
**An Evaluation of the
Anti Trafficking and
Reintegration
Programme of the
Ministry of Social
Affairs, Veterans and
Youth Rehabilitation,
Cambodia**

UNICEF Phnom Penh

2009

Acknowledgements

Thanks are due to “Phare Ponleu Selpak”, www.phareps.org who conducted the workshops with women and child victims of abuse, violence and exploitation on behalf of Asia Foundation Cambodia and thanks to Asia Foundation for allowing the data to be incorporated.

This work could not have been completed without the cooperation, openness and hard work of the UNICEF staff; the drivers, who cheerfully set off at unfeasibly early times of the morning, staff who facilitated visits, provided translation and offered their valuable insights, comments and suggestions.

Elayn Sammon
Phnom Penh
October 2009

Table of Contents

<u>Acknowledgements.....</u>	<u>2</u>
<u>Table of Contents.....</u>	<u>1</u>
<u>List of Acronyms.....</u>	<u>1</u>
<u>Abstract.....</u>	<u>2</u>
<u>Introduction.....</u>	<u>4</u>
<u>Background & Context.....</u>	<u>8</u>
<u>Methodology.....</u>	<u>17</u>
<u>ATRO Services: quality, impact and relevance.....</u>	<u>23</u>
<u>In most instances ‘victims’ are identified and referred to NGO shelters by the police, District or Provincial Social Affairs Office or some other authority. Following a period of rehabilitation, which may include counselling, medical care and vocational training, agreement is reached with the woman or child that they can be reintegrated. At this stage usual practice is for the NGO to trace the family and conduct a family assessment, using standard procedures defined by MoSVY ATRO. Once a decision has been made to reintegrate the case is referred to the local District Social Affairs Office (OSVY) and monthly follow-up visits commence. Follow-up is in some cases conducted jointly by the NGO and OSVY social worker although there seems to be no hard and fast rules on this. The follow-up visits are conducted for a one-year period before the case is closed. It was reported that in some instances NGO’s would continue to follow-up beyond this period where they feel the client’s vulnerabilities could expose them to further harm should the support cease. The OSVY social workers reported that only in exceptional circumstances would they extend the period of follow-up and always following a bi-monthly coordination meeting at Provincial level. However due to the very nature of close communities, social workers reported that in fact they often continued informal follow-up, “if I am passing their house on the way to visit another client I might call in”, or “the girl is motherless and her auntie is very poor, I need to keep checking on them to see if everything is OK even though the case was closed in 2006”.....</u>	<u>23</u>
<u>Bi-monthly coordination meetings are held at Provincial level and bring together OSVY social workers and NGO partners to discuss cases and issues relating to re-integration issues. It is only after discussion at this meeting that a case can be closed.....</u>	<u>23</u>
<u>Follow-up support is intended to maintain contact with reintegrated clients, ensure they are settling well into their families and communities and enabled to live safely such that exposure to the threats which caused them to be separated are reduced. Social workers however reported that they lack the skills to counsel people who may have experienced severe emotional trauma or that they feel ineffectual when they visit people in</u>	

situations of extreme poverty and have nothing to give. In some instances social workers responses indicated that they understood the follow-up support to be a form of monitoring to ensure that clients were using the vocational materials supplied by the NGO (e.g. hairdressing equipment to set up a small business). In some Districts social workers reported that they could access an emergency social fund at Provincial level for people in extreme need however the procedure for accessing this fund means that it can be up to two weeks before it is made available by which time the emergency may have become a crisis. Additionally even if the payment is processed more quickly the family or individual may not have the resources to travel to the provincial town to collect it. In at least one District the social worker reported that this fund existed in name only and that he sometimes asked for a 'fee' of 500 riels (approx US\$ 00.25) from the pensioners whose benefits he administered in order to "help people and pay for his fuel to visit them".24

The cases described by interviewees included men, women and children across a broad spectrum of need. Although many were described as 'victims of trafficking' when this was explored it became clear that this was a subjective label applied to cases where clarity was not evident. For example a number of women who had been placed in NGO shelters following police raids in brothels in Phnom Penh and who were subsequently reintegrated to families and communities of origin were described as victims of trafficking. However the fact that these women were engaged in prostitution is not de facto evidence that they were trafficked.24

It is indisputable however, that all of the clients were victims of some sort of abuse, violence or exploitation. A large number of reports indicated that female (women and children) clients had been raped and following reports to police moved to NGO shelters for protection and rehabilitation. Rape, which is notoriously difficult to quantify in any cultural context since it is thought to be under reported, appears to be a growing phenomenon in Cambodia. In 2004 the NGO LICHADO reported that25

"The crisis of sex crimes against Cambodian women and children poses huge challenges to the police, courts, other government institutions, and NGOs. Urgent action is demanded: the number of reported cases is rising, although some victims may still be too afraid, ashamed or disheartened with the justice system to report these crimes, and some victims are very young."25

Some victims were living in shelters because of domestic violence and some had become separated from their illegal migrant families and repatriated or deported. Yet others had been involved in forms of labour in conditions akin to slavery (trafficked for labour purposes) including one 15-year-old girl who had been 'sold' by her father following the death of her mother and was working on a papaya farm on the Thai side of the Cambodian border. Yet another 11-year-old girl had been 'sold' by her mother to work in a

restaurant in Phnom Penh. The girl worked from 6am to 11pm seven days per week for which her mother collected a monthly salary of \$30.25

During the research period a group of 17 Cambodian men were repatriated from Malaysia and reintegrated them to their families of origin. An ATRO Regional Manager visited one of the men and reported his story.....26

“He left his village with some friends to get a good job in Thailand and ended up working on a construction site. The men were locked up in a dormitory and transported packed lying on top of one another in a lorry to the construction site every day. They could not run away or they would be found and beaten. After two years they escaped and made their way to the coast where they got jobs on a Malaysian fishing boat. The boat was at sea for two years. They never got any wages. They were beaten and if too sick to work were shot and thrown overboard. Eventually the boat landed and one of the men managed to make contact with family in Cambodia who could alert the authorities who helped to get them home. But this man said he thought he would like to try again to get a better job. He said there is nothing for him in his village”26

Boys and men were also noted to have been victims; often young boys who had left poor villages to escape domestic violence and poverty and ended up living on the street, or young men who had crossed the border seeking employment and become victims of unscrupulous middle-men. In these cases it appeared much more difficult to follow-up and maintain stability after reintegration. In one case a social worker reported that he had helped to reintegrate a 17 year-old boy referred from the Poipet Transit Centre. His family had been traced and he had returned home although by the time of the third follow-up visit the social worker learned that the boy had voluntarily returned across the border in search of work. One 16 year old boy reported that he had been working as a construction worker in Thailand and that although he hadn’t received any wages and knew that getting an education was good for his future, he would still like to try again to get a good job.26

Interviewees also provided anecdotal evidence of internal trafficking for reasons of commercial sexual exploitation. In particular in Ratanakiri province in north-east Cambodia, Officials of the Provincial Social Affairs office reported a number of cases where girls and young women from Kandal Province near Phnom Penh had been identified working in brothels in the provincial town. Of the 6 girls located by police 2 were referred to a NGO shelter and the remaining 4 were reintegrated directly to their families in Kandal by Ratanakiri DSVY, however it is interesting that no referral for follow-up was made to the Kandal authorities.26

It is also notable that with the increasing encroachment of modern communications systems into their hitherto largely unreachable communities the indigenous people of north-eastern provinces are undergoing “dramatic changes....some of which....have a deep impact on

indigenous women”, (Maffi and Sineath 2008). This is creating difficulties for social affairs staff, who find that the current system does not meet the specific needs of women in their areas. Particularly since the traditional model, of OSVY social worker providing reintegration follow-up is impossible to implement since there are no social workers in post.27

Partnerships.....37

Conclusions.....40

The commitment to build child protection systems, evidenced by the launch of the draft Prakas on Procedures to Implement the Policy on Alternative Care for Children in October 2009, whilst laudable, will face obstacles if the management of social work function at district level remains spread across two departments at national level. Some effort to consolidate the social work functions of the Social Welfare Department and its ATRO in relation to reintegration and those of Child Welfare Department in relation to implementation of the prakas and provision of child and family social work should be considered.....41

What can we do?.....42

References.....46

List of Acronyms

ATRO	Anti-trafficking and Reintegration Office
COSECAM	NGO Coalition to Address Sexual Exploitation of Children in Cambodia
DSA	Daily subsistence allowance
DSVY	Provincial Office for Social Affairs
IFP	Institutional Focal Point (a named person in a government agency with specific responsibilities for a given theme)
ILO	International Labour Organisation
IOM	International Organisation for Migration
MoSVY	Ministry of Social Affairs Veterans and Youth Rehabilitation
MoWA	Ministry of Women's Affairs
NGO	Non-governmental Organisation
OSVY	District Office for Social Affairs
PTC	Poipet Transit Centre
RGC	Royal Government of Cambodia
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children Fund

Abstract

The Anti Trafficking and Reintegration Office (ATRO) of the Ministry of Social Affairs, Veterans and Youth Rehabilitation was set up in 2006 in response to concerns that women and children repatriated or deported across borders, picked up in raids on brothels or found to be living on the street were not being returned to their homes in a systematic and supportive way and thus were less likely to remain successfully in their own families and communities.

This current research identifies that whilst the ATRO is charged with reintegration support and follow-up, which in the procedural documentation includes family tracing and family assessment, in reality the follow-up support is minimal, is not provided systematically or consistently and is dependent in many cases on continuing support from NGO partners. Additionally the office does not involve itself in any anti-trafficking activity and thus its name is in itself somewhat misleading. Anecdotal reports indicate that as many as 50% of cases opened are closed unsuccessfully with the social worker having lost touch with the client. NGO's also report seeing clients back on the streets or returning to shelters following what they believed had been successful reintegration procedures. The overall system is failing to address the underlying causes which result in the internal and external movement of people, and the focus on 'victims of trafficking' is a distraction from the lack of adequate social protection systems available to Cambodian citizens. Additionally the services provided by NGO's do not necessarily meet the needs of clients e.g. vocational training in tailoring may not provide an adequate income for a young women in a remote rural location where the availability of cheap imported second hand clothing outstrips the requirement for handmade clothes. Proper maintenance of adequate case files and documentation is sporadic and the capacity of the social workers of the District Offices for Social Affairs (OSVY) to respond to unstipulated situations or to the changing needs of clients is in question e.g. social workers did not demonstrate

that they referred clients who had moved out of district to the corresponding OSVY. Quality of management including appropriate supervision and monitoring is inconsistent and confusion is evident in the perception of the roles of the donor (UNICEF) and the service provider (MoSVY).

Nevertheless the personnel involved in the service have had specific, if limited training in the provision of support to vulnerable people and in particular basic case management strategies and it is concluded that these could be built upon in the future in order to provide more generic social work supports for vulnerable children and families and as a focal point for referral and case management within the context of proposed sub-national government reforms.

Introduction

In today's Cambodia men, women and children are persistently exposed to exploitation, violence and abuse (Hilton, 2008; Urashima *et al.* 2008; Vijghen & Jeronimus, 2007) which contributes to the internal and cross border movement of increasing numbers of people. Inextricably linked to poverty, individual men, women and children and sometimes complete families leave their communities in search of opportunities to earn and improve their living conditions (UNODC 2009). Sometimes facilitated by unscrupulous brokers but equally, opportunistic actions taken by individuals seeking employment this often results in children and adults living in conditions of servitude and slavery; engaged in begging, farm work, construction work, the hospitality industry as well as commercially sexually exploited (Derks 1999). This can both be caused by and result in, poverty, domestic violence or vulnerabilities for reasons of disability, chronic illness or mental illness. Although we still lack a global understanding of the reasons why one person will prey upon another for money it is only by addressing this issue and finding out more about the phenomenon of modern day slavery that we can begin to put in place measures to counter it (UNODC 2009).

The Anti-trafficking and Reintegration Office (ATRO), which is the focus of this study, of the Ministry of Social Affairs Veterans and Youth Rehabilitation (MoSVY) is one of the few government supported national networks providing social welfare services across Cambodia and addressing the needs of victims of violence, abuse, exploitation and trafficking.

The Royal Government of Cambodia has been working for the last ten years to improve social welfare services for women and children notably through its Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) supported by international donors. In 1996 UNICEF initiated a pilot project with the then Ministry of Social Affairs Labour, Vocational Training and Youth Rehabilitation to

provide support and follow-up to reintegrate families who had been living on the streets of Phnom Penh. This expanded to include women and child victims of exploitation, abuse and trafficking and culminated in the creation of a dedicated national unit, the Anti-Trafficking and Reintegration Office (ATRO) established in 2006 through a government Prakas (a Regulation issued by a Minister) under the authority of the MoSVY Directorate of Technical Affairs, Department of Social Welfare. The activities of the office cover the provision of services at provincial and district level for reintegration, referral and follow-up to victims of commercial sexual exploitation, children and families living and working on the street, children and women victims of other forms of abuse, neglect and exploitation, including trafficking. The ATRO also manages a transit centre (PTC) on the Cambodian Thai border which cooperates with the Thai authorities in the repatriation and deportation of women and children victims of trafficking.

The impact and effectiveness of the ATRO has not yet been evaluated however an opportunity has arisen to undertake an assessment within the context of parallel government reforms on decentralisation and de-concentration (the D&D Process).

The 2008 Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khan envisions significant restructuring of government on sub-national level with the establishment of provincial and district councils as additional levels of government to the Commune Councils which were established in 2002 (Kimble, *et al.* 2008). This presents an opportunity for the MoSVY to be pro-active in designing and constructing a broader system for child protection which can build on the strengths of the existing service provision, identify gaps and make proposals for developing a National Strategic Plan for Child Protection.

Therefore an examination of the impact and effectiveness of the ATRO is a timely intervention which will provide baseline evidence to contribute to the broader planning process and enable the MoSVY to take advantage of the opportunities presented through the D&D implementation.

This research report considers the degree to which the Anti Trafficking and Reintegration Office of the Ministry of Social Affairs Veterans and Youth Rehabilitation in Cambodia is achieving its objectives with a specific focus on quality and relevance of services. As this package of reintegration services is one of the few ways in which the Government currently provides social welfare services to vulnerable families, it is essential to know if those services are appropriate, if the programme is successfully targeting and assisting the clients most in need, and if it is being managed and administered effectively.

Further, since many of the services currently available to the Cambodian population are provided through the 'third-sector' non-governmental organisations (NGO'S), this report examines the relationship between the ATRO and its partner agencies and asks if the activities are complementary, inter-dependent or stand-alone.

The research report also reflects on the impact the activity has had on the broader social welfare provision for vulnerable children and families, and makes recommendations for the design of a comprehensive system of social welfare and protective services for vulnerable children and families. The outcomes of the

The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation. The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.
Article 48 Constitution of the Kingdom of Cambodia 1993 (amended 1999)

State Parties shall take all appropriate...measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of legal guardian(s) or any other person who has the care of the child.
Article 19 UNCRC

research provides a structure for recommendations to government and its mandated agencies for development of immediate, medium and longer term responses to enable the Royal Government of Cambodia to meet its commitment to protect children as guaranteed by the Article 48 of the Constitution and Article 19 of the United Nations Convention of the Rights of the Child signed by the RGC in 1992.

Background & Context

General Profile

Although Cambodia gained its independence in 1953 full peace was only achieved in 1999 with the complete collapse of the Khmer rouge regime and thus it is only in the last ten years that the country has begun to emerge from the legacy of violence, poverty and corruption and started the process of building a democratic and peaceful society (USAID 2008). However in spite of its relative stability and growth, in world terms Cambodia remains one of the poorest countries; the Global

About Cambodia

Population
13.4 million

(General Population Census of Cambodia 2008)

Average life expectancy
57.4 years

(Cambodia Demographic and Health Survey 2005)

Average per capita income
\$1,600

(World Development Indicators 2007)

Human Development Index (UNDP 2009) which looks to a broader definition of overall wellbeing than GDP including opportunities for living a long and healthy life, having access to education, and a decent standard of living, ranks Cambodia 137 out of 182 countries. In the years since fighting ended the most attention has been paid to building up the country's infrastructure and economy; services for the most needy and vulnerable have been neglected and very little is available. UN agencies and non-governmental organisations have stepped in to provide the most urgent services however government capacity to control and manage has resulted in a chaotic,

unregulated, fragmented and inequitable provision which does not effectively target the needs of the most vulnerable (World Bank 2006, Vighen 2007).

Corruption

Cambodia is also recognised as suffering from widespread corruption which in 2004 was said to have reached a 'pandemic scale' (Calavan *et al* 2004) and which in its comprehensiveness impacts on the daily lives of Cambodian citizens.

Transparency International reported in 2007 that 72% of Cambodians had paid a bribe to receive services and in the 2008 Corruptions Perception Index noted that in the Asia Pacific Region only Afghanistan and Myanmar ranked below Cambodia. A corruption ridden state apparatus which includes the police and judiciary provides a fertile breeding ground for criminal activity and thus corruption and exposure to violence, abuse, exploitation and trafficking are inextricably linked. The Head of Counter Trafficking at the International Organisation for Migration interviewed for Transparency Watch in November 2008 said that,

“Everywhere there is trafficking there is corruption...an illegal activity, often in countries that are poor, where public servants make paltry salaries and this is as good a way as any other illegal business to make a little extra money”.

In addition corruption, patronage and nepotism extends to the purchase of Government positions (Calavan et al 2004: 5) which in itself impacts on the capacity of government to create a competent civil service with the requisite skills and experience (Transparency International 2007). ECPAT International reported in 2006 that, “Cambodia’s weak law enforcement and corrupt practices have hindered the effectiveness of key initiatives” in the fight against commercial sexual exploitation of children.

Trafficking

Among the many definitions of human trafficking, the most universally accepted (Derks’ et al. 2006; Piper 2005) is the United Nation’s (UN) (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which defines trafficking as:

“...the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

In her study of women and children in the global sex trade, Roby (2005) asserts that trafficking is “ranked as the third most serious illegal trade after drugs and weapons and considered a modern form of slavery”. Whilst it is certainly a recognisable phenomenon accurate and reliable data is notoriously difficult to collect (Steinfatt 2003; Roby 2005; Goodey 2008). This is in part due to confusion in understanding and defining what trafficking is and because the issue is an emotive one which is open to moral bias (Loff & Sanghera 2004). The issue of trafficking for reasons of prostitution or commercial sexual exploitation is particularly controversial. Claims that it has become a ‘moral crusade’ which ignores the fundamental issues affecting women’s socio-economic condition are beginning to surface (Weitzer 2007). Some commentators would go so far as to say that trafficking as a phenomenon does not exist but rather, that the focus on movement of people for exploitative purposes does not recognise or address the fundamental issues of poverty and economic weakness which leave people vulnerable (Livingston 2008). The issue of trafficking has attracted international attention because of its focus on sexual exploitation and whilst it is in certainly the case in many instances it is not the whole picture. In Cambodia research into trafficking has been addressed across 6 distinct subject areas: prostitution, children, migration, labour, criminal activity and as a human rights issue (Derks’ *et al.* 2006). Women and children are known to have been taken outside their support structures for the purposes of begging, labour exploitation and sexual exploitation (Derks 1999), although having left their homes this does not

necessarily imply they have crossed borders since people are transported or migrate both within and across national borders (Derks 1999; Brown 2007). The US State Department (2008) also notes that globally, when trafficking within national borders is considered in statistical data more people are victims for labour purposes than for sexual exploitation whilst according to Beyer (2004) child labour is one of the key driving forces for global child trafficking.

Although the research on trafficking in Cambodia is considered 'patchy' and in many cases unsubstantiated (Derks' *et al.* 2006) thus far it has provided insight into the experiences of victims and provided estimates of prevalence. However it is clear that the incidences of violence, abuse and exploitation, which cause women and children to become separated from their families, and communities of origin are complex and varied.

Social Welfare Systems

Differences in interpretation result in various terms being applied to the systems for preventing and responding to social and economic risks. These include "social protection", "social security" and "social welfare", (Jacobs 1998). Differences in terminology can also be determined by historical, institutional and cultural contexts and preferences. Thus, one even talks about different welfare systems or welfare state typologies, ranging from the socio-democratic (Netherlands) to liberal (the US), with different degrees of provision of welfare to the population, depending on the existing contract between the citizens and the state.

In the context of this report social welfare refers to the provision of benefits and services, including social services which prevent and protect vulnerable populations who may be exposed to economic and social risks and shocks. As reported by Bosnjak (2004) the World Bank has suggested that governments in developing countries often direct their spending to mitigate the effects of social shocks rather than investing in the development of interventions to reduce risks.

The resulting higher financial costs associated with, remedial rather than preventative measures have greater human costs. For instance, child stunting is a condition that cannot be reversed and the loss to productivity and economic growth could be significant for the long-run, including in terms of the fiscal space available for future public investments.

The bias in favour of remedial measures is certainly true of Cambodia where the nascent social welfare system has limited capacity: there is no social benefits system although there are benefits of various kinds provided to select groups by select agencies these are not mandated in law; service provision has limited coverage and certainly does not attend to the rights of many vulnerable, poor and excluded groups; most interventions focus their attention on the “deserving poor” rather than on where the risks are the greatest, which of course has implications for increasing social inequalities and disparities (World Bank 2007).

The 2008 UNICEF Global Child Protection Strategy recognises that in order to secure the protective environment for children, governments have a responsibility to implement National Social Protection Systems which strengthen the connections between different government and non-governmental agencies. This approach recognises child protection as a component or a building block in broader social protection systems which can mitigate the impact of poverty and build resilience amongst households (Conway and Norton 2002: 534), while at the same time empowering households to be able to understand the risks they face and be able to claim necessary assistance and support.

Recognising that such a comprehensive system includes universal strategies for housing, employment and social benefits and services, a supportive legislative framework and targeted service delivery, and that in Cambodia much of the social protection system has evolved outside government does not mean that

government can “abrogate responsibility for social protection’ (Conway and Norton 2002:534) or defer it to other implementing parties or even the individuals and families themselves (who often in the absence of effective state social protection resort to informal social protection mechanisms) . Thus investment in building systems which deliver targeted services and benefits with appropriate legal supports will enable social welfare provision to the broader population and also make a contribution to a reduction in risky survival strategies which can result in violence, abuse, exploitation and human trafficking.

Social protection in Cambodia in the form of social security benefits also lags behind most of the countries in the region (ILO 2007). In September 2002 Cambodia adopted its first Social Security Law, which stipulates the guiding principles with respect to mandatory social security provisions for old-age, invalidity, and survivors’ pensions and employment injury benefits however the law has yet to be implemented and a successful pilot rural health insurance scheme programme has yet to be extended to cover the whole population (ILO 2007).

Although the background may be considered discouraging some significant progress has been made in addressing the concerns and needs of the most vulnerable. The Royal Government of Cambodia has been working for the last ten years to make improvements to social welfare services for women and children notably through its Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) supported by international donors. Departments for Child Welfare and Social Welfare have a mandate to develop policy and provide oversight of services for vulnerable women and children including people living on the street, people affected by HIV/AIDS, as well as alternative care, including adoption, for orphans and vulnerable children. In reality many of these offices exist nominally with no

staff attached to the specific office or staff who due to economic circumstances are employed elsewhere and rarely attend to their Ministry responsibilities.

However where donor funding supports activity more progress is visible. As a high profile issue trafficking has attracted the attention of a number of international donor organisations and Cambodia has adopted a three strand approach to prevention of trafficking, prosecution of perpetrators and protection of victims supported by The Asia Foundation, IOM and UNICEF.

Rights-Based Approach

In recent years social protection in the developing world has moved on from a purely economic approach and has recognised that there is also a rights dimension (Conway and Norton 2002). Although the rights based approach is open to interpretation by different agencies and actors in the development world (Nyamu-Musembi and Cornwall 2004) it has also become the platform against which most international development agencies benchmark their activity. It lends itself to a common approach, provides a universal framework; and because rights themselves are universal and indivisible it enables decision making which is free from personal bias. In the development sector agencies are mandated to adopt such an approach through the norms imposed by the United Nations Charter, the Universal Declaration of Human Rights and other international treaties and conventions. These draw attention to accountability and by invoking the key principles we can engage in constructive dialogues with partners e.g. where access to education is cited as a reason for institutionalisation we can argue that promotion of rights in one arena is not justification for deprivation in another i.e. suggesting access to education as a justification for developing residential care/ (institutions) vs. family care – and so enter a dialogue and include suggested solutions – providing outreach support to families etc.

Additionally when considering the issues of trafficked women and children the rights based approach is considered particularly apposite for two reasons; women in the developing world suffer unprecedented discrimination and thus gender equality, which is central to the rights based approach is considered integral to issues and activity and not a luxury add-on and secondly since the approach focuses on the most marginalised, de facto women's issues should be placed at the top of the agenda (Tsikata 2004).

When considering issues of child protection, consideration of children's rights is a natural extension of the human rights approach. Violence, abuse, exploitation and trafficking are not only violations of a child's human rights but are also considered criminal acts within the context of the United Nations Convention on the Rights of the Child (UNCRC). Children's rights were placed firmly on the agenda with the drafting of the UNCRC in 1989. For the first time a comprehensive human rights instrument required governments and individuals to adopt a 'rights based approach' to child protection in order to assure improved outcomes for children (Guy 2004). This is important because the key principles of the UNCRC non-discrimination (Article 2), best interest of the child (Article 3) survival and development (Article 6) and participation (Article 12) are the building blocks for any programmatic or strategic planning in any sector where children are affected (Hasan 2003).

Cambodia ratified the UNCRC in October 1992 and subsequently included a clear and unambiguous reference to human rights and child rights in its constitution. This again provides a legal as well as ethical and moral starting point for any discussions regarding development.

Methodology

Research Design

According to Carter and Little (2007), “methodology provides justification for a research project” and thus the methods, “techniques for gathering evidence” (Harding 1987) or “procedures, tools and techniques” of research (Schwandt 2001) should be robust enough to ensure the enquiry is thorough and rigorous. Since this research is primarily an investigation into a social experience a qualitative approach was considered relevant for the gathering of information in order to suggest action. The qualitative approach to research is relevant to investigations into social experience and involves the use of qualitative data, such as interviews, documents, and participant observation data. It is particularly interesting for social researchers who are gathering information in order to take action based on their new understanding of a particular social phenomenon (Marshall and Rossman 1999). The qualitative approach is also useful in that there is an inherent recognition that it supports the development of ideas and conclusions during the writing process (Richardson, cited in Carter and Little 2007).

Further, during the process of data collection it became evident that the emotional response could not be ignored. Being confronted with the evidence of poverty and abuse on a day-to-day basis is very different from ‘knowing’ about it from secondary sources and this can impinge upon a researchers ability to form subjective opinions (Rogers-Dillon 2005). Further, as a non-national researcher operating within a particular context of personal experience and beliefs the contrasts with the respondents cannot be underestimated (Rogers-Dillon 2005) and consideration needed to be given to the potential for skewed responses.

An initial literature review, complemented by web-based research, informed the study. This research into what has been done and by whom in the arena of the specific focus of study is valuable in that it enables the researcher to develop a

contextual framework, which reflects the diversity of approaches (Meyrick 2006). This allows the literature to reveal the complexity of discussion in the field as well as, in this particular instance, the lack of relevant and reliable data. The UNODC recently summed this up stating that:

“The crisis we face of fragmented knowledge and disjointed responses intensifies a crime that shames us all”,

and pleading for social scientists to work more intensively to generate evidence for anti-slavery policy.

Following on from the desk-top research, the primary data was collected via a series of interviews and focus groups and is representative in geographical terms in that it included respondents from urban, rural and remote districts in 5 of Cambodia’s 24 provinces (Kampong Thom, Kampong Speu, Kratie, Ratanakiri and Beantey Meanchey) and in the capital city Phnom Penh.



A total of 56 adult informants representing both government and non-governmental organisations were interviewed. These included representatives of the Ministry of Social Affairs, Veterans and Youth Rehabilitation at national, provincial and district level as well as Commune Councils and Village Leaders. Additionally representatives of non-governmental organisations active in the sector, who liaise with the statutory authorities on reintegration issues, were included. Questions were put to participants using a semi-structured interview schedule the development of which was informed by current literature in the area of trafficking in Cambodia. These were administered in face-to-face interviews by the interviewer accompanied by a translator and responses were recorded concurrently in writing by the interviewer. The interviews lasted between 1 and 2 hours and were conducted at a place most convenient for the employees. Most were conducted in the interviewees' work place.

Since the participation and involvement of children in research and decision making processes has gained growing acceptance over the last 15 years, as it not only supports their citizenship but also contributes to better outcomes (UNICEF 2006 a), it was anticipated that a focus group with children and young people would be conducted to elicit their views and opinions. However access to this group in a manner which meets the UNICEF guiding principles on the protection of child victims of trafficking (UNICEF 2006 b) was problematic, in part due to the timescales imposed and in part due to the nature of the children's experiences. According to Rogers-Dillon (2005);

“One of the most difficult issues in qualitative field research is the fact that so many judgement calls and ethical issues cannot be anticipated in advance and must be addressed by the researcher in the field”.

At the conclusion of one interview with an OSVY social worker the interviewer was told about a client interview, which had been set up with a 13 year old girl victim of trafficking, recently repatriated from Thailand. On further enquiry it became clear that she was alone at home and no parent, guardian or 'responsible adult' had been appointed to represent the child. Under these circumstances the interviewer rescinded the request and the interview did not proceed. However on another occasion a group of three unaccompanied children recently repatriated from Thailand and supported by a recognised and reputable NGO agreed to describe their experiences to the author in a focus group supervised by their professional mentor. The remainder of victim statements were collated by an access agency.

Adult clients of ATRO services were equally difficult to access and in this case UN guiding principles, developed in Cambodia, on good practice when coming into contact with victims of trafficking (UNIAP 2006) were applied. Problems with access were related to:

- timing of visits - these took place during the day when people were often at work;
- location – outside the main urban areas of population communes and villages are often hard to reach due to poor road systems and long distances involved; and
- reluctance on the part of the client to relive and discuss traumatic experiences.

Thus with the exception of one adult female client of District Social Affairs, the remainder of adult victim statements were collated by an access agency.

OSVY social workers also pointed out that they suffered similar difficulties in accessing clients for follow-up visits.

The research was conducted over a three-month period from November 2008 to February 2009.

Limitations

UNICEF has financially supported the activities of the ATRO since 1996 including operational costs and salary supplementations for civil servants. Thus any enquiry on behalf of the donor is likely to be met with apprehension by those charged with providing those services. Additionally a previous enquiry conducted in 2007 into child protection activity within MoSVY had resulted in a phased withdrawal of donor support and a redesign of activity. This knowledge of this also generated disquiet since some respondents' perceived 'evaluation' as a pretext for cost cutting.

Considering the corrupt environment mentioned above, where jobs may have been secured on the basis of patronage or where those in positions of supervision or power could withhold income, respondents were thought more likely to avoid replying or to have prepared in advance. Interviewer notes record that during one interview the respondent "seemed nervous and answers 'coached' – unable to answer questions requiring thought or analysis but only factual". In order to reduce bias as far as possible all respondents were assured that information provided would remain confidential and that no details, which might lead to identification of an individual, would be contained in the report or divulged to any individuals outside the research team.

The corollary of conducting social research through an interpreter must also be considered. However with some forethought the possible interview bias occurring due to the "background characteristics of the interpreter and difficulties which are likely to emerge when speech is (counter) transferred" (Jentsch 1998) can be reduced. Since all the interviews were conducted in translation from Khmer to English and vice versa some of the essence of meaning may have been lost in the

process. However since the translator is an experienced and qualified Project Assistant with more than two years experience in the sector, his familiarity with the concepts and ideas helped to inform the understanding. Additionally where questions arose or information provided was not clear the interviewer had the opportunity to note this and clarify her understanding with the translator post-interview. It is worth noting that in this particular instance the interpreter also provided valuable cultural context to the process.

Within the timescales imposed the data gathered is insufficient to be considered a comprehensive evaluation of the programme but rather a small scale snapshot in time of the activity and its usefulness. Whilst the number of selected provinces in which the evaluation was conducted was limited, they represented a broad spectrum of experience and the sample is considered sufficiently diverse to offer a typical overview of fact and opinion.

The legal framework, which supports initiatives in the sector, has not been fully analysed, neither have the wider national and trans-national initiatives involving Anti-Trafficking Task Forces and Networks.

Statistical data was unavailable at the time of reporting since the database established within ATRO to track and identify cases was not operational.

ATRO Services: quality, impact and relevance

Process

In most instances ‘victims’ are identified and referred to NGO shelters by the police, District or Provincial Social Affairs Office or some other authority. Following a period of rehabilitation, which may include counselling, medical care and vocational training, agreement is reached with the woman or child that they can be reintegrated. At this stage usual practice is for the NGO to trace the family and conduct a family assessment, using standard procedures defined by MoSVY ATRO. Once a decision has been made to reintegrate the case is referred to the local District Social Affairs Office (OSVY) and monthly follow-up visits commence. Follow-up is in some cases conducted jointly by the NGO and OSVY social worker although there seems to be no hard and fast rules on this. The follow-up visits are conducted for a one-year period before the case is closed. It was reported that in some instances NGO’s would continue to follow-up beyond this period where they feel the client’s vulnerabilities could expose them to further harm should the support cease. The OSVY social workers reported that only in exceptional circumstances would they extend the period of follow-up and always following a bi-monthly coordination meeting at Provincial level. However due to the very nature of close communities, social workers reported that in fact they often continued informal follow-up, “if I am passing their house on the way to visit another client I might call in”, or “the girl is motherless and her auntie is very poor, I need to keep checking on them to see if everything is OK even though the case was closed in 2006”.

Bi-monthly coordination meetings are held at Provincial level and bring together OSVY social workers and NGO partners to discuss cases and issues relating to re-integration issues. It is only after discussion at this meeting that a case can be closed.

Follow-up support is intended to maintain contact with reintegrated clients, ensure they are settling well into their families and communities and enabled to live safely such that exposure to the threats which caused them to be separated are reduced. Social workers however reported that they lack the skills to counsel people who may have experienced severe emotional trauma or that they feel ineffectual when they visit people in situations of extreme poverty and have nothing to give. In some instances social workers responses indicated that they

“I’m supposed to be the one helping the poor and I am poor myself”

“She doesn’t use her sewing machine and when I asked her where it was she told me she had sold it. Now I have to send a report to the NGO. She could have had an income and now she has nothing. What can I do?”

“I don’t know what advice to give her. She says my visits remind her of the rape and she just wants to be left alone. She says I shouldn’t come unless I have something useful to bring her”.

OSVY Social workers talking about their clients. November

understood the follow-up support to be a form of monitoring to ensure that clients were using the vocational materials supplied by the NGO (e.g. hairdressing equipment to set up a small business). In some Districts social workers reported that they could access an emergency social fund at Provincial level for people in extreme need however the procedure for accessing this fund means that it can be up to two weeks before it is made available by which time the emergency may have become a crisis. Additionally even if the payment is processed more quickly the family or individual may not have the resources to travel to the provincial town to collect it. In at least one District the social worker reported that this fund existed in name

only and that he sometimes asked for a ‘fee’ of 500 riels (approx US\$ 00.25) from the pensioners whose benefits he administered in order to “help people and pay for his fuel to visit them”.

Clients

The cases described by interviewees included men, women and children across a broad spectrum of need. Although many were described as ‘victims of trafficking’ when this was explored it became clear that this was a subjective label applied to

cases where clarity was not evident. For example a number of women who had been placed in NGO shelters following police raids in brothels in Phnom Penh and who were subsequently reintegrated to families and communities of origin were described as victims of trafficking. However the fact that these women were engaged in prostitution is not de facto evidence that they were trafficked.

It is indisputable however, that all of the clients were victims of some sort of abuse, violence or exploitation. A large number of reports indicated that female (women and children) clients had been raped and following reports to police moved to NGO shelters for protection and rehabilitation. Rape, which is notoriously difficult to quantify in any cultural context since it is thought to be under reported, appears to be a growing phenomenon in Cambodia. In 2004 the NGO LICHADO reported that

“The crisis of sex crimes against Cambodian women and children poses huge challenges to the police, courts, other government institutions, and NGOs. Urgent action is demanded: the number of reported cases is rising, although some victims may still be too afraid, ashamed or disheartened with the justice system to report these crimes, and some victims are very young.”

Some victims were living in shelters because of domestic violence and some had become separated from their illegal migrant families and repatriated or deported. Yet others had been involved in forms of labour in conditions akin to slavery (trafficked for labour purposes) including one 15-year-old girl who had been ‘sold’ by her father following the death of her mother and was working on a papaya farm on the Thai side of the Cambodian border. Yet another 11-year-old girl had been ‘sold’ by her mother to work in a restaurant in Phnom Penh. The girl worked from 6am to 11pm seven days per week for which her mother collected a monthly salary of \$30.

Boys and men were also noted to have been victims; often young boys who had left poor villages to escape domestic violence and poverty and ended up living on the street, or young men who had crossed the border seeking employment and become victims of unscrupulous middle-men. In these cases it appeared much more difficult to follow-up and maintain stability after reintegration. In one case a social worker reported that he had helped to reintegrate a 17 year-old boy referred from the Poipet Transit Centre. His family had been traced and he had returned home although by the time of the third follow-up visit the social worker learned that the boy had voluntarily returned across the border in search of work. One 16 year old boy reported that he had been working as a construction worker in Thailand and that although he hadn't received any wages and knew that getting an education was good for his future, he would still like to try again to get a good job.

Interviewees also provided anecdotal evidence of internal trafficking for reasons of commercial sexual exploitation. In particular in Ratanakiri province in north-east Cambodia, Officials of the Provincial Social Affairs office reported a number of cases where girls and young women from Kandal Province near Phnom Penh had been identified working in brothels in the provincial town. Of the 6 girls located by police

During the research period a group of 17 Cambodian men were repatriated from Malaysia and reintegrated them to their families of origin. An ATRO Regional Manager visited one of the men and reported his story.

“He left his village with some friends to get a good job in Thailand and ended up working on a construction site. The men were locked up in a dormitory and transported packed lying on top of one another in a lorry to the construction site every day. They could not run away or they would be found and beaten. After two years they escaped and made their way to the coast where they got jobs on a Malaysian fishing boat. The boat was at sea for two years. They never got any wages. They were beaten and if too sick to work were shot and thrown overboard. Eventually the boat landed and one of the men managed to make contact with family in Cambodia who could alert the authorities who helped to get them home. But this man said he thought he would like to try again to get a better job. He said there is nothing for him in his village”.

The roads that the loggers are building in our province mean that **the indigenous people are more** exposed. We know of a young woman from one of these communities who decided to walk to the Provincial town to look for work. On the way a man in a car stopped and promised he could find her a job if she came with him. He sold her to a brothel for \$70 and when she was found in a raid she was referred to DSVY who referred her on to an NGO in Phnom Penh. Whilst there she was tested HIV positive and began a course of treatment. But she didn't like it in the city. She was a girl from a small indigenous community and she didn't even speak Khmer. She ran away and managed to make it home. The NGO found her and took her back to Phnom Penh so she could continue her treatment but she didn't want to leave her village and ran away again. We don't know what to do with this case since we have no HIV services here. It's also not considered a reintegration case so we don't get any support from ATRO.

DSVY official, north-eastern Cambodia
February 2009

2 were referred to a NGO shelter and the remaining 4 were reintegrated directly to their families in Kandal by Ratanakiri DSVY, however it is interesting that no referral for follow-up was made to the Kandal authorities.

It is also notable that with the increasing encroachment of modern communications systems into their hitherto largely unreachable communities the indigenous people of north-eastern provinces are undergoing “dramatic changes....some of which....have a deep impact on indigenous women”, (Maffii and Sineath 2008). This is creating difficulties for social affairs staff, who find that the current system does not meet the specific needs of women in their areas. Particularly since the traditional model, of OSVY social worker providing reintegration follow-up is impossible to implement since there are no social workers in post.

Nevertheless, the provincial authorities recognise that as exploitation of the rich resources the area has to offer continues, and the provinces become more accessible to outsiders including migrants and tourists, social problems are likely to increase. In response they have begun to develop community networks to raise awareness of the issues and are working with communes to identify matters of

concern including trafficking of women and children, domestic violence and other children's issues.

Both NGO's and OSVY representatives estimated a 50% failure rate in successful reintegration. In one district close to the border with Thailand the interviewee said he had 23 open cases but that this number fluctuated since "people move a lot so cases are regularly opened and closed" he added that "sometimes there's no point in opening cases because they are from the border area and will just disappear again". In another district the social worker reported a high rate of breakdown and said that about half of the people repatriated from Thailand would return for economic reasons. One NGO reported that of those clients who had received the services of a shelter for at least 6 months prior to reintegration, including vocational training "approximately 50% of clients end up closing their business and end up in the same position they were before they were referred to the shelter". Second to economic circumstances and poverty, psycho-social problems were thought to impact on a client's ability to be successfully reintegrated. Whilst counselling is often available when they are placed in shelters this service is usually not available once the person has moved back to their home and community. DSVY and OSVY personnel repeatedly mentioned referral for 'counselling services' as a distinct need amongst reintegrated clients, which is not usually available locally.

However in more and more cases the distinction becomes blurred between reintegration of victims and child and family social work. It is also important to consider that different people will need different social

Kimlang is 18 years old, her mother is dead and since her father has been in prison she is now head of household for a family of 5. She spent some time at a shelter in Phnom Penh learning skills to set up a small business. She was successfully reintegrated to her family and community but this fragile situation is now in danger since her father has been released from prison and is now threatening her for money. If this goes on she is afraid she won't be able to look after the family. There is a risk that the family will be split up.

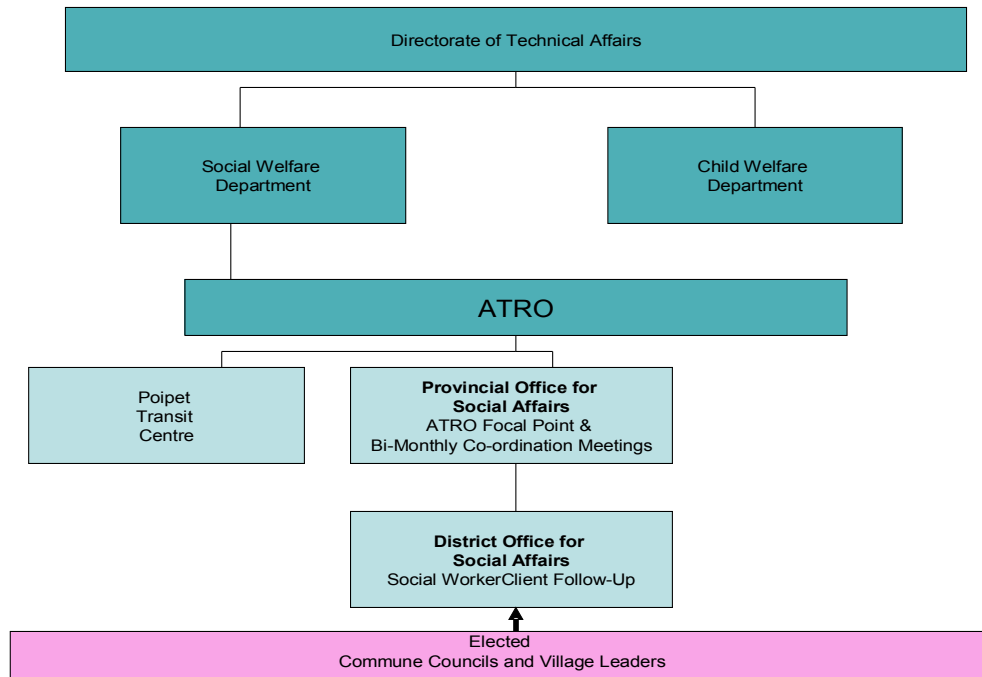
work supports and different stages in their life. As individual needs change so will the required responses and this is particularly relevant in the lives of children who have rapidly changing needs related to each stage of their growth and development.

The victims of sexual exploitation over and over again said they wanted someone to listen to them; they said they needed a friend to help them feel better about themselves, to help them and their families deal with the discrimination and shame and to understand how they were feeling. They said that the things which could inhibit their survival and recovery were the discrimination they suffered as victims of sexual exploitation and violence on their return to the village, the loneliness they felt and the poverty they had to endure. They also said that all of these obstacles could be overcome if they had the chance to build a trusting relationship with the social worker who should be able to give them the tools to overcome the obstacles. Interestingly victims of domestic violence pictured a family solution to the problem, with the family as 'client' working together with an 'outsider' to plan for a better future.

Management and Organisation

The ATRO office at national level is staffed by two Senior Managers; one with responsibility for reintegration activities and the second with responsibility for the database and more recently for the repatriation of illegal migrant Cambodian nationals from Thailand. In addition there are four Regional Managers who support the reintegration activity at Provincial level and one Administrator. At the time of this report one Regional Manager position and the Administrator position are vacant. Senior Management responsibilities are confused and subject to the consequences of corruption mentioned above. Although more senior in the organisational hierarchy the database Manager is considered to have no management function by the remaining members of the team, and is often absent from work. His responsibilities in relation to repatriations were recently

transferred from another department with inadequate handover or briefing and thus subsequent repatriations have been delayed due to administrative reasons.



The Senior Manager with responsibility for reintegration activity refers to herself as ‘working for’ the donor and therefore is reported as failing to comply with internal Ministerial protocols, for example seeking written permissions for business trips. The line management function for ATRO lies with the Director of the Department for Social Welfare however he reports that in reality his role is to facilitate the work flow by authorising field missions and requesting Ministerial permission to host workshops etc. He also reports that he has no management of or oversight of any expenditure in relation to the ATRO activity. In addition the management of the Poipet Transit Centre (PTC), which ostensibly falls within the remit of ATRO, is open to debate. Since this resource has been significantly funded by two international donors (UNICEF and IOM) there is a perception amongst the staff of the centre that they are employees of the donors and amongst the national

staff of ATRO that PTC is an NGO for which they have no management responsibility. Thus there is a critical failure in both oversight and supervision.

ATRO staff at national level were unable to provide written documentation outlining their roles and responsibilities but reported that their functions were primarily monitoring and report consolidation. They attend bi-monthly coordination meetings which are held at Provincial level and are required to visit Districts to review case management files and provide supervision for more difficult cases. They are not involved in planning policy development or review. In reality the picture is not clear. Some District officials reported that Regional Managers visited regularly and conducted a thorough monitoring visit whilst other said that they only saw the Regional Manager at the bi-monthly co-ordination meeting. OSVY social workers reported that the DSVY social affairs visited the districts monthly to collect expenditure reports but that even if they offered any advice on managing individual cases they couldn't say if this advice was useful or not. In some cases OSVY social workers reported that they had been told to improve case files but not specific advice on how to do this had been forthcoming. This was borne out by the almost universal failure of OSVY social workers to demonstrate adequate case documentation; in some cases files were said to be kept at home not at the office, in some they contained only the NGO referral form. There were no written reports of regular follow-visits to clients and in some cases OSVY social workers could not identify the number of open cases they were working on, since the appropriate paperwork was unavailable.

The confusion regarding roles and responsibilities, management and authorities is particularly crucial in light of the vulnerabilities of the clients ATRO purports to serve. Whilst all of the people interviewed in connection with this research demonstrated a commitment to their clients and understood their needs at the most basic level they also are failing to implement proper controls to protect

clients who in most cases have been subject to exploitation, violent and abusive situations.

The organisational hierarchy at Ministry level has divided responsibilities for 'social welfare' from that of 'child welfare', which again contributes to failures in case management since there are no connections made between the two departments. At district level social workers have no remit for child welfare, in spite of a significant number of cases involving children.

This is particularly significant in the context of current initiatives to build a system for child protection which has prevention of separation as its core priority.

UNICEF is supporting MoSVY to develop a child and family welfare system which provides a supportive and protective environment for children and families from the community through to the national level, and which includes the development and enforcement of a supportive legislative framework. This has included development of a draft *Prakas on Procedures to Implement the Policy on Alternative Care for Children* which lays out the steps required to be taken by authorities in order to provide support to vulnerable families at risk of separation and to children who have already become separated from families. These steps include in order of priority providing social work support for: a) family preservation to prevent family separation, b) reintegration or reunification of children already separated, c) temporary placement with extended family, or in foster care, d) temporary placement in institutional care, e) permanency planning for long-term placement with extended family, domestic adoption and inter-country adoption. The difficult in implementation lies in the management systems; the current remit of the Social Worker at district level to reintegrate women and children lies within the jurisdiction of the Social Welfare Department at national level, however the activity could be perceived as falling within the remit if the Child Welfare Department. A review of the structural management

which impacts on implementation and enforcement of initiatives to support child and family welfare is therefore at the heart of longer-term strategies for success.

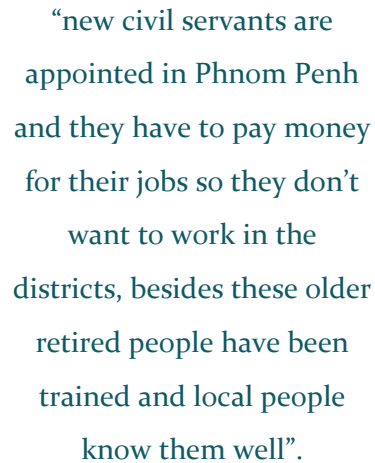
Professional Development and Succession Planning

Without exception, those civil servants interviewed in connection with this research had completed both the two week Basic Social Service Training (BSST) and Professional Social Services Training (PSST) developed by MoSVY with support from UNICEF and Social Services of Cambodia. These training courses provide a basic introduction to social work with a specific focus on the processes and methodologies for reintegration activity. They are supplemented by a six week part time training course provided by an NGO Trans Psychological Organisation (TPO) which equips trainees with basic knowledge and understanding of the psycho social models and responses in social work. However since most OSVY social workers have been in post for some time (once contracted a civil service post is rarely vacated since these are the only jobs in Cambodia which are pensionable) many of these staff last received training in 1999 or 2000. Further, many posts are now being filled by contract staff who do not benefit from the same terms and conditions as civil servants and although they are committed they do not have the basic training and their long term future is uncertain. As posts are often 'purchased' it is also notable that of the 100 new positions made available at MoSVY at the end of 2008, none are operational in the provinces or Districts and in Ratanakiri, for example, there are no OSVY social workers operational. Further the experience of Ratanakiri has been that because they do not manage 'classic' reintegration cases, support has been withdrawn and ATRO no longer provides financial or supervisory input. This is in spite of their being involved in cases in reverse (girls trafficked into their province who need to be returned home) and in efforts to involve communities through liaison with Commune Councils.

At a senior level within MoSVY many of the civil servants who have worked with NGO's and donors over the years; who have received training, on the job coaching

and mentoring are approaching retirement, leaving gaps in the policy, planning and senior management hierarchy.

At a local level many of the retired civil servants are still working in social work positions as contracted staff since Provincial offices have found it impossible to replace them.



“new civil servants are appointed in Phnom Penh and they have to pay money for their jobs so they don’t want to work in the districts, besides these older retired people have been trained and local people know them well”.

Professional up until now profession, September of 22 students newly of Social Work Royal Penh. Since not graduate for another four years and it is unlikely that this course alone, will fill the gap.

social work has not been recognised as a however in 2008 the first intake were admitted to the established Bachelor course offered by the University of Phnom these students will

Terms and conditions (financing service provision)

This research has not looked in depth at the operational financial management systems and arrangements however during the interviews respondents raised a number of pertinent issues in relation to finance. The average salary of an OSVY social worker is US\$60 per month. Where this social worker is a contracted member of staff rather than a civil servant the payment falls to US\$15 per month. Although supplements including daily subsistence allowance (DSA) for visits to clients and fuel are made available, these are often reimbursed after the visits have been made. In some cases it was reported that these payments could be received up to three months after the expenditure had been made.

“The distances I am supposed to travel make it difficult to do the follow-up visits to some people and sometimes I am afraid to go by myself so I have to ask my husband. I get a very small allowance for fuel for the motorbike but it’s not enough. But even so I still have to do my job.”
OSVY Social Worker.

Further, there are significant disparities in the payments provided for example full salary supplements of up to US \$120 are paid to staff at national level and those at Poipet Transit Centre, whilst the social worker serving the same catchment area as PTC and providing reintegration and follow-up services to 32 clients (in addition to other responsibilities) receives only DSA. The processes and systems for flows of money from national to local level also offer potential for ‘skimming off’ of monies by those charged with responsibility for administering payments. Whilst this is part of the ‘pandemic’ of corruption referred to above, it nevertheless impacts on the provision of quality services and is potentially, therefore, contributing to failures in the provision of services to the most vulnerable people.

Infrastructure and communications

Other environmental and infrastructure factors impact on the activity of ATRO at national, provincial and district level and contribute to difficulties in monitoring: there are regular electricity failures and in some cases whole districts have no access to electricity supplies; there is limited telephone access and although most

areas are now served by mobile phone services costs are prohibitive and are not reimbursable except for Regional Managers on assignment in the Provinces for monitoring purposes; the geographical remoteness of communes and villages combined with poor road systems and roads which are often impassable during the rainy season makes reaching clients difficult; there is virtually no access to computer systems and thus good record keeping is difficult.

These challenges contribute to failures to make regular planned monthly visits in that it is difficult to let clients know in advance and to make sure they are available. Some OSVY social workers also reported that for security reasons they did not feel comfortable making visits i.e. if they had to travel long distances alone and return after dark, or if they had to visit clients in overpopulated slum areas where they feel unsafe. One social worker said that it was difficult to visit clients in one particular area since he used a motor bike for transport and he was afraid it would be stolen if he left it.

Gender

It is notable that of the DSVY and OSVY officials interviewed for this research only four were female. In an occupation which is bringing people into close contact with vulnerable women and girls many who have been subjected to abuse and violence, including rape, it is of concern that those charged with providing support are in the main male with little training or background in supporting victims of domestic and sexual violence.

Partnerships

NGO's

As noted previously the provision of services to vulnerable people in Cambodia lies in the domain of NGO's. Victims of violence, abuse and exploitation are served by a number of these organisations some of whom provide shelter for women, for children or for people living on the street. They variously provide shelter, access to medical care, psychological counselling and vocational training before finding permanent solutions. In association with ATRO they support individuals to return home to families and communities and provide varying levels of continuous after care and support.

The mechanisms and processes for reintegration are shared between the two agencies and although it is stipulated that DSVY and OSVY are responsible for family tracing, family assessment, reintegration and reintegration follow-up, in practice it appears that NGO's complete all the steps with the sub-national government authorities becoming involved only during the follow-upstage. In some instances this follow-up is done jointly which begs the question 'what added value does DSVY and OSVY bring to the process of successful reintegration'? When this question was posed to NGO's however they clearly identified a role for OSVY social workers in particular as the facilitators of communications between NGO's and local communities. Whilst recognising that many of these social workers lack capacity, particularly in areas where there are few cases they are still considered an important resource because "they are closer to the communities and families and understand better the local situation". However NGO's also added that Communes are most important for monitoring since they are closest to vulnerable families and know immediately what is happening. One NGO worker cited an example where a family had been provided with fishing nets to help support a subsistence living arrangement but had wanted to sell the nets – however the Commune Council became aware of this and were able to talk to the

Village Leader who in turn persuaded the family that the short term gains did not compare to the benefits of keeping the nets.

As in any relationship between statutory and NGO providers tensions exist; the OSVY social workers were concerned that the quality and content of vocational training was not meeting the needs of young men and women, and that whilst in many cases a thorough assessment of need – both the clients and communities – was conducted often the training was misdirected.

NGO's in their turn were sometimes dissatisfied with the quality of follow-up and in two cases reported that they continued to receive follow-up reports from OSVY on clients whom they knew to have returned to the streets or shelters.

The provincial bi-monthly coordination meetings were thought to be useful by both parties as were the regular meetings held at national level. However NGO's requested that these were developed into a forum for more strategic planning for development rather than as a pure coordination mechanism.

Commune Councils and Village Leaders

In 2002 Commune Councils were established as the first tier of sub national government. Despite having limited powers and functions the Commune Councils are largely accepted as having contributed to local development, opening up positive dialogue between citizens and the state. To date, the Commune Councils have observed their role mainly in terms of planning and budgeting infrastructure projects but there is recognition that they have the capacity to expand their operations and become more active in supporting local citizens. During the course of this research numerous examples were cited of how this potential is being exploited naturally in the developing relationships between DSVY, OSVY and Commune Councils. In one area Commune Development Plans included an activity on awareness raising at local level on anti-trafficking and child rights and

the communes had signed agreements with their local DSVY to provide training. In another district a local NGO had lobbied with the Commune to have their outreach support to street children included in the Commune Development Plan. There was evidence that the relationship between OSVY social workers and communes was a key ingredient in successfully supporting vulnerable people in communities and that Communes viewed DSVY and OSVY as points of referral and support e.g. one Commune Council had approached their local OSVY for assistance in finding services for victims of rape. One Commune Chief described how he disseminated information at meetings with Village Leaders, asking them to be aware of strangers in the area and to understand that they might be offering opportunities for work which could lead villagers into difficult situations. The Commune Chief said he could not describe the impact of these meetings and awareness raising sessions since they were in the main preventative activities. Commune Chiefs also described how they mediate in situations of domestic violence; on the first occasion it is noted they provide advice and if it occurs again they involve the Commune Police. It is worth noting here that instances of ‘mediation’ are also noted to take place outside the law, especially in the case of rape.

“The biggest obstacle to the prosecution of rapists is the long-standing practice of compensation settlements....the officials who broker such deals will typically take a percentage of the compensation.....some police or court officials are involved in imposing such a forced “compromise” on victims”.
LICHADO (2004)

Thus any efforts to develop the relationships between DSVY, OSVY and Commune Councils must take account of the potential for further human rights abuses should the victim suffer further harm by the application of local ‘traditional’ justice.

Conclusions

Trafficking as a phenomenon is difficult to describe and often open to interpretation however it is clear from the cases referred to the ATRO and the sub-national government structures that Cambodian men, women and children are exposed because of their economic conditions to persistent violence abuse and exploitation. The available services are limited in scope and act on a responsive basis since a system for social welfare which recognises the threats and puts in place measures to mitigate them has not yet been developed.

ATRO is one of the few mandated authorities within government tasked with providing services to vulnerable people and oversees a national network of provision. The national ATRO, DSVY and OSVY personnel are trained and have skills for basic case management and are a key resource in their own communities. Workable partnerships exist at all levels and include NGO and sub-national government bodies, in particular Commune Councils who have demonstrated potential to actively support communities.

Conversely the weak management of ATRO is holding back the development of the network and this raises critical concerns regarding the protection of vulnerable clients who have been subject to human rights abuses. The postponement of the repatriations from Thailand due to management issues reflects an overall misunderstanding at Ministerial level of the role and activity of this office. This distancing is also evident regarding ownership and management of Poipet Transit Centre, which falls nominally within the remit of the ATRO but appears to operate with little supervision or oversight from national level.

The lapses of oversight also raise concerns about protection of vulnerable adults and children who are ostensibly in the care of state authorities but within organs of the state which are not supervised or effectively managed.

The failure to keep and maintain proper records, including individual client written case reports and wider statistical data is a further gap in the protective mechanism.

Some responsibility must however lie with the donor organisations who in the absence of government authority set up protective systems which were visibly donor supported thus leading to today's confusion about who employs whom. Donors have also have relied upon government monitoring and reporting and have thus been unsuccessful in obliging donor recipients to impose proper controls.

The commitment to build child protection systems, evidenced by the launch of the draft Prakas on Procedures to Implement the Policy on Alternative Care for Children in October 2009, whilst laudable, will face obstacles if the management of social work function at district level remains spread across two departments at national level. Some effort to consolidate the social work functions of the Social Welfare Department and its ATRO in relation to reintegration and those of Child Welfare Department in relation to implementation of the prakas and provision of child and family social work should be considered.

What can we do?

Now

As an immediate measure donors and government, in particular the Directorate of Technical Affairs within MoSVY should jointly address the management issues identified:

1. Reintegration Activity – ATRO personnel, hierarchy of management, supervision and controls;
2. Database – contract a technical expert to restart the national database and resume statistical data collection and management;
3. Repatriations – identify appropriate mechanisms for ensuring cross border cooperation results in the minimum disruption to the lives of detainees and that proper supports and controls are in place to receive them in Cambodia; and
4. Poipet Transit Centre – management and functions of the centre to be agreed disseminated and operationalised.

Medium Term

The strengths of the current system lie in its national reach, its trained staff with a basic case management background and its partnerships. The ATRO was set up at a very specific period in time to respond to a specific set of threats however as the contextual framework has evolved the complexities of social work need are beginning to emerge. People want practical AND emotional supports to help them cope with the shocks and risks associated with modern day life.

As the closest contact point to children and families, the Commune Councils have an important role to play in identifying and referring children who require protection assistance as well as providing support to victims of violence abuse and exploitation. This is already being done, but on a largely ad-hoc basis, and without clear understanding of the issues and the recommended courses of action. By

taking advantage of the opportunities now being presented by the Government's decision to take the D&D process to the provincial and district levels and to build stronger links between Commune authorities and other sectors the stage is set to support the strengthening of connections between DSVY, OSVY and Communes to build their capacity for protection. This will build on the activity undertaken by MoSVY with selected Communes to integrate social welfare into their work plans and will help Communes to build on their re-active capacity to respond to individual cases to develop a pro-active capacity to create a protective environment. Recognising that there are people working at all levels with significant skills, knowledge and experience in protective social work MoSVY can build on this to make what is a natural transition towards a broader social welfare system for vulnerable people which includes specialist support and preventative and protective services for vulnerable adults and children.

As there is currently no point of contact for social welfare below the District OSVY, there is a significant gap in the existing protection structures. A potential solution would be for communes to contract “support workers” who could perform very basic social work functions, such as:

- identifying the needs of vulnerable individuals and families,
- provide immediate practical support through a Commune Support Fund
- helping them access services/support available in the commune,
- following-up on the families' situation, and

referring those cases that cannot be resolved at the commune level to the district level (OSVY).

The identification of at risk families and individuals should be based on a combination of assessing the risk they are experiencing and the capacity of families and communities to manage that risk. At OSVY level the social work capacity currently operational only in the sphere of reintegration can be retargeted to

ensure that the social worker has a fundamental role in facilitating the relationship between Commune and other actors.

However Communes, whilst providing immediate and front line supports will carry out their activity in the overall child protection system framework of regulation and policy and thus the relationships between Commune and district Social Worker should be consolidated. This however will occur only when the national level structures have been reviewed to ensure that the distinction of responsibility between Child Welfare Department and Social Welfare Department have been delineated to ensure most efficient management and use of resources.

The process of functional review which is part of the D&D process of sub-national government reform, and which MoSVY has already committed itself to, will help to more clearly define existing and required services, and to determine who is best placed to deliver them, and where. The Functional Review process provides the opportunity for government to formalise the functions being modelled in the pilot, if successful, and leverage government and donor funds to resource them.

Long-Term

Longer-term development of child welfare systems will have most effect if conceived within the context of the overall social protection model; ensuring that MoSVY identifies opportunities within the RGC Rectangular Strategy and National Strategic Development Plan which it can translate into a local Work Platform, and give consideration to development of social welfare services, social insurance and safety nets and the policy and legislative framework. Inclusion in relevant technical working groups realised by government, development partners and NGO's will ensure that the efforts to capitalise on opportunities are conducted from a more robust platform.

References

- Beyer, C. (2004) Global child trafficking. *The Lancet*, 364 Suppl 1:16-17.
- Bosnjak, V. (2004) *Social services- the heart of social protection reform: Lessons from Serbia. Lessons Learned From Social Welfare System Reform And Some Planning Tips*. Geneva: UNICEF
- Brown, E. (2007) “*Out of Sight, Out of Mind? Child Domestic Workers and Patterns of Trafficking in Cambodia*”. Phnom Penh: IOM.
- Calavan, M.M., Diaz Briquets, S. and O’Brien, J. (2004) *Cambodian Corruption Assessment*. Phnom Penh: USAID
- Carter, S.M. and Little, M. (2007) Justifying Knowledge, Justifying Method, Taking Action: Epistemologies, Methodologies, and Methods in Qualitative Research. *Qualitative Health Research*, 17; 1316.
- Conway, T., and Norton, A. (2002) Nets, ropes, Ladders and Trampolines: The Place of Social Protection within Current Debates on Poverty Reduction. *Development Policy Review*, 20 (95): 533-540.
- Derks, A. (1998) *Reintegration of Victims of Trafficking in Cambodia*. Phnom Penh: IOM and Center for Advanced Study.
- Derks, A. (1999), *Paths of Exploitation, Studies on the trafficking of women and children between Cambodia, Thailand and Vietnam*. Phnom Penh: IOM and Center for Advanced Study (CAS).

Derks, A., Henke, R. & Ly, V., (2006) *Review of a Decade of Research on Trafficking in Persons, Cambodia*. Phnom Penh: The Asia Foundation.

ECPAT International (2006) *Global Monitoring Report on the status of action against commercial sexual exploitation of children: Cambodia*. Bangkok: ECPAT International

Goodey, J. (2008) Human trafficking: sketchy data and policy responses. *Criminology and Criminal Justice* Vol: 8(4): 421-442.

Guy, K. (2004) *The National Children's Alliance and a Rights Based Approach: Setting the Context for Discussion and Action*. Ottawa: National Children's Alliance.

Harding, S. (1987) Introduction: Is there a feminist method? In S. Harding (Ed.) *Feminism and Methodology: Social Science Issues* (pp. 1-14). Bloomington: Indiana University Press

Hasan, L., (Ed.) (2003) *Demystifying Non-Discrimination & Gender for Effective Child Rights Programming*. Nepal: Save the Children.

Hilton, A. (2008) "I thought it could never happen to boys", *Sexual Abuse and Exploitation of Boys in Cambodia, An exploratory study*. Phnom Penh: Hagar & World Vision.

ILO (2007) Global Extension of Social Security GESS Cambodia Country Profile

<http://www.ilo.org/gimi/gess/showpage.do?page=/wikiknowledgemap/cambodia/home.wiki>

(Retrieved 12th January 2009)

Jacobs, D. (1998) *Social Welfare Systems in East Asia: A Comparative Analysis Including Private Welfare*. London: Centre for Analysis of Social Exclusion, London School of Economics

Jentsch, B. (1998) The 'Interpreter Effect': Rendering Interpreters Visible in Cross-Cultural Research and Methodology. *Journal of European Social Policy* 1998; 8; 275

Kimble, D., Min, M., Evans, H., Conway F.J., Eng, N. and Pak, K. (2008) *Support for Formulation of the National Program for Sub-National Democratic Development, Inception Report*. Phnom Penh: Cambodia Development and Research Institute (CDRI).

Lee, M. (2005) Human trade and the criminalization of irregular migration. *International Journal of the Sociology of Law*, 33 (10): 1-15.

LICHADO (2004) *Rape and Indecent Assaults Cases, and the Cambodian Justice System*. Phnom Penh: Cambodian League for the Promotion and Defence Of Human Rights.

Livingston, C. (2008) *UNICEF Child Trafficking Workshop: East Asia Trafficking Assessment Dissemination*. Bangkok: UNICEF

Loff, B. and Sanghera, J., (2004) Distortions and Difficulties in Data for Trafficking. *The Lancet*, 363 (9408):566-566.

Maffii, M. and Sineath, H. (2008) *Promoting Political Participation of Indigenous Women in Cambodia*. Phnom Penh: Heinrich Boll Foundation.

Marshall, C. and Rossman, G.B. (1999) *Designing Qualitative Research* (3rd edn). London: Sage Publications

Meyrick, J. (2006) What is Good Qualitative Research? A First Step towards a Comprehensive Approach to Judging Rigour/Quality. *Journal of Health Psychology* Volu(5); 799-808

Piper, N. (2005). A problem by a different name? A review of research on trafficking in Southeast Asia and Oceania. *International Migration* 43 (1/2), pp. 203-233.

Nyamu-Musembi, C. & Cornwall, C. (2004) *What is the “rights-based approach” all about? Perspectives from international development agencies*. Brighton: Institute of Development Studies.

<http://www.ids.ac.uk/ids/bookshop/wp/wp234.pdf>

(Date retrieved 11 November 2008)

Patton, M. Q. (1990). *Qualitative evaluation and research methods* (2nd edn.). Newbury Park, CA: Sage Publications

Reimer, J.K., Langelier, E., Seng, S. & Sok, M. (2007) *The Road Home: ‘Reintegration’ and alternative care for children trafficked for sexual exploitation*. Phnom Penh: Hagar/World Vision Cambodia.

Roby, J. (2005) Women and children in the global sex trade: Toward more effective policy. *International Social Work* 48(2): 136-147

Rogers-Dillon, R.H. (2005) Hierarchical Qualitative Research Teams: refining the methodology. *Qualitative Research*, 5; 437.

Royal Government of Cambodia (2005) *Cambodia Demographic and Health Survey*. Phnom Penh: National Institute of Statistics

Royal Government of Cambodia (2008) *General Population Census of Cambodia 2008. Provisional Population Totals*. Phnom Penh: National Institute of Statistics

Royal Government of Cambodia (2006) *National Strategic Development Plan 2006-2010*. Phnom Penh: RGC.

<http://www.state.gov/g/tip/rls/tiprpt/2008/>

(Retrieved 14th November 2008)

Schwandt, T.A. (2001) *Dictionary of qualitative enquiry* (2nd Edn.). Thousand Oaks, CA: Sage

Steinfatt, T.M. (2003) *Measuring the Number of Trafficked Women and Children in Cambodia: A Direct Observation Field Study Part – III of a series*. Phnom Penh: USAID

Transparency International (2007) *Report on the Transparency International Global Corruption Barometer 2007*, Berlin: Transparency International

Transparency Watch (2008) Interview of the Month. November 2008. Richard Danziger, Head of Counter Trafficking, International Organisation for Migration
http://www.transparency.org/publications/newsletter/2008/november_2008/interview
(Retrieved 05th January 2009)

Tsikata, D., (2004) *The Rights-Based Approach to Development: Potential for Change or More of the Same?* Cape Town: CDRA
www.cdra.org.za/.../The%20Rights-Based%20Approach%20to%20Development%20-
(Date retrieved 11 November 2008)

USAID (2008) *Cambodia Country Profiles*. Phnom Penh: United States Agency for International Development
http://www.usaid.gov/kh/documents/country_profiles.pdf
(Date retrieved 11 December 2008)

United Nations Office on Drugs and Crime (2009) *Global Report on Trafficking in Persons*. Vienna: UNODC

United Nations Inter-Agency Project on Human Trafficking (2008) *Ethical Standards for Counter-Trafficking Research and Programming*. Bangkok: UNIAP
<http://www.no-trafficking.org/content/Publication/pdf/Ethics%20Book.pdf>
(Date retrieved 10 November 2008)

Urashima, C., Fitzgerald, I., Mueller, S., Levisay, A., Catalla, T. and Shroff, R. (2008) *A Fair Share for Women Cambodia Gender Assessment Survey*. Phnom Penh: MoWA

US State Department (2008) *Trafficking in Persons Report 2008*. Washington DC: US State Department.

UNDP (2009) *Human Development Report 2009 Overcoming Barriers: Human mobility and Development*. New York: UNDP

UNICEF (2006 a) *Child and Youth Participation Resource Guide*. UNICEF, East Asia and Pacific Regional Office

UNICEF (2006 b) *Guiding Principles on the Protection of Child Victims of Trafficking*. New York: UNICEF.

UNICEF (2008) *UNICEF Child Protection Strategy. E/ICEF/2008/5/Rev.1 20 May 2008*. New York: UNICEF

UN (1948) *Universal Declaration of Human Rights*. General Assembly Resolution 217 A (III) 10 December 1948. Geneva: OHCHR

Vighen, J. and Jeronimous, A. (2007) *Situation Analysis of the Commercial Sexual Exploitation of Children*, Phnom Penh: COSECAM

Weitzer, R. (2007) The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade. *Politics Society* 2007; 35; 447

World Bank (2006) *Children's Work in Cambodia: A Challenge for Growth and Poverty Reduction. Human Development Sector Reports*. East Asia and the Pacific Region: The World Bank

World Bank (2007) *Sharing growth: equity and development in Cambodia. Equity Report 2007. Report No. 39809-KH*. East Asia and the Pacific Region: The World Bank

www.humantrafficking.org Cambodia's Thriving Child Prostitution Industry. Adapted from: "Cambodia - Child Sex Trade Soars in Cambodia." [AlJazeera](#) (Date retrieved 14th November 2008)