensic evidence; specific abuse of boys; and relevant law enforcement and prosecution issues.

Evidence Collection

In April 2008, the Canadian Police trained 80 AHTJP investigators on how to search for hard files and other documents on a computer and other evidence collection techniques.

2.3.6 National Workshops and Training Modules

Annually, two national workshops are organized at the central AHTJP Department with the aim of ensuring basic training for all provincial AHTJP Units and promoting information exchange and sharing of experiences. LEASETC training modules on TSEC/CSA have been continually updated to integrate new laws, procedures and techniques, drawing upon ARTIP training modules and training materials from other development partners. In 2006, the following training modules were updated:

- Handbook for Police Officers "Understanding and Investigating Sexual Offences against Children" for specialized AHTJP police
- Compilation of relevant laws related to LEASETC
- Handbook for District Police Officers on Child Victim Sensitivity (abridged version for local police training)
- Trainers' Manual on: "Local Police Training on Understanding and Investigating Sexual Offences against Children", including slides (overhead), exercises and forms
- Special version of LEASETC Investigator's Manual and other training materials for the Royal Police Training Schools

In 2007, the LEASETC training manuals and police investigation handbooks were updated to incorporate the newly adopted Criminal Procedure Code and Domestic Violence Law. In 2008, the LEASETC Investigator's Manual on Sexual Abuse, Exploitation and Trafficking of Children for judicial police officers was updated to incorporate the newly passed Law on Suppression of Human Trafficking and Sexual Exploitation (TIPSE Law).

3 LEASETC'S PROMISING PRACTICES

3.1 Ownership

Under the chairmanship of H.E. Prum Sokha, LEASETC has garnered legitimacy, authority, credibility, and respect among law enforcers and officials both within and outside of Mol, at all levels. LEASETC has the ability to influence high level government decisions and on-the-ground police operations; it also serves as a conduit connecting both levels.

It is necessary for AHTJP to receive support from LEASETC, which is a very important Mol project. It is the first and most effective project in Cambodia ... LEASETC played a special role to support human trafficking and sexual exploitation and provides more support for training courses to police officers of the Department than other groups... (Bith Kimhong, AHTJP Department Director)

Designating and training police focal points on TSEC/CSA at district and commune levels, in addition to specialized AHTJP units, have also promoted ownership and sustainability. This is crucial for a long-term effective response to crimes against children. The level of enthusiasm and desire to learn more by one and all law enforcement respondents is noteworthy. As eloquently expressed by one respondent:

We would like to receive more training on the new law. When we have a knife and sharpen it every day, it is easier to cut. With more training, our capacity will improve and we will become more reliable in fulfilling our functions, especially with respect to trafficking. The trainer can also give examples of different types of cases. The situation does not always remain the same, offences become more complex and can also change in nature . (TSEC/CSA Focal Point, District Law Enforcement Officer)

3.2 Mentorship

The international advisor plays a vital role in strengthening the capacity of the AHTJP Department and Provincial Units, as well as district and commune police while cultivating good relations within the Mol and among partners across the development community.

The international expert is very effective ... he is a man of capability and is also connected at different levels which is helpful for him to coordinate ... and he understands the Khmers ... we cannot work without him. (General Bith Kim Hong, AHTJP Department Director)

While the international technical advisor's technical skills are solid, key to his success (and this role) are: excellent cross-cultural skills, ability to engender trust and confidence among peers and development partners, superb communication, negotiation and diplomacy skills, ability to work within institutional constraints while promoting change in accordance with international standards, and solid advisory skills in response to versatile situations, including high profile and sensitive issues, to promote the best interests of children.

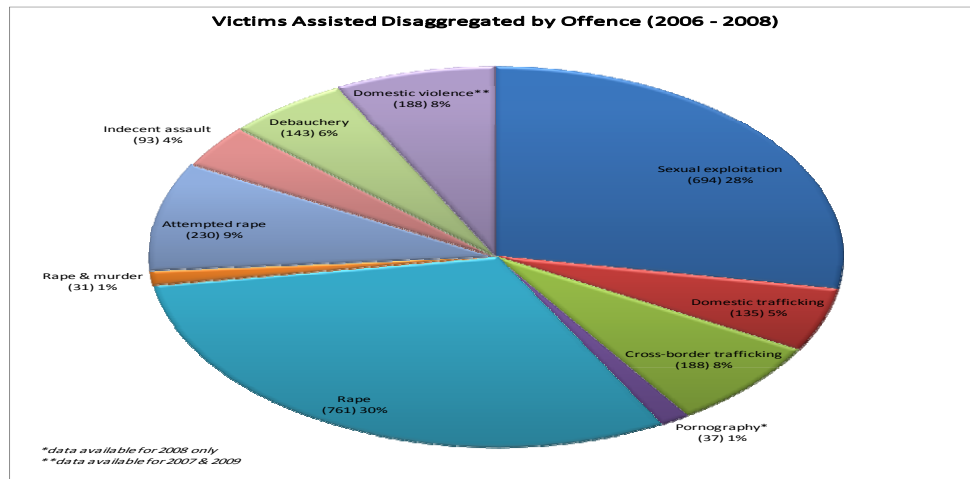
Whereas in earlier phases of the LEASETC project the international advisor played a more central role implementing activities, this has gradually shifted over time. During Phase 3, the international advisor has effectively imparted knowledge and skills to the LEASETC team. They carry out certain functions independently with minimal supervision: trainings, financial management, coordination and general

project management. In the future, the international advisor should develop a three to five year exit strategy and devote the majority of his time towards strengthening structures, institutionalizing victim-centred practices and imparting leadership and management skills to senior level team members, in particular vis-à-vis: leadership, overall management, strategic planning, and external representation/public relations

3.3 Evidence Based Practice

The LEASETC project has been flexible and continually evolving in response to the broader context such as legislative reform, policy developments and socio-cultural realities. Following enactment of the CPC and TIPSE/DV laws, LEASETC updated training materials, database forms and hotline reporting templates to help steer shifts in law enforcement practice based on relevant provisions of newly enacted legislation. This is a critical and complex undertaking in light of Cambodia’s history where the United Nations Transitional Authority in Cambodia (UNTAC) law has endured as the prevailing criminal law, in the absence of a Criminal Code. The introduction of new legislation, including the extensive CPC heavily influenced by the French criminal justice system, represents a major shift in Cambodia’s legislative history with respect to elevating standards and requirements for Cambodian law enforcement practice.

Crimes of rape, attempted rape, rape and murder in the aggregate, at 40 per cent, have officially overshadowed any other single offence, including trafficking and sexual exploitation, according to statistics in recent years. Recognising the implications of this, LEASETC has undertaken active steps to coordinate and provide specialised trainings on medical forensic examinations and investigations for health professionals, law enforcement, judges, prosecutors, etc. Furthermore, LEASETC has improved the medical forensic examination form/certificate for use in criminal court cases, in cooperation with the Ministry of Health and Cambodian Criminal Justice Assistance Project (CCJAP).



In light of growing evidence that domestic violence is likely the most common violation experienced by women and children throughout Cambodia, LEASETC has firmly supported the expansion of the AHTJP Department’s mandate to cover domestic violence. LEASETC trainings and capacity building initiatives – initially targeting trafficking and sexual exploitation -- have gradually evolved in lockstep with changes in the environment, at times spurred by legislative and policy reform. More comprehensive in scope and breadth, **LEASETC’s activities support the AHTJP and CID to address the broad spectrum of**

crimes against children – and in so doing, LEASETC has remained relevant, practical and effective over the years.

LEASETC has changed course on refined practices after evidence has come to light. Based on findings/recommendations from a multi-stakeholder analysis on forensic medical evidence for sexual abuse cases conducted in 2007,⁸ LEASETC has provided additional guidance on how to fill in the form and encouraged judicial police to officially request forensic examinations. Respondents have demonstrated a clear understanding of the importance of timely forensic medical examinations. According to several respondents, district police at times cover transportation costs for victims to visit an authorised medical professional and for follow up investigations at the provincial level.

3.4 Child-Centred Approach

In all five provinces (both priority and non-priority) which received LEASETC basic trainings, law enforcement officers cited several general principles and benefits of utilizing child-friendly interviewing techniques:

- distinctions were made between “interrogating” suspects and “questioning” child victims. Law enforcement emphasized the importance of establishing trust with the child and speaking gently to the child to dispel any fears he or she might have. This was confirmed by child victim respondents and their parents.
- parents / guardians were allowed to be present during questioning of children. This was confirmed by all child victim respondents and their parents.
- law enforcement officers offered child victims toys (if available), snacks, water, etc. Child victim respondents indicate that they were not offered anything.
- law enforcement officers indicated that questioning was in child-friendly interview rooms/private spaces. Few child victim respondents indicated that they were interviewed inside a room but in one case, the door was left open and in another case, the door was closed but adults walked in and out during questioning.
- law enforcement underscored the importance of collaborating with MoSVY and NGOs and noted that child victims who received support services were more stable and provided better information. This was confirmed by the majority of MoSVY/NGO respondents across five provinces, with high praise for law enforcement collaboration particularly in Phnom Penh and Siem Reap.

Law enforcement respondents also **recognised the “equal” human rights of all children who come into contact with the law, whether as victims, witnesses or children in conflict with the law.** Across the board, queried AHTJP law enforcement officers were supportive of expanding the mandate of AHTJP to handle all children’s cases, including child labour, other forms of violence committed against children and children in conflict with the law.

There is growing recognition of the interconnectedness of child protection issues by law enforcement officers and police trainers, as well as senior Mol officials:

- *LEASETC trainings are comprehensive and diverse ... sometimes children were trafficked because of their increased vulnerability after being victims of domestic violence and child rape*

⁸ Improving Evidence for Sexual Abuse Cases: Multi-Stakeholder Analysis of the use of the ‘Document for Sexual Abuse Examination’, World Vision Cambodia, April 2007.

and sexual abuse ... LEASETC trainings also cover issues of domestic violence and child rape ... including programmatic gaps. (Anti-rape and domestic violence office, AHTJP Dept chief officer)

- *The National Committee's scope and mandate does not currently include domestic violence and rape. It would be good to include these issues ... also to contextualise trafficking within the (unsafe) migration context. Some are concerned about conflating rape and trafficking ... but higher numbers of rape are committed against children and this can leave child rape victims vulnerable to other violations including trafficking. It's better to combine strategies to reduce overlap in protecting children. (H.E. Chou Bun Eng, Secretary of State, Mol)*

International experience, and more pointedly counter-trafficking experience across Southeast Asia, fully supports this position. Recently, a regional assessment on human trafficking initiatives in six Southeast Asian countries – Indonesia, Lao PDR, Malaysia, Philippines, Thailand and Viet Nam highlights the need to reformulate and streamline current strategies and approaches to child trafficking within a broader child protection framework⁹. Similarly in Cambodia, 'symptom-specific' approaches have been undertaken in which particular problem areas, i.e. trafficking, sexual exploitation and smuggling are identified and solutions then sought to specifically address them. Yet symptom-specific approaches are generally inefficient, redundant and undermine coherence.

This also translates to the realm of human trafficking and sexual exploitation of adults. Whether victims are children, women or men, the same law enforcement, justice, social affairs, labour and tourism structures, institutions and actors in Cambodia are generally responsible for preventing and responding to human trafficking and exploitation within the borders of Cambodia and beyond. As elsewhere across Southeast Asia, symptom-specific approaches presents practical resource and capacity challenges: it splits financial resources, burdens human resources, and stretches already limited capacity to keep pace with new laws, sub-decrees, national plans of actions, guidelines, instructions and similar but different trainings, interagency cooperation measures, etc. **It is crucial to understand the interconnectedness of various protection issues to strategically prevent and respond to crimes of abuse, exploitation, trafficking and domestic violence involving children and adults.**

3.5 Trainings & Capacity Building

This Assessment did not review trainings in great depth. Trainings were not attended and review of content is limited to several English version training manuals. Assessing the effectiveness of trainings and distilling promising practices is largely based on law enforcement feedback:

- *LEASETC offers more specific trainings than police academy trainings, covering case studies, general law, definitions of legal terms, how to conduct investigations, how to interview victims, how to preserve the crime scene, how to organize people ... after trainings, police know how to interview the children, know the procedures to rescue children, understand the importance of interagency cooperation between relevant organizations and learn how to cooperate well with others (Deputy Director of Directorate, Police Academy of Cambodia)*
- *We have very good relations between the police and social affairs. We always enjoyed good relations but after LEASETC trainings, we better understood their roles so our relations have grown closer. LEASETC invites district police and social workers to learn together in the same course and afterwards, we work more closely together with our counterparts involved in trafficking, abuse, domestic violence, etc. (Law enforcement Focus Group Discussion, Kampong Chhnang)*

⁹ *Child Trafficking in East and Southeast Asia: Reversing the Trend*, UNICEF East Asia and Pacific Regional Office, Bangkok, Thailand, August 2009.

- *We learned very special investigative techniques during LEASETC trainings. Now we understand the reality ... our methods of protecting victims is different. Before we didn't separate the suspect and victim and we didn't think about future consequences. Now we separate them, we must look for ways to protect the victims and we report victims to local social affairs. Also after we learned about TIPSE, we supervise the guesthouses and entertainment places like karaoke and inform the owners regarding management we also learned how to follow the steps of assembling a case in line with the CPC ... before we didn't know which evidence was important. LEASETC provides practical information and details which also match the level of our understanding.* (Law enforcement Focus Group Discussion, Siem Reap)

Marked differences emerged in the nature of law enforcement comments on LEASETC trainings. All commended the trainings. Law enforcement officers from priority provinces were able to provide specific details on what was gained during LEASETC trainings. However, those from non-priority provinces who attended basic trainings offered very generic comments. When tested on basic concepts, e.g. elements of trafficking, law enforcement officers from priority provinces were quick to provide appropriate responses while those from non-priority provinces struggled with the response.

LEASETC trainings are delivered by Khmer police trainers. It is clear that the quality of trainings is enhanced by: a) the use of law enforcement trainers with expertise on the practical *how-to's* in addition to knowledge of the laws and principles, and b) the use of Khmer trainers. LEASETC's training-of-Khmer trainers approach is good practice. There is some question about the effectiveness of training only chiefs and first lieutenants at the district and commune levels. Development partners speculate that new knowledge gained by district/commune focal points is not necessarily shared with the 'frontline officers' of the criminal section.

Conducting extensive trainings and capacity building exercises with provincial AHTJP chiefs and deputy chiefs (and specialist officers), on the other hand, is good practice. District and commune police regularly consult with the AHTJP chief for legal, procedural and operational guidance on cases of trafficking, sexual exploitation, abuse and domestic violence involving both children and adults.

Interestingly, the one area invariably raised by numerous law enforcement respondents across all five provinces is child-sensitive interviewing. Development partners have indicated improvements in law enforcement treatment of child victims. Child victim respondents, too, have noted sensitive treatment by law enforcement during questioning. Yet, child victims indicated that officers failed to solicit their views and concerns. Child victims and their parents were not informed of the criminal justice process, including the child's potential role as a witness during trial proceedings. Moreover, child victims and their parents were not informed of opportunities for restitution via the criminal justice process, or alternative civil proceedings.

Case management sessions are held approximately once every three months in each of the priority provinces and involve an in-depth analysis on one recent case, which is facilitated by LEASETC project team staff.¹⁰ During sessions, officers discuss the details of a case and identify gaps. LEASETC staff provides advice and suggestions on how to improve handling of the case and avoid specific mistakes. These sessions inform future training sessions. Case management sessions provide support and encouragement to the police in an informal environment. Follow-up missions occur every six weeks

¹⁰ Description of case management and follow up sessions are drawn from *Lessons Learned Review on the Law Enforcement Against Sexual Exploitation and Trafficking of Children Project (LEASETC)*, World Vision Cambodia, 2006.

whereby LEASETC supports regular consultations on the progress of specific current cases. This serves as a quality assurance mechanism to assure strong cases are sent to court. Law enforcement officers noted the usefulness of these sessions as a way to identify gaps based on real cases, and as concrete guidance on how to prepare stronger cases for submission to court. Moreover, case management and follow up sessions are more interactive and conducive to individual capacity building since the number of participants is lower than in police trainings¹¹.

3.5 Structures & Protocols

Building on earlier developments, LEASETC during phase 3 continued to strengthen the AHTJP Department and Provincial Unit structures. In June 2006, LEASETC supported the establishment of AHTJP units in ten provinces: Svay Rieng, Prey Veng, Kampot, Kampong Thom, Takeo, Kampong Chhnang, Kampong Speu, Kratie, Koh Kong and Pursat. LEASETC has advocated for gender balance across the ranks of AHTJP. In a welcome move, a female Major has been appointed as chief of the AHTJP unit in Kampong Chhnang. Moreover, a number of female law enforcement officers have joined AHTJP units, most visibly in Kampong Chhnang. LEASETC has also supported the expansion of a database network and hotline operations to additional provinces.

Thanks to the LEASETC project, we better understand the law and also structures and protocols ... LEASETC helped clarify hierarchy and structures. Before 2006, we had structures but reporting lines were not clear. Before we didn't report to the prosecutor but now we understand that we need to report to the prosecutor. This makes work much easier and improves cooperation. From top down, the flow is easier ... and we make fewer errors since we are following the law. We can see smoother implementation of the law whereas before there was confusion and we were slow to comply with the law ... we see the connection between stronger investigations and convictions". (Law enforcement focus group discussion, Kampong Chhnang)

Law enforcement officers in LEASETC priority provinces seemed to have a stronger grasp of the Criminal Procedure Code than their non-priority counterparts, including a better understanding of the role of prosecutors and investigating judges. Additionally, district and commune law enforcement officers affiliated with priority provinces echoed in unison the internal protocols for reporting and responding to cases of trafficking, exploitation, abuse and violence whereas the non-priority officers did not reach a consensus on the correct protocols to follow.

3.6 Hotline

In October 2000, LEASETC established a national 24 hours/day, 7 days/week hotline based in Phnom Penh. Seven provincial and a Phnom Penh municipal hotlines were set up from 2005 to 2008. The hotline numbers have been widely publicized, and calls are received from victims, family members, witnesses, frontline police and agencies – governmental and non-governmental – that work against sexual exploitation and abuse, trafficking, and domestic violence. Hotlines have enjoyed strong support from high level officials in MoI. With a mandate to accept reports which enable the AHTJP to investigate and act on cases, either directly or by sending information to the relevant police authorities, the provincial hotlines are a welcome development.¹²

¹¹ FY09 Semi-Annual Project Management Report on Law Enforcement Against Sexual Exploitation and Trafficking of Children, World Vision Cambodia, October 2008 to March 2009, p. 5.

¹² DRAFT LEASETC Evaluation of AHTJP Hotlines, June 2009.

Although the hotline was originally established to encourage reports of and leads on suspicious or actual offences, the hotline has served other promising purposes including:



- information/advisory line: frontline local police regularly call/"beep" (to signal request for call back) the hotline to seek provincial AHTJP unit advice on the law, criminal procedures, cases, etc. This builds the capacity of officers and offers a channel for local police to access higher level and more specialised support.¹³ AHTJP unit chiefs and deputy chiefs double as hotlines operators at the provincial level. LEASETC also supports hotline operational costs, i.e. recharge of mobile phone units
- bilateral cooperation: other countries will call requesting or providing information

The hotline also serves its original purpose well with documented reports of the hotline preventing abuse, facilitating the rescue of victims and leading to arrests and prosecution of perpetrators. Furthermore, hotlines provide callers the option of anonymity, which is very important in cases where threats to personal safety are a potential or real threat. Hotlines are also a resource for information and offer advice to callers about legal issues, what to do in cases of rape or other crimes, referrals to appropriate NGOs, etc.¹⁴

Direct mobile access to AHTJP chiefs and specialist officers by MosVY/NGOs has strengthened relations and improved cooperation. Though this sidetracks the hotline in some instances, this practice works well and should be formalized. Where complementary to hotline calls, these contacts should also be documented. LEASETC should take into account this informal promising practice and facilitate necessary revisions in the hotline reporting template.

3.7 Cooperation & Coordination

LEASETC has harmonized activities with broader developments --TIPSE and DV laws, Criminal Procedure Code, *Prakas* on Cooperation and Coordination in the Child Justice Process, Provincial Committees on Trafficking, etc. and works effectively with other ministries particularly MoJ, MoSVY and MoH, including their provincial departments. Although not every development partner consulted was familiar with LEASETC operations, those who were commended LEASETC's commitment to collaboration. In 2008, LEASETC collaborated with The Asia Foundation to produce a DVD and booklet for law enforcement in response to inappropriate crackdowns during raids and rescues. In recent years, LEASETC has coordinated *in advance* with ARTIP and IOM on law enforcement trainings to preclude duplication of efforts and to promote consistency of quality trainings. LEASETC has also collaborated closely with MoH and CCJAP on standardising forensic medical evidence forms, certificates and practice in cases involving sexual abuse. Furthermore, LEASETC has recently taken initial steps to streamline and coordinate donor funding aimed at supporting AHTJP trainings/operations.

¹³ *ibid.*

¹⁴ *ibid.*

4 LEASETC IN PRACTICE: GAPS AND LESSONS LEARNED

4.1 Framework

While recognising the “pilot” origins of the LEASETC project in 2000, nearly a decade later LEASETC remains an informal structure which has not been fully integrated into the Ministry of Interior, with clear linkages to the Cambodian National Police, i.e. Central Department of Judicial Police (AHTJP & CID), Central Department of Security (Immigration & international police) and the Royal Police Academy, and further supported by annual MoI budgetary allocations. In fact, LEASETC subsidizes AHTJP operations at the national and provincial levels and LEASETC’s team is composed of existing MoI/AHTJP personnel. This obscures to some extent the “separate” identities of LEASETC and AHTJP.

While MoI ownership of LEASETC is solid under H.E. Prum Sokha, public perceptions do not always match. Confusion exists between ownership and “donor” support, i.e. UNICEF & World Vision Cambodia. While law enforcement respondents point out that LEASETC is MoI-owned, at times they also attribute ownership of LEASETC activities to UNICEF and World Vision. Meanwhile, the external development community almost invariably view LEASETC as a UNICEF/World Vision project. Branding LEASETC as UNICEF and WVC projects - even unwittingly - undermines the Government’s role and LEASETC’s sustainability.

MoI leadership and overall management of LEASETC require strengthening. This entails capacity building on leadership, strategic planning, external representation and public relations on all matters associated with LEASETC – in addition to the more technical areas that have been relatively mastered, i.e. trainings, administration and coordination. **Challenges to date include an informal structure, unclear mandate, activity-based strategic planning, unarticulated terms of reference, limited capacity and experience, dual roles within the MoI and time, resource and institutional constraints.**

Moreover, LEASETC lacks a formal coordination structure for new/recent donors (individuals, agencies, organisations, embassies, etc). Funding for LEASETC has evolved over the years: from basket contributions by numerous agencies coordinated by a steering committee in 2000 to its current core funding arrangement via UNICEF and World Vision (and more recently, Terre des Hommes and Kamonohashi). Although UNICEF-WV flexible funding arrangements have been key to LEASETC’s accomplishments, it is not sustainable. LEASETC should diversify its funding portfolio and establish a formal coordination structure for all donors that support the Cambodian National Police on law enforcement operations, trainings and capacity building initiatives, not necessarily limited to trafficking and exploitation.

Further, **LEASETC lacks a formal monitoring and evaluation system.** While donors funding the LEASETC project request progress reports based on specific indicators, LEASETC as an MoI project lacks a clear monitoring and evaluation plan, which includes indicators corresponding to different levels of operation, e.g. trainings, case management, database, hotline, statistics, policing, child friendly practices, management, cooperation, etc. This should be consistent with LEASETC’s singular vision and structural framework.

4.2 Legal Paradigm

AHTJP statistics and database forms appear to reflect some offences in the following laws: UNTAC law, the Law on Aggravating Circumstances of Felonies, the Law on Suppression of the Human Trafficking

and Sexual Exploitation (TIPSE Law) and the Domestic Violence Law. It is unclear, however, whether all offences affecting children such as child labour and the other laws relevant to child trafficking and related crimes, i.e. Cambodian Law on Money Laundering (2007), Cambodian Law on Labour (1997), Law on Immigration (1994), and Tourism Law (2009) have been analysed and incorporated into practice, as appropriate.

Following enactment of the TIPSE Law, judicial and law enforcement officers reportedly have misinterpreted, or misused the provisions of this new law:

- Crackdown raids conducted mostly by local police officers who were not prepared for such missions in 2008 violated the human rights of sex workers
- Accounts of Phnom Penh law enforcement from the Criminal Investigations Department (CID) circling the Wat Phnom area and “extorting” money from women who carry condoms, citing this as de facto evidence of public solicitation
- TIPSE Article 42 (sexual intercourse with minors under 15 years) is often “downgraded” by the court to Article 43 (indecent act against minor under 15 years)
- TIPSE Article 34 (purchase of child prostitution) is charged under Article 43, or not prosecuted at all if the age of the child has not been proven.

Recently, active steps have been undertaken to address the crackdowns and bring additional clarity to the TIPSE Law, including Articles 34, 42 and 43. This is important for better working relations as the role of law enforcement is primarily relegated to conducting investigations. Nonetheless, confusion (and at times suspicion) ensues when cases are sent to prosecutors or courts as a crime involving child rape or child prostitution but later prosecuted as an indecent act. This not only adversely impacts the morale of law enforcement but also calls into question the sufficiency of law enforcement investigations and evidence collection, if not the conduct of judicial officers. To accurately pinpoint which areas require further strengthening, a good starting point is to ensure a common understanding of elements of crimes, evidence required to meet the burden of proof, roles of different justice officers including law enforcement, investigation procedures including law enforcement-investigating judge cooperation, conflict resolution mechanisms, etc.. The development of Explanatory Notes on the TIPSE Law by the Ministry of Justice is an important step towards this goal.

4.3 Child Victim Protection

It appears that numerous cases of child sexual abuse and domestic violence are not investigated. Offenders are not arrested, cases are not brought to court and therefore impunity persists. Anecdotal evidence suggests that the practice of ‘extra judicial settlements’ and ‘victim offender reconciliations’ are common at various levels, spearheaded by village and commune chiefs, as well as local and AHTJP unit police.

These extra-judicial practices clearly violate the criminal law, international standards and rights of children to due process and protection against harm. It is important to distinguish between illegal extra-judicial practices and acceptable forms of traditional justice, such as alternative dispute resolution on custody, land and property issues associated with domestic violence cases. Conversely, there is anecdotal evidence regarding cases of child sexual abuse and domestic violence being referred to court only to be dismissed outright or ‘converted’ to a lesser charge at various stages of the justice process, both pre and during trial.

Moreover, there are some concerns regarding multiple interviews of children being conducted by law enforcement at various levels. If district police interviews of child victims are insufficient, the AHTJP unit reportedly interviews the child again. Every effort should be made to minimise the number of interviews, and to coordinate support to reduce excessive interventions for the child. Clearer guidance and law enforcement protocols are needed in this area.

Child labour is regulated but not punishable as a criminal offence under the Law on Labour. According to Article 368, “employers who employ children less than eighteen years of age under conditions contrary to [select] provisions . . . are liable to a fine of thirty-one to sixty days of the base daily wage.” Under the new (2009) Penal Code, “the act of placing a minor in working conditions which are detrimental to his/her health or his/her physical development are punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels”. The Penal Code also includes a corresponding article that stipulates aggravating circumstances resulting from the death of the victim in detrimental working conditions. It should be noted, however, that these provisions fall short of standards outlined in ILO conventions ratified by the Government.

While recognising that LEASETC’s focus is on trafficking, sexual abuse and sexual exploitation, it should be noted that children who are victims of “detrimental” labour fall through the gaps of the (criminal) justice system. In light of general conceptual and operational confusion around child trafficking - which includes the worst forms of child labour vis-a-vis the exploitation element – LEASETC supported initiatives, including the database and hotline, should fill these gaps and take into account labour exploitation and the worst forms of child labour.

4.4 Trainings & Capacity Building

While trainings are greatly appreciated, every law enforcement respondent has indicated that the training course is too short, too infrequent and its reach to police at district and commune levels too limited. It is unclear at this time who is training whom, on what topics, how (methodology and frequency) and where - at the national, provincial, district and commune levels. Trainings are not comprehensive, coherent and integrated across the Cambodian National Police, including the AHTJP Department, AHTJP Provincial Units, Criminal Investigations Department and Provincial Criminal Sections. The general sentiment seems to be that some training, even if uncoordinated and redundant, are better than no trainings. In fact, this is unjustifiable, wastes scarce resources, and potentially confuses law enforcement officers. Although LEASETC has informally provided “gatekeeping” and coordination functions for certain donors and trainings, this has not been systematic nor occurring at the provincial and district levels.

District and commune level focal points, reportedly do not impart to their subordinates knowledge and skills gained during trainings. Moreover, trainings and capacity building measures are typically aimed at law enforcement officers without regard for rank, roles or functions. Trainings on leadership, management and supervision within the law enforcement context are lacking.

4.5 Hotlines

Past publicity has conveyed the message that the public should play a role in reporting problems such as child sexual abuse and exploitation. While the AHTJP hotlines are not intended to serve as an ‘emergency response line,’ many callers and stakeholders nonetheless expect a rapid response,

particularly since the hotline is publicised as a mechanism to prevent and respond to exploitation, abuse and trafficking. Recent evaluation findings, however, reveal that many people do not feel comfortable calling the hotline to report actual or suspected instances of abuse, exploitation, trafficking and violence. Factors such as the cost of calls, fear of retribution and wariness of police requesting payment in exchange for help have been identified.

There are serious concerns about the functioning and effectiveness of the central hotline in Phnom Penh. Several NGOs have indicated that too often, calls go unanswered at times of the day or night or when the hotline is answered, the operators are sometimes rude and do not seem to fully understand their roles and responsibilities. Central hotline operators reportedly are not decision-makers and fail to triage calls. Many urgent calls therefore sit until the next morning for follow up actions to be taken. This places NGOs in an awkward position especially as they advertise the AHTJP central hotline number in their awareness raising materials. Provincial hotlines have been found to generally work well. When an urgent call is received at any time of day or night, the hotline operators (who are also the AHTJP unit chief or deputy chief) have the authority to direct immediate action by local police and to consult with prosecutors for guidance. **The hotline mandate and operational capacities should be reviewed particularly at the national level, and internal protocols developed to ensure that urgent phone calls are urgently handled.**

Despite assertions that hotlines are open to callers from any nationality, hotline operators do not have a command of English, Vietnamese and other languages. After complaints in 2004 about the lack of non-Khmer language capacity for the national hotline, AHTJP recruited 2 English speakers and 2 Vietnamese speakers, who have since been transferred to different departments.¹⁵ Despite this, there are accounts that even the national hotline operators experience English language limitations.

Moreover, hotline record keeping is not systematic. Various AHTJP offices use different and not strictly accurate approaches when providing statistics on the use of the hotlines. Provincial hotline operators admit that sometimes with urgent calls, these calls are not fully documented. In part this is because the provincial calls are fielded by AHTJP chiefs or deputy chiefs, in the midst of urgent and ongoing law enforcement operations. Other factors include the lack of consensus on whether the form should reflect only incoming hotline calls, or also incoming calls related to Department cases that are received on the personal phones of AHTJP staff, or also outgoing calls related to Department cases. **Clear instructions are needed to standardise hotline reporting, which should be further streamlined to balance the value of data and the reality that provincial AHTJP hotlines are manned by chiefs and deputy chiefs who are often pressed for time and unable to complete detailed hotline reports.**

4.6 Database

Database reporting mechanisms are not fully optimized, utilised or monitored. There is inconsistent use of the database – some officers enter cases only if they are referred to court whereas others will enter data for arrest cases as well. Clear AHTJP directives should be issued to ensure standard database practice across the provinces. Data entry of cases is backlogged for various reasons, including database operator constraints due to staff turnover, dual hats, limited number of operators, weak computer skills, insufficient trainings (more is needed to strengthen low capacity), etc. While a significant number of cases (60-70%) have been entered into the system, the balance of unentered cases also represents a significant percentage of cases. The database information is not up to date and there are also some concerns on whether or not all data will eventually be inputted. Provincial database systems

¹⁵DRAFT LEASETC Evaluation of AHTJP Hotlines, June 2009, p. 19

require updating on the new anti-human trafficking law to produce reports that are consistent with the new law.

Moreover, the usefulness of the database does not appear to be fully recognised by law enforcement officers, including database operators themselves -- in particular the full range of database functions: case management, monitoring, data collection, data analysis, report generation functions to strengthen investigations, measure progress and inform practice. Furthermore, though the database was developed to serve as a single source of official information, the AHTJP Department reportedly accesses and cites other information outside of the database.

Generally, provincial computers are old and difficult to repair in part owing to the non air-conditioned rooms and electric current fluctuations. The database system is also still using the legacy Limon for encoding Khmer language into the database. The transition to Khmer UNICODE has yet to take place. With respect to database categories of offences, there are potential overlaps and it is unclear whether database operators properly code offences and ensure that cases are entered only once, even if there are alternative charges.

Consolidated AHTJP statistics are not systematically circulated to law enforcement at provincial, district and commune levels. Also statistics are not shared with development partners, despite repeated requests for (public) information. Moreover, inconsistencies exist between data and verbal reports regarding numbers of trafficking cases. This leads to some uncertainty on whether all cases are reported to the central ATHJP Department. Furthermore, it is unclear whether standard AHTJP forms are manually completed and forwarded to the Department, or if there is a parallel reporting system based on the old manual reporting template. The decision was made to keep only the database report with a one-paged new reporting form, as the only reporting mechanism from 1st January 2010.

4.7 Forensics

Forensic medical exam template forms are still not systematically used, despite its creation in 2004 and additional training provided in 2008 by World Vision, CCJAP and UK CEOP experts. Medical practitioners reportedly are resistant to, and sometimes hostile towards, examining victims because they do not want to conduct examinations and be called to testify in court since they lose time and money. Meanwhile, due to the relatively high costs of forensic medical examinations and certificates, victims cannot access examinations unless costs are covered by family, police, social affairs, NGOs, etc. Since forensic medical examinations are carried out at provincial levels, this also affects the timeliness and accessibility of medical examinations for victims residing at the district or commune levels. Transportation to the provincial centre is generally not provided by AHTJP units. Unless NGOs assisting the Law Enforcement Services cover these expenses, families are required to pay for victim's transport which presents inherent challenges for impoverished families.

Moreover, in some provinces the victim can request an examination while in other provinces, the hospital conducts an examination only if there is an official written request from the police or a court official. In some provinces, doctors fill out a form during the examination which is then signed and issued as the official certificate. Other doctors take notes separately then later fill out the form and sign it. And other doctors will fill out the form during the exam, but issue a different paper with only a brief conclusion (e.g. 'raped' or 'still a virgin'). In one large province, only one person consulted even knew about the medical forensic form. In some provinces a copy of the official certificate will be issued to police, court, or victim's lawyer while in others, the hospital will only release it to the prosecutor. In

no province is it considered appropriate to give a copy of the certificate to the victim. Furthermore, often victims' lawyers cannot get a copy unless they have good relations with the police or court officials.¹⁶

There are other discrepancies, too. Some provinces will conduct the forensic examination on weekends or holidays; most will only do it during regular working hours, and many will only do it if the victim comes during the morning hours. Some provinces have refused to conduct examinations of married women, since they are not virgins; others do not know how to deal with boys; while others will conduct a forensic examination upon request. Moreover, there are issues of confidentiality breaches. Many police or court files were in the hands of officials from non-justice institutions, including NGOs. In only a few cases were the names concealed when the documents were offered for review. Paradoxically, 'confidentiality' was mentioned as one reason why victims should not be given a copy of their own examination certificate.¹⁷

Some of these current practices clearly violate the following protocols in all cases of sexual abuse, the full eight page 'Document for Sexual Abuse Examination' form must be used. Any one of the following persons is authorized to request an exam: the victim, the victim's guardian family member, the victim's lawyer, the judicial police in charge of the case, the prosecutor, or the investigating judge. No written official request is required when the victim or the victim's guardian family member directly requests the hospital for the exam. An exam must be conducted for all persons who claim to be victims of sexual abuse, including boys and married women. The form must be filled out directly and completely during the course of the exam, with the exception of laboratory test results; it cannot be filled out later, after the victim is gone, on the basis of other notes. The Forensic Certificate issued by the Forensic Evidence Committee must be the Document for Sexual Abuse Examination form itself, not a different summary document. Copies of the certificate must be given, upon written request, to any or all of the following: judicial police in charge of investigating the case, judge, prosecutor, and victim's lawyer.¹⁸

More generally, due to lack of means, training and rigor, little progress has been made on the crime scene preservation and collection of forensic evidence. Under the Central Department of Judicial Police, the Scientific Tech Police Department is comprised of specialized experts responsible for collecting forensic evidence, and fully supported by CBJAP. It is unclear whether AHTJP jointly investigates cases with the Scientific Tech Police Department at the national and provincial levels.

4.8 Crime Prevention

According to numerous law enforcement respondents, crimes such as child trafficking and exploitation are declining in part due to effective dissemination of information. Based on international experience however, information dissemination alone is generally inadequate to effectively deter traffickers, exploiters, abusers and other offenders from committing crimes against children. Recent trends require further exploration to ascertain whether these crimes are in fact decreasing and if so, to

¹⁶ Improving Forensic Evidence for Sexual Abuse Cases: A Multi-Stakeholder Analysis of the use of the 'Document for Sexual Abuse Examination', World Vision Cambodia, April 2007, p. 27.

¹⁷ *ibid*, p. 28.

¹⁸ *ibid*.

identify factors and effective strategies, or if not, to determine how to more effectively identify and address these offences.

There is also a general misunderstanding among law enforcement respondents on what “causes” (and hence prevents) crimes of child trafficking, sexual abuse, sexual exploitation and violence, as well as linkages between trafficking, exploitation and broader child protection violations. Prevention efforts by law enforcement and others have not always taken into account the full range of factors at various levels, and how they converge to render children vulnerable to trafficking and exploitation: poverty, family breakdown, substance abuse, unemployment, lack of educational opportunities, gender inequality, demand for cheap labour or brides, sexual proclivities involving children, stressors associated with financial hardships, and widening disparities between and within countries.

Moreover, the distinct role and functions of the social (child welfare) sector is not widely recognised by government partners and the wider development community. Another arena that has not been fully tapped – and linked - is prevention by tackling the demand side including intermediaries of trafficking and exploitation from the labour and tourism angle, e.g. labour recruitment agencies, international marriage brokers, accreditation/licensing agencies, etc.

4.9 Cooperation & Coordination

There are uneven levels of cooperation and partnerships between AHTJP and other government entities, including the prosecutors, investigating judges, social affairs at provincial and district levels, civil society, CID, Scientific Technical Police Department, and the military, immigration and tourism police.

Coordination is generally smooth based on personalities and a history of good working relations yet this does not make for good practice. Interagency flow charts, operational protocols, lines of accountability, service delivery standards and procedures, etc are lacking. Further hampering good cooperation is the reality that donor/IGO/NGO resources are fragmented across numerous ministries (and departments within ministries) with different aid modalities and requirements.

5. SUSTAINABILITY

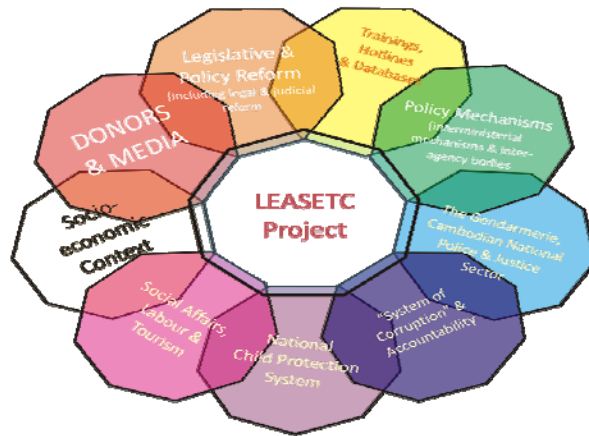
Although LEASETC is a highly cost effective project, at this time it is unsustainable if UNICEF, WVC and Terre des Hommes and Kamonaheshi withdraw financial and technical support. AHTJP would immediately feel the impact since the salaries of numerous officers, equipment, investigation expenses and operating costs are partially subsidized by the LEASETC project.

Over eight years of operation, LEASETC has been sustained with limited MoI resources or counterpart funds. Now on the cusp of Phase 4, budgetary requirements to implement LEASETC tests the political will of MoI to commit investments in children – and to move Cambodia forward in implementing the CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. **For this next phase, it is critical that MoI carve out budgetary allocations for the LEASETC project, or any evolutions thereof.** If necessary, this can be a progressive cost-sharing arrangement until MoI ultimately assumes full ownership of and accountability for the LEASETC project.

LEASETC faces substantive challenges in the future, including: leadership, integration into existing MoI structures, cost-sharing, syncing with the “National Committee to Lead Suppression of Trafficking, Smuggling and Sexual exploitation in Women and Children (STLS), coherence with broader criminal justice system, linkages to social affairs & labour systems, capacities and resources, financial crisis: severe budget cuts, inadequate government budgetary allocations, and corruption & extrajudicial practices

6 BROADER INFLUENCES

This section briefly identifies the broader legislative, policy and development context in Cambodia, which has influenced to varying degrees the effectiveness of LEASETC interventions. (For the detailed description and analysis, please refer to Annex 3) Moving forward, these areas – which can pose both opportunities and challenges are central to the ongoing relevance, efficacy and sustainability of the LEASETC project. At all times, LEASETC or any evolutions thereof should harmonise its mandate and scope of activities with broader legislative and policy developments.



A graphical representation of the broader influences of the LEASETC Project.

6.1 Legislative & Policy Reform

6.1.1 Legislative Reform

This section describes the changes in and new laws particularly those relating to human trafficking and sexual exploitation introduced over time including reforms within institutions that are meant to enforce these.

6.1.2 Policy Reform

This section describes a broad range of policy frameworks addressing issues of trafficking and exploitation including bilateral MOUs with other counties such as Thailand and Vietnam.

6.1.3 Legal & Judicial Reform

This section refers to the level of implementation of the Legal and Judicial Reform Strategy (June 2003) and identifies other laws and codes that have been adopted such as the Code of Civil Procedure

enacted (2006), the Code of Penal Procedure (2007), the Civil Code (2007), Counter-terrorism Law (2007), TIPSE Law (2008) and the Organic Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans (2008).

6.2 Policy Mechanisms

This section describes the various policy mechanisms established to implement laws related to trafficking, exploitation, abuse and domestic violence such as the COMMIT and the Child Justice Working Group; interagency bodies such as Provincial Task Forces on Trafficking; and specialised structures such as the AHTJP Department/Units; MoSVY Anti-Trafficking and Reintegration Office; and the Cambodian National Council for Children (CNCC). It also analyses the gaps and challenges in the actual operations of these mechanisms.

6.3 The Gendarmerie, Cambodian National Police & Justice Sector

6.3.1 Gendarmerie

This section how the military officers of the The Royal Gendarmerie function as judicial police officers and their involvement in investigating trafficking and exploitation offences and created an Office of Anti-Human Trafficking and Child Protection.

6.3.2 Cambodian National Police

This section analyses the role of the CNP as a law enforcement agency investigating incidents of serious crime and how this is being performed.

6.3.3 Justice System

This section describes the expected roles and responsibilities of law enforcement institutions and the justice system, analysing the dynamics and relations between law enforcement and prosecutors, law enforcement and investigating judges, and prosecutors and investigating judges.

6.4 Trainings, Hotlines & Databases

This section analyses the various training provided for law enforcement officers, hotlines that are in operations and data base initiatives on trafficking, sex crimes, crimes generally and others.

6.5 “System of Corruption” & Accountability

This section provides cases of alleged systemic corruption and describes current polices, mechanisms and practices of accountability and their limitations.

6.6 National Child Protection System

This section describes and analyses the current status of the country’s child protection system. It also identifies current efforts to strengthen the system, taking into consideration recent global trends, in order to protect children from all forms of abuse, neglect, exploitation and violence.

6.7 Social Affairs, Labour & Tourism

This section assesses the role of MoSVY as the State’s representative in relation to children at risk of, or experiencing significant harm, and the child’s interaction with their environment and how this should be enhanced within the context of trafficking, exploitation, abuse and domestic violence. It also explores the relationship between MoSVY and other Ministries such as Ministry of Justice (MoJ), Ministry of Interior (Mol), and Ministry of Labour and Vocational Training (MoLVT).

6.8 Socio-Economic Context

This section looks at how the socio-economic situation of the country has affected, and will continue to affect, the commitment and political will to invest in child protection and the sustainability of initiatives.

6.9 Donors & Media

This section describes how aid and resources are being provided for various initiatives across various sectors and the compelling need for greater focus on spending across the law enforcement, judicial, social, labour and tourism sectors to address trafficking, abuse, exploitation and violence.

It also talks about the media has been used so far to increase awareness on various issues related to child protection.

7 RECOMMENDATIONS

The following recommendations are forwarded to strengthen impact, relevance and sustainability of responses to child protection issues in Cambodia. Cambodia’s recent history in addressing child trafficking and exploitation indicate significant levels of aid fragmentation, ever-shifting changes and rapid turn-overs in the policy and program initiatives. The time is ripe for the Royal Government of Cambodia to assume full leadership and oversight of a sector-wide approach to justice and child protection.

7.1. Setting the Vision

Utilising participatory processes, the MoI and development partners should collectively formulate a Vision Statement. This statement will clearly articulate the long term aspirations for promoting justice and realising children’s rights to protection, with considerations for the practical realities of the country context.

The vision statement will define the model of the justice system beyond law enforcement; it will integrate ‘justice for children’ issues and will consider the corollary SWap on child protection (including national child protection system strengthening to ensure that children are protected from abuse, exploitation, neglect and violence). This model will take into account the different phases of a SWAp to Justice, i.e. current, mid-point and future ‘model’ incarnations.

While the Government is at the centre of driving this vision forward, the role of national policy bodies, development communities, donor partners, the broader civil society, the private sector and children

themselves should be taken into account, from local up to national levels. The vision will guide strategic alliances, future strategies and evidence based programming.

7.2 *Developing a Common Understanding*

The Ministry of Interior and participating development partners should agree on a common understanding of the definition, principles, core elements and processes of a sector wide approach (SWAp) to justice.

SWAp: A sector wide approach is a way of providing development assistance that strengthens national ownership, and helps build nationally managed systems under a single sector policy and expenditure programme, adopting common approaches across the sector, with the support of development partners and lenders.

Sector: A sector encompasses a wide range of thematically linked activities, involving government, non-government and private participation.

SWAp elements:

- All significant funding agencies support a shared, sector wide policy and strategy
- Medium term expenditure framework or budget which supports this policy
- Government leadership in a sustained partnership, including setting policy directions, leading development partner coordination, etc.
- Shared processes and approaches for implementing and managing the sector strategy and work programme
- Commitment to move to greater reliance on Government financial management and accountability systems

7.3 *LEASETC Paradigm Shift*

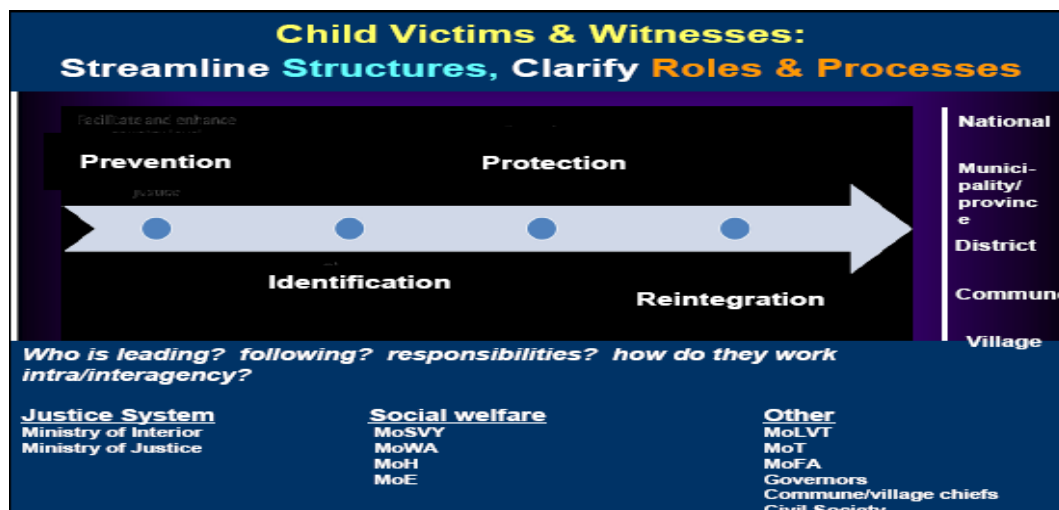
Moi and development partners should agree on a coordination mechanism that will facilitate the sector wide approach to justice, particularly the law enforcement sub-sector. This will require a formalized structure with specific government leadership, ownership and oversight, designation, structure and mandate, transition strategies and strategic plan in line with SWAp development, broader levels of engagement with the development community, and dissociation between LEASETC and UNICEF/World Vision.

This new entity may carry out the following functions:

- Serve as the central unit that will standardize and coordinate strategic trainings for all CNP police, facilitate the creation of a standard training curricula, coordinate and monitor the delivery of capacity building initiatives across the country and streamline different aid modalities in line with the SWAp to Justice. Standardised trainings should build on the current evidence base of lessons learned and recommendations.
- Harmonize relevant mechanisms (including databases, hotlines, forensics, etc) carried out by various CNP departments, develop and implement protocols and guidelines to harmonize CNP activities. These include standardized indicators, uniform database, consolidation of

statistics across different departments, hotlines coordination, communications, reporting, monitoring and supervision lines at all levels across different departments.

- Monitor legislative and policy developments and ensure that CNP activities are consistent with the broader context, including the Penal Code and Police Law (when passed) as well as National Committee decisions and recommendations. It will ensure that all children are provided access to, better served and protected by the law enforcement system, with clear linkages to the judicial system, child and family welfare (social) system and national policy bodies, i.e. CNCC, NC, etc.
- Facilitate the clarification of roles and responsibilities between government and NGOs with respect to law enforcement functions and liaise with relevant government agencies, inter-ministerial bodies and development partners;



7.4 Transitional Strategies

- LEASETCTeam:** It is vital to retain principal LEASETCTeam members during the transitional period. The international advisor, project manager and LEASETCTeam trainers should be integral members of the transitional team and as appropriate, their capacities should be strengthened to assume different roles and greater positions of responsibility within the new structure.
- AHTJPMechanisms:** The law enforcement wheel should not be reinvented. Where applicable, the new unit should build on existing institutional mechanisms in particular the hotlines, database and medical forensic evidence forms and certificates for crimes of trafficking, exploitation, abuse and domestic violence. National data collection initiatives should take into account AHTJPIndicators and data sets in order to avoid duplication, contradictions, etc. The unit should review recommendations with respect to hotlines, databases and forensic evidence.

7.5 Framework, Plan of Action & Technical Assistance

Recruit an international consultant for a period of one year to develop the capacity of the MoI to manage its own development activities through the development, implementation, monitoring and

evaluation of a SWAp to Justice. Capacity building and institutional strengthening of the MoI should be gradual, coordinated, methodical and systematic to ensure smooth and sustainable transition to MoI leadership. The international consultant should facilitate the development of a coherent MoI-led capacity building strategy. Moreover, the international consultant should strengthen the capacity of MoI to spearhead a broad based consultative process to develop a SWAp to Justice framework and plan of action that incorporates the following:

- Sector Policy framework, including main strategies and allocation of resources;
- Review of management and institutional implications;
- Procedures for approving expenditures, disbursement and procurement;
- Monitoring and reporting arrangements;
- Funding mechanisms including how development partner funds will be managed, condition and criteria for funds management and mechanisms for release of funds;
- Memorandum of Arrangement (MoA), or equivalent;
- Annual Workplan and Funding Schedule;
- Schedule for 'sector consultative forum'
- Identified sources and levels of funding (MoI, development partners and donors); and
- Capacity building strategy.