Law Enforcement against Sexual Abuse, Sexual Exploitation & Trafficking of Children Project
Phase 3 Assessment

Prepared by Jane S. Kim
Consultant
October 2009

The views expressed in this report are the author’s. They are not necessarily shared by UNICEF, World Vision or any of the persons or organizations consulted during the mission.
Acronyms

EXECUTIVE SUMMARY

I. INTRODUCTION
   1.1 Background
   1.2 Purpose
   1.3 Scope
   1.4 Methodology
   1.5 Limitations

II. LAW ENFORCEMENT AGAINST SEXUAL ABUSE, SEXUAL EXPLOITATION & TRAFFICKING OF CHILDREN (LEASET) PROJECT

   2.1 Backgrounder
      2.1.1 LEASET project
      2.1.2 Chronology
      2.1.3 Structure

   2.2 LEASET in practice
      2.2.1 Key findings
         Impact
         Outcomes
         Outputs

      2.2.2 Promising practices
         Ownership
         Mentorship
         Evidence based practice
Child-centred approach  
Trainings & capacity building  
Structures & protocols  
Hotline  
Cooperation & coordination

2.2.3 Gaps & lessons learned  
Framework  
Legal paradigm

Child Victim Protection  
Trainings & capacity building  
Hotline  
Database  
Forensics  
Crime prevention  
Cooperation & coordination

2.2.4 Sustainability  
Cost-sharing  
Future challenges

III. BROADER INFLUENCES

3.1 Legislative & policy reform  
3.2 Policy mechanisms  
3.3 The Gendarmerie, Cambodian National Police & Justice Sector  
3.4 Trainings, hotlines & databases  
3.5 “System of corruption” & accountability  
3.6 National child protection system  
3.7 Social, labour & tourism sectors  
3.8 Socio-economic context  
3.9 Donors & media

IV. RECOMMENDATIONS

4.1 Sector Wide Approach to Justice
4.1.1 Setting the vision  
4.1.2 Developing a common understanding  
4.1.3 Taking stock & building consensus  
4.1.4 LEASETC paradigm shift  
4.1.5 Framework, plan of action & technical assistance  

4.2 Sector Wide Approach on Child Protection  

ANNEXES  
A-1 Assessment Terms of Reference  
A-2 Assessment Instruments  
A-4 LEASETC Police Trainings Matrix  
A-5 Document for Sexual Abuse Examination  
A-6 Questionnaire Results on the Forensic Certificate for Sexual Abuse Cases  
A-7 Database Forms  
A-8 Database Trends Analysis: Key Findings  
A-9 Legal & Policy Frameworks Matrix  
A-10 Key Legal Provisions  
A-11 Cambodian National Police Organagram  
A-12 Cambodian National Police Strategic Plan  
A-13 High Level Working Group Terms of Reference (draft)  
A-14 Trainings Matrices  
A-15 NGO Joint Statistics  
A-16 Interagency Training Recommendations
**acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>ADHOC</td>
<td>The Cambodian Human Rights and Development Association</td>
</tr>
<tr>
<td>AFESIP</td>
<td>Acting for Women in Distressing Situations</td>
</tr>
<tr>
<td>AHTJP</td>
<td>Anti-Human Trafficking and Juvenile Protection</td>
</tr>
<tr>
<td>APLE</td>
<td>Action Pour Les Enfants</td>
</tr>
<tr>
<td>ARTIP</td>
<td>The Asia Regional Trafficking in Persons Project</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>BTB</td>
<td>Battambang</td>
</tr>
<tr>
<td>BMC</td>
<td>Banteay Meanchey</td>
</tr>
<tr>
<td>CCJAP</td>
<td>Cambodia Criminal Justice Assistance Project</td>
</tr>
<tr>
<td>CJWG</td>
<td>Child Justice Working Group</td>
</tr>
<tr>
<td>CLEC</td>
<td>Community Legal Education Centre</td>
</tr>
<tr>
<td>CNCC</td>
<td>Cambodian National Council for Children</td>
</tr>
<tr>
<td>CNP</td>
<td>Cambodian National Police</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>COMMIT</td>
<td>Coordinated Mekong Ministerial Initiative on Trafficking</td>
</tr>
<tr>
<td>COSECAM</td>
<td>Coalition to Address (Sexual) Exploitation of Children in Cambodia</td>
</tr>
<tr>
<td>CPC</td>
<td>Criminal Procedure Code</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CSEC</td>
<td>Commercial Sexual Exploitation of Children</td>
</tr>
<tr>
<td>CSTC</td>
<td>Child Safe Tourism Committees</td>
</tr>
<tr>
<td>CWCC</td>
<td>Cambodian Women’s Crisis Centre</td>
</tr>
<tr>
<td>DoSVY</td>
<td>Provincial Department of Social Affairs, Veterans &amp; Youth Rehabilitation</td>
</tr>
<tr>
<td>DV</td>
<td>Domestic Violence</td>
</tr>
<tr>
<td>ECPAT</td>
<td>End Child Prostitution, Abuses and Trafficking in Cambodia</td>
</tr>
<tr>
<td>GMS</td>
<td>Greater Mekong Sub-Region</td>
</tr>
<tr>
<td>HLWG</td>
<td>High Level Working Group</td>
</tr>
<tr>
<td>IJM</td>
<td>International Justice Mission</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
</tr>
<tr>
<td>ILO-IPEC</td>
<td>International Labour Organisation – International Programmes to Eliminate Child Labour</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organisation for Migration</td>
</tr>
<tr>
<td>Kg. Chhnang</td>
<td>Kampong Chhnang</td>
</tr>
<tr>
<td>Kg. Cham</td>
<td>Kampong Cham</td>
</tr>
<tr>
<td>LAC</td>
<td>Legal Aid of Cambodia</td>
</tr>
<tr>
<td>LICADHO</td>
<td>Cambodian League for the Promotion and Defence of Human Rights</td>
</tr>
<tr>
<td>LEASETC</td>
<td>Law Enforcement against Sexual Exploitation, Abuse &amp; Trafficking of Children</td>
</tr>
<tr>
<td>LSCW</td>
<td>Legal Support for Children and Women</td>
</tr>
<tr>
<td>MoC</td>
<td>Ministry of Commerce</td>
</tr>
<tr>
<td>MoFA</td>
<td>Ministry of Foreign Affairs</td>
</tr>
<tr>
<td>MoH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>MoI</td>
<td>Ministry of Interior</td>
</tr>
<tr>
<td>MoJ</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>MoLVT</td>
<td>Ministry of Labour and Vocational Training</td>
</tr>
<tr>
<td>MoSVY</td>
<td>Ministry of Social Affairs, Veterans and Youth Rehabilitation</td>
</tr>
<tr>
<td>MoT</td>
<td>Ministry of Tourism</td>
</tr>
<tr>
<td>NGO</td>
<td>Non Governmental Organisation</td>
</tr>
<tr>
<td>NTF</td>
<td>National Task Force</td>
</tr>
<tr>
<td>NPA-TIPSE</td>
<td>Second National Plan of Action Against Trafficking in Persons and Sexual Exploitation</td>
</tr>
<tr>
<td>PJJ</td>
<td>Protection of Juvenile Justice</td>
</tr>
<tr>
<td>PNH</td>
<td>Phnom Penh</td>
</tr>
<tr>
<td>RGC</td>
<td>Royal Government of Cambodia</td>
</tr>
<tr>
<td>SISHA</td>
<td>South East Asia Investigations into Social and Humanitarian Activities</td>
</tr>
<tr>
<td>Acronym</td>
<td>Full Form</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
</tr>
<tr>
<td>SR</td>
<td>Siem Reap</td>
</tr>
<tr>
<td>TAF</td>
<td>The Asia Foundation</td>
</tr>
<tr>
<td>TIPSE</td>
<td>Trafficking in Persons and Sexual Exploitation (Law)</td>
</tr>
<tr>
<td>TOT</td>
<td>Training of Trainers</td>
</tr>
<tr>
<td>TSEC</td>
<td>Trafficking and Sexual Exploitation of Children</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Fund</td>
</tr>
<tr>
<td>UNHCHR</td>
<td>United Nations High Commissioner for Human Rights</td>
</tr>
<tr>
<td>UNIAP</td>
<td>United Nations Inter-agency Project on Human Trafficking</td>
</tr>
<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
</tr>
<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
</tr>
<tr>
<td>UNTAC</td>
<td>United Nations Transitional Authority in Cambodia</td>
</tr>
<tr>
<td>USAID</td>
<td>US Agency for International Development</td>
</tr>
<tr>
<td>VSA</td>
<td>Victim Support Agency</td>
</tr>
<tr>
<td>WFCL</td>
<td>Worst Forms of Child Labour</td>
</tr>
<tr>
<td>WG</td>
<td>Working Group</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organisation</td>
</tr>
<tr>
<td>WVC</td>
<td>World Vision Cambodia</td>
</tr>
<tr>
<td>VCAO</td>
<td>Vulnerable Children Assistance Organisation</td>
</tr>
</tbody>
</table>
I. INTRODUCTION

1.1 Background

The Law Enforcement Against Sexual Exploitation and Trafficking of Children (LEASETec) Project has been implemented in three phases: Phase 1 from April 2000 to March 2002; Phase 2 from April 2002 to March 2005; and Phase 3 from April 2005 to December 2008. Over its three phases, the project has focused on:

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

An assessment of the LEASETec project, particularly of Phases 1 and 2, has been conducted in the first quarter of 2006 documenting project achievements and lessons learned. Among the achievements of the project by the end of Phase 2 are the establishment of the Anti-Human Trafficking and Juvenile Protection (AHTJP) Department and its corresponding specialist units in 7 provinces and sub-sections in 17 provinces; the development and functioning of a national database and standard forms for data collection and monitoring of trafficking, sexual abuse and exploitation cases (TSEAC), as well as of a 24-hour/7-day hotline; the development and use of a standard medical examination form and certificate for sexual abuse cases; significant improvement in AHTJP police investigation skills in five priority provinces; and greater sensitivity and awareness by police to the needs of and laws applying to children.

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

This Assessment focuses on Phase 3 of LEASETC: creation of further specialist units in additional provinces; on-the-job training, follow-up and case management for AHTJP units in ten priority provinces; updating of training materials to conform to newly adopted legislation; establishment of local police training at the district and commune levels; integration of LEASETC training into the curriculum of the Cambodian Police Academy and Regional Training Schools; strengthening of forensic evidence examination for sexual abuse cases; establishment of provincial hotlines and a database networking system in selected locations; and improving collaboration between the police, social and justice sectors.

1.2 Purpose

This assessment has two main purposes: i) to assess the impact, effectiveness, relevance and sustainability of the LEASETC project and ii) to recommend future directions and strategies to assist the Royal Government of Cambodia (RGC), UNICEF and World Vision Cambodia to strengthen the country's justice system -- especially the law enforcement sector - for child victims of exploitation, trafficking, abuse and violence.

This assessment also aims to establish an evidence base of promising practices and lessons learned – with respect to law enforcement trainings, capacity building measures, database operations, hotline services and forensic examinations\(^1\) -- to inform future law enforcement initiatives at the national, provincial and local levels. Further, this assessment examines partnerships and inter-agency/inter-sectoral collaboration, as well as existing/emerging opportunities and risks in light of broader policy developments and newly created regulatory and structural frameworks relating to child trafficking, exploitation, abuse and violence.

1.3 Scope

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

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

Additionally, an evaluation tool containing targeted questions was designed to obtain information specific to the expertise, experience and profile of respondents (see A-2: Assessment Tools). This yielded rich and varied information, lending itself to a fuller portrait of the law enforcement response and broader context for children in Cambodia.

1.4 Methodology

What
The evaluator gathered quantitative and qualitative information through:

- semi-structured interviews
- focus group discussions
- site observations
- document review
  - international instruments
  - laws, decrees & prakas
  - draft legislation
  - national policies
  - guidelines & circulars
  - LEASETC project documents
    - proposals
    - donor reports
    - evaluations
  - AHTJP references
    - statistics & forms
    - training manuals
  - interagency documents
  - reports, presentations & assessments
Evaluation criteria

The evaluation used the following standard evaluation criteria:

- **Relevance** - the extent to which the objectives of a development intervention are consistent with duty bearers and rights-holders requirements, country needs, global priorities and partners’ and donors’ policies. Retrospectively, the question of relevance often becomes a question as to whether the objectives of an intervention or its design are still appropriate given changed circumstances.

- **Efficiency** - an economic term referring to the measure of the relative cost of resources used in a programme to achieve its objectives.

- **Effectiveness** - a measure of the extent to which an aid programme attains its objectives or produces its desired results.

- **Protection** - activities aimed at obtaining full respect for the rights of individuals in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law) which are conducted impartially and not on the basis of race, national or ethnic origin, language or gender.

- **Impact** - positive and negative long-term effects on identifiable population groups produced by a development intervention, directly or indirectly, intended or unintended. These effects can be economic, socio-cultural, institutional, environmental, technological or of other types.

- **Sustainability** - the continuation of benefits from a development intervention after major development assistance has been completed.

Where

Over twenty days, the evaluator conducted interviews, focus group discussions and site observations in six locations: Phnom Penh, Siem Reap, Banteay Meanchey, Kampong Chhnang, Takeo and Kampong Cham.

Approximately three days were spent in each of the priority provinces – Siem Reap, Banteay Meanchey, Kampong Chhnang – and two days in each of the non-priority provinces – Takeo and Kampong Cham. One week was spent in Phnom Penh to conduct interviews with representatives of government ministries, AHTJP, development partners and UNICEF Cambodia.

Who

Approximately 150 stakeholders across six locations provided invaluable input into this evaluation, representing:

- Children and families
- Ministry of Interior
- Ministry of Justice
- Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Ministry of Labour and Vocational Training
- Ministry of Tourism
- Law enforcement – AHTJP & CID
- Prosecutors
Meetings scheduled with the Ministry of Women’s Affairs and Ministry of Health did not take place due to their unavailability.

**How**

Utilizing a participatory and mixed-method approach, this evaluation combines qualitative and quantitative information and promotes maximum input from all relevant stakeholders to obtain diverse perspectives on the various aspects of child justice. Respondents were also asked to provide recommendations to improve the law enforcement response to child victims of exploitation, trafficking, abuse and violence.

Although the Assessment terms of reference focuses primarily on LEASET, the evaluator undertook a broader analysis, examining issues of governance, structural frameworks, legislative reform initiatives, policy coherence and aid effectiveness in addition to LEASET’s functioning and compliance with international standards. This is envisaged to establish an evidence base to inform future initiatives utilising a sector wide approach whilst ensuring coherence with national priorities and policies, ministerial/departmental strategic plans, child protection systems building, and other broader developments. Moreover, this approach precludes the recommendation of redundant, contradictory or fragmented interventions for children and leverages momentum for existing and future initiatives.

### 1.5 Limitations

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

Further, the challenges of attribution – that is, how and to what extent LEASET project activities contributed to the overall impact – are inherent within the Cambodian development context where socio-economic, political and cultural dynamics are complex and dynamic. Change is seldom attributable to any single project, or factor – and more likely the result of a combination of several factors. Compounding this are the numerous law enforcement trainings and capacity building efforts carried out by different entities cutting across topics and geographic areas of Cambodia. The evaluator therefore does not rely on statistics alone but utilises multiple methodologies, including qualitative measurement tools,
in order to generate a better understanding of what has worked, why it has worked and to what extent can change be attributed to LEASETC contributions. Nevertheless, this assessment report should be considered with these limitations in mind.

II. LAW ENFORCEMENT AGAINST SEXUAL ABUSE, SEXUAL EXPLOITATION & TRAFFICKING OF CHILDREN PROJECT

2.1 Backgrounder

2.1.1 LEASETC project

The Law Enforcement Against Sexual Exploitation and Trafficking of Children (LEASETC) Project was launched in April 2000 by the Ministry of Interior (MoI) in cooperation with UNICEF, UNOHCHR, World Vision Cambodia, International Office for Migration (IOM), and Save the Children Australia, as a response to the increasing reports of trafficking and sexual exploitation of children in Cambodia and the seriousness of the issue. Since the project’s launch in 2000, the project has received ongoing financial and technical support primarily from UNICEF and World Vision Cambodia (WVC).

The overall goal of the LEASETC project is to improve the capacity of the Cambodian National Police (CNP) to investigate cases of sexual abuse, exploitation and trafficking of children, rescue victims of trafficking and sexual exploitation, arrest offenders, search for evidence and prepare cases for prosecution. With three distinct phases since 2000, the LEASETC project entered its third phase from 2006 to 2008.

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

2.1.2 Chronology in brief

2000 Ministry of Interior launches the Law Enforcement Against Sexual Exploitation and Trafficking of Children (LEASETC) Project; establishment of national 24 hour/7 day TSEC hotline
2002 Department of Anti-Human Trafficking and Juvenile Protection created within Central Department of Judicial Police of CNP

2003 Department of Anti-Human Trafficking and Juvenile Protection operational with construction of new building

2002 ~ 2003 7 Provincial/Municipal AHTJP Units established: Phnom Penh, Siem Reap, Battambang, Banteay Meanchey, Sihanoukville, Kandal, Kampong Cham

Other Provinces: AHTJP Section attached to the Penal Police Unit

2000~2004 Approximately 1,884 cases related to sexual exploitation and trafficking were reported and 1,099 offenders arrested. Between 2001 and 2004, the annual number of arrested offenders increased almost five times from 82 offenders in 2001 to 401 in 2004

2004 National database and standard forms for data collection and monitoring of TSEC cases developed and operational; standard medical certificate to document sexual abuse cases developed and disseminated by the Ministry of Health


LEASETIC identifies 10 priority provincial AHTJP units to support from 2006-2008: Phnom Penh, Siem Reap, Battambang, Banteay Meanchey, Sihanoukville, Kandal, Prey Veng, Svay Rieng, Kampong Chhnang and Kampong Thom; database networking system installed (6 locations – Department and 5 provinces); provincial hotlines established in Siem Reap, Sihanoukville and Banteay Meanchey; LEASETIC training modules mainstreamed into the curriculum of the National and Regional Police Training Schools

# of TSEAC arrest increased from 431 in 2005 to 670 in 2006. # of victims rescued by AHTJP structures rose from 615 in 2005 to 784 in 2006

2007 MoI broadens the mandate of the AHTJP to include domestic violence cases; LEASETIC training modules mainstreamed into the curriculum of the newly created Cambodian Police Academy; 3 new provincial hotlines established in Phnom Penh, Battambang and Kompong Chhnang.

2008 1 new provincial hotline established in Kompong Thom.
‘00–09 Extensive trainings at national and provincial levels (‘00-09), and at district and commune levels (‘06-09); training materials developed/updated; case management forms updated

2.1.3 Structure

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

While this ad hoc configuration is untenable over the long term, it works at the present time out of necessity (severe shortfalls in MoI/CNP budget) and owing to strong working relations among the various actors. In fact, terms of reference are not articulated for the entire LEASETC team and the ladder of responsibility and linkages between various LEASETC project implementers are not consistently clear. It is advisable to formalise the structure, mandate and activities of LEASETC during the next phase of programming in order to promote transparency, clearer directives, strategic outcomes and longer term sustainability.
2.2 LEASETC in practice

2.2.1 Key findings

Impact

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

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

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

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

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

These figures warrant further examination. Beginning 2006, LEASETC transferred ownership of hotline and database operations to AHTJP, which includes the compilation of statistics generated by both. Confirmed hotline reports have not been tallied and data therefore is not available from 2006 to 2008. There are some statistical irregularities in the AHTJP database statistics. The figures also need to be checked against judicial statistics. While judicial statistics were not available for review, according to the most recent USG trafficking in persons report, “[a]fter enactment of a law that included anti-trafficking provisions in February 2008, the government . . . initiated 71 trafficking prosecutions over [2008].” In light of 2008 data below – 47 arrests for trafficking (see following chart) – there are obvious discrepancies. Whether due to AHTJP’s data collection system, conceptual confusion around trafficking or other factors, closer scrutiny of various data sets across the justice system is necessary.

There has also been an overall increase in the numbers of victims rescued and assisted, including children -- 27% increase from 2005 to 2006; 25% increase from 2005 to 2007; and
54% increase from 2005 to 2008. It should be noted, however, that the rate of child victims rescued in 2008 and 2007 is lower than in 2005, 2004 and 2003. According to some respondents, effective law enforcement actions have led to a decrease in the number of child victims; this has not been substantiated however and requires further examination.

A coalition of NGOs in Cambodia has reported a decrease in trafficking for sexual exploitation, most recently an 8.4% decrease from 179 reported cases in 2005-2006 to 165 cases in 2007-2008. Yet they also indicate that it is ‘too early to conclude that trafficking in Cambodia is decreasing ... in Cambodia [there is] still a continued presence of certain factors that influence vulnerability such as: poverty, slow, if not deteriorating, economic growth and corrupt practices among some law enforcers.iii Other vulnerability factors based on a recent study include: low levels of education, food shortages, increasing levels of migration, domestic violence, illness/disease and high costs of medical treatment leading to debt.iv These create an environment where there is little to act as a restraint on trafficking activity. Internal trafficking appears to be of greater significance than cross-border trafficking and trafficking is noted to have spread to more provinces.iv AHTJP trafficking statistics and trends (e.g. suspects’ profiles, victims’ age range, nature of commercial sexual activity, etc) should be compared with NGO statistics and trends to gain a better understanding of the situation, including reasons for statistical discrepancies (see A-15: NGO Joint Statistics).

Services for child and adult victims, meanwhile, has grown dramatically with improved collaboration and an increase in victim referrals from law enforcement to social affairs, at all levels – 31% increase in referrals from 2005 to 2006; 43% increase from 2005 to 2007; and 248% increase from 2005 to 2008 (see below chart). Although this assessment does not evaluate the quality of services extended by Government social workers with the Provincial Department of Social Affairs (DoSVY), there are signs of robust commitment and growing capacity of DoSVY to serve as the focal point for screening, intervening and providing/coordinating services on behalf of child victims:

In the last few years, the AHTJP Unit very often has cooperated with DoSVY. Sometimes when the ATHJP police refer victims to doctors for medical examinations, the doctors will charge for forensic examinations even though NGOs are financing these costs. The police will then request DoSVY intervention. Because we attend the same trainings, DoSVY is aware of how NGOs support doctors ... so I will contact their supervisor, who will then direct the doctors to conduct free medical forensic examinations. I also go to the communities and collect information on child victims for referral to NGOs. This information on child victims is confidential and is not shared with the police. DoSVY together with NGOs also conduct prevention activities for children and youth in certain districts to prevent sexual abuse, exploitation and trafficking. As part of this, we carry out role plays on reporting abuse. Sometimes children seek assistance from the village and district police but based on our lessons, we advise them to also report to the elderly or other persons for support. For example in every village of certain districts, we have 2 focal points to address these issues.

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

DoSVY staff

As a result of policy developments, intersectoral workshops (i.e. interministerial workshops on child justice and quarterly ATRO-AHTJP workshops in Siem Reap and Battambang) and reinforcement by LEASETC, there is growing recognition of the distinct roles played by law enforcement and social affairs. Over the past several years, improved cooperation between these two entities has been felt in cases involving child sexual exploitation, trafficking, sexual abuse and domestic violence. Much more is required, however, to build the capacity of government social workers and to further differentiate the roles and functions of social affairs versus NGOs in the broader social sector, as well as NGOs and law enforcement in the justice sector, to a lesser degree (see Section III: Broader Influences).
During Phase 3, there has been greater official recognition of and protections for children who are victims of debauchery, illegal confinement, pornography, unlawful removal, unlawful recruitment for exploitation, selling, buying and exchange, indecent acts, prostitution and domestic violence due to LEASER’s timely trainings on relevant new legislation, vis-à-vis trafficking in persons and sexual exploitation (TIPSE), domestic violence and the Criminal Procedure Code (see chart below). As a result, the national AHTJP department, provincial AHTJP units and local law enforcement developed stronger capacity to address crimes against children, in particular:

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

*Inconsistent figures with total number of victims rescued
Arrests by Types of Offences

*Inconsistent with 431 total number of arrests

<table>
<thead>
<tr>
<th>Offence</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence</td>
<td>82</td>
<td>208</td>
<td>352</td>
<td>401</td>
<td>397</td>
<td>670</td>
<td>582</td>
<td>494</td>
</tr>
<tr>
<td>Debauchery</td>
<td>8</td>
<td>8</td>
<td>10</td>
<td>18</td>
<td>19</td>
<td>25</td>
<td>25</td>
<td>75</td>
</tr>
<tr>
<td>Indecent assault</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>45</td>
<td>23</td>
<td>30</td>
</tr>
<tr>
<td>Attempted rape</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>99</td>
<td>78</td>
<td>50</td>
</tr>
<tr>
<td>Rape and murder</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>14</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>Rape</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>364</td>
<td>265</td>
<td>135</td>
</tr>
<tr>
<td>Rape/Sexual Abuse</td>
<td>25</td>
<td>157</td>
<td>305</td>
<td>319</td>
<td>266</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross-border Labor Trafficking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Local Labor Trafficking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Cross-border trafficking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>21</td>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>Domestic Trafficking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>44</td>
<td>28</td>
<td>29</td>
</tr>
<tr>
<td>Trafficking</td>
<td>28</td>
<td>26</td>
<td>36</td>
<td>33</td>
<td>73</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pornography</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>Commercial Sexual Exploitation</td>
<td>21</td>
<td>17</td>
<td>41</td>
<td>31</td>
<td>39</td>
<td>52</td>
<td>32</td>
<td>61</td>
</tr>
</tbody>
</table>
Outcomes

Children served by LEASETC-supported AHTJP units are more likely to be:
- recognized, identified and served as victims of trafficking, sexual exploitation, abuse and violence (see chart below)
- questioned by police (together with their parents) who use child-friendly techniques and child-friendly interview rooms
- referred to MoSVY/DoSVY, NGOs and legal aid organizations for social services and legal representation (see chart below)
- referred to the hospital for forensic examinations in sexual abuse cases
institutional reform

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

- Creation and support for national and 7 provincial hotlines
- Creation and support for national and 6 linked provincial databases
- Establishment of child-friendly interview rooms in 10 priority provinces
- Better equipped AHTJP provincial stations (e.g. furniture, computers, cameras and other necessary devices)

All District Police Inspection offices and Commune police posts in 10 priority LEASETTC provinces assigned AHTJP focal officers to handle TSEC/CSA cases and to undergo LEASETTC training. In total, **89 districts and 854 communes**:

- **Phnom Penh**: 7 districts, 79 communes
- **Siem Reap**: 12 districts, 100 communes
- **Battambang**: 13 districts, 96 communes
- **Banteay Meanchey**: 8 districts, 64 communes
- **Sihanoukville**: 3 districts, 22 communes
- **Kandal**: 11 districts, 147 communes
- **Prey Veng**: 12 districts, 116 communes
- **Svay Rieng**: 7 districts, 80 communes
- **Kampong Chhnang**: 8 districts, 69 communes
- **Kampong Thom**: 8 districts, 81 communes

institutional strengthening

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

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

**Evidence base & monitoring**

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

**commitment & cooperation**

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

LEASETC’s joint law enforcement-justice and -social affairs workshops (see promising practices below) and LEASETC support for medical forensic evidence for child sexual abuse cases (see gaps and lessons learned below) have led to more robust cooperation and collaboration between law enforcement and justice, social affairs, health professionals and civil society on cases involving child victims. In recent years, law enforcement has also strengthened cooperation with the private sector. During the first six months of 2008, provincial AHTJP police in Siem Reap disseminated governmental directives to 44 entertainment facilities on the prohibition of sexual exploitation on children and women in their places (see promising practices below).
Outcomes

**Basic Trainings for Local Police**

Total of 2,730 district and commune police in 10 priority provinces designated and trained as AHTJP focal points:

**2006 (1,180 total)**
- Phnom Penh (300)
- Battambang (300)
- Banteay Meanchey (200)
- Siem Reap (300)
- Sihanoukville (80)

**2007-2008 (1,550 total)**
- Kandal (350)
- Prey Veng (300)
- Svay Rieng (300)
- Kampong Chhnang (300)
- Kampong Thom (300)

**Topics:**
Victim sensitivity, legal procedures and investigation skills in dealing with TSEC/CSA cases

**Trainers:**
Moi police trainers and national consultant support

**Length:**
5 day course

**Advanced Refresher Trainings for Local Police**

Total of 1,400 district and commune police in 10 priority provinces:

**2008**
- Phnom Penh (150)
- Siem Reap (150)
- Battambang (150)
- Banteay Meanchey (150)
- Sihanoukville (150)
- Kandal (150)
- Prey Veng (150)
- Svay Rieng (150)
- Kampong Chhnang (100)
- Kampong Thom (100)
Topics:
Newly enacted Criminal Procedure Code, Case Management of TSEC/CSA cases

Length:
5 day course

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

Total of 300 police officers assigned to AHTJP Dept and provincial sub-units in 10 priority provinces were provided quarterly on-the-job training, follow up and case management sessions. Approximately 12 to 20 police officers from each of the AHTJP sub-units in the 10 priority provinces benefited from this capacity building initiative.

Topics:
Investigations and referral of trafficking, sexual abuse and exploitation of children, Criminal Procedure Code and Law on Suppression of Human Trafficking and Sexual Exploitation

Trainers:
MoI staff and international/national consultants

Length:
5 days/quarter

Police Academy & Police Training Schools

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

Trainers:
Police academy and national/regional police school trainers
Training of Trainers & TIPSE law workshop

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

Topics:

Trainers:
MoI & MoJ officials
Police Training Dept & AHTJP Dept trainers

Specialised Trainings

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

Topics:
Provincial trainings: Use of medical examination forms and certificates.
National training: Forensic medical examinations for child victims; issues of injury to the anatomy; best practices in the identification, collection and production of forensic evidence; specific abuse of boys; and relevant law enforcement and prosecution issues.

Trainers:
Provincial trainings: LEASETC trainers supported by WVC and CCJAP
National training: UK-based Child Exploitation and Online Protection Centre, affiliated with the UK Serious Organized Crime Agency
Evidence Collection

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

National Workshops

Annually, two national workshops are organized at the central AHTJP Department with the aim of ensuring basic training for all provincial AHTJP Units and promoting information exchange and sharing of experiences.

Training Modules

LEASETC training modules on TSEC/CSA have been continually updated to integrate new laws, procedures and techniques, drawing upon ARTIP training modules and training materials from other development partners.

2006 updates:
- Handbook for Police Officers "Understanding and Investigating Sexual Offences against Children" for specialized AHTJP police
- Compilation of relevant laws related to LEASET
- Handbook for District Police Officers on Child Victim Sensitivity (abridged version for local police training)
- Trainers' Manual on: "Local Police Training on Understanding and Investigating Sexual Offences against Children", including slides (overhead), exercises and forms
- Special version of LEASET Investigator's Manual and other training materials for the Royal Police Training Schools

2007: LEASET training manuals and police investigation handbooks updated to incorporate the newly adopted Criminal Procedure Code and Domestic Violence Law

2008: LEASET Investigator's Manual on Sexual Abuse, Exploitation and Trafficking of Children for judicial police officers updated to incorporate the newly passed Law on Suppression of Human Trafficking and Sexual Exploitation (TIPSE Law)
2.2.5 Promising practices

Ownership

Promoting LEASETC as an MoI-led and -owned project comprised of a law enforcement team 40 strong - under the chairmanship of H.E. Prum Sokha - has garnered the project legitimacy, authority, credibility and respect among law enforcement officers and officials both within and outside of the Ministry of Interior, at all levels. LEASETC has the ability to influence high level government decisions and on-the-ground police operations; it also serves as a conduit connecting both levels.

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

*General Bith Kimhong, AHTJP Department Director*

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

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

*TSEC/CSA Focal Point*

*District Law Enforcement Officer, Siem Reap*

Mentorship

The international advisor plays a vital role in strengthening the capacity of the AHTJP Department and Provincial Units, as well as district and commune police while cultivating good relations within the MoI and among partners across the development community.
The international expert is very effective ... he is a man of capability and is also connected at different levels which is helpful for him to coordinate ... and he understands the Khmers ... we cannot work without him.

General Bith Kimhong
AHTJP Department Director

While the international technical advisor’s technical skills are solid, key to his success (and this role) are:

- excellent cross-cultural skills
- ability to engender trust and confidence among peers and development partners
- superb communication, negotiation and diplomacy skills
- ability to work within institutional constraints while promoting change in accordance with international standards
- solid advisory skills in response to versatile situations, including high profile and sensitive issues, to promote the best interests of children.

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

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

Evidence based practice

The LEASETC project has been flexible and continually evolving in response to the broader context such as legislative reform, policy developments and socio-cultural realities. Following enactment of the CPC and TIPSE/DV laws, LEASETC updated training materials, database forms and hotline reporting templates to help steer shifts in law enforcement practice based on relevant provisions of newly enacted legislation. This is a critical and complex undertaking in light of Cambodia’s history where the United Nations Transitional Authority in Cambodia (UNTAC) law has endured as the prevailing criminal
law, in the absence of a Criminal Code (currently underway). The introduction of new legislation, including the extensive CPC heavily influenced by the French criminal justice system, represents a major shift -- not only in Cambodia’s legislative history but also with respect to elevating standards and requirements for Cambodian law enforcement practice.

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

In light of growing evidence that domestic violence is likely the most common violation experienced by women and children throughout Cambodia (though not yet reflected in official statistics for various reasons), LEASETC has firmly supported the expansion of the AHTJP Department’s mandate to cover domestic violence. LEASETC trainings and capacity building initiatives – initially targeting trafficking and sexual exploitation -- have gradually evolved in lockstep with changes in the environment, at times spurred by legislative and policy reform. More comprehensive in scope and breadth, LEASETC’s activities support the AHTJP and CID to address the broad spectrum of crimes against children – and in so doing, LEASETC has remained relevant, practical and effective over the years.

LEASETC has changed course on ‘business as usual’ or refined practices after evidence has come to light. Based on findings/recommendations from a multi-stakeholder analysis on forensic medical evidence for sexual abuse cases conducted in 2007, LEASETC has provided additional guidance on how to fill in the form and encouraged judicial police to officially request forensic exams. Although case files have not been surveyed to determine whether every sexual abuse case contains a medical forensic certificate, law enforcement respondents have demonstrated a clear understanding of the importance of timely forensic medical examinations. According to several respondents, district police at times cover (out of pocket) transportation costs for victims to visit an authorised medical professional and for follow up investigations at the provincial level.
Child-centred approach

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

- distinctions were made between “interrogating” suspects and “questioning” child victims. Law enforcement emphasized the importance of establishing trust with the child and speaking gently to the child to dispel any fears he or she might have. This was confirmed by child victim respondents and their parents.
- parents/guardians were allowed to be present during questioning of children. This was confirmed by all child victim respondents and their parents.
- law enforcement officers offered child victims toys (if available), snacks, water, etc. Child victim respondents indicate that they were not offered anything.
• law enforcement officers indicated that questioning was in child-friendly interview rooms/private spaces. Few child victim respondents indicated that they were interviewed inside a room but in one case, the door was left open and in another case, the door was closed but adults walked in and out during questioning.

• law enforcement underscored the importance of collaborating with MoSVY and NGOs and noted that child victims who received support services were more stable and provided better information. This was confirmed by the majority of MoSVY/NGO respondents across five provinces, with high praise for law enforcement collaboration particularly in Phnom Penh and Siem Reap.

Law enforcement respondents also recognised the “equal” human rights of all children who come into contact with the law, whether as victims, witnesses or children in conflict with the law. Across the board, queried AHTJP law enforcement officers were supportive of expanding the mandate of AHTJP to handle all children’s cases, including child labour, other forms of violence committed against children and children in conflict with the law. There is growing recognition of the interconnectedness of child protection issues by law enforcement officers and police trainers, as well as senior MoI officials:

_**LEASETC trainings are comprehensive and diverse ... sometimes children were trafficked because of their increased vulnerability after being victims of domestic violence and child rape and sexual abuse ... LEASETC trainings also cover issues of domestic violence and child rape ... including programmatic gaps.**_

_Anti-rape and domestic violence office
AHTJP Dept chief officer_

_The National Committee scope and mandate does not currently include domestic violence and rape. It would be good to include these issues ... also to contextualise trafficking within the (unsafe) migration context. Some are concerned about conflating rape and trafficking ... but higher numbers of rape are committed against children and this can leave child rape victims vulnerable to other violations including trafficking. It’s better to combine strategies to reduce overlap in protecting children._

_H.E. Chou Bun Eng
Secretary of State, MoI_

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

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

**Trainings & capacity building**

This Assessment does not review trainings in great depth. Trainings were not attended and review of content is limited to several English version training manuals. Assessing the effectiveness of trainings -- and distilling promises practices -- is largely based on law enforcement feedback, which was afire with detailed enthusiasm:

LEASET offers **more specific trainings** than police academy trainings, covering case studies, general law, definitions of legal terms, how to conduct investigations, how to interview victims, how to preserve the crime scene, how to organize people … after trainings, police know how to interview the children, know the procedures to rescue children, understand the importance of interagency cooperation between relevant organizations and learn how to cooperate well with others ....

*Deputy Director of Directorate
Police Academy of Cambodia*

There is a good balance between the theoretical and practical ... LEASET provides theory then practice and does it very well. Sometimes I cannot fully understand theory but when it comes to practice, I fully understand ... other trainings are not too different from LEASET. The contents are the same but different NGOs ... LEASET is clearer ... the translation is better, the explanation
of concepts is better and trainings are conducted more regularly than those provided by other NGOs.

Law enforcement focus group discussion
Siem Reap

LEASETC trainings teach us on different methodologies to prevent various crimes ... the protection strategy is very good, from community education to dissemination of information and government policy of suppression to collaboration between law enforcement and social affairs ... case studies are a helpful way to learn and they are easy to understand ... after learning from LEASETC, we know how to analyse cases and it is easier for us to identify suspects ...

Law enforcement focus group discussion
Banteay Meanchey

LEASETC conducts regular trainings every 3 months ... training methodology includes case studies based on actual cases ... this approach is clearer and we develop a much better understanding from analysing implementation gaps.

AHTJP chief
Siem Reap

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

Law enforcement focus group discussion
Siem Reap

We have very good relations between the police and social affairs. We always enjoyed good relations but after LEASETC trainings, we better understood their roles so our relations have grown closer. LEASETC invites district police and social workers to learn together in the same course and afterwards, we work more closely together with our counterparts involved in trafficking, abuse, domestic violence, etc

Law enforcement focus group discussion
Kampong Chhnang

LEASETC provides training manuals and some guidance regarding investigations, how to conduct interviews with children. These materials are also written in Khmer ... in fact the manuals are very important as they give us some insights and guidance for further investigations. They are reflecting tools for investigation and also provide guidance on interviewing methodology ... helps our knowledge and benefits our implementation.
Marked differences emerged in the nature of law enforcement comments on LEASETC trainings. All commended the trainings. Law enforcement officers from priority provinces, however, were able to provide specific details on what was gained during LEASETC trainings (see above) whereas those from non-priority provinces (who attended basic trainings) offered very generic comments. When tested on basic concepts, e.g. elements of trafficking, law enforcement officers from priority provinces were quick to answer (mostly correct) while those from non-priority provinces struggled with the response.

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

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

Interestingly, the one area invariably raised by numerous law enforcement respondents across all five provinces is child-sensitive interviewing. Development partners have indicated improvements in law enforcement treatment of child victims. Child victim respondents, too, have noted sensitive treatment by law enforcement during questioning. Yet, child victims indicated that officers failed to ask if they had questions, or to solicit their views and concerns. Nor did they feel comfortable enough to pose questions during police questioning. Child victims and their parents were not informed
of the criminal justice process, including the child’s potential role as a witness during trial proceedings. Moreover, child victims and their parents were not informed of opportunities for restitution via the criminal justice process, or alternative civil proceedings.

Case management sessions are held approximately once every three months in each of the priority provinces and involve an in-depth analysis on one recent case, which is facilitated by LEASETC project team staff. During sessions, officers discuss the details of a case and identify gaps. LEASETC staff provides advice and suggestions on how to improve handling of the case and avoid specific mistakes and where appropriate, these sessions inform future training sessions. Case management sessions provide support and encouragement to the police in an informal environment. Follow-up missions occur every six weeks or so, whereby LEASETC supports regular consultations on the progress of specific current cases. This serves as a quality assurance mechanism to assure strong cases are sent to court. Law enforcement officers noted the usefulness of these sessions as a way to identify gaps based on real cases, and as concrete guidance on how to prepare stronger cases for submission to court. Moreover, case management and follow up sessions are more interactive and conducive to individual capacity building since the number of participants is lower than in police trainings.

Structures & protocols

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

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

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

**Hotline**

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

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

* information/advisory line: frontline local police regularly call/“beep” (to signal request for call back) the hotline to seek provincial AHTJP unit advice on the law, criminal procedures, cases, etc. This builds the capacity of officers and offers a channel for local police to access higher level and more specialised support.

* bilateral cooperation: other countries will call requesting or providing information

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

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

**Cooperation & coordination**

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

2.2.6 Gaps & lessons learned

**Framework**

While recognising the “pilot” origins of the LEASETC project in 2000, nearly a decade later LEASETC remains an informal structure which has not been fully integrated into the Ministry of Interior, with clear linkages to the Cambodian National Police, i.e. Central Department of Judicial Police (AHTJP & CID), Central Department of Security (Immigration & international police) and the Royal Police Academy, and further supported by annual MoI budgetary allocations. In fact, LEASETC subsidizes AHTJP operations at the national and provincial levels and LEASETC’s team is composed of existing MoI/AHTJP personnel. This obscures to some extent the “separate” identities of LEASETC and AHTJP.
While MoI ownership of LEASETC is solid under H.E. Prum Sokha, public perceptions do not always match. Confusion exists between ownership and “donor” support, i.e. UNICEF & World Vision Cambodia. While law enforcement respondents point out that LEASETC is MoI-owned, at times they also attribute ownership of LEASETC activities to UNICEF and World Vision. Meanwhile, the external development community almost invariably view LEASETC as a UNICEF/World Vision project. Branding LEASETC as UNICEF and WVC projects - even unwittingly - undermines the Government’s role and LEASETC’s sustainability.

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

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

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

**Legal paradigm**

AHTJP statistics and database forms appear to reflect some offences in the following laws: UNTAC law, the Law on Aggravating Circumstances of Felonies, the Law on Suppression of the Human Trafficking and Sexual Exploitation (TIPSE Law) and the Domestic Violence Law. It is unclear, however, whether all offences affecting children
such as child labour (see below section) and the following laws relevant to child trafficking and related crimes have been analysed and incorporated into practice, as appropriate (also see Section III: Legislative & policy reform):

Cambodian Law on Money Laundering (2007)
Cambodian Law on Labour (1997)
Law on Immigration (1994)
Tourism Law (2009)

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

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

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

**Child Victim Protection**

It appears that numerous cases of child sexual abuse and domestic violence go uninvestigated. Offenders are not arrested, cases are not brought to court and therefore impunity persists. Anecdotal evidence suggests that the practice of ‘extra judicial
settlements’ and ‘victim offender reconciliations’ are common at various levels, spearheaded by village and commune chiefs, as well as local and AHTJP unit police. Of deep concern are reports of victim offender reconciliations systematically driven by the AHTJP unit in Kampong Chhnang (see Section III: System of Corruption for details).

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

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

Child labour is regulated but not punishable as a criminal offence under the Law on Labour. According to Article 368, “employers who employ children less than eighteen years of age under conditions contrary to [select] provisions . . . are liable to a fine of thirty-one to sixty days of the base daily wage.” Under the UNTAC law, however, Article 339 stipulates that “the act of placing a minor in working conditions which are detrimental to his/her health or his/her physical development are punishable by an imprisonment from 2 (two) years to 5 (five) years and a fine from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels”. This offence is also criminalised in Article 339 of the draft Penal Code, which also includes a corresponding article that stipulates aggravating circumstances resulting from the death of the victim in detrimental working conditions (see A-10: Key Legal Provisions). It should be noted, however, that these provisions fall short of standards outlined in ILO conventions ratified by the Royal Government of Cambodia (see A-9: Legal & Policy Frameworks Matrix).

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

While trainings are greatly appreciated, every law enforcement respondent has indicated that the training course is too short, too infrequent and its reach to police at district and commune levels too limited.

_The law is detailed so it would be better to have more time to gain a better understanding of the CPC. It is challenging to absorb all of the new provisions ... when we learn CPC, it does not reflect everything we face in daily operations ... we don’t have enough time to learn._

_Law enforcement focus group discussion
Banteay Meanchey_

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

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

Hotlines

There are serious concerns about the functioning and effectiveness of the central hotline in Phnom Penh. Several NGOs have indicated that too often, calls go unanswered at times of the day or night or when the hotline is answered, the operators are unprofessional, rude and do not fully understand their roles and responsibilities. Central hotline operators reportedly are not decisionmakers - unlike their provincial counterparts since AHTJP unit chiefs/deputy chiefs double as hotline operators – and fail to triage calls though underlying reason are unknown, e.g. lack of judgment, authority or
clear directive. Many urgent calls therefore sit until the next morning for follow up actions to be taken. This places NGOs in an awkward position especially as they advertise the AHTJP central hotline number in their awareness raising materials – extending organisational resources, energy and credibility.

While the AHTJP hotlines are not intended to serve as an ‘emergency response line,’ many callers and stakeholders nonetheless expect a rapid response, particularly since the hotline is publicised as a mechanism to prevent and respond to exploitation, abuse and trafficking. The hotline mandate and operational capacities should be reviewed particularly at the national level, and internal protocols developed to ensure that urgent phone calls are urgently handled. Until very recently, ‘hotlines’ never existed in Cambodia, and therefore there is no existing corresponding term in Khmer. Different AHTJP offices and officers use different terms, which has confused public expectations. Furthermore, different organizations with a variety of goals have included the hotline numbers on their posters and brochures, with different terms or descriptions and thereby further compounding the confusion. AHTJP has not yet selected a uniform term for the hotline or clarified the hotline’s mandate. It is advisable that this be done and reflected in future awareness raising advertisements and materials.

Provincial hotlines generally work well. When an urgent call is received at any time of day or night, the hotline operators – also the AHTJP unit chief or deputy chief -- have the authority to direct immediate action by local police and to consult with prosecutors for guidance. Yet despite assertions that hotlines are open to callers from any nationality, provincial hotline operators do not have a command of English, Vietnamese and other languages. After complaints in 2004 about the lack of non-Khmer language capacity for the national hotline, AHTJP recruited 2 English speakers and 2 Vietnamese speakers, who have since been transferred to different departments. Despite this, there are accounts that the national hotline operators experience English language limitations. Moreover, hotline record keeping is not systematic. Provincial hotline operators admit that sometimes with urgent calls, these calls are not fully documented. Past publicity has conveyed the message fairly well that the public should play a role in reporting problems such as child sexual abuse and exploitation. Recent evaluation findings, however, reveal that many people would not actually feel comfortable calling the hotline to report actual or suspected instances of abuse, exploitation, trafficking and violence. Factors such as the cost of calls, fear of retribution and wariness of police requesting payment in exchange for help have been identified.

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

**Database**

*(to add findings from World Vision trends analysis)*

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

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

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

Consolidated AHTJP statistics are not systematically circulated to law enforcement at provincial, district and commune levels. Also statistics are not shared with development partners, despite repeated requests for (public) information. Moreover, inconsistencies exist between data and verbal reports regarding numbers of trafficking cases. This leads to some uncertainty on whether all cases are reported to the central AHTJP Department. Furthermore, it is unclear whether standard AHTJP forms are manually completed and
forwarded to the Department, or if there is a parallel reporting system based on the old manual reporting template.

**Forensics**

Forensic medical exam template forms are still not systematically used, despite its creation in 2004 and additional training provided in 2008 by World Vision, CCJAP and UK CEOP experts. Medical practitioners reportedly are resistant to, and sometimes hostile towards, examining victims because they do not want to conduct exams and be called to testify in court since they lose time and money. Meanwhile due to the relatively high costs of forensic medical exams and certificates, victims cannot access exams unless costs are covered by family, police, social affairs, NGOs, etc. It should be noted that in Kampong Chhnang, even where NGOs finance forensic medical examinations, health practitioners allegedly charge victims for medical examinations, unless there is strong intervention from an entity with knowledge that fees should not be imposed.

Since forensic medical exams are carried out at provincial levels, this also affects the timeliness and accessibility of medical examinations for victims residing at the district or commune levels. Transportation to the provincial centre is generally not provided by AHTJP units. Unless local NGOs or law enforcement (out-of-pocket) cover these expenses, families are required to pay for victim’s transport which presents inherent challenges for impoverished families.

Moreover, in some provinces the victim can request an exam while in other provinces, the hospital conduct an exam only if there is an official written request from the police or a court official. In some provinces, doctors fill out a form during the exam which is then signed and issued as the official certificate. Other doctors take notes separately then later fill out the form and sign it. And other doctors will fill out the form during the exam, but issue a different paper with only a brief conclusion (e.g. ‘raped’ or ‘still a virgin’). In one large province, only one person consulted even knew about the medical forensic form. In some provinces a copy of the official certificate will be issued to police, court, or victim’s lawyer while in others, the hospital will only release it to the prosecutor. In no province is it considered appropriate to give a copy of the certificate to the victim. Furthermore, often victims’ lawyers cannot get a copy unless they have good relations with the police or court officials.

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

Some of these current practices clearly violate the following protocols: in all cases of sexual abuse, the full eight page ‘Document for Sexual Abuse Examination’ form must be used. Any one of the following persons is authorized to request an exam: the victim, the victim’s guardian family member, the victim’s lawyer, the judicial police in charge of the case, the prosecutor, or the investigating judge. No written official request is required when the victim or the victim’s guardian family member directly requests the hospital for the exam. An exam must be conducted for all persons who claim to be victims of sexual abuse, including boys and married women. The form must be filled out directly and completely during the course of the exam, with the exception of laboratory test results; it cannot be filled out later, after the victim is gone, on the basis of other notes. The Forensic Certificate issued by the Forensic Evidence Committee must be the Document for Sexual Abuse Examination form itself (see A-5: Document for Sexual Abuse Examination), not a different summary document. Copies of the certificate must be given, upon written request, to any or all of the following: judicial police in charge of investigating the case, judge, prosecutor, and victim’s lawyer.xxv

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

**Crime prevention**

According to numerous law enforcement respondents, crimes such as child trafficking and exploitation are declining in part due to effective dissemination of information. Based on international experience however, information dissemination alone is generally inadequate to effectively deter traffickers, exploiters, abusers and other offenders from committing crimes against children. Recent trends require further exploration to ascertain whether these crimes are in fact decreasing and if so, to identify factors and effective strategies, or if not, to determine how to more effectively identify and address these offences.

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

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

**Cooperation & coordination**

There are uneven levels of cooperation and partnerships between:

- AHTJP and prosecutors;
- AHTJP and investigating judges;
- AHTJP and social affairs at provincial, district and commune levels;
- AHTJP and civil society;
- AHTJP and CID;
- AHTJP and Scientific Tech Police Department; and
- AHTJP, military, immigration and tourism police

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

**2.2.7 Sustainability**

Although LEASETC is a highly cost effective project, at this time it is unsustainable if UNICEF, WVC and Terre des Hommes withdraw financial and technical support. What is more, if LEASETC financial support were withdrawn, AHTJP would immediately feel the impact since the salaries of numerous officers, equipment, investigation expenses and operating costs are partially subsidized by the LEASETC project.
Over eight years of operation, LEASETC has been sustained with limited MoI resources or counterpart funds. Now on the cusp of Phase 4, budgetary requirements to implement LEASETC tests the political will of MoI to commit investments in children – and to move Cambodia forward in implementing the CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. For this next phase, it is critical that MoI carve out budgetary allocations for the LEASETC project, or any evolutions thereof. If necessary, this can be a progressive cost-sharing arrangement until MoI ultimately assumes full ownership of and accountability for the LEASETC project.

LEASETC face substantive challenges in the future, including:

- leadership
- integration into existing MoI structures
- cost-sharing
- syncing with the “National Committee”/HLWG
- coherence with broader criminal justice system
- linkages to social affairs & labour systems
- capacities and resources
- financial crisis: severe budget cuts
- inadequate government budgetary allocations
- corruption & extrajudicial practices

III. BROADER INFLUENCES

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

3.1 Legislative & policy reform

Legislative reform
In recent years, Cambodia has witnessed significant legislative reform, including the Tourism Law (2009), the Law on Suppression of Human Trafficking and Sexual Exploitation -“TIPSE Law” (2008), the Criminal Procedure Code (2007), the Cambodian Law on Money Laundering (2007) and the Domestic Violence Law (2005) (see also legislation outlined in Legal and Judicial Reform sub-section below). These new laws have a direct bearing on the day-to-day operations of Cambodia’s law enforcement and judicial system.
Overturning the 1996 Law on Suppression of the Kidnapping, Trafficking and Exploitation of Human Persons, the TIPSE Law aims “to suppress the acts of human trafficking and sexual exploitation . . . and protect the rights and dignity of human beings” in compliance with the Palermo Protocol, the CRC and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, all of which were ratified by Cambodia. Although the TIPSE Law is a marked improvement from the previous law, there are some gaps when compared against international standards. Among other things, the TIPSE Law does not have a clear definition of child trafficking consistent with the Palermo Protocol, but rather separates out its elements into different offences with different punishments. Moreover, simple possession of child pornography is not punished, but rather requires intent to distribute, sell, lease, display, project or present child pornography in a public place. It should also be noted that the TIPSE law is essentially a criminal law and does not contain provisions on victim protection and social services, which are contained in other Cambodian regulations and guidelines, i.e. Cambodian National Council for Children Decision on Guidelines for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia (Decision No. 107, 20 December 2007), Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (Agreement between Ministries of Justice, Interior, Women’s Affairs, Health and Social Affairs, Veterans and Youth Rehabilitation and 24 NGOs, 6 February 2007).

Whereas institutional reform within the law enforcement sector has been significant – specialist anti-trafficking law enforcement department/units, a corps of more than 700 specialised officers and child friendly interviewing rooms – this has not been matched by a systematic strengthening of the government social sector. In some provinces, there are only one or two DoSVY focal points on child abuse, exploitation, trafficking and domestic violence. Steps are being undertaken to recruit 100 social workers for deployment throughout MoSVY/DoSVY although this, too, pales in comparison to the AHTJP corps. Civil society organisations play a major role in serving child/adult victims, though the roles and functions are sometimes blurred between NGOs and government social affairs. Regrettably, the construction of shelters for children has been the most visible social sector “institution” serving child victims. When unaccompanied by broader social welfare reform and clear protocols, this approach in effect severs families as a first response and contravenes international evidence clearly weighing in favour of family preservation (see Social, Labour & Tourism Sectors section).

Legislation alone, moreover, does not bring about desired change. In the months preceding/following passage of the TIPSE Law, the Cambodian government launched a vigorous crackdown on human trafficking and sexual exploitation. It soon became evident that law enforcement officers did not understand the intent of the TIPSE law. Some law enforcement officers reportedly “rescued” sex workers, confusing them with trafficking victims. Other law enforcement officers detained sex workers, confusing them as traffickers. Furthermore, there were allegations of law enforcement officers
demanding sexual favours and bribes from sex workers, as well as physically and sexually abusing sex workers in custody. xxv

Efforts to reverse this trend are in full swing. Additional measures to clarify and strengthen the new TIPSE law include: xxvi

- In July 2009, the Explanatory Notes on Cambodia’s Law on Suppression of Human Trafficking and Sexual Exploitation (TIPSE Law) was drafted to inform judicial and law enforcement officials of the intent and meaning of the provisions of the TIPSE Law. The Explanatory Notes – pending approval - are intended to serve as an official reference material and interpretative guide for understanding and clarifying the legal provisions for criminal justice officials, and to assist relevant ministries, training institutions and their partners in developing training and awareness-raising materials on the new law.

- Although the TIPSE Law does not include provisions on victim protection for trafficked persons, Cambodia recently has adopted the Minimum Standards for Victim Protection to complement the TIPSE law.

- Guidelines on the Implementation of the Law on Suppression on Human Trafficking and Sexual Exploitation (High Level Working Group 2008) focuses mainly on crackdown operations and rescuing victims at brothels where exploitation is suspected and reaffirms that prostitution is not a crime under the TIPSE law.

- Guideline on Articles 42 and 43 (Ministry of Justice 2009) defines the sexual intercourse with minors under 15 years (Article 42) and indecent act against minors under 15 years (Article 43) in response to inconsistent interpretations of these articles in courts.

- Trainings using a film on good practice of raids/rescues at brothels (Saving Seca). This film demonstrates the appropriate operational and rescue approach including: role of law enforcement officials; basic approach on how to rescue victims relying on multiple agencies to ensure the best outcome for victims; and recognizes that the current efforts to combat human trafficking is the process of implementation of the new TIPSE Law.

Furthermore, there is draft legislation pending enactment including the Penal Code (which will also replaces the 2001 Law on Aggravating Circumstances of Felonies), the Police Act, the Juvenile Justice Law and the Intercountry Adoption Law. Discussions are also underway to draft a Child Protection law aimed at strengthening Cambodia’s national child protection system. It is worth noting that international experience shows that neither a comprehensive or sectoral approach to legislative reform, is sufficient, in and of itself. xxvii Comprehensive legislation, such as a code on the protection of children
provides an overall framework for action but not the necessary details any specific action may require; conversely, legislation in a particular sector, although targeted and concrete, may neglect the overarching principles, address individual issues in an isolated manner and unintentionally contribute to the stigmatization of the children concerned. Both approaches, comprehensive and sectoral, are needed to bring national laws fully into conformity with the CRC. The enactment of comprehensive laws on the rights of the child and sectoral law reform therefore are not alternative approaches, but complementary and mutually supportive. Moreover, it is important to support law implementation with regulations, policies and procedures that further provide relevant actors with guidance as to how the law should be applied in practice.\textsuperscript{xviii}

As yet, Cambodia has not conducted a review of the entire legal context including constitutional provisions, national and sub-national legislation, sub-decrees, etc to ensure compliance with ratified international instruments (see A-9: Legal & Policy Frameworks Matrix). The Government should set up mechanisms to continually monitor laws against the backdrop of evolving political, social, economic and cultural realities affecting children. Pending and future legislation (and policies) should be harmonized, streamlined and developed in consultation with key stakeholders, including children.


In 2006, the Ministry of Justice issued a Prakas on Establishment of the Child Justice Working Group to perform task relating to child justice and to cooperate regularly with IGOs/NGOs dealing with child justice. In 2008, the Ministry of Justice issued a Prakas on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims or Witnesses. The Ministries of Justice, Interior and Social Affairs also approved an inter-ministerial Prakas on Cooperation and Coordination in the Child Justice Process, which describes the roles and responsibilities of various agencies involved in investigation, prosecution and aftercare of child victims. More than 300 judges, prosecutors, lawyers, social workers, rehabilitation officers, police officers, and civil society representatives have been trained on the Prakas.

According to the Law on Labour, which regulates child labour, reference is made of the Prakas of the Ministry in Charge of Labour which shall determine, inter alia, the different
types of work that are hazardous or too strenuous and that shall be prohibited to children aged less than eighteen years.

**policy reform**

Cambodia has also developed a broad range of policy frameworks addressing issues of trafficking and exploitation. At the regional level, Cambodia has signed, but not yet ratified, the Treaty on Mutual Legal Assistance in Criminal Matters among like-minded ASEAN Member Countries (2004), a regional treaty that is relevant to trafficking in persons. Cambodia is a party to **bilateral treaties** with the following countries:

- Australia – extradition treaty for child sex offences
- China – extradition treaty
- Lao PDR – extradition treaty
- Thailand – extradition treaty

Cambodia has signed **bilateral MoUs** with:

- Viet Nam – on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005)

Over the past several years, there has been a series of meetings between Cambodia and Viet Nam to develop joint law enforcement plans and mechanisms; 10 police officers, led by the Director General, AHTJP Dept, participated in the Workshop on Cooperation in the Prevention of and Fight Against Viet Nam- Cambodia Cross-border Trafficking in Women and Children. Cambodia is also in the process of seeking to develop bilateral agreements with other countries in this region. In October 2004, Cambodia signed a **multilateral MoU** with China, Lao PDR, Myanmar, Thailand and Vietnam on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, as part of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).
At the national level, Cambodia developed the following plans, guidelines and circulars:

- DRAFT Instructions on Child Witnesses and Victims in the Criminal Justice Process
- Cambodia Second National Plan Against Trafficking in Persons and Sexual Exploitation (originally planned for 2006-2010 and now moved to 2010-2014) -- awaiting approval
- Guidelines on Raids and Rescues in Implementing the Law on Suppression of Human Trafficking and Sexual Exploitation (2008)
- Guidelines for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia (2007)

The 2nd Edition of Cambodia’s Second National Plan of Action Against Trafficking in Persons and Sexual Exploitation (NPA-TIPSE) (Revised 2008) is an ambitious plan that builds on the accomplishments of the first NPA and expands its scope to include all forms of trafficking in persons. Although the NPA-TIPSE originally covered the period 2006-2010, and was revised in 2008 to reflect government structural changes, the NPA has yet to be passed. Since 2008 revisions, however, even more structural changes are underway. The High Level Working Group has been renamed the National Committee To Lead the Suppression of Human Trafficking, Smuggling, Labour Exploitation and Sexual Exploitation of Women and Children, and relegated the NTF to Secretariat of this body. The twice revised NPA-TIPSE will reflect these changes, as well as the recent Decision on the Reform of Structures, Components and Terms of Reference of the Secretariat of the High Level Working Group to Combat Human Trafficking, Smuggling, Labour and Sexual Commercial Exploitation under H.E. Deputy Prime Minister Sar Kheng.
While this is a welcome move forward and the NPA-TIPSE is positively aspirational, there are some concerns concerning this plan with a few to be mentioned herein. First, the timeline for the full scope of activities outlined in the NPA-TIPSE and the responsibilities placed on the NTF/NC are unrealistic. Second, despite the designation of responsible agencies for specific activities, there is a general lack of clarity on the powers, roles and responsibilities of different ministries as well as the allocation of sufficient resources. Third, the mechanisms for practical cooperation, monitoring and conflict resolution among the various ministries charged with combating trafficking and exploitation are unclear. Fourth, some of the suggested activities are impractical. Fifth, for every indicator, mechanisms need to be established to verify information.

There is a clear need to streamline the NPA-TIPSE framework and carefully choose indicators based on both value and feasibility. The overall framework of the NPA-TIPSE is activity-based with indicators measuring different levels of progress, i.e. input, output and outcomes. Although these activities are important, there is no visible and cohesive thread that links activities and results to a single national vision and impact. Given existing delays in implementing the 2006-2010 NPA-TIPSE, it is advisable to devote 2009-2010 to revising the framework and flow of this NPA-TIPSE - working backwards from the starting point of setting out a national vision – and rolling it out in late 2010.

**legal & judicial reform**

The 2005 Plan of Action for implementing the Legal and Judicial reform Strategy (June 2003) has been carried out, focusing on the goal and seven strategic objectives mentioned in the NSDP. A number of laws and codes have been adopted and enforced: the Code of Civil Procedure enacted (2006), the Code of Penal Procedure (2007), the Civil Code (2007), Counter-terrorism Law (2007), TIPSE Law (2008) and the Organic Law on Administrative Management of Capital, Provinces, Municipalities, Districts and Khans (2008). Recently the Penal Code has been reviewed and adopted by the Council of Ministers at its plenary session on 19 June 2009 for submitting to the National Assembly for approval. The RGC is also committed to adopting the Anti-corruption Law after approval of the Penal Code.

As planned, the Model Court project is being carried out – to be piloted in Phnom Penh, Banteay Meanchey, Kandal and Kampong Cham -- in order to strengthen the capacity, independence, neutrality of the judiciary in delivering justice service to the people and gaining confidence from the national and international communities. A study to institutionalize dispute resolution mechanisms outside of the court system in Cambodia is also being conducted. Initiatives to strengthen the capacity of judges, prosecutors and court clerks are underway. The Royal Schools for Notaries and Bailiffs were established since August 2008. Disciplinary measures have been carried out. The Code of Ethics for judges and prosecutors was approved by the Supreme Council of the Magistracy, effective February 2007 and the Code of Ethics for law enforcement officers is being prepared.
Despite remarkable progress in legal and judicial reform, the quality, efficiency and delivery of the public service still remain as challenges. The judiciary did not yet gain full confidence from the public. The development of legal frameworks has not yet been comprehensive, while law enforcement is still to improve. The wages and incentives for civil servants are low and the co-operation between ministries is limited. A number of legal instruments still have gaps and there is a shortage of resources to implement the adopted policies.

3.2 Policy mechanisms

Cambodia has developed a range of policy mechanisms to implement laws related to trafficking, exploitation, abuse and domestic violence. This includes a high-powered entity composed of Ministers themselves; inter-ministerial mechanisms consisting of mid-to senior level government officials with varying degrees of decisionmaking power, such as the COMMIT Task Force and Child Justice Working Group; interagency bodies such as Provincial Task Forces on Trafficking; and specialised structures such as the AHTJP Department/Units and MoSVY Anti-Trafficking and Reintegration Office. Established in 1996 by sub-decree, the Cambodian National Council for Children (CNCC) aims to ‘ensure the cooperation and appropriate coordination in the implementation, the monitoring and evaluation of policies and programmes related to the survival, the development, the protection, the well-being and participation of Cambodian children.’

How policy mechanisms are structured, situated and empowered influence how effectively they operate. This is especially evident in Cambodia with the flux of policy mechanisms, some gaining or losing in authority based on leadership shifts and some marginalised with the advent of parallel/broader policy mechanisms. In August 2007 the Prime Minister established the National Task Force (NTF) to lead the Royal Government’s fight against human trafficking, smuggling and exploitation. It is comprised of high-level government officials from key ministries and headed by the Deputy Prime Minister, Minister of Interior. With the creation of the High Level Working Group (HLWG) -- now the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour Exploitation and Sexual Exploitation of Women and Children -- the NTF has evolved into the Secretariat of the National Committee -- chaired by H.E. Chou Bung Eng, Secretary of State, MoI and vice-chaired by a senior level official with the Ministry of Women’s Affairs.

The National Committee Secretariat is comprised of 6 Working Groups (WGs): i) Prevention WG; ii) Protection, Rehabilitation, Reintegration and Repatriation WG; iii) Law Enforcement WG; iv) Prosecution WG; v) MoU Monitoring Implementation WG; and vi) Child Affairs WG (see A-13: Draft High Level Working Group Terms of Reference). Despite the new leadership assumed by the HLWG/NC and the responsibilities taken over by the National Task Force in coordinating anti-trafficking efforts, capacity-building
interventions for law enforcers have been largely donor driven and comprised mostly of piece-meal projects, instead of a more collaborative sector-wide approach led by the government.

With the mushrooming of mostly uncoordinated training and data collection activities on trafficking within the law enforcement sector, the role of LEASETC and its contributions to strengthening law enforcement against TSAEC as a core programme of MoI have been overshadowed. Broader policy mechanisms affect areas covered by LEASETC, i.e. law enforcement trainings, database, data collection and hotlines. According to one respondent for instance, the data collection template circulated by the National Task Force is different from LEASETC data collection tools and therefore has confused some law enforcement officers. Every effort should be made by the National Committee and Law Enforcement WG to build on existing LEASETC/AHTJP infrastructure and mechanisms.

Some of these bodies suffer from weak enforcement authority. As the coordinating body for advocacy, monitoring and implementation of the CRC, CNCC’s role is paramount for children. Less than a decade ago, the CNCC’s role was pivotal:

CNCC brought together over 18 Ministers and Secretaries of State with responsibilities of relevance to the situation of children. Once it had considered the legislation in force, the Council could make recommendations to the Council of Ministers. Given the enormous problems Cambodia faced after a protracted period of armed conflict, the Government had to set about rebuilding in all sectors, beginning with legislation. Over 120 pieces of legislation had been passed since 1993 but there was still much to do to frame laws that would ensure the welfare of children and the population at large. CNCC thus played a vital role, and had, for example, recommended the passage of [1996] legislation against the traffic in and sexual exploitation of children.

Today, the CNCC seems to experience waning authority and capacity under the chairmanship of MoSVY to influence other key ministries such as Interior, Justice, Women’s Affairs, Labour and Tourism, and also to reach out to relevant entities at the sub-national level. Although in earlier years the CNCC was responsible for developing, coordinating and following up on the first National Plan against Trafficking and Sexual Exploitation of Children, over time the CNCC’s role in this arena has been overshadowed.

Meanwhile, the justice sector has increasingly played a more central role in the fight against trafficking and exploitation. In October 2006, the Ministry of Justice approved a Prakas to establish the Child Justice Working Group (CJWG), charging it with the following duties and responsibilities: i) to prepare and develop guiding principles on how to handle the cases of child victims or child offenders in a child friendly manner; ii) to prepare and develop the joint protocols between the relevant Ministries on the legal and social protection of children; iii) to examine and review the Draft Law on Juvenile
Justice; and iv) to prepare and develop the policies relating to child justice including follow-up and evaluation of policies issued.

In light of potential overlap with respect to both membership and scope of activities between the National Committee and CNCC – as well as CJWG, COMMIT Task Force, CSTC and CNCW – going forward it is crucial to map the membership, mandates, geographic coverage and scope of activities of these bodies to identify areas of duplication, contradiction and leverage. The National Committee should take a firm stance in promoting a streamlined, integrated national approach towards implementing legislation and national plans of action concerning trafficking, exploitation, (abuse and domestic violence). These diverse bodies should systematically engage children in policy development, implementation and monitoring. Consideration should also be given to creating child-accessible complaint and response mechanisms at the national, provincial and local levels for other rights violations by public and private actors.

Within ministries, there should be a broad analysis of official representation in national policy bodies and intra-reporting and communications mechanisms. Splitting official representation across ministerial departments, e.g. policy, administration and operations, or between child welfare and social welfare departments, without an internal process for reporting back and sharing information, disrupts continuity and can undermine overall cohesion in the RGC’s suppression of trafficking, exploitation, abuse and domestic violence.

3.3 The Gendarmerie, Cambodian National Police & Justice Sector

Gendarmerie
According to Articles 60 and 81 of the Criminal Procedure Code, Military Officers of the Royal Gendarmerie are qualified to be judicial police officers and have the same jurisdiction as the national police, in addition to military offences. The Gendarmerie has recently become involved in investigating trafficking and exploitation offences and created an Office of Anti-Human Trafficking and Child Protection. It is unclear if the CNP and Gendarmerie perform identical functions and if so, whether this is good practice. According to one respondent, some complaints are made to judicial police officers without regard for their affiliation to the CNP or Gendarmerie and whoever receives these complaints will follow up.

Cambodian National Police
International policing standards are generally advanced by high-quality basic police training and specialized criminal investigation techniques. Currently, the CNP as a law enforcement agency investigating incidents of serious crime is not effectively structured to meet these international standards. Two main issues are: i) unregulated recruitment
and promotion practices and ii) a lack of standardised law enforcement training programs (see Trainings section below). According to one respondent:

Recruitment and promotion practices are ad-hoc and unregulated, and fail to include proven results and accomplishments as a basis for selection. Promotions to specialist departments are based on geographical location and staffing requirements, rather than the skills or achievements of individual officers. Instructors do not undertake any special program to become accredited as a police instructor, nor do they receive educational skills training.\textsuperscript{xxxiii}

Under the Cambodian National Police structure (see A-11: CNP Organagram), there are several departments other than AHTJP and CID who address trafficking and exploitation. This includes: the Scientific Tech Police Department under the Central Department of Judicial Police; the International Police Department and Immigration Department under the Central Department of Security; and the Tourist Police Department under the Central Department of Public Order. Basic and targeted trainings are not consistently extended to all relevant departments.

It is also not clear to what extent the AHTJP and CID collaborate with these other branches of the CNP and whether cooperation is ad hoc or systematic. Low levels of cooperation, if any, exist between the AHTJP and Scientific Tech Police Department despite the latter’s specialized role with forensics:

CCJAP is building the capacity of the Specialised Tech Police Department at provincial levels to handle crime scene investigations and forensics. If necessary the provincial team will go down to the district. These provincial units are provided with the necessary equipment and there is support for training-of-trainers on forensics ... but the AHTJP looks like a separate entity.\textsuperscript{xxxiv}

Particularly in light of AHTJP’s under-resourced capacity to conduct forensics, interdepartmental partnerships are de rigueur. Moreover, other police departments have distinct roles in suppressing trafficking and exploitation. They need to be brought into the fold. It is advisable that the CNP build on its general strategic plan with a more detailed action plan involving all relevant CNP departments to collectively combat trafficking, exploitation, abuse and domestic violence.

\textit{justice system}

Law enforcement is an integral part of the broader justice system yet not always treated as such. Respective roles and responsibilities of law enforcement, prosecutors and investigating judges – and relations between law enforcement and prosecutors, law enforcement and investigating judges, and prosecutors and investigating judges -- are not always fully understood, nor fully transparent. Lack of clarity and poor communications can create tension, suspicion and misunderstanding:
There are times when law enforcement file rape cases with the court. But there is no evidence so we dismiss the case. For example, sometimes parents will lodge a complaint of rape if the boy does not agree to marry their daughter. The police will arrest the suspect and the court might release this person due to lack of evidence. Because of this, there might be arguments between law enforcement and the courts. Before arrest, however, the police needs to seek the prosecutor’s consent. Sometimes prosecutors analyse the case and don’t find any proof and therefore cannot prosecute the case. More evidence is needed, and this might be handled by the investigating judge, or the prosecutor might issue an order to police to conduct further investigations. We need to follow the criminal procedures.

There are different figures between the number of police arrests and court dismissals. It is important to ensure that law enforcement and judicial authorities understand each other, their roles and functions. Law enforcement needs to fully understand the CPC ... recognise that investigating judges can independently investigate cases ... and the role of investigations by police, investigating judges and trial judges ... to have better coordination and smoother relations, to avoid finger pointing. Judicial police should also understand the reporting structure – and how they report to both the prosecutor and police supervisor even though prosecutors do not decide on promotions. When the prosecutor and police supervisor send different messages to law enforcement officers, it gets confusing.

Law enforcement respondents, on the other hand, point out how investigating judges would sit on a case over delegating follow up investigations to law enforcement due to lack of confidence in their skills. Prosecutors and investigating judges also reportedly fail to share statistics and regularly inform law enforcement of the status of cases. There were also expressions of frustration and suspicion about charges being converted to lesser offences, or dismissed outright. It also appears that law enforcement officers receive more legal trainings than prosecutors and investigating judges. This potentially creates an imbalance because the latter are responsible for guiding police on investigations.

It should be noted that varying dynamics are at play in each of the provinces. The above concerns are not representative of justice sector relations in every province. It is challenging to verify to what extent these concerns are based on fact, perception, or a combination. Although it raises some real concerns, they are included here to underscore the importance of clarifying law enforcement, prosecutorial and judicial roles and functions pursuant to the CPC, as well as investigation processes and conflict resolution mechanisms. Law enforcement respondents expressed support for joint trainings but were not as forthcoming with detailed suggestions. Judicial respondents, on the other hand, offered insights on the importance of joint trainings:
Joint trainings would be useful to facilitate a common understanding among all justice officials. This would be very beneficial for Cambodia because when we learn and continue learning including our respective roles and functions, our cooperation and collaboration will be smoother. Here the law is changing very often, for example the CPC was passed in 2007 and everyone is trying to keep up with this new law. Trainings are very important for Cambodia and for MoI, judges and prosecutors ... although we are performing well, our practice is not perfect. Even judges do not fully understand the complete law.\(^{xxxvi}\)

Broader trainings and capacity training for the three sectors - judges, prosecutors and law enforcement - would be very helpful. One idea would be to provide trainings followed by Q&A. This way, we’ll all have the same understanding and there will be no controversy among the different sectors. This will also help to build better relations among justice officials. I think we should conduct role plays and prepare real life case studies that follow the process from law enforcement to prosecutors and investigating judges.\(^{xxxvii}\)

### 3.4 Trainings, hotlines & databases

**Trainings**

Generally, the CNP including AHTJP and CID departments are not adequately trained in the basic and advanced techniques of criminal investigation. Factors hindering the effective delivery of comprehensive police training include: i) under-equipped and under-resourced National Police Academy and five regional academies; ii) recruit and specialist training programmes offered by the CNP do not provide systematic training in forensic evidence, crime scene preservation and evidence collection, raid planning, offender security or victim support; iii) there is little or no transference of practical criminal investigation skills to local law enforcement; and iv) some specialist departments have no training program at all, while only a small percentage of other departments attend trainings.\(^{xxxviii}\)

Compounding this is the proliferation of law enforcement trainings on identical/similar/related topics by different groups (see A-9: High Level Working Group Trainings Matrix). Despite some joint collaboration between LEASETC and other groups, there is an overall resounding lack of coordination and cooperation on law enforcement trainings. Below are some observations from one NGO respondent:

\[
\text{A number of non-governmental organizations (NGOs) in Cambodia are providing training to police and ... are not required to coordinate with the CNP Training Department or the Department of International Relations within the Ministry of Interior (MOI), and as such control by these departments of NGO police training programs is minimal. Furthermore, NGOs providing police training do not liaise with each other, resulting in program duplication and an un-coordinated...}\]

approach to program delivery. Duplication causes confusion among police officers who attend training courses delivered by more than one organization . . . training packages, especially those designed for AHTJP police, do not have standardized expected outcomes that determine the competency of police undertaking the training. They do not have any influence on the accountability or policing future of participants.

This assessment corroborates the observations above, with the exception that while law enforcement respondents acknowledged the delivery of uncoordinated and redundant trainings with inadequate reach to all police, they dispelled the notion that ‘duplication causes confusion’ in knowledge. According to a May 2009 UNIAP needs assessment on counter-trafficking trainings:

*Compared to the other GMS countries, Cambodia has one of the largest concentrations of NGOs working in the field of counter trafficking. There are at least 100 NGOs that are involved in this field. Some of them have been providing trainings dated back to the early 2000s. For this reason, the diverse set of training modules in Cambodia should be examined for possible replications in the other GMS countries ... [w]ith the existing wealth of training expertise and modules, future trainings in Cambodia should focus on improving the quality of existing trainings in a comprehensive and unified national framework ... the country has already passed the stage of fulfilling immediate and fragmented training gaps; rather, there exist enough data to do a comprehensive evaluation to determine which counter trafficking modules work.*

Clearly, the number of trafficking related trainings for law enforcement officers surpasses that of any other single key stakeholder (see chart). While the list below identifies some key training providers, in fact there are others who provide or support trainings to law enforcement including IOM, APLE, SISHA, The Asia Foundation, the French Embassy, etc..

<table>
<thead>
<tr>
<th>Trainings for key stakeholders</th>
<th>Senior Policy Makers: UNIAP, LSCW, ARTIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social service providers: UNICEF, Friends International, Cambodia ACTS, and UNIAP</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Officers: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>Judges/Lawyers/Prosecutors/Paralegals: ARTIP, UNICEF, LSCW</td>
<td></td>
</tr>
<tr>
<td>Labour staff: UNIFEM, CARAM, UNIAP</td>
<td></td>
</tr>
<tr>
<td>Other: LSCW, UNIAP</td>
<td></td>
</tr>
<tr>
<td>NGO: Chab Dai, COSECAM, ECPAT, Cambodia ACTS, CARAM</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Trainings for key stakeholders</th>
<th>Social Welfare / Victims: UNIAP, LSCW, ARTIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement Officials: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>Lawyers / Prosecutors /..: ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>Labor Officials: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>Other departments: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>NGOs: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>Community’s Network: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
<tr>
<td>At-risk population: IJM, LEASETC, ARTIP, UNIAP, LSCW, MOL-World Vision</td>
<td></td>
</tr>
</tbody>
</table>
Every MoI, law enforcement and IGO/NGO respondent fully supports the Government taking the lead on developing a strategic training plan, standardizing curricula and coordinating trainings at all levels. Several MoI representatives and AHTJP members clearly expressed a preference for LEASET to spearhead and serve as “gatekeeper” on these initiatives:

*If law enforcement trainings and capacity building measures are standardised, the most important thing is for all activities to go through LEASET. I support the idea of LEASET facilitating the standardisation of training curriculum and coordinating the delivery of trainings at every level across all provinces. LEASET is an MoI project and IGOs, NGOs and foreign governments should empower LEASET to support the AHTJP Department/Units. LEASET should also continue under the chairmanship of H.E. Prum Sokha because it has been working very well ... there has been a very effective partnership with the police ...*

*Now AHTJP receives support from NGOs as well as governments, such as the Canadian government. Meanwhile, the Chief Commissioner General has signed an MOU with IJM and SISHA which allows for investigations, training courses and the provision of equipment. CCJAP does not directly support the AHTJP Department but provides support to the Technical Forensic Department. AHTJP also enjoys strong cooperation with civil society partners on suppressing trafficking and exploitation, and victim support, particularly with NGOs such as CWCC, AFESIP and World Hope.*

It should be noted that while LEASET’s scope is fairly extensive – not limited to strengthening law enforcement capacity to address trafficking, abuse, exploitation and domestic violence – it has worked primarily with the AHTJP Department/Units and local police. CCJAP, on the other hand, provides crime scene investigation and specialist trainings to the Scientific Tech Police Department as well as broader support to the CNP to: develop executive capacity; review and reform HR management systems; support development of a Crime Data collection and analysis system; develop a Police Law; enhance capacity and skills of investigators in gender based and sexual crime offences; and assist police participation in the CPM directive. Future standardisation initiatives need to take into account the full gamut of development community initiatives which provide support on various areas in diverse ways to different departments of the CNP at all levels.
Some respondents also expressed concerns that LEASETC training curricula would be singled out over other NGO curricula. Training providers, while fully supportive of standardising training curricula, have invested a great deal in their respective training modules. Interestingly, a common belief among all training providers is that their modules uniquely fill a gap; cover general policing such as criminal intelligence gathering, investigation and report writing, suspect ID, interviewing witnesses and victims, evidence collection and preservation, etc. as well as specialised areas such as trafficking; are based on international laws, standards and good practices; adopt a training-of-Khmer trainers approach; is more Khmer friendly; utilises more effective methodology -- essentially, is value added and better than existing training modules.

This assessment does not purport to delve into the quality of training curricula. What this assessment reveals, however, is that there appear to be more similarities than differences in existing training materials (see A-14: Trainings Matrices). Moreover, any differences which currently exist do not justify ‘business as usual’ -- i.e. lack of cooperation, different modules on the same topics or fragmented trainings (methodologies, audience, progression from foundation to advanced, etc). Otherwise stated, standardized training curricula based on the “best” or even “good” of existing modules and the coordinated delivery of trainings would go a long way towards strengthening the Cambodian National Police -- more quickly, more efficiently and with more tangible results.

Increasingly recognised by the development community in Cambodia, several initiatives have been undertaken in recent years to reverse this trend. In June 2009, IOM organised a workshop, “Training to Law Enforcement Agencies: Lessons learned and gaps to fill”; in May 2009, UNIAP released a training needs assessment which provides a preliminary mapping of law enforcement trainings by provider (see A-14: Trainings Matrices); in February 2008, the Police and Judicial Cluster Group discussed the need for inter-agency cooperation and TAF initiated the creation of a database that, inter alia, maps the ongoing police training efforts nationwide which includes but is not limited to counter-trafficking (see A-14: Trainings Matrices). Movement is certainly underway. Ultimately, the Ministry of Interior needs to seize the mantle to comprehensively institutionalise standardised trainings; coordinate institutional strengthening and capacity building initiatives; and establish mechanisms to facilitate smooth, integrated operations, ongoing monitoring and continual refinement.

**hotlines**

Different hotlines are in operation, including the general police free hotline (012 999 999), the municipal hotline for criminal police as well as corresponding provincial hotlines. These hotlines reportedly coordinate well with the AHTJP hotlines. It is uncertain, however, whether these police hotlines cooperate in ‘real time’ – for example, calls are patched through to relevant lines or information is taken and immediately conveyed to the appropriate authorities. SISHA also runs a hotline; it is not entirely clear whether this hotline duplicates the purpose and functions of the AHTJP
hotline, or performs a quasi-law enforcement function that should fall exclusively within the realm of the Cambodian National Police.

Other NGOs also run hotlines which serve different purposes such as:

**ChildSafe (Friends-International) - 012 311112**
The ChildSafe Hotline is one of the most important tools of ChildSafe: members, partners, travelers – everyone can call the hotline 24 hours/7 days a week to report if s/he has seen a child in a risk situation, or witnesses any form of child abuse, as well as by the children themselves. It is asked that whenever possible the caller to stay near the child until the ChildSafe team arrives to take appropriate action to protect the child. The hotline is supported by a team of specialists including medical staff, drug specialists, outreach specialists, child rights officers and counselors who are able to respond immediately to a child who has been harmed or needs protection. In 2007 the hotline directly assisted 197 children in need. This project is in close collaboration with the Cambodian Ministry of Tourism. The FI/ChildSafe website and other ChildSafe promotional materials advertise the LEASETC National Hotline number.

**Mlop Tapang - 012 478100**
Since 2006, Mlop Tapang’s ChildSafe program ensures that there is a **24-hour presence** of well informed, trained, and caring community members looking out for the safety and protection of their children. Children can also call M’Lop Tapang’s Child Protection Hotline at any time of day or night, 7 days a week. In any given situation, the chain of information sharing is immediately activated and the Child Protection Team is able to decide whether further investigations or involvement of the local police is require.

**The Chab Dai Coalition**
For more than 2 years, Chab Dai has coordinated efforts with other organizations, UN agencies and government ministries to develop a free national telephone number for children to call when they are in need of assistance. The first stage of developing the child helpline was to conduct a **Needs Assessment Survey** amongst Cambodian children living in different life circumstances (included street children, working children, and children living with parents). A national consultation releasing the results of this survey was held in May of 2007. In February 2008, a Child Helpline office was opened out of the Chab Dai Learning Center, and two part-time staff members were hired to begin mapping available services across the country, and begin working through the logistics. The helpline is currently undergoing a planning phase and the steering committee had hoped to have a 3-digit, toll-free number established by early 2009, however this has been delayed due to funding difficulties until at least the latter part of 2009.
Cambodian Women’s Crisis Centre (CWCC)
CWCC was founded in 1997 by a small group of women concerned about the sizeable level of violence being perpetrated against women and children. Amongst its many programs to support women and children, its monitoring and legal services receives and records complaints as well as providing information to women of their human rights and legal options. CWCC operates a hotline through which such complaints and reports of abuses can be made. Should they wish to pursue legal action; CWCC will assist women with obtaining legal representation and monitor their case as it proceeds through the court. It also monitors and documents reports of abuses against women, advocating for protection under the law and seeking justice on behalf of victims.

There are reports of strong cooperation between NGOs such as Chab Dai and the AHTJP with information relayed quickly, as necessary. Yet according to one AHTJP official, “some NGOs use their own hotlines to combat trafficking and other crimes ... so it is too late by the time it reaches the police since it has to go through the NGO first.” It is worth exploring in the future how to advertise, operationalise and maximise different hotlines – taking into account risks of confusing the public, including children, as well as the need for a seamless continuum of preventive and responsive actions by the justice and social sectors, as well as by civil society partners.

databases
Similarly database initiatives on trafficking, sex crimes, crimes generally, etc are fragmented across the Cambodian development context. On its face these different initiatives appear complementary since areas of focus, target group(s) and coverage, government counterparts and levels of engagement vary. If uncoordinated and not integrated, however, these discrete databases will eventually run on parallel tracks, potentially clash, sideline one another or yield contradictory information – within the law enforcement sector, the broader justice sector or between the justice, labour and social sectors, as well as between official government and civil society circles.

An analysis of areas of convergence and divergence is not offered here although clearly, different sets of contradictory data are being produced. This is inevitable in light of multiple database initiatives, various sources of data collection and conceptual differences. Trafficking offences, for instance, is not reflected in Cambodia’s national criminal statistics:

*AHTJP looks like a separate entity. If you look at national police statistics in 2007, it looks like there were no trafficking offences in Cambodia last year [because AHTJP data has not been incorporated into national figures]. NGOs are creating AHTJP to be a stand-alone body.*
This assessment outlines several database initiatives (existing or in the pipeline) with a view towards encouraging RGC ministries – in particular MoI, MoJ, MoSVY, MoLVT and MoT – and development partners to enlarge its data collection and monitoring paradigm, in lockstep with a national vision on the justice system, including for children.

**NTF/HLWG:** In June 2008, the RGC launched a national data collection mechanism on trafficking and sexual exploitation. With 100 participating Government ministries, local and international NGOs the data collection system will enable the NTF to create better policies and procedures that respond better to the needs of victims and those at risk of trafficking. The NTF Data System aims to build on existing data collection systems and share trends and results on a quarterly basis.\[xlvii\] Recently, however, NGOs working with the HLWG formulated a one-page document that should be submitted as a report to the HLWG, which confuses the AHTJP reporting system.

**CCJAP:** CCJAP is supporting the development of a Crime Data collection and analysis system. This CNP data collection system will be based on international standards and include the development of forms to reflect every crime.\[xlvii\] It is unclear whether CCJAP forms on TIPSE crimes will build on existing LEASETC forms.

**NGO Joint Database:** Since 2003, ECPAT-Cambodia has implemented a project named ‘NGO Joint Statistics: Database report on Rape and Trafficking’ working in partnership with two key networks, COSECAM and NGOCRC. The database project aims to provide accurate and reliable information on rape and trafficking for the purpose of sexual exploitation incidences in Cambodia. ECPAT-Cambodia maintains a rape and trafficking database with data from participating NGOs working on these issues in Cambodia – and produces regular database reports and statistical analysis of rape and trafficking which contribute to filling gaps in current knowledge about the scale, risks, dynamics and the trends of rape and trafficking in Cambodia.\[xlviii\]

**Child Justice Database:** Developed by the Ministry of Justice (MoJ) in 2006 and approved in 2007, the child justice database aims to track children’s cases through the justice system as the basis of MoJ’s overall case tracking system. This database was pilot tested in 6 provinces: Phnom Penh, Kandal, Battambang, Banteay Meanchey, Sihanoukville and Siem Reap with poor results. The database piloting has been suspended due to the lack of dedicated court clerks to focus exclusively on data collection and management tasks, as well as to await the introduction and testing of a new juvenile court register under the model court project supported by CCJAP.

The call to immediate action to fill in data gaps without accounting for the broader context, to create databases addressing one or several issues or target groups without understanding the broader system – should be stemmed. Conversely, the development of overarching databases – without taking into account and building upon existing databases – should be reconsidered. Efforts in this area should not repeat the same patterns of inefficiency, weak coordination, duplication and confusion currently being
witnessed within the training context. What this requires is inter-ministerial action by the Royal Government of Cambodia to set an overall vision (on data management), to conceive a plan and to work in close cooperation with civil society partners to realise the vision.

3.5 “System of corruption” & Accountability

Throughout the assessment, there were isolated and systemic reports of police and judicial misconduct. Credible reports of law enforcement (and judiciary) misconduct, particularly in Kampong Chhnang, warrant mention in this assessment. While it is not possible to verify the accuracy of these allegations, or determine to what extent they reflect more systemic issues, they are shared in this assessment to encourage a review of current practices and to call for stronger accountability mechanisms. Respondents, including child victims, were assured anonymity/confidentiality and therefore names and affiliations are not disclosed.

There are many cases where children and women victims don’t receive justice. For example, there was a 17 year old girl with a mental disability who was raped by military and civilians, four men in total. The police and prosecutor joined forces against both offenders but they were not arrested. The victim’s mother demanded compensation and the police officers negotiated compensation payment. The offenders paid 6 million riehls but the victim’s family received only 700,000 riehls. So the victim never received the other 5 million+ riehls. This is like a business of the police – the Anti-Human Trafficking office and sometimes the district police. In fact, by law police have no authority to reconcile or intervene in criminal cases but often play a role in negotiating cases. Generally police will deduct 40% from total compensation damages but in this recent case, they took more than 80%. This same girl was raped twice more by different persons. After the second rape, the family complained to the village chief and received 150,000 riehls. After the third rape, police arrested the offender and sent the case to the prosecutor. But the prosecutor conducted reconciliation and gave the victim 200,000 riehls and released the offender. This girl has been raped three times. She has some mental disability and is very low functioning. She can only say her name and mother. There are aggravating circumstances in these cases but the offenders were all released.

The chief of the anti-trafficking office in Kg. Chhnang is a woman ... and everyone thought, here is a woman who cares about women and children’s cases. In the last two years, however, there were many cases that were reconciled under her authority. We don’t know if she is directly involved in every case but many cases were released, dropped ... and we ask ourselves, does a subordinate have the authority?

There was a 25 year old woman who was 7 months pregnant when she was raped. The offender was close to the prosecutor ... and the prosecutor requested that the chief of the AHTJP reconcile and drop the case. The offender agreed to pay 3 million riehls but at the end the victim received only 1.5 million riehls. In 2007, the lady chief went to the U.S. and delegated her deputy Mr. Yin to deduct only 300,000 riehls but he deducted 300,000
for every million riehls.

Police will ask victims for money in all cases whether it is reconciled or sent to court ... it doesn’t matter how old the child is or how severe the crime is. If the family doesn’t have money, the police will tell them to put their land up as collateral or direct them where to go to borrow money. One father, for example, had to take his land title to the market in order to get money to pay the police. In another case, the lady chief advised the father of the victim to prepare the boat and food for the police to cross the river. In another case, the victim’s family had to pay 50,000 riehls at the police post, then cover the transport costs of sending the offender to the district commissioner, pay for police meals, pay for their mobile cell card, plus 20,000 riehls to request a written record, and another 20,000 riehls when the case file is referred to the provincial AHTJP unit. So in total, the victim has to pay about 100,000 riehls to move a case forward. If the case can be reconciled by provincial police, they will take 35-45% of the total compensation payment and the district level commissioner will also request a percentage.

Depending on resources of the victims’ family and offender, sometimes the police will ask the offender for only 1.5 million riehls and take only 30% from victims. When the offender is wealthy, the police can demand up to USD 3,000. Police officers say that they need to share a part of their cut with the provincial level commissioner, and about 45% needs to be shared with the prosecutor and some with police staff. Corruption has become a system.

There is no justice for children. Some child victims benefit more from not going to the police. Children and families are more vulnerable after accessing justice system. Either at the local level or higher level, there is impunity for the offender. It is unfair at every level. Corruption is not individual ... if you close the AHTJP office, the court will still continue the same corrupt practices ... when you speak of judicial reform, donors throw money at institutions without properly monitoring them. Donors and the international community need to apply more pressure and monitor how funds are being used, institute accountability mechanisms ... attach some neutral staff to the AHTJP office ... or create an independent accountability office. Also it would be a good option to have a hotline that receives complaints about official police misconduct.

It is complex ... some corrupt practices stem from survival needs. The salary of the civil servant is not enough ... police officers cannot afford to live on the salary of their own government. At the national level, the approved budget for public security is high but only 20% of the approved allocation will reach the local level. There is no money for operations ... Commissioners will have a small amount of money to manage their offices ... there isn’t enough money for policing, for technical investigations, for preparing case files.

I was raped and my sister took me to the police post. In front of me, there were 2 police officers who asked my sister to pay up to 60,000 riehls. My sister had no money to pay. One police officer said if you have no money, we will not help you next time. My sister told them that if they get money from the offender for compensation, she will pay the police. But the police officers demanded immediate payment. They spoke nicely, gently to me but told my sister that they will not help in the future.

There was a boy who tried to rape my daughter. I made a complaint to the police post
but they said that they cannot arrest the boy. Then I wanted to go to court but someone asked for 1,000,000 riehls. We didn’t have the money and so the court did not accept our case. So we went back to the police post and paid 50,000 riehls for a court summons. We paid 2 litres of petrol for the police to drive to the provincial police [AHTJP] office. We met with one male police officer who demanded 50,000 riehls to issue a court letter. But we are illiterate ... now every time we go someplace they ask for money. Sometimes we don’t have enough to survive. We never returned to the provincial police station because we’re scared.

accountability

While legal and policy frameworks, specialized anti-trafficking units and trained law enforcement and judicial officers are important, implementation of those frameworks and policing practices need to be consistent with international standards. Proper implementation also depends on functioning, independent courts. Courts in Cambodia currently fall short of this standard due to lack of funds, weak human resources, poor management and an ineffective institutional framework that allows for independence, transparency, efficiency and ethical behaviour to be compromised. Similarly, law enforcement institutions face severe resource constraints and at present there is a lack of institutional standards and enforceable accountability mechanisms (e.g. code of conduct for police, prosecutors and judges). These institutions further operate in relative immunity from public scrutiny. The general public, including children, do not have access to mechanisms to report official misconduct, nor would be able to do so without fear of retribution or threats of criminal defamation actions.

In recent times, the climate has gradually shifted and positive reforms are underway. The law enforcement rank system is undergoing change from a military to a policing system. Promotions will be based on merit as opposed to the current time-based (and connections) system. The draft Police Law, which includes provisions that address police misconduct, is nearly finalised and will be enacted soon. There are very good modern change agents within the CNP. The new General Commissioner supports the Police Law and is modernizing the police force. Government and civil society partners, too, while recognising their limitations are speaking out against official acts of misconduct and/or accompanying victims to the police station or courts in an attempt to prevent abuse.

Further, Prime Minister Samdech Hun Sen identified governance and improving the functioning of courts and the judiciary as key priorities. The RGC has made progress in legal and judicial reform, including submission of the Penal Code to the National Assembly and Senate. Recent graduates from the Royal Academy of Judicial Professionals have been appointed to Provincial courts around the country. Moreover, the Supreme Council of Magistracy is taking disciplinary action against judges in breach of the 2007 Code of Judicial Conduct, though records are not made public. After many
years of discussion, the Anti Corruption Law is slated to be presented to the National Assembly at its next session.

The RGoC has articulated a clear agenda for reform of the courts and judiciary, through both the Rectangular Strategy II and the National Legal and Judicial Reform Strategy. Two key priorities have been identified: the legal framework for judicial independence and implementation of court reform, starting with four “Model Courts”. The Law on the Status of Judges and Prosecutors guarantees the independence of judges by determining how judges are appointed, their conditions of service and salary structure. Independence of the judiciary is achieved through the creation of independent and guaranteed remuneration, including secure retirement income. Complementary to this will be an amendment to the Law on the Supreme Council of Magistracy to reinforce its independence and to clarify its composition, functions and disciplinary procedures against judges.

3.6 National child protection system

Every child is entitled to protection according to the CRC, regardless of the harm experienced. However, in Cambodia long term popularity exists for specific issues, in particular trafficking, sexual exploitation, street children and OVC. Child trafficking victims, for instance, evoke mass sympathies and significant funding while abused children with disabilities and child domestic servants are less acknowledged. This has led to inequities, and the creation of parallel “systems” or interventions. From legislation to policy, services to trainings, and data collection to monitoring systems, parallel systems and interventions have been put in place to serve - at times exclusively - discrete groups of children.

Unfortunately, compounding this phenomenon, parallel systems have also been instituted in Cambodia to serve the same group of child victims of trafficking and sexual exploitation. Year after year, interventions are launched to fight trafficking even as official and unofficial statistics point to a declining trend and absolute numbers of child trafficking victims are relatively low. Years later, many interventions demonstrate limited impact on protecting children overall and remain unsustainable. Further examination of the development environment in Cambodia -- with a focus on child/adult trafficking, exploitation, abuse and violence -- reveals some inconsistencies between what is known and what is practised:

i. many of these “systems” become redundant very quickly, and are sometimes contradictory in their aims;
ii. the same child can experience a number of different rights violations, at the same time or throughout their childhood;

iii. one group of children is not inherently more deserving of protection than another group of children;

iv. child protection issues are diverse, interconnected and evolving and approaches need to encompass these realities;

v. establishment of increasing numbers of reactive laws, policies and standards is inefficient, especially if these reiterate virtually identical standards, protection and services targeting only specific groups of child/adult victims;

vi. whilst championing their respective causes, child protection/trafficking advocates and officials often compete against one another for recognition and funding; and

vii. human and financial resources are not utilised effectively or efficiently when used to build such parallel systems, including policy mechanisms.

The RGC should follow recent global trends toward strengthening national child protection systems in order to protect children from all forms of abuse, neglect, exploitation and violence. Currently, Cambodia has a weak child protection system, with social welfare and justice systems under development and inter-sectoral collaboration in its infancy. While important legislation and regulatory frameworks are in place, and several key laws are in draft (Inter Country Adoption Law and Juvenile Justice Law), legislative reform continues to be piecemeal, expend financial/human resources over many years, up to a decade and longer, until enacted, and is based largely on a sectoral approach.

An important recent development in the policy environment is the adoption of the Law on Administrative Management of the Capital, Provinces, Municipalities, Districts and Khans, also called “The Organic Law”, in February 2009. This Law forms the basis for a national decentralisation and de-concentration (D&D) reform, which includes the establishment of new sub-national administrative and elected bodies and a functional task review of the social welfare sector, to which UNICEF is providing support with a view towards strengthening Cambodia’s social welfare system for children and families.

Current discussions between the RGC and UNICEF Cambodia on the new country programme (2011-2015) herald extremely promising developments and results for children in the coming years. While still at the preliminary stage, the new programme is envisaged to develop the capacity of government, civil society and communities to implement an effective child protection system. Towards this end, the national legal framework to protect children will be strengthened in line with international standards; MoSVY capacity will be strengthened to effectively lead, coordinate, regulate and monitor social welfare for children and families; and sub-national structures are established to deliver, refer and coordinate social welfare services for children and families (modelling); MoJ capacity is strengthened to lead, coordinate and monitor the justice system for children; and criminal justice actors will have improved capacity to
enforce the legal framework to protect boys and girls in contact with the law (victim, witness and children in conflict with the law); and communities and families will understand the importance of a protective family environment, have the confidence and skills to keep their children safe and know where to get help if they need it. Strengthening of social welfare and justice systems for children, and promoting corresponding social change, are part and parcel of a single vision, framework and approach - child protection systems building - to ensure a comprehensive and integrated national system that more effectively protects children from all forms of harm (see diagram below for a visual framework). To update with final 2011-2015 country programme results)

3.7 Social affairs, labour & tourism

Where national child protection systems are absent or inadequate, it is increasingly evident that interventions are carried out in isolation from other concerns, issues or vulnerabilities; children are too often served outside of the family context: there is disproportionate investment in response, as opposed to prevention, interventions; parallel systems are created; coverage is inconsistent; and quality is variable, with subsequent high costs and low cost efficiency leading to limited impact in the prevention and reduction of child protection rights violations.

MoSVY plays a critical role as the State’s representative in relation to children at risk of, or experiencing significant harm, and the child’s interaction with their environment. Yet the fundamental role and import of the social welfare system for children and families
has been overlooked within the context of trafficking, exploitation, abuse and domestic violence. This has led to incoherence and can have unintended consequences that harm children. Over the years in Cambodia, for instance, enhanced public awareness and stronger law enforcement capacity have led to improved identification of child victims. At the same time, Cambodia has seen a steady increase in the number of shelters and residential care institutions\textsuperscript{liii}. More Cambodian children – whether victims, orphans or vulnerable – are consequently placed in residential (shelter) care, which is contrary to the country’s Alternative Care Policy which clearly states that, in line with the CRC and the Second Stockholm Declaration on Children and Residential Care:

- Family and community care are the best options for children;
- Institutional care should be a last resort and a temporary solution;
- Specific strategies and measures shall be established to support parents to raise their own children and to send them to school.

The Alternative Care Policy has equal application for child victims of trafficking, abuse, exploitation and violence. Since shelters have been the parallel response to child victims – even where families are intact and do not pose a threat to the child’s welfare – a weak social welfare system similarly affects child victims and witnesses. Alternative care options, such as kinship care, community-based foster care and guardianship, as well as monitoring mechanisms are just being introduced and tested in a few communes in Cambodia.

Moreover, the MoSVY Circular on Reintegration and Follow Up Activities for Victims who stay in government and non-government organization centres (2007) represents a positive step forward, it should be broadened to reflect the full extent of MoSVY’s role from victim prevention, identification and assessment to recovery and reintegration. Reintegration initiatives are currently fragmented and not necessarily part of a broader government social welfare system for children and families. The respective roles and functions of civil society partners, in particular NGOs, is unclear with respect to providing a continuum of services to child victims/witnesses to abuse, exploitation, trafficking and violence. Similarly police are involved in some prevention activities but it is unclear if efforts are linked to their social sector counterparts. The child victim referral system, too, is based on law enforcement discretion and good relations.

The justice and social welfare sectors need to act \textit{together to keep children safe}. Each sector has very specific mandates, roles and functions with respect to child protection. Law enforcement officers, prosecutors, judges, etc cannot perform the work of social workers, and vice versa. It should also be noted that child victims or witnesses typically have limited interactions with the justice system. A child can be at grave risk or in need of services before, during and after justice proceedings, particularly when caregivers cannot fulfil their duties. During these times, the role of the social welfare system is central and, as necessary, ongoing throughout a child’s life. While the justice system’s role in prevention is generally within the public realm (e.g. imprisoning offenders,
shutting down businesses that exploit children, instituting tighter border security, etc),
the social welfare system tends to focus more on preventing rights violations within the
private realm (within the family) and the community.

Although MoSVY appears to be a weaker ministry with lower capacity in terms of human
and financial resources than its justice counterparts (MoI and MoJ), it does not diminish
how critical social welfare interventions are in children’s lives, and their family and
community - regardless of whether a child has been trafficked, exploited, neglected or
abused, or at risk thereof. The distinctive and unique role of social work or welfare
actors includes:

- social workers may interact with the child directly throughout the child’s life
cycle and beyond,
- social workers have a core focus on the best interests of the child within all
aspects of the child’s life, including the child’s interaction with all other
‘protection’ systems,
- social workers have the mandate to intervene in the private sphere of the family,
when acting in the best interests of the child, and at times, the family as a whole.
- the child is at the core of the social worker’s role.

There is growing momentum to clarify and strengthen MoSVY’s national role to
spearhead the strengthening of the child and family welfare system. In 2008, UNICEF
supported the development of a Prakas on Procedures to Implement the Policy on
Alternative Care for Children based on a bottom-up broad consultative process. This
Prakas took as its guiding principle the view that children should grow and develop in a
family as defined in the UN Convention on the Rights of the Child and the policy of the
RGC. The Prakas stipulates mechanisms, in order of priority, for family preservation,
reunification of children separated from their families, temporary placement in
alternative care including community-based alternative care, permanency planning and
promotion of domestic adoption, and cites inter-country adoption as the last option
after due consideration has been given to domestic permanency placements. Activities
focus on ensuring that:

- Government structures, including the policy and legislative framework meets
standards set by international conventions and supports the growth of family
centred service delivery;
- Government officials at all levels and government partners have the necessary
understanding and skills to be able to implement the laws, procedures and
regulations; and that
- Basic child and family welfare services which assure the right of children to live in
a safe and secure family environment are tested prior to mainstreaming.
Slated for national dissemination in 2010, the draft Prakas will initially be field tested in five provinces and the evidence generated during this process used to inform refinement of the Prakas, as well as development of methodologies and tools for mainstreaming the Prakas nationally. The main purpose of the Prakas will be to establish integrated roles and structures for implementation and monitoring of a child and family welfare system which is aligned with the Work Platform of the Ministry of Social Affairs, Veterans and Youth Rehabilitation (2008-2013), the National Plan of Action for Orphans, Children affected by HIV and other Vulnerable Children (2008-2010) and the D&D reform initiative.

This assessment does not look too closely at the scope of activities falling under the Ministry of Labour and Vocational Training (MoLVT) or the Ministry of Tourism (MoT), although clearly both ministries play a significant role in suppressing trafficking and exploitation. All ‘worst forms of child labour’ (WFCL) are arguably exploitative and therefore, if the WFCL is the purpose of unlawful removal, unlawful recruitment or the act of selling, buying or exchanging a human being, it is actionable under the TIPSE Law. Moreover, worst forms of child labour encompass child prostitution, child pornography and the sale of children, and are actionable as such under the TIPSE Law. This calls for joint actions between the MoLVT and MoT and yet there is no known cooperation between the two. Moreover, MoLVT maintains jurisdiction over different industries (brick factories, garment factories, association of recruitment agencies, etc) -- including the brick sector, garment factories, etc -- and together with the Ministry of Commerce (MoC), can monitor, inspect and shut down factories and companies. Moreover, the MoLVT refers some cases to the Arbitration Council for civil remedies.

The Ministry of Tourism (MoT) has been very active in preventing and responding to child sex tourism, which includes establishing Child Safe Tourism Committees (CSTC) in all provinces. The CSTC network is chaired by the deputy governor in charge of tourism and includes all relevant departments (police, labour, social, etc) and cooperates with 11 ministries, the private sector (Cambodian Association of Travel Agents, the Cambodian Hotel Association, transportation associations, tour guide associations, etc), international organisations, etc. The MoT is involved in a wide array of activities including but not limited to conducting trainings for the tourism industry including children catering to tourists and motodops; disseminating promotional materials; advertising messages on sign boards, tuk tuks and billboards; producing short videos and broadcast TV video spots; supporting roundtable conferences for ASEAN; and conducting joint public campaigns.

MoT has the authority to license, revoke licenses and shut down tourism related industries such as karaoke facilities, massage parlors, etc. Tourism police are also on duty, both in uniform and undercover (civilian clothes) where they patrol hotspots such as Pub Street in Siem Reap. In June 2009, the Tourism Law was passed, which contains 12 chapters and 77 articles. According to Article 48, tour operators including travel agents, employees, etc ... have an obligation to report urgently to tourist police [under
the CNP] and Article 57, managers who hold entertainment centre licenses must take appropriate measures to ensure that children are not employed.\textsuperscript{lxiv}

3.8 Socio-economic context

*Without funding, the effectiveness of our work is hard to sustain ... our police have no resources ... with resources there is mental strength and encouragement to perform well ... provinces with support work very quickly. Provinces without support don’t work as quickly – no computers, no supplies, no equipment, no paper, etc. It is difficult for MoI to cover project costs such as hotline and database operations. Challenges already exist to cover basic expenses such as equipment and petrol for police to effectively perform their jobs.*

~ MoI official

The future of LEASETC, as well as other national initiatives, hinges on complete government leadership and ownership, including of reform processes. Key to implementation is a strong political will to allocate funds during national budgetary processes and to vest designated official(s) with leadership and accountability for LEASETC, or any evolutions thereof (see Recommendations). LEASETC’s reliance on the financial backing of the development community for nearly a decade bodes poorly for its sustainability. Future strategies need to be more creative and strategic towards promoting sustainability whilst balancing against socio-economic realities. Cost-sharing arrangements should be agreed upon at the start of the next phase and, over time, the government should progressively increase its share of the costs until it takes full fiscal responsibility.

A realistic plan should be developed in light of the global economic crisis which has hit Cambodia’s garment, construction and tourism industries hard. The impact of the global economic downturn on poverty and vulnerable groups is severe in both rural and urban areas. Immediate impacts appear to affect the poor through employment, private transfer and the impact is likely to worsen over the medium term as a result of weak coping strategies, informal social insurance and the lack of public response.\textsuperscript{lxv}

An increasing number of women in the capital city, Phnom Penh, are turning to sex work after losing their jobs in shops, hotels and factories. According to UNIAP, who conducted interviews with 350 women earlier this year, “the women reflected on their situation before they entered this job ... by and large, they reported pretty desperate circumstances and they scored themselves somewhat low from the stress from not having money, or being unemployed, those kinds of things. And actually, particularly those who entered after the financial crisis, just in the past 8-10 months, they seemed to seek the ability to work more hours so that they can make more per day to be able to
save more and so on. We did see some increases in violence in the work place, and this is something that is very concerning.\[^{lxvi}\] There are also potential risks for youth, including prostitution and drug abuse during the economic downturn.\[^{lxvii}\]

Nonetheless, budgetary requirements to implement the CRC and its Protocols test the political will of the RGC to commit investments in children towards long-term growth even during lean financial periods. Many countries around the world are rising to the challenge. Even countries with low growth rates have refused to compromise expenditures on basic social services. Nepal admirably illustrates this by allocating 23 per cent of its 2005 fiscal budget to education and health. \[^{Q: Cambodia expenditures? examples from SEAsian countries?}\] Meanwhile, in Cambodia the ODA inflow as a % of recipient GNI 2006 was 8 per cent compared to 0 per cent and 3 per cent for neighbouring countries Thailand and Viet Nam, respectively.\[^{lxviii}\]

### 3.9 Donors & media

#### aid effectiveness

Over the past decade, various events have galvanized government and various donors and development partners to support, develop and implement varied projects relating to prevention, victim protection, law enforcement and prosecution of trafficking, exploitation, abuse and domestic violence cases. Development assistance has made limited (documented) impact, however, on preventing these crimes against children and adults. Successful prosecution of cases leading to convictions is woefully inadequate in light of the tens of millions of dollars invested in this area. Prevention efforts, too, show little evidence of making lasting inroads on reducing vulnerabilities at various levels, i.e. poverty, family breakdown, substance abuse, stressors associated with school drop-out, unemployment and other financial hardships, and widening disparities between urban and rural areas in-country as well as between Cambodia and other countries.

Despite targeted legislative and policy frameworks, a comprehensive and operational national strategy and budget framework do not exist. Excessive degrees of aid fragmentation exist whereby: i) development partners have allocated resources across several sectors and ii) each sector loses efficiency liaising with numerous development partners who are implementing an extensive array of uncoordinated projects. The majority of initiatives are donor-driven projects with disparate agendas, management and implementation arrangements and expenditure procedures. Different aid modalities over the years have ranged from discrete projects, stand alone systems, the use of government systems, off-budget support such as equipment or technical assistance, basket funding and government (general or sector) budget support \[^{to confirm the last one}\]. There is a compelling need for greater focus on spending across the law enforcement, judicial, social, labour and tourism sectors to address trafficking, abuse, exploitation and violence.
During this same period, parallel developments have been taking place in Cambodia on aid effectiveness. A Declaration on Aid Effectiveness in Cambodia was signed in October 2006 with development partners to apply the global principles that had been agreed in the Paris Declaration. An Aid Effectiveness Report was prepared in 2007 and another in 2008. Several studies have been completed on technical cooperation although none in the relevant sectors suppressing trafficking, exploitation, abuse and violence. It is worth noting and drawing on lessons learned from the broader aid effectiveness context, including studies on technical cooperation and partnership and dialogue mechanisms. In recent years, the Strategic Framework for Development Cooperation Management (2006-2010) and the National Operational Guidelines set out the manner in which Government wishes to manage external development resources in the context of the NSDP and Rectangular Strategy. The Harmonisation, Alignment and Results Action Plan (2006-2010) provides a basis for monitoring the implementation of priority aid effectiveness activities.

**media**

Significant media attention has disproportionately been given to trafficking and sexual exploitation of children in Cambodia. Moreover, child sex tourism involving Western foreigners has over the years attracted greater media coverage compared to the crimes committed by Asian offenders and child sexual abuse committed by Cambodians (see Cambodia Daily articles below, both appearing in the same paper on 11 August 2009).

**US Man Arrested for Alleged Sexual Abuse of Young Girls**

By PEAK CHAN TIMES FOR THE CAMBODIA DAILY Phnom Penh police arrested a Swiss national on Sunday for allegedly sexually abusing at least five young girls at his home in the Phnom Penh area. The man admitted to having sexual relations with young girls in his care at the house.

According to a police complaint, the 40-year-old man, who was not named, was arrested by provincial police officers while he was cavorting with young girls he had been trafficking.

The man is due to appear in the Phnom Penh Municipal Court today to face the charge of committing indecent acts against minors less than 15 years old.

"Now we have found five to six girls and we will continue to find more," Mr. Thea said of Johnson’s alleged victims, who range in age from 11 to 14.

He acted as a middleman English teacher and taught children free of charge twice a week, he said.

"He tried to get close to children," Mr. Thea said, adding that the children who reported being abused were also given money and candy for attending English lessons at Mr. Johnson’s house.

Mr. Sota said that Johnson’s arrest on Sunday had brought the total number of arrests for the sexual abuse to 14 since January, bringing last year’s total arrests of 12 to the entire year.

Mr. Sota said the antes have increased more sex offenders entering the country and expatriates are not doing enough to investigate and collect evidence to bring sex offenders.

**Man Arrested, Charged in Pursuit of Teenage Girl**

A man was charged with raping a 15-year-old girl following his arrest in Pursat province, the provincial court’s child prosecutor said Monday. Chhean Tuk, 35, allegedly raped the teenager in a sex trade in Pursat province.

Mr. Thong, adding that the man was taken to court the same day as his arrest. Tip Kham, the provincial court prosecutors, confirmed the charge.

Very recently, the trends have been shifting towards more even coverage of the different crimes committed against children. In the weeks following publication of the Cambodia Daily articles above, there has been greater media coverage of child rape cases, including sexual abuse and exploitation of Khmer boys.
In this section, two sets of recommendations based on sector wide approaches (SWAps) are proposed for distinct audiences: i) **SWAp to Justice (law enforcement sub-sector)** – aimed primarily at MoI, the LEASETC team, UNICEF and WVC and secondarily at MoJ, relevant line ministries, justice sector actors, UN partner agencies and development partners providing support to the justice sector and ii) **SWAp on Child Protection** – aimed primarily at UNICEF, government counterparts and national policy bodies responsible for child protection (in whole or in part) and secondarily at development partners working in the child protection field.

Both sets of recommendations propose radical shifts to ‘business as usual’ within the development context of Cambodia. Unless these innovations take hold, the LEASETC project and other initiatives will continue to have limited impact and face great odds in maintaining relevance and sustainability over the long term. Even a cursory review of Cambodia’s recent history in the trafficking arena signals excessive levels of aid fragmentation, ever-shifting changes and rapid turnovers with policy mechanisms, projects and initiatives. The time is ripe for the Royal Government of Cambodia to take leadership, ownership and oversight of sector wide approaches to justice and child protection.

These recommendations are consistent with principles and standards set forth in the Convention on the Rights of the Child, the Paris Principles of Aid Effectiveness, the UN Common Approach to Justice and the UNICEF Global Child Protection Strategy as well as legal and judicial reforms, good governance and aid effectiveness strategies currently underway in Cambodia. These recommendations are broad, non-prescriptive and mainly intended to provide a skeletal framework for future directions. Essentially, they are offered as a starting point to facilitate strategic shifts to promote justice and realise children’s right to protection against all forms of abuse, exploitation, neglect and violence.
4.1 Sector Wide Approach to Justice | 2010 – 2015 |

4.1.1 Setting the vision

**Recommendation**: Utilising participatory processes, the MoI and development partners should collectively develop a vision statement that clearly articulates the long-term vision for promoting justice and realising children’s right to protection.

While this vision should be aspirational and long term, at the same time it needs to be realistic in light of the country context and socio-economic and political conditions. A vision should be broader than the SWAp goals and objectives, should not be limited by the mandate or priorities of government or development agencies, and should span over years, e.g. the next two country programmes.

This vision should include a clear model of the justice (law enforcement) system which integrates ‘justice for children’ issues and takes into account the corollary SWAp on child protection (including national child protection system strengthening to ensure that children are protected from abuse, exploitation, neglect and violence). While the focus of this assessment is the law enforcement sub-sector, it is crucial that the vision and model (ultimately the SWAp to justice) be broader than law enforcement.

This model should also take into account the different phases of a SWAp to Justice, i.e. current, mid-point and future ‘model’ incarnations. While the Government is at the centre of driving this vision forward, the role of national policy bodies, development communities, donor partners, the broader civil society, the private sector and children themselves should be taken into account, from local up to national levels. Finally, this vision should guide strategic alliances, future strategies and evidence based programming. Developing a coherent, shared vision among a broad range of partners is fundamental towards advancing ‘justice for all’ and ensuring the protection of all children from harm.

4.1.2 Developing a common understanding | 2010 |

**Recommendation**: The Ministry of Interior and participating development partners should agree on a common understanding of the definition, principles, core elements and processes of a sector wide approach (SWAp) to justice.
Globally there is no consensus on the definition of a SWAp. International experience reveals wide discrepancies on what constitutes a SWAp as well as what comprises a “sector”. There are various types of sector level working and coordination mechanisms employed by countries worldwide, e.g. sector policy dialogue; sectoral expenditure plans within a medium term expenditure framework (MTEF); sector donor coordination; and sector budget support.\textsuperscript{lixxi} While SWAps may combine some of these mechanisms and features, it generally reflects “an approach or philosophy that is based on working in support of partner government policies, strategies and systems. As an approach, the emphasis is on working in a harmonised and aligned way. A SWAp may encompass a range of partnership arrangements, aid delivery instruments and modalities.\textsuperscript{lixxii}

As a starting point, this assessment sets out proposed definitions, core elements and parameters\textsuperscript{lixxiii} which serve as a basis for SWAp to Justice recommendations:

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

**Sector**: A sector encompasses a wide range of thematically linked activities, involving governmental, non-governmental and private participation. Here the selected sectors are governmental (justice) and thematic (child protection) and national in scope. While the boundaries for the ‘justice sector’ stretch across the broad mandates of MoI and MoJ (as well as involves the informal justice sector), this assessment focuses on the formal law enforcement sub-sector.

**SWAp elements**:

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

4.1.3 **Taking stock & building consensus**

**Recommendation**: MoI and development partners should take stock of the current environment (e.g. which components and underlying factors are already in place, policy and planning achievements, etc) and carry out extensive stakeholder consultations.
SWAps are complex undertakings. There is no linear step-by-step process or one-size-fits-all framework that can be applied to the Cambodian context. What works for a SWAp to justice, for instance, may not necessarily translate in developing a SWAp on child protection in Cambodia. Key stakeholders should consider the following, at a minimum:

Are there champions within the Government, at higher levels of authority?

Is there strong and effective leadership at sector ministry level – i.e. MoI for the SWAp on justice (law enforcement sub-sector) and MoSVY for the SWAp on child protection?

Is there commitment to the SWAp elsewhere in government, particularly at the DPM level, with the Ministry of Finance and national policy bodies?

Are there broad areas of agreement on policy and strategic priority between government and development partners?

What are the different aid modalities that support existing initiatives relevant to law enforcement and child protection?

What legislative and policy developments relevant to justice and child protection are in place or under discussion or development? Do they advance or undermine a SWAp to justice and child protection?

What is the role of Government in child protection? Role of NGOs and civil society? How will and should this balance be tilted with a SWAp on child protection?

Is the donor environment conducive to supporting a multi-year sector strategy? How flexible should the SWAp funding arrangement be, e.g. fully Government managed, separate pooled donor funds, merged sector budget support, etc?

What are the capacity building and institutional strengthening needs of the Government to lead and oversee a SWAp to justice and child protection? What technical assistance support is required to facilitate the transition to Government leadership?

4.1.4 LEASETC paradigm shift

Recommendation: MoI and development partners should agree upon a coordination mechanism for the SWAp to Justice. It is highly recommended that an “evolving
LEASETC serve as the primary coordination mechanism to facilitate the sector wide approach to justice, particularly the law enforcement sub-sector.

This will require an overhaul of LEASETC, including a formalized structure with specific government leadership, ownership and oversight; designation; structure and mandate; transition strategies; and strategic planning in line with SWAp development. Further, this invariably calls for broader levels of engagement with the development community, and dissociation between LEASETC (and evolutions) and UNICEF/World Vision.

Several “starter options” are proposed for a few of these areas:

**Designation**

- i) Law Enforcement Advancing Protections (for Crime Victims) Bureau – LEAP Bureau
- ii) Justice Enforcement Bureau – JEB
- iii) Law Enforcement & the Promotion of Justice Bureau -- LPJ Bureau
- iv) Victims Protection Bureau – VP Bureau

**Leadership, Structure & TA**

- i) **Leadership:** H.E. Sar Kheng  
  **Advantages:** Highest level commitment, harmonization of CNP, Royal Police Academy and MoI Department activities  
  **Structure:** Bureau chief reports directly to H.E. Sar Kheng  
  **Lead technical support:** UNDP, CCJAP and UNICEF

- ii) **Leadership:** H.E. Prum Sokha  
  **Advantages:** Senior level commitment, excellent track record of collaboration and working relations with CNP (AHTJP & CID), more seamless transition  
  **Structure:** Bureau chief reports directly to H.E. Prum Sokha, indirect links to CNP  
  **Lead technical support:** UNDP, CCJAP and UNICEF

- iii) **Leadership:** H.E. Chou Bun Eng  
  **Advantages:** Senior level commitment, linkages to the National Committee on Trafficking, Exploitation & Smuggling  
  **Structure:** Bureau chief reports directly to H.E. Chou Bun Eng, CNP indirect links  
  **Lead technical support:** UNDP, UNIAP, CCJAP and UNICEF

- iv) **Leadership:** General Commissioner  
  **Advantages:** Senior level commitment, direct authority over CNP  
  **Structure:** Department chief reports directly to General Commissioner  
  **Lead technical support:** CCJAP and UNICEF
**Mandate**
This new entity can carry out any number of different functions, e.g. --

- Serve as the “gatekeeper” central bureau that standardizes and coordinates strategic trainings for all CNP police (including judicial police, immigration police and tourism police) on topics both general (penal code, CPC, investigations, evidence, etc) and specialized (trafficking, exploitation, abuse, dv, labour, etc), from basic to advanced levels. This new bureau can facilitate the creation of standardized curriculum by convening an interagency committee (comprised of police trainers, AHTJP, CID, immigration, tourism, local police, NGOs currently delivering trainings to police, etc); coordinate and monitor the delivery of standardized trainings (training of trainers) and capacity building initiatives across the country by development partners; and streamline different aid modalities in line with the SWAp to Justice. Standardised trainings should build on the current evidence base of lessons learned and recommendations (see A-16: Interagency Training Recommendations).

- Serve as the central bureau to harmonize mechanisms (including databases, hotlines, forensics, etc) relevant to trafficking, exploitation, abuse, domestic violence, etc being carried out by various CNP departments, including municipal, provincial and local police. This new bureau can also develop and implement protocols and guidelines aimed at harmonizing CNP activities relevant to trafficking, exploitation, abuse, violence, etc --- including standardized indicators; uniform database; consolidation of statistics across different departments; coordination mechanisms b/w CID, AHTJP, immigration, and tourism police (and tech scientific dept); CID and AHTJP hotlines coordination; clear communications, reporting, monitoring and supervision lines at all levels across different departments.

- Progressively strengthen the capacity of the CNP to enforce laws, policies and procedures in accordance with international standards. This new bureau can monitor legislative and policy developments and ensure that CNP activities are consistent with the broader context, including the Penal Code and Police Law (when passed) as well as National Committee decisions and recommendations. This new bureau should also ensure that all children – whether victims, witnesses or in conflict with the law -- are provided access to, better served and protected by the law enforcement system, with clear linkages to the judicial system, child and family welfare (social) system and national policy bodies, i.e. CNCC, NC, etc.

**Partnerships**
Government and civil society have distinct roles with respect to prevention of and response to exploitation, trafficking, abuse and violence --- these lines are blurred in the Cambodian development context. This new bureau can facilitate the clarification of roles
and responsibilities between government and NGOs with respect to law enforcement functions such as investigations, surveillance, etc. This new bureau can also liaise with relevant Government ministries (MoSVY, MoWA, MoLVT, MoT, MoH, MoC, MoFA, etc) as well as inter-ministerial and interagency bodies (CNCC, National Committee, COMMIT, CJWG, etc) and development partners (CCJAP, TAF, UNIAP, UNDP, IOM, IJM, SISHA, GTZ, WVC, UNICEF) providing support to MoI, as well as those involved in legal and judicial reform.

**Transitional Strategies**

i) **LEASETC Team**: It is vital to retain principal LEASETC team members during the transitional period. Their institutional memory dates back to 2000; they are skilled at adapting to and leveraging reforms within the MoI; and they have solid working relationships with AHTJP/CID Departments and development community partners. In particular, the international advisor, project manager and LEASETC trainers should be integral members of any transitional team and as appropriate, their capacities should be strengthened to assume different roles and greater positions of responsibility within the new structure.

ii) **AHTJP mechanisms**: The law enforcement wheel should not be reinvented. Where applicable, the new bureau should build on existing institutional mechanisms in particular the hotlines, database and medical forensic evidence forms and certificates for crimes of trafficking, exploitation, abuse and domestic violence. National data collection initiatives should take into account AHTJP
indicators and data sets in order to avoid duplication, contradictions, etc. The new bureau should review recommendations in connection with LEASET evaluations with respect to hotlines, databases and forensic evidence (see A-17: Hotline, Database and Forensic Evidence Recommendations).

4.1.5 Framework, Plan of Action & Technical Assistance

**Recommendation**: Recruit an international consultant for a period of one year to develop the capacity of the MoI to manage its own development activities through the development, implementation, monitoring and evaluation of a SWAp to Justice. Capacity building and institutional strengthening of the MoI should be gradual, coordinated, methodical and systematic to ensure smooth and sustainable transition to MoI leadership. The international consultant should facilitate the development of a coherent MoI-led capacity building strategy. Moreover, the international consultant should strengthen the capacity of MoI to spearhead a broad based consultative process to develop a SWAp to Justice framework and plan of action that incorporates the following:

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

4.2 Sector Wide Approach on Child Protection | 2010 – 2015 |

The boundaries of the ‘child protection sector’ are wide, encompassing all forms of abuse, exploitation, neglect and violence directed at children. The scope of the child protection sector cuts across mandates of numerous government ministries and national bodies. In both SWAp contexts, the role of development and donor communities (and private sector) remains central to SWAp processes, i.e. planning, implementation and review of progress.
Governments – not civil society organisations – should provide leadership and bear overall accountability for strengthening national child protection systems, which includes setting standards, bringing all stakeholders in lockstep with a national vision and strategy that upholds international standards, and ensuring accountability. Though the Government should take the lead, protecting children calls for strategic public-private alliances and partnerships. The SWAp on child protection should strengthen the national child protection system to prevent and respond to all child protection concerns in an integrated manner, from local to national levels, and should protect children in all situations. The SWAp should also strengthen the mandate and authority of MoSVY and the CNCC to take the lead on carrying out the SWAp on child protection. A SWAp on child protection strategy should aim to promote attitudes, beliefs, values and behaviours that ensure children’s protection and affirm children’s human rights – as set forth in the Convention on the Rights of the Children, its optional Protocols and other international instruments.

The steps for developing a SWAp on child protection are similar to those outlined above for the SWAp to Justice. Prior to embarking on this initiative, however, it is imperative that UNICEF undertake additional research and conduct consultations with a broad range of stakeholders including MoSVY and CNCC.
An assessment of some components of the LEASETC project, particularly on sexual abuse forensic examination and AHTJP hotline services, has been recently undertaken by a consultant with support from World Vision and will be excluded from this assignment, although the findings of such assessments may be included in the formulation of the recommendations regarding the future of LEASETC.


iv General finding of the baseline study on factors influencing vulnerability to Trafficking and the Sexual Exploitation of Women and Children, by Children and Life Association (CLA), Rural Aid Organization (RAO), Vulnerable Children Assistance Organization (VCAO) and the Healthcare Centre for Children (HCC) and coordinated by ECPAT-Cambodia, 2009, pp. 9-11.


vi In order to encourage open discussions particularly with respect to sensitive issues, the evaluator assured respondents a certain level of confidentiality/anonymity. For this reason, identifying provincial information is not included in this section.

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

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

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


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

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


xiv DRAFT LEASETC Evaluation of AHTJP Hotlines, June 2009.

xvibid.

xvi ibid.


xxi ibid, p. 3.

xxii ibid, p. 19.

xxiii ibid, p. 4.

xxiv ibid p. 5.

CPC Article 66 (Prohibition of Judicial Police Officers) and Article 79 (Misconducts Committed by Judicial Police Agents during Performance of Duty) are ineffective in the current context where corruption is systemic.

Interview with Ian F. Bates, federal police advisor, CCJAP, 10 September 2009.

Draft Development partner statement on governance and accountability for dialogue on GDCC agenda item 1 review of JMIs, AusAID and USAID, 8 September 2009, pp. 1-2.

Parts of this section are drawn from the DRAFT National Child Protection Systems Advocacy Paper, UNICEF East Asia & Pacific Regional Office, October 2009.


Interview with Veng Heng, director, Department of Child Labour, MoLVT, 9 September 2009.

Interview with H.E. Hor Sarun, Undersecretary of State, Ministry of Tourism, 10 September 2009.


The Technical Working Groups are the basis for dialogue on a range of sectoral and thematic issues. Their work is structured on a Guideline on the Role and Functioning of the TWGs (December 2006). Progress is monitored based on a set of Joint Monitoring Indicators that are informed by a set of JMI Guidelines. The Government-Development Partner Coordination Committee (GDCC) coordinates TWG activity and the Cambodia Development Cooperation Forum (CDCF), which met in June 2007 and December 2008, provides an opportunity for high-level dialogue. Partnership issues have been the basis for considerable discussion with the following relevant studies: Mutual Accountability: an imperative for capacity development (2006); the GDCC-TWG Review (2006); the GDCC and TWG study by Agulhas consultants (2006); Practices and Lessons Learned in the Management of Development Cooperation (2004); and Envisioning a new paradigm of development cooperation in Cambodia (2004). Aid Management Policy Documents and Guidelines, internal UNICEF Cambodia document, p. 2..
