

**CHILDREN'S RIGHTS & CAMBODIAN LAW**  
**An Assessment of Gaps in the Law and its  
Implementation**  
**For the International Organization for Migration**

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## **INTRODUCTION**

The Cambodian Constitution is often described as extremely progressive, even by Western standards. It is therefore not surprising to find that there are several provisions in the Cambodian Constitution protecting human rights, with a special emphasis on protecting the rights of children. Article 31 states, “The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights and the covenants and conventions related to human rights, women’s rights and children’s rights.” In several Cambodian laws children are referred to as the nation’s “bamboo shoots” and are viewed as individuals who need protection and guidance so that they can grow into future good citizens.

However, because the Kingdom of Cambodia has survived through years of violent massacres and famine, political instability, and extreme poverty, children are at risk of being exploited. Labor and sexual trafficking of children is not uncommon in Cambodia, and protections for children in the juvenile justice system are not being effectively implemented, despite the nation’s progressive legislation. Keeping in mind that the Constitution was only recently adopted in 1993, and that the country is still in the process of rebuilding and stabilizing its social infrastructure and institutions, Cambodia has made significant progress in its legal framework over the past forty years and will likely continue to make improvements in the future.

Currently, Cambodia operates under both national and international law in a civil law system. National law consists of codes that are often drafted with help from foreign countries or based on foreign laws. The hierarchy of laws within Cambodia is as follows: the Constitution, the Supreme Law of the land; second, *krams*, laws enacted by the legislature and promulgated by the King; third, *krets*, decrees enacted by an executive power; fourth, *anukrets*, sub-decrees

adopted by the Prime Minister and countersigned by the interested Minister; fifth, *prakas*, regulations adopted by a Minister; and sixth, *sarachors*, circulars or Ministerial implementing measures. The last two types of laws are more specific guideline laws that are sometimes issued to strengthen existing laws or respond to an urgent legal issue.<sup>1</sup> Cambodia has also ratified several international laws promoted by the United Nations such as the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

Though there is heavy foreign involvement and participation in the Cambodian legal system that offer sophisticated protections for children's rights, it is important for Cambodians to draft and enact their own laws that they can easily understand and implement into their own unique social system. Many of the problems that Cambodian legislation faces revolve around the fact that the laws mandate actions that are difficult to carry out due to the social structure of Cambodian life and customs. For instance, labor laws forbid children under 15 years old from working, but Cambodian families are so poor that children need to work at early ages in order to survive. Such a labor law, influenced by the good intentions of the international community, as expressed through international law, does not take into consideration the special circumstances that Cambodia faces and so has become impractical and unenforceable. Especially in a civil law nation, and even more particularly in Cambodia, where the legal framework is being completely redeveloped, national guidelines and clarification laws that reflect the challenges of the system are needed for effective implementation.

This Assessment will discuss gaps in the laws protecting against the economic and sexual exploitation of children and the laws related to juvenile justice, addressing protections for both children in conflict with the law and child victims. Family law will only be touched upon lightly

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<sup>1</sup> Woods, Lisa Nicole, "Sound the Alarm: Reporting Violence Against Children in Cambodia." Phnom Penh: UNICEF Cambodia, 2007, 17.

since protections for children are minimal and focus more on the family as a whole unit, rather than on children specifically. This Assessment will also evaluate the implementation of these laws within the Cambodian system, based on interviews with employees from several NGOs, IGOs, and this author's own personal observations and experiences.<sup>2</sup> Implementation problems for the different areas of law stem from similar sources, many of which have to do with social infrastructure instability, and thus will be fully discussed in the second half of this Assessment.

## **A. LEGAL FRAMEWORK OF CHILDREN'S RIGHTS IN CAMBODIA**

### Labor Exploitation

The Cambodian Constitution promises that, "The State shall protect children from any forms of labor that are injurious to their educational opportunities, health, and welfare."<sup>3</sup> With this Constitutional right in mind, the Royal Kingdom of Cambodia enacted some of the following legislation specifically protecting children's labor rights:

- Cambodian Constitution: Article 48
- 1997 Labor Code: Articles 55-56; Article 151; Articles 172-181; Article 368
- 1998 Prakas No. 297 on Vocational Training to the Minors to Work Underground
- 1998 Prakas No. 298 on the Derogation Against the Prohibition of the Minors from Working at Night
- 2004 Prakas on the Prohibition of Hazardous Child Labor
- Convention on the Rights of the Child: Article 32 (1992)
- ILO Convention No. 138 on Minimum Age for Admission to Employment (1999)

Arguably, having children in the workforce is itself "injurious to [a child's] educational opportunities" and so the government, in principle, should protect children from being in the workforce entirely. When children work, they are not in school. This leads to a lack of education and proper skills training to meet market needs for decent-paying jobs and creates a cycle of poverty that can easily turn into labor exploitation.<sup>4</sup> While the Constitution provides a broad,

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<sup>2</sup> Please note that this author lived and worked in Cambodia for a period of six weeks, mainly in Phnom Penh.

<sup>3</sup> Constitution of the Kingdom of Cambodia, Article 48 (1993).

<sup>4</sup> ILO Policy Brief on Youth Employment in Cambodia. Phnom Penh: 2007, 13.

overarching protection against the economic exploitation of children, the 1997 Labor Code, specifically in Articles 172-181, outlines legal guidelines protecting children in Cambodian work environments, including protections such as the right to request a physician, maximum hour limitations for children at work and minimum hour break/rest times, and the obligation of employers to keep a list of all the minors they hire.

These legal protections for children seem like good ones in theory. However, the reality of the situation in Cambodia makes the law on its face impractical, and people find many loopholes through which children are still exploited. In most families children must work to support their households, sometimes as the main breadwinner or provider. According to the 2008 General Population Census taken by the National Institute of Statistics of Cambodia, 672,576 children between the ages of fifteen and nineteen years old were employed while 28,286 people in the same age group were unemployed and looking for work.<sup>5</sup> Children traditionally work in farming or other family businesses, but it is becoming more common for children to work as domestic workers, scavengers and beggars.<sup>6</sup> This is a problem because according to Article 1 of the Labor Code, the law does not apply to domestic or household services. Children working in these urban jobs are therefore not legally protected and remain at risk for labor exploitation.

The level of poverty in Cambodia also necessitates children working at a very early age. Though there is a legal minimum age of employment, this law is easily undermined through its many exceptions. For instance, Article 177(1) states that children under fifteen years old cannot work in a salaried position. However, according to Article 177(2), children under eighteen years old cannot work in hazardous conditions unless their well-being is “fully guaranteed” under Article 177(3). And in Article 177(4), children as young as twelve years old can be employed to

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<sup>5</sup> National Institute of Statistics of Cambodia, <http://celade.cepal.org/khmnis/census/khm2008/>.

<sup>6</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 237.

do “light work,” a term which is not defined in the law, nor have regulations been issued to clarify the standards for this kind of work.<sup>7</sup> Thus, despite the seemingly straightforward protection offered in Article 177(1) for children under fifteen years old, there are many loopholes within the same Article: a child who is twelve years old can be paid a salary to do “light work,” which conflicts with Article 177(1) but is allowed under Article 177(4). The law was likely written with these exceptions to allow for flexibility amongst employers and to give children a fair chance at securing jobs so they can help support their families. In fact, the law on its face conforms to international standards for child labor such as the Convention on the Rights of the Child, which requires States Parties to set a minimum age for employment and regulate conditions of employment (Article 32(2)).<sup>8</sup> The Cambodian Labor Code is also perfectly aligned with the International Labor Office (ILO) Convention No. 138, which sets a minimum age for employment at fifteen and a minimum age for dangerous employment at eighteen, with limited exceptions for light work, especially in countries like Cambodia where the economy and school systems are still developing.<sup>9</sup> Nevertheless, the law as it is written with these exceptions serves to create loopholes through which poor children can be exploited. International communities that have similar child labor legislation but succeed in having low rates of exploitation may have more established social systems and enforcement mechanisms to ensure that children in the workforce are adequately protected.

If Cambodia is truly committed to protecting children in the workforce, it may be advisable to amend the labor code so that these exceptions are no longer valid. Setting the

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<sup>7</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 239.

<sup>8</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 232.

<sup>9</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 233.

minimum age for employment at fifteen years old, extending the protections in the labor code to all working children, and forbidding children to work in specified types of labor (for instance construction, glue and brick factories, the fishing industry and possibly begging) and enforcing the law with oversight and government management would help prevent children from being harmed and exploited in the workforce in a strict manner. However, considering that some children need to work to support their families, having strict laws prohibiting children from working may be impractical. It may be advisable to lower the minimum age requirement for child employees and put more effort into government oversight to ensure that, even if very young children are in the workforce, that work conditions are safe and fairly maintained.

In several Articles, the Labor Code relies on inspectors to ensure compliance. Yet the Ministry of Labor Inspection has a limited number of inspectors, who are insufficiently trained and not paid a very high salary.<sup>10</sup> The Ministry of Labor also is in charge of writing regulations to clarify the law and give guidance to law enforcement, but many of these needed regulations have not yet been written.<sup>11</sup> If the Ministry of Labor cannot efficiently perform its duties as listed in the Labor Code, the law may need to be amended to grant other ministries, institutions, or organizations authority over enforcement procedures.

One step the Royal Government of Cambodia (RGC) has taken towards intervening in child labor issues was to publish the 2008-2012 National Plan of Action on the Elimination of the Worst Forms of Child Labor. The RGC listed domestic labour, quarry/sandmaking, brick making, portering (in borders and ports), restaurants/karaoke, rubber plantations, salt production, fishing, mining, rubbish/garbage picking and begging as dangerous sectors where children were

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<sup>10</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 238.

<sup>11</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 238.

employed. Promising to eradicate child labour, the RGC listed strategies to reduce poverty through job and infrastructure creation, strengthen institutions such as the judiciary and education systems, directly intervene in sectors where disproportionate numbers of children worked, and to abolish trafficking through legislation and implementation.<sup>12</sup> As of August 2010, the RGC still has much work to do to meet these ambitious goals.

### Trafficking

The definition of trafficking in persons is given in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime. There are three elements to the crime of human trafficking: 1) Recruitment (convincing or forcing vulnerable persons to leave their homes, usually without full information about working conditions); 2) Transportation (taking the victim across international borders or somewhere else within the home country); and 3) Exploitation of a person for profit (the victim is forced to provide labor (of any kind) without decent pay and the trafficker profits at the victim's expense).<sup>13</sup> A great deal of attention has been brought to the issue of trafficking over the past few years, and because it is such a prevalent problem in Cambodia, the international community has put pressure on the RGC to fight trafficking more vigorously. Cambodia has ratified several international laws, and in fact, Article 48 of the Constitution specifically promises to uphold the UN Convention on the Rights of Children: "The State shall protect the rights of children as stipulated in the Convention on

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<sup>12</sup> National Plan of Action on the Elimination of the Worst Forms of Child Labour. Phnom Penh: Ministry of Labour and Vocational Training, 2008, xiv-xv.

<sup>13</sup> Combating Trafficking in Persons in Cambodia, Training Manual for Law Enforcement Officials. Phnom Penh: International Organization for Migration, 2006, 8-9.

Children, in particular, the rights to life, education, protection during wartime, and protection from economic or sexual exploitation.”<sup>14</sup> Other laws protecting children from trafficking include:

- Convention on the Rights of the Child
- 2004 Cambodia’s Commitment to Children
- UN Convention Against Transnational Organized Crime (Palermo Convention)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)
- International Labour Organization (ILO) Convention 29
- 2008 Law on Suppression of Human Trafficking and Sexual Exploitation
- Memorandum of Understanding (MOU) agreements between Cambodia and foreign nations

Unfortunately, Cambodia has a long history of child trafficking; in 2005 Cambodia was still in the lowest category, Tier 3, in the U.S. Trafficking in Persons Report for its “lack of progress in combating severe forms of trafficking, particularly its failure to convict traffickers and public officials involved in trafficking.”<sup>15</sup> In 2008, the Law on Suppression of Human Trafficking and Sexual Exploitation was passed with the objective to “suppress the acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, to improve the health and welfare of citizens, to preserve and enhance good national customs, and to implement the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children....”<sup>16</sup> Though there are still many criticisms of the law – both on its face and in its implementation – most people agree that the law is good and that it is better to have the law on the books than to have no law at all.<sup>17</sup> Since the law was passed, Cambodia has moved up to Tier 2 on the U.S. Trafficking in Persons Report, meaning that

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<sup>14</sup> Constitution of the Kingdom of Cambodia, Article 48 (1993).

<sup>15</sup> “Trafficking in Persons Report, June 2005.” U.S. Department of State Publication, 77.

<sup>16</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Article 1 (2008).

<sup>17</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

Cambodia's government was assessed as not fully complying with minimum standards but is making significant efforts to do so.<sup>18</sup>

The 2010 U.S. Trafficking in Persons Report gives a general list of protections that a good anti-trafficking law should include. Several of the criticisms and suggestions in the following paragraphs discussing Cambodia's current trafficking and sexual exploitation legislation point to gaps in protection that are mentioned in this list:

A good anti-trafficking law should include the following:

- A broad definition of the concept of “coercion” that covers its many manifestations in modern forms of slavery, including the threat of physical, financial, or reputational harm sufficiently serious to compel a reasonable person to perform or to continue performing labor or services in order to avoid incurring that harm.
- A well-articulated definition of trafficking that facilitates effective law enforcement and prosecutorial responses and allows for the collection of meaningful data. The definition should incorporate all forms of compelled service in addition to forced prostitution. The definition should not simply criminalize the recruitment or transportation of prostituted persons. The definition should *not* include related but distinct crimes, such as alien smuggling or prostitution.
- A mechanism of care provided to all suspected victims of trafficking through which they have the opportunity to access basic services – including shelter, food, medical care, psycho-social counseling, legal aid, and work authorization.
- Explicit immigration relief for trafficking victims, regardless of their past legal status, and relief from any legal penalties for unlawful activities committed by victims as a direct result of their trafficking.
- Specific protections for child victims of trafficking ensuring a responsible chain of custody and a priority placed on the best interests of the child in all decisions made in providing services to them.
- Explicit provisions ensuring identified victims have access to legal redress to obtain financial compensation for the trafficking crimes committed against them. In order to be meaningful, such access must be accompanied by options to obtain immigration relief. Trafficking victims should not be excluded from legal services providers who can assist with these efforts, whether NGOs or government programs.<sup>19</sup>

In Cambodia, children are often trafficked across the border from their home provinces to Thailand, Malaysia, or Vietnam, or internally from rural provinces to the city of Phnom Penh. When trafficking occurs across borders, Memorandum of Understanding (MOU) agreements

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<sup>18</sup> “Trafficking in Persons Report, June 2010.” U.S. Department of State Publication, 22.

<sup>19</sup> “Trafficking in Persons Report, June 2010.” U.S. Department of State Publication, 13.

between national governments can provide some protections for victims. The governments of Cambodia, China, Lao, Myanmar, Thailand and Vietnam all signed a Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region, promising to commit, as a region, to fight against trafficking.<sup>20</sup> Cambodia also has more specific MOU agreements with neighboring Thailand, outlining protocol and procedure for cross-border trafficking cases.<sup>21</sup>

It is good to have these formal MOU agreements that recognize trafficked persons as victims; in some cases there is difficulty discerning the difference between a trafficking victim and an illegal immigrant who was smuggled across the border. Immigration law and police trainings attempt to clarify the difference between the two, namely in that a trafficked person does not agree to being trafficked whereas a migrant agrees to being smuggled; a trafficked person arrives at the destination to be exploited whereas smuggling ends at the destination country; and trafficking can be cross-border or local whereas smuggling is always cross-border.<sup>22</sup> Still, sometimes there are cases where trafficking victims are imprisoned in Malaysia or other countries as illegal migrants.<sup>23</sup> Trafficking victims often start out as migrants, so it would be helpful for Cambodia to initiate laws that regulate the recruitment, placement, and protection of migrant workers and provide specific criminal penalties for negligent or exploitative migrant recruitment agencies. Currently, labor brokers can be arrested for unlawful removal of minors after the crime has been committed or an attempt has been made. However, when a 2009 migrant recruitment agency inspection revealed that 20 of the 57 females questioned were under the age

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<sup>20</sup> Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region, signed by Cambodia, China, Lao, Myanmar, Thailand, and Vietnam (2004).

<sup>21</sup> Memorandum of Understanding on Bilateral Cooperation to Eliminate Trafficking in Children and Women, signed by Cambodia and Thailand (2003).

<sup>22</sup> Combating Trafficking in Persons in Cambodia, Reference Handbook for Law Enforcement Officials: The Sexual Exploitation of Women and Children. Phnom Penh: International Organization for Migration, 2008, 13.

<sup>23</sup> Presentation by Manfred Hornung of LICADHO, "Male Victims from Malaysia" at Counter Trafficking Stakeholder Meeting. Naga World, 1 July 2010.

of 18, the government could not arrest the labor export company for its exploitative recruitment practices because there are no laws regulating migrant agencies.<sup>24</sup> If migration can be better protected and regulated, it is possible that fewer minor migrants will end up as trafficking victims.

The Cambodian Constitution states that, “The commerce of human beings...shall be prohibited.”<sup>25</sup> However, the Law on Suppression of Human Trafficking and Sexual Exploitation is the most prominent national law that Cambodia has to combat trafficking. This law replaced the former Law on Suppression of Kidnapping, Human Trafficking/Sale of a Human Being and Exploitation of a Human Being (Royal Kram).<sup>26</sup> The 2008 law applies to any offence committed in Cambodia and also applies if part of the crime also took place outside of Cambodia.<sup>27</sup> Furthermore, crimes committed completely outside the borders of Cambodia can be prosecuted in Cambodian courts if the crime is committed by a citizen of Cambodia, or the victim of the crime is a citizen of Cambodia.<sup>28</sup> Both local and cross-border trafficking cases can be prosecuted under this Cambodian law.

The new law is an improvement in that it defines key terms, such as “minor,” “human trafficking,” “prostitution,” “sexual intercourse with a minor under 15,” and “child pornography.”<sup>29</sup> It also defines and criminalizes trafficking attempts, not just completed acts.<sup>30</sup> Oddly enough, the law does not define trafficking or mention its three elements like the Protocol

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<sup>24</sup> “Trafficking in Persons Report, June 2010.” U.S. Department of State Publication, 101-102.

<sup>25</sup> Constitution of the Kingdom of Cambodia, Article 46 (1993).

<sup>26</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Article 50 (2008).

<sup>27</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Article 2 (2008) as presented in the SISHA Anti-Human Trafficking and Exploitation Module 3, Slide 7.

<sup>28</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Article 3 (2008) as presented in the SISHA Anti-Human Trafficking and Exploitation Module 3, Slide 7.

<sup>29</sup> Combating Trafficking in Persons in Cambodia, Reference Handbook for Law Enforcement Officials: The Sexual Exploitation of Women and Children. Phnom Penh: International Organization for Migration, 2008, 3.

<sup>30</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Article 4 (2008) as presented in the SISHA Anti-Human Trafficking and Exploitation Module 3, Slide 8.

to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children. This presents problems because the meaning of trafficking is still very vague to the general populace and even amongst law enforcement, NGOs, and the courts.<sup>31</sup> One reason given for this seemingly large oversight is that the police and prosecutors can more easily catch and punish criminals who have met only one of the elements of trafficking, as opposed to having to prove all three.<sup>32</sup> To maintain the balance, then, it would be best to make each individual element of trafficking (i.e. Recruitment with the intent to traffic, Transportation with the intent to traffic, and Exploiting for profit) punishable under the law, but still give the definition and elements of trafficking.

Making the trafficking law as clear as possible is important because if trafficking is to be abolished, people need to understand it. One significant source of confusion stems from the fact that it is easy to assume that the law focuses on sex trafficking only, rather than on both sex and labor trafficking.<sup>33</sup> Sex trafficking, after all, is simply human trafficking for the purpose of sexual exploitation, and the law is designed to protect against human trafficking in general. Nevertheless, there is a heavy emphasis on sexual exploitation, with several articles making reference to sexual aggression, production of pornography, or sexual acts (with a minor) as being prohibited and more severely punished, and three out of the nine chapters in the law solely deal with sexual exploitation issues. Though Chapters 2 (The Act of Selling/Buying, or Exchanging a Human Being) and 3 (Confinement) of the law, can easily apply to both sex and labor trafficking, one suggestion for improvement is that the law be amended to include specific Articles that solely deal with labor trafficking of children.<sup>34</sup> This could include guidelines on measures to prevent child trafficking (setting up hotlines for people to call if they suspect child

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<sup>31</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

<sup>32</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>33</sup> Interview with Tith Lim of UNIAP, 12 July 2010.

<sup>34</sup> Interview with Tith Lim of UNIAP, 12 July 2010.

trafficking), more in-depth monitoring of specific industries where children are known to be trafficked for their labor, and possibly even increased border and immigration control. This would clarify the law as a trafficking law for both labor and sex trafficking and possibly make it easier to prosecute criminals who traffic children for labor exploitation.

### Sexual Exploitation and Domestic Violence

Children in Cambodia, especially young girls, are vulnerable to sexual exploitation. Girls as young as eleven years old are raped, sold as prostitutes, and molested in a nation that still discriminates against women and views sex with a virgin as having healing, restorative power.<sup>35</sup> According to Ministry of Interior (MoI) statistics for the first half of 2007, out of the 165 rapes reported, 53 were girls younger than 15-years-old, 10 were girls from 15- to 17-years old, and 41 were 18-year-olds.<sup>36</sup> The UN Convention on the Rights of the Child requires States Parties to take all necessary steps, including national, bilateral and multilateral measures, to ensure children are protected from all forms of sexual abuse and exploitation.<sup>37</sup> Cambodia has enacted the following legislation to meet this requirement:

- 2008 Law on Suppression of Human Trafficking and Sexual Exploitation
- Convention on the Rights of the Child
- 2005 Law on the Prevention of Domestic Violence and the Protection of Victims
- Policy on Alternative Care for Children (2006)

As previously mentioned, the 2008 Law on Suppression of Human Trafficking and Sexual Exploitation is the leading piece of legislation in Cambodia dealing with sexual exploitation. The law specifically offers harsher punishments for perpetrators who commit sexual

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<sup>35</sup> Chan, Isabelle, "Addressing Local Demand for Commercial Sex with Children in Cambodia." ECPAT-Cambodia, 2010.

<sup>36</sup> Ministry of Interior, Law Enforcement Against Sexual Exploitation and Trafficking of Children Project, Statistics for 2007: Sixth months as reported in Woods, Lisa Nicole, "Sound the Alarm: Reporting Violence Against Children in Cambodia." Phnom Penh: UNICEF Cambodia, 2007, 14.

<sup>37</sup> Brown, Sherrie, Cambodian Law and the Convention on the Rights of the Child. Phnom Penh: Legal Aid of Cambodia, 2008, 247.

offenses against minors; procurement of prostitution, for instance, is punishable by 2-5 years in prison, whereas procurement of *child* prostitution is punishable by 7-15 years in prison.<sup>38</sup>

Prostitution is a controversial topic because prostitutes have been arrested and charged for trafficking under the 2008 law even though the law's purpose is not to criminalize the prostitutes, several of whom are actually victims of trafficking rather than perpetrators.<sup>39</sup> In fact, prostitution itself is not against the law in Cambodia, but the act of public solicitation is considered "disturbing the peace," which is also why the prostitutes, and not the clients who pay for prostitution, are criminalized.<sup>40</sup> Furthermore, the wording of the law defining "procurement of prostitution" as "assisting or protecting the prostitution of others" has been used to harass NGOs and other organizations that provide services and help to sex workers.<sup>41</sup> Clarification of the purpose of the law and more precise wording needs to be legislated so that the correct perpetrators are caught and punished.

As previously discussed, Article 3 of the 2008 law extends application of the law outside the territory of Cambodia so that foreigners who commit crimes against Khmer victims can still be prosecuted.<sup>42</sup> Though some studies have found that commercial sex with minors is perpetrated mainly by local Cambodian men,<sup>43</sup> many foreigners from Japan, Korea, Taiwan, Sweden, France, Britain, Australia and the U.S. come to Cambodia and commit sexual crimes against children. In the U.S., the offender is punished under both Cambodian and American law, but not all nations punish offenders for committing sexual crimes against minors abroad. Similarly, foreigners are inconsistently deported back to their county of origin for prosecution: Americans

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<sup>38</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Articles 26, 28 (2008).

<sup>39</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>40</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>41</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>42</sup> Law on Suppression of Human Trafficking and Sexual Exploitation, Article 3 (2008).

<sup>43</sup> Chan, Isabelle, "Addressing Local Demand for Commercial Sex with Children in Cambodia." ECPAT-Cambodia, 2010.

are usually deported immediately, but citizens from other countries are not always deported.<sup>44</sup> A tough stance needs to be taken against such foreign criminals and the law should specifically state that foreigners will either receive double prosecutions in Cambodia and their own country or immediately be deported for prosecution in the offender's home court. Under the 2008 law, more foreigners have been prosecuted for the sexual exploitation of minors.<sup>45</sup>

Though the law thoroughly addresses sentences for sex offenders, it does not mention any guidelines on assistance for victims and witnesses after a sex crime has been committed. Currently, when victims go to court, there is no support for them.<sup>46</sup> In fact, sometimes prosecutors accuse the child victims of wrongdoing rather than the offenders. In cases involving foreign perpetrators, child victims and NGOs have been accused of trying to entrap the foreigners and then lodging false complaints against them.<sup>47</sup> To remedy this problem, legislation needs to be implemented that establishes who will protect the victim and what kind of assistance should be offered to victims and witnesses (such as psychotherapy, having a lawyer and social worker help to file a complaint if necessary and having a victim lawyer present in court).<sup>48</sup> The Ministry of Justice, in coordination with an Australian organization, is undertaking a legislative draft on victim protection to address this gap in the law. This is a good sign of progress in legislative reform because generally drafting legal amendments and passing legislation is a slow and highly political process; it takes years for new laws to be implemented, and getting enough political support for the law to even make it to the drafting stage can be difficult.<sup>49</sup>

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<sup>44</sup> Presentation by Suos Vansak of U.S. Immigration and Customs Enforcement, 23 June 2010.

<sup>45</sup> Interview with Tith Lim of UNIAP, 12 July 2010.

<sup>46</sup> Interview with Tith Lim, 12 July 2010.

<sup>47</sup> Email from Suos Vansak of U.S. Immigration and Customs Enforcement, 14 July 2010.

<sup>48</sup> Interview with Tith Lim, 12 July 2010.

<sup>49</sup> Interview with Tith Lim, 12 July 2010.

For child victims, a Prakas on the Enforcement of the Policy on Alternative Care for Children was issued in 2006 by the Ministry of Social Affairs, Veterans and Youth Rehabilitation offering rehabilitation and reintegration services. The Policy on Alternative Care provides for residential shelters for child victims who cannot go back to their homes and communities and foster care, adoption, or kinship care programs for children who can be cared for by someone in their community.<sup>50</sup> The Policy on Alternative Care also gives minimum standards and objectives for these programs so that orphanages and other alternative care facilities are well-maintained.

There has been considerable debate over whether shelters are good sources of alternative care for children. On the one hand, abused children often suffer at the hands of people in their communities: parents or step-parents, relatives, neighbors, or other community members.<sup>51</sup> It is therefore dangerous for children to go back to their homes when the perpetrators are still there, and living at a shelter becomes the only viable option. Shelters also provide a good alternative when children who return to their communities are scorned rather than welcomed back. A deep sense of shame exists within close-knit rural communities especially, and child victims are sometimes treated as the guilty perpetrators by neighbors and family members who heard from the real perpetrator or the police that the child did something wrong.<sup>52</sup>

On the other hand, keeping children in regular contact with their families, and not taking them away from their communities, is the best way to reintegrate them into society, which is the main goal for child victims. When children are in shelters for long periods of time, they are often labeled as “victims” and come out viewing themselves as victims who are forever traumatized; this mentality makes it harder for children to reintegrate into their communities because they are

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<sup>50</sup> Policy on Alternative Care for Children (2006), 14-15.

<sup>51</sup> “Breaking the Silence: Sexual Violence in Cambodia.” London: Amnesty International, 2010.

<sup>52</sup> “Breaking the Silence: Sexual Violence in Cambodia.” London: Amnesty International, 2010.

not considered “normal.”<sup>53</sup> Furthermore, children who live at shelters for a long period of time often do not want to go back to their families and just want to stay at the shelter forever, becoming dependent on shelter life and unable to reintegrate into normal society.<sup>54</sup> A study conducted by IOM on sixteen orphanages and shelters in Cambodia also found that staff at these shelters were not well tuned to the needs of the children, though this could be remedied by better training and more open communication between the staff and children.<sup>55</sup> Finally, legal custody over a child living at a shelter is questionable; parental power can be terminated and transferred to any organization or relation if the parent fails to educate the child, violates the child’s rights or forces him to commit a crime, treats the child badly, or is a bad moral influence on the child.<sup>56</sup> However, the parental power holder has the right to choose the residence of the child and the right to demand hand-over of the child if the child is being held by a third party.<sup>57</sup> Since suspension of authority of a parental power holder must be petitioned to and granted by a court,<sup>58</sup> if the parent is still the parental power holder, he or she can sue the shelter for “kidnapping.” To protect children in these types of situations, a system of juvenile dependency, similar to that in the U.S., where the government takes automatic emergency custody of abused children, should be set up.<sup>59</sup> Alternatively, the Family and Civil Code Articles dealing with parental power could be amended to reflect a system of juvenile dependency whereby parental rights are temporarily transferred to the court or to the shelter while an investigation is conducted into possible child abuse.

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<sup>53</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

<sup>54</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>55</sup> Boyle, Roisin, My Heart is Here: Alternative Care and Reintegration of Child Trafficking Victims and Other Vulnerable Children. Phnom Penh: International Organization for Migration, 2009.

<sup>56</sup> Law on Marriage and Family, Article 119 (1989).

<sup>57</sup> Civil Code, Article 1044, 1047 (2007).

<sup>58</sup> Civil Code, Article 1048 (2007).

<sup>59</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

Domestic violence is another area of concern where children are involved, especially since most violence against children happens in their homes and communities.<sup>60</sup> The 2005 Law on the Prevention of Domestic Violence and the Protection of Victims is designed to protect dependent children from homicide, physical and mental abuse, and sexual aggression.<sup>61</sup> The law outlines various protections for victims of domestic violence and punishments for offenders, but the police are given a great deal of discretion in judging when and how to intervene, and there are guidelines on how to analyze a situation of domestic violence. In a country where domestic violence has traditionally been viewed as acceptable, police officers need to be instructed on how to spot victims and what steps need to be taken to protect victims. Giving unfettered discretion to the police in a new area of law can lead to abuses and poor implementation of the law.

The law also specifically mentions that when the domestic violence is related to children, the “authorities in charge...shall do the follow up of this issue. In severe cases, the authorities in charge shall file a case to the courts.”<sup>62</sup> What exactly is meant by “follow up of [the] issue” and “severe case” should be defined. Though it is assumed that “the authorities in charge” refer to the police, this should also be clarified. Especially where children are involved in cases of domestic violence, the courts and law enforcement need to step in and protect child victims, temporarily removing the children from the environment where the violence allegedly occurred until a more thorough investigation has been completed. Cambodians’ lack of faith in the police and the judicial system, combined with the high rate of violence against women and children in the home, suggests that the Domestic Violence law is not effective at either offering protection to domestic violence victims or prosecuting offenders.

#### Juvenile Justice - Children in Conflict with the Law

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<sup>60</sup> Email from Suos Vansak of U.S. Immigration and Customs Enforcement, 14 July 2010.

<sup>61</sup> Law on the Prevention of Domestic Violence and the Protection of Victims, Articles 2, 3 (2005).

<sup>62</sup> Law on the Prevention of Domestic Violence and the Protection of Victims, Article 28 (2005).

With high levels of poverty, uneducated parents, and weak law enforcement, children commit crimes and find themselves in conflict with the law. These children still need to be protected by the law, especially considering that in prison, juveniles are housed with adult criminals and are negatively influenced by this kind of environment.<sup>63</sup> Cambodian legislation to protect children in the juvenile justice system includes:

- 2007 Criminal Procedure Code
- UNTAC Law (1992)
- Prakas No. 303 on the Organization and Function of the Youth Rehabilitation Center (2000)
- Instruction No. 617 on the Use of Court Screens at Hearing of Child Victims/Witnesses (2007)
- Convention on the Rights of the Child
- Draft Juvenile Justice Law (not yet in effect)

Cambodia's Criminal Procedure Code has specific Articles protecting children who are in conflict with the law. For instance, juveniles can only be held in police custody for a limited time (between 24-48 hours depending on the age of the minor and whether the crime committed was a felony or misdemeanor), and minors under 14 years-old cannot be taken into police custody.<sup>64</sup> The police also have to notify the parents and legal representative of the child at the time of arrest, and lawyers are automatically assigned.<sup>65</sup> Minors are also supposed to have their sentences reduced by half; if an adult sentence for rape is 10 years imprisonment, a minor should only be sentenced to 5 years imprisonment for the same crime.<sup>66</sup>

Problems with these laws mainly deal with implementation: it is sometimes difficult to determine a child's age when minors do not have birth certificates or any accurate formal records. This is a problem in all areas of the law that deal with children since children/minors are legally defined as being under eighteen years old. Defense attorneys assigned to juvenile cases

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<sup>63</sup> Observation of Battambang Provincial Prison, 14 July 2010.

<sup>64</sup> Criminal Procedure Code, Article 96 (2007).

<sup>65</sup> Criminal Procedure Code, Articles 100, 301 (2007).

<sup>66</sup> Interview with Aekje Teeuwen, former legal consultant for LICADOH, 8 July 2010.

are usually not paid by the government; there is no such thing as a state-funded public defender, so defense attorneys either remain unpaid (and do not always do a thorough job in representing the child defendant) or are paid by NGOs specifically to defend children.<sup>67</sup> Sometimes child prisoners are overlooked and forgotten while in custody, remaining in jail for much longer periods of time than legally acceptable because not enough attention is paid to child rights in prison.<sup>68</sup> Finally, because there are so many pieces of legislation outlining rights for children in the juvenile justice system, there have been conflicts in the law and its interpretation. For instance, under UNTAC law, sentences for juveniles must be cut by half.<sup>69</sup> Later, a Prakas came out regarding criminal aggravating circumstances<sup>70</sup> that was interpreted to ignore the UNTAC provision, and minors were sentenced to a full adult term. Cambodia also ratified the Convention on the Rights of the Child, which mandates that the sentence for juveniles needs to be cut by half. Eventually this problem was brought before the Constitutional Council, and now it is generally accepted that sentences for juveniles are to be cut by half.<sup>71</sup>

The draft juvenile justice law that is not yet in effect is supposed to address diversion, rehabilitation, and reintegration for children in conflict with the law. Currently there is a Prakas (No. 303) on the Organization and Function of the Youth Rehabilitation Center, which is meant to “receive, administrate, educate, and train children between 7 and 18 years-old who have committed illegal activities and used drugs.”<sup>72</sup> Centers are under-utilized due to lack of funds and lack of support for juvenile justice policies.<sup>73</sup> Yet rehabilitating and reintegrating youth is an

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<sup>67</sup> Interview with Thearin Phonn of Legal Aid of Cambodia, 14 July 2010.

<sup>68</sup> Interview with Aekje Teeuwen, former legal consultant for LICADOH, 8 July 2010.

<sup>69</sup> United Nations Transitional Authority in Cambodia (UNTAC), Article 68(2) (1992).

<sup>70</sup> Law on Aggravating Circumstances for Felonies, Articles 8 and 9 (2002).

<sup>71</sup> Decision of the Constitutional Council Regarding the Law on Aggravating Circumstances for Felonies and the Convention on the Rights of the Child, Case-file No. 131/003/2007 (Dated 26 June 2007), Decision No. 092/003/2007 (Dated 10 July 2007).

<sup>72</sup> Prakas on the Organization and Function of the Youth Rehabilitation Center, Item 1 (2000).

<sup>73</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

important protection for juvenile offenders because many of them face shame and ostracism when they go back to their communities. The older children (sixteen and seventeen years old) at Battambang Provincial Prison hung their heads in shame, spoke softly only when directly asked a question, and would not meet the eyes of the attorney who came to visit them and bring them food in prison.<sup>74</sup> This deep sense of shame that children experience from being in prison is a further reason why diversion programs are also necessary. When a child goes to prison, there is a high likelihood that he will commit another offense and end up back in prison because he was influenced by the adults he met or because his community was so unwelcoming that he went back to a life of crime.<sup>75</sup>

Other suggestions to add protections for juvenile offenders include separating juveniles from adults in the criminal justice system entirely: in prisons, in police stations, and even in the courts.<sup>76</sup> Plans for an entirely independent juvenile court system, where judges would be specifically trained in juvenile law and only juvenile cases would be heard there, may be started at UNICEF next year.<sup>77</sup>

Finally, legislation needs to be added that will ensure decent conditions in prisons for children. Prisons are not meant to be comfortable, but in order to respect and promote basic human rights for safety and health, prisons should have to meet a minimum standard for human habitation. Just as there is a law and a policy for minimum standards in the Alternative Care system for children,<sup>78</sup> there should similarly be such a law for prisons where juveniles are housed. Currently, the Battambang Provincial Prison has over fifty children in residence, with a

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<sup>74</sup> Observation of Battambang Provincial Prison, 14 July 2010.

<sup>75</sup> Interview with Thearin Phonn of Legal Aid of Cambodia, 14 July 2010.

<sup>76</sup> Interview with Aekje Teeuwen, former legal consultant for LICADOH, 8 July 2010.

<sup>77</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>78</sup> Prakas on the Enforcement of the Policy on Alternative Care for Children (2006) and Policy on Alternative Care for Children (2006).

total of 1776 prisoners. The capacity of the prison is 700 people, which means that the prison is over-capacity by more than 1000 people. Children are not adequately fed while in prison. Only 2800 Riel (about \$0.60 USD) is spent per day per person on all supplies (food, water, electricity, clothing, etc.), and the women and children's prison in Phnom Penh, CC2, spends about the same amount (about \$0.67 USD).<sup>79</sup> It may be difficult to feel sympathy or compassion for criminals, but prisoners, especially child prisoners, are still entitled to their basic human rights and should not have to starve or become ill from poor living conditions. Such circumstances certainly do not encourage child delinquents to rehabilitate or stop stealing (most of the crimes children commit are theft or robbery,<sup>80</sup> which, in Cambodia, is defined as two or more people committing a theft).<sup>81</sup> To protect the human rights of children in conflict with the law, the Ministry of the Interior needs to focus on education, rehabilitation, and most importantly, a decent standard of living for children in all environments.<sup>82</sup>

### Juvenile Justice – Child Victims

Issues dealing with child victims in the criminal justice system repeat many of the same discussion points mentioned earlier in this Assessment. The whole purpose of having labor, trafficking, and sexual exploitation laws is to protect and prevent children from becoming victims who are exploited, abused, and otherwise taken advantage of. There are not many laws protecting child victims post-incident, but one remedy victims have is the ability to collect “fair

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<sup>79</sup> Interview with Thearin Phonn of Legal Aid of Cambodia, 14 July 2010.

<sup>80</sup> Interview with Aekje Teeuwen, former legal consultant for LICADOH, 8 July 2010.

<sup>81</sup> United Nations Transitional Authority in Cambodia (UNTAC), Article 34(1) (1992). The 2009 draft of the Penal Code (not yet enacted) no longer defines robbery this way.

<sup>82</sup> The opposing argument that conditions in prison surpass conditions that most children in Cambodia are used to, and therefore children may be encouraged to commit crimes to get a decent meal in prison, can only be met by the comment that if the value is in protecting children and their human rights, then it is a risk that must be taken. Promoting education and morals amongst children, combined with safe work programs, will also hopefully curb criminal activity.

and adequate compensation for all child victims of violations of human rights,”<sup>83</sup> including rape and sexual assault.<sup>84</sup> The problem with the way this law is worded is that in Cambodia it is a common practice to negotiate a settlement between victim and offender: the victims drop all charges, and the offender pays the victim money. In 2005 there were 380 rape cases reported to ADHOC, of which 284 were child victims and 15% of the cases had charges dropped after the offender paid compensation.<sup>85</sup> This law and practice encourages a policy of offenders not being punished by the criminal justice system and results in victims being made vulnerable to continued abuses.

One significant effort made to protect child victims is the due consideration given to a child’s privacy and mental/emotional well-being. The press, for instance, “cannot publish any information, photographs or drawings which may make it possible for the readers to identify or know the name of minors in any civil or criminal suit” (this includes child offenders).<sup>86</sup> Another recent law passed was the Prakas on the Use of Court Screens at Hearing of Child Victims/Witnesses, passed in 2007, that allows the child victim to stand behind a court screen so as not to come in direct contact with the defendant at trial.<sup>87</sup> Maintaining the privacy of a child’s identity – for both a child offender and a victim – is important because of the stigma children receive from being involved in a lawsuit or anything having to do with the police.<sup>88</sup> It especially protects the victim from suffering added undue public embarrassment and humiliation from being identified as a victim of crime.

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<sup>83</sup> UN Guidelines for Action on Children in the Criminal Justice System, Paragraph 48 (1997).

<sup>84</sup> UN Guidelines for Action on Children in the Criminal Justice System, Paragraph 48 (1997).

<sup>85</sup> Child Rights in Relation to Juvenile Justice and Child Victims of Criminal Offenses. UNICEF, 2007, 87.

<sup>86</sup> Law on Press-Regime, Article 15(2) (1995).

<sup>87</sup> Instruction No. 617 on the Use of Court Screens at Hearing of Child Victims/Witnesses (2007).

<sup>88</sup> Interview with Thearin Phonn, 14 July 2010.

## **B. IMPLEMENTATION OF CHILDREN'S RIGHTS LAWS IN CAMBODIA**

### Poverty and Family Life

Cambodians are very concerned with money, which is not surprising considering that after the Khmer Rouge regime, most people were left destitute and impoverished. Because families are so poor, children try to find work as beggars, construction workers, drink vendors, dish washers and domestic workers.<sup>89</sup> Older children sometimes choose to leave home to earn money for their families, but others are often pushed by their parents to seek out employment in the city of Phnom Penh or abroad; sometimes parents even sell their children to trafficking brokers to find work, or to neighbors to pay off debts.<sup>90</sup> Thinking that migration will provide better financial opportunities, children leave home with optimistic dreams, but when they cannot find work, end up on the streets or join gangs where they become addicted to drugs and violence. The children who do find jobs, often through a trafficking broker, sometimes get trapped into working conditions where they can be abused, cheated out of their money, or enslaved.<sup>91</sup> Trafficking is one of many risks involved with unsafe migration, a phenomenon that is becoming increasingly prevalent in Cambodia, especially in the wake of the worldwide economic downturn that has resulted in fewer jobs being available within Cambodia for unskilled workers.<sup>92</sup>

Even with the best laws, Cambodia will have difficulty protecting children from being trafficked when they need to make money to support their families. Westerners, who have helped draft and write many of the human rights laws attempting to protect children in Cambodia, may

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<sup>89</sup> Bamboo Shoots: Cambodian Children at Risk. Phnom Penh: International Organization for Migration, 2010.

<sup>90</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

<sup>91</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>92</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

have difficulty understanding Article 47 of the Cambodian Constitution, which states, “Parents shall have the duty to take care of and educate their children to become good citizens. Children shall have the duty to take good care of their elderly parents according to Khmer customs” because Western culture does not place high value on children taking care of their elderly parents. In Cambodia, the family and the community are a much more tightly-knit unit than in Western society. In Cambodia, to work with children, NGOs must also work with and understand the parents; to work with parents, they must work with and understand the community – neighbors and village leaders; and to work with the community, they must work with and understand the Cambodian government.<sup>93</sup> A law that strictly forbids children from working and earning money for their families, even if the job is dangerous, is unlikely to be successful while the majority of Cambodians remain in dire financial circumstances.

The Cambodian government would be best advised to focus on job creation and vocational training programs so that citizens can work in stable industries and earn a decent living. Social workers, teachers, doctors, law enforcement, and engineers are all professions that should be invested in to create a more stable society, but there are not enough well-trained professionals in these areas.<sup>94</sup> There are only two social workers per every 1200 children in Phnom Penh, and there are not enough lawyers or judges to start a separate juvenile justice system yet.<sup>95</sup> Similarly, there are many primary schools but not enough teachers to fill the need for education, especially in the provinces.<sup>96</sup> These are all jobs that will build up the Cambodian economy, which in turn will help improve the stability of the legal system.

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<sup>93</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

<sup>94</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>95</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>96</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

Establishing safe work programs especially for children where they can earn a little bit of money for their families would also help keep kids out of danger while giving them a means of fighting their own poverty. At Phare Ponleu Selpak, an NGO Center for children who have been trafficked, children participate in arts and can earn small sums of money while staying at the Center. As they get older, children who remain at the Center take on more responsibility and can earn more money but also are encouraged to find independent jobs and start paying for their own food or other supplies, but are still welcome to live at the Center.<sup>97</sup> If NGOs can partner with the government of Cambodia to create more programs such as this, it would be an ideal environment for children to work and be productive, earn money for their families, and learn vocational skills that they can use in the future.

#### Police and Law Enforcement

Problems with poverty extend throughout the Kingdom of Cambodia. Noting that an average police officer makes approximately \$50/month,<sup>98</sup> it is no wonder why police corruption is an infamous problem. With such a low salary, officers have to find second and third jobs to feed their families.<sup>99</sup> Despite the new anti-corruption law, it is commonly known that police charge citizens for public services rendered and accept bribes from criminals who want to avoid prosecution and jail. Police officers are not simply bad or immoral people; most of the problems that surround the Cambodian police force have to do with a lack of social and financial support to institutions that serve the public.<sup>100</sup> Police need to be adequately compensated by the government for their public service, and because the police play such an important role in

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<sup>97</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>98</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010. Approximate average salary in Cambodia is \$52/month according to Ms. Jadin.

<sup>99</sup> SISHA Police Training in Battambang, 13 July 2010.

<sup>100</sup> Interview with Lucie Eches of Friends International, 21 July 2010.

maintaining order and upholding the law, paying officers a decent salary is a worthwhile investment and should be a top priority in the national budget.

NGOs are investing in trainings for the police at the provincial and district levels. The 2010 U.S. Trafficking in Persons Report states that the Cambodian government partnered with NGOs to train over 4,000 police, social workers, court officials, and other employees on the 2008 law and its enforcement.<sup>101</sup> Police training is vital to the integrity and sustainability of Cambodian law; without proper law enforcement, there is no authority in the rule of law.

After the Khmer Rouge regime, formal rules of law and law enforcement were destroyed; police therefore must rebuild the institution of law enforcement from scratch and be trained in very basic policing skills before advancing to more sophisticated methods. Materials that officers have to work with date back to the Cold War; newer materials from the West are too expensive.<sup>102</sup> Cambodia also does not have the necessary equipment to effectively process crime scenes or conduct thorough investigations. At the SISHA provincial police training on the 2008 Sex Trafficking Law, officers were being trained on how to collect evidence from a crime scene, including DNA evidence. Though the officers learned quickly and performed well, Cambodia does not have a crime lab to process or analyze DNA evidence.<sup>103</sup> It is commendable of NGOs to take on the responsibility of organizing these necessary police trainings, but it is not efficient to train the police on how to collect DNA evidence if there is no way for them to process the DNA. It would be best to invest in the proper tools that will enable police to do their jobs before training begins or to only train the police in best methods that they can readily employ in their daily jobs, such as mediating disputes between citizens morally and professionally or working with victims and witnesses of crimes in a sensitive and understanding manner.

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<sup>101</sup> “Trafficking in Persons Report, June 2010.” U.S. Department of State Publication, 101.

<sup>102</sup> Interview with Eric Mildrem of SISHA, 13 July 2010.

<sup>103</sup> Observation of Battambang Provincial Police Training, 13 July 2010.

Police are starting to be trained on how to appropriately interview victims and witnesses of crimes. Sensitivity training is an important addition to police trainings. Though trainings include modules on appropriate victim and witness interviewing techniques,<sup>104</sup> the group of predominantly male police officers at the SISHA sex trafficking training (who will work with predominantly young female victims of sex trafficking), started laughing unprofessionally when presented with the physical evidence of a used condom and women's underwear.<sup>105</sup> This is not the way to gain the trust of the public, nor is this a shining example of the police respecting citizens' human rights. The police have to understand not only the technical elements of upholding the law but also the policies behind the law; once the police understand the meaning of human rights and start respecting such rights, they will be able to more effectively work with the public.

Understanding their role as upholders of the law and understanding the purposes of the laws is also a topic that needs to be addressed in training. Though there is a Domestic Violence law that requires police regulation and enforcement, the police often believe that domestic violence is a family issue in which they should not intervene.<sup>106</sup> Without police intervention, the victims of domestic violence, whom the law is meant to protect, have no recourse and suffer at the hands of their abusers. If police were trained to understand that their job is truly to intervene in cases of domestic violence, to step in to protect the safety and dignity of victims, and to punish the abuser appropriately, the law would be much more effective and meaningful.

The establishment of the Anti-Human Trafficking Police Unit, a specialized force trained specifically in human trafficking issues, has been a huge success. Officers are reported to know the law well and are trained to respond to trafficking effectively. Female police officers are

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<sup>104</sup> Battambang Provincial Police Training Interviewing Powerpoint Presentation, 14 July 2010.

<sup>105</sup> Observation of Battambang Provincial Police Training, 13 July 2010.

<sup>106</sup> Interview with Sophie Jadin of Phare Ponleu Solpek, 14 July 2010.

trained to talk to rape victims, for instance. The Anti-Human Trafficking police are at a national jurisdiction level; below the national police, there are provincial, district and commune police. The same kind of training needs to filter down to the district and commune police levels because these are the officers who work most closely with citizens on a daily basis.<sup>107</sup>

Besides police officers, other law enforcement agencies also need to be strengthened. Oversight by government agencies is provided for in legislation, but these agencies face the same problems as the police force. Enforcement and implementation of the laws is therefore lacking. Labor inspectors, for instance, are underpaid and not well trained. This results in labor laws not being enforced, and thirteen year-old children, who are supposed to be protected by the law, end up working at construction sites and other dangerous jobs.<sup>108</sup>

Practically speaking, it makes sense to have government agencies regulating and supplying oversight capacities in areas like labor law because the police cannot cover all areas of law enforcement on their own. However, without proper funding and training, government inspectors and regulators cannot do their jobs, and the law and its enforcement officers lose respect in the eyes of the people.<sup>109</sup> If the government cannot afford to fund a whole separate division of oversight agencies, then the responsibility of upholding these laws will fall to the police force, which may have to be expanded. The only other option to having proper regulation and law enforcement is to allow the law to be lax and go unheeded, meaning that children will be vulnerable to exploitation.

### Judges and Courts

Under the civil law system, judges have much less power than in the common law system. Nevertheless, judges play an important role in dispensing justice and upholding the law.

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<sup>107</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>108</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

<sup>109</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

Like the police and so many other professions in Cambodia, judges and court staff are not paid enough, which makes corruption and bribe-taking more tempting in even these honorable positions. To make matters worse, there is also a lack of funds for decent court materials. There is a large backlog in the courts because there are not enough technical resources like computers or organized filing systems and not enough judges to take on all the cases.<sup>110</sup>

New laws are being drafted and implemented in Cambodia at a rapid rate, and judges sometimes find it hard to keep up with the legislation. Further, since most of these laws have been written with the help of foreign organizations, they are based on systems that are unfamiliar to Cambodians. Not all judges have a legal background, and the older judges especially need to be thoroughly trained in the new laws (such as the 2008 Trafficking law and the 2005 Domestic Violence law) in order to protect children through the legal system.

Many of these older judges also are used to having a great deal of discretion and free reign, so they respond to new restricting guidelines and specific laws with some resistance.<sup>111</sup> For instance, the Prakas that provides for court screens to be used to protect child victims from directly facing their abusers in court is rarely implemented partly because judges do not feel they are useful, even though NGOs think that the screens help and should be used.<sup>112</sup> Other reasons that the screens are not used include the fact that logistically there is not much space in the courts to set up a screen, and having the child victim come in and hide behind the screen before the abuser enters would take coordination, and the courts do not have the time or resources to invest in such organization. It is likely that the Ministry of Justice would have to attend every court hearing and set up the screens for the court.<sup>113</sup> The inefficiency of this kind of system is not

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<sup>110</sup> Interview with Aekje Teeuwen, former legal consultant for LICADOH, 8 July 2010.

<sup>111</sup> Interview with Aekje Teeuwen, former legal consultant for LICADOH, 8 July 2010.

<sup>112</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

<sup>113</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

feasible; it would make much more sense for the Ministry of Justice or even an NGO to train judges and court staff on how to properly use and set up the court screens. The main difficulty would be in convincing the judges that the screens are useful and worth the time and energy to set up for the sake of the child victims.

Integrating social workers into the courts is an important implementation measure that Cambodian policymakers should consider. Though there are very few trained social workers, these professionals do a great deal of work with rehabilitating and protecting children in the legal system. A list of social workers who are certified and trained should be given to the judges so that social workers can be quickly and effectively integrated into the justice system and start working with affected children immediately.

#### Awareness, Education and Culture

Information is the most powerful resource that the human race has at its disposal; it is a resource that is desperately needed in Cambodia. Cambodian children, especially teenagers, choose to go to Thailand or China because they have seen advertisements through television and radio that promise a rich life in these foreign countries. They are attracted by the idea of having commodities like mobile phones, televisions, and video games and remain ignorant of all the risks of migration until they experience the harsh reality that life in Thailand and China is just as hard as life in Cambodia. Sometimes even when teenagers know the risks of migration, the lure of materialism is enough of a benefit to take the risk because showing off one's wealth is valued in Cambodia.<sup>114</sup>

Awareness, education, and especially cultural change, need to be developed in terms of informing citizens of the risks of trafficking, the immorality of rape and domestic violence, and the consequences of breaking the law. For young boys and some men, pornography is the only

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<sup>114</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

source of information they have about sex, and this ignorance has led to several instances of gang rape, known as “bauk.”<sup>115</sup> One study found that in consultations with participant Cambodian young men, some considered it acceptable to force girls or women perceived as promiscuous, or were known prostitutes into gang rape.<sup>116</sup> Cambodians need to be made aware of the issues and problems surrounding sexual violence against women and children and to be taught that such violence is unacceptable in modern societies that promote human rights. Lack of this awareness amongst the public is something to which the government, NGOs and local stakeholders continuously point, going so far as to indicate that the majority of Cambodians may not even know that purchasing sex with children under 18 years-old constitutes a form of sexual exploitation and is punishable by law.<sup>117</sup>

Young girls are especially vulnerable to abuse because discrimination against women is still very prevalent. The Cambodian saying that “Men are gold, women are cloth” exhibits the inferior position of women in Cambodian society.<sup>118</sup> Virginity is prized above all else in young girls; virgin girls who are trafficked for sex are sold at a high price because several men believe that having sex with a virgin brings restorative powers and can even cure HIV/AIDS.<sup>119</sup> In fact, hymen reconstruction surgery is sometimes performed on young girls so they can be re-sold as virgins, and when virgin girls are raped and taken to the hospital, if the hymen is still intact, doctors may not continue with any further physical examination, believing the girl is perfectly

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<sup>115</sup> Chan, Isabelle, “Addressing Local Demand for Commercial Sex with Children in Cambodia.” ECPAT-Cambodia, 2010, 23-24.

<sup>116</sup> Woods, Lisa Nicole, “Sound the Alarm: Reporting Violence Against Children in Cambodia” citing Wilkinson, Bearup, & Soprach. (2003, September 22-25). Presentation from Non-consensual Sexual Experiences of Young People in Developing Countries: A Consultative Meeting, as cited in ‘Sexual Coercion: Young Men’s Experiences As Victims And Perpetrators,’ Population Council, WHO, Youthnet, New Delhi, 2004, p. 3.

<sup>117</sup> Chan, Isabelle, “Addressing Local Demand for Commercial Sex with Children in Cambodia.” ECPAT-Cambodia, 2010, 22.

<sup>118</sup> Chan, Isabelle, “Addressing Local Demand for Commercial Sex with Children in Cambodia.” ECPAT-Cambodia, 2010, 23.

<sup>119</sup> “Breaking the Silence: Sexual Violence in Cambodia.” London: Amnesty International, 2010.

fine as long as her hymen has not been destroyed.<sup>120</sup> Awareness campaigns that promote equal treatment of women and respect for both sexes need to be infiltrated to the masses. The Cambodian Constitution states that citizens have a right to live free from sexual discrimination,<sup>121</sup> but like so many laws, these are just words that have little meaning in the harsh reality of Cambodian life.

Methods for raising awareness and dispelling harmful ignorance are most easily implemented through education. Children are constitutionally provided free public education for nine years,<sup>122</sup> and teachers should instill respect for human rights and the law at an early age. Children should also learn about their own rights and what benefits and obligations are entitled to them under the law. Child victims of trafficking often do not know that the traffickers who abused them can be legally punished, even though they sense that what happened to them was morally wrong.<sup>123</sup> If citizens, especially children, are made aware of their rights, it is more likely that they will object to a violation of their rights when they perceive a violation occurring.

Other methods for disseminating information to the public include TV and radio advertisements.<sup>124</sup> In April 2010, actor Jackie Chan was in Cambodia, filming commercials for HIV/AIDS awareness and promoting condom usage. His visit generated publicity both locally and internationally and provided a source of information from a charismatic role model to many Cambodian citizens.<sup>125</sup>

Face-to-face interaction between citizens and the NGOs, government agencies, or other organizations providing information and gathering input is the best way to disseminate

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<sup>120</sup> “Breaking the Silence: Sexual Violence in Cambodia.” London: Amnesty International, 2010.

<sup>121</sup> Constitution of the Kingdom of Cambodia, Articles 31, 34, 35, 36, 43, 44, 45, 46, 50 (1993).

<sup>122</sup> Constitution of the Kingdom of Cambodia, Article 68 (1993).

<sup>123</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>124</sup> Interview with Tith Lim of UNIAP, 12 July 2010.

<sup>125</sup> UNICEF Press Center, [http://www.unicef.org/infobycountry/media\\_20727.html](http://www.unicef.org/infobycountry/media_20727.html).

information because it creates a relationship and a way to follow up with citizens. Some NGOs hold workshops in the provinces disseminating information on trafficking and legal consequences for offenders and hold artistic performances that disseminate information through a story or play.<sup>126</sup> Especially when concepts are new and citizens have a hard time understanding information passed to them, it is important to have continuous follow-up: at Friends International, for instance, when children are reintegrated into their communities, a staff member first goes to the family and the Village Chief and explains what happened to the child, and what the plan is for the child to return home. Then, when the child returns home, the staff member goes with the child and continues to follow-up with the child and the family to ensure a smooth transition and reintegration.<sup>127</sup>

In a survey of 47 random Cambodian males for an ECPAT-Cambodia study on commercial sex with children, 78.6% said campaigns targeted at Cambodian men that raise awareness on the abuse and sexual exploitation of children under 18 in the sex industry and encourage men to rethink their roles as buyers would be effective, and 75.0% said education classes for Cambodian men required by the government, families, communities and/or religious groups on abuse and exploitation faced by sex workers would be effective. Arrest, involvement from families and community shaming mechanisms followed in effectiveness at 60%, 52.4% and 46.7%, respectively.<sup>128</sup> Awareness and education thus were the self-proclaimed most effective methods for changing behaviors and attitudes that negatively affect children in the sex industry in Cambodia. Working on disseminating information to improve awareness and education should be a top priority for the Cambodian government.

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<sup>126</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>127</sup> Interview with Lucie Echès of Friends International, 19 July 2010.

<sup>128</sup> Chan, Isabelle, "Addressing Local Demand for Commercial Sex with Children in Cambodia." ECPAT-Cambodia, 2010, 34.

## Politics, the Government, and the role of NGOs

In most Western countries, the government takes an active regulating role. When there is a social problem, Westerners look to the government to fix it. This is not the case in Cambodia. In Cambodia, a lot of work is done by NGOs and foreign organizations and governments with the RGC's blessing. The RGC encourages and even petitions NGOs and foreign governments for help: the introduction to several policies and presentations written by the RGC include a request for the continued financial support of foreign entities. The RGC claims to have a dearth of funds, which is why the support of foreign entities and NGOs is so important. Though Cambodia does suffer from poverty at all levels, it seems that there is some money coming into the country. The national budget for 2009 was reported to be \$1.88 billion, a 29.6% rise from 2008, much of which was donated by foreign entities.<sup>129</sup> In comparison, the U.S. budget for 2009 was over \$2 trillion, according to Wikipedia.<sup>130</sup>

The Senate and National Assembly both have an autonomous budget to “conduct its functions.”<sup>131</sup> Publishing a detailed budget and outlining where and how money is being spent by public officials would add a level of transparency to the Cambodian government that would make its members more accountable to constituents. Currently, many people believe that there is money in the government, but nobody knows where the money is going, and there never seems to be enough money in the budget to provide necessary infrastructure and services for citizens.<sup>132</sup> When resources are scarce, it is imperative that the governing bodies of a nation be accountable to the people because the people have a right to know and have input in deciding where their nation's resources are being used. This strategy will help implement and strengthen the laws

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<sup>129</sup> <http://english.people.com.cn/90001/90777/90851/6550081.html>

<sup>130</sup> [http://en.wikipedia.org/wiki/2009\\_United\\_States\\_federal\\_budget](http://en.wikipedia.org/wiki/2009_United_States_federal_budget)

<sup>131</sup> Constitution of the Kingdom of Cambodia, Articles 81, 105 (1999 Amendment).

<sup>132</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

because the purpose behind a democracy is that “all power belongs to the people”<sup>133</sup> and by having input as to where money is being spent, the people choose which issues and laws should be prioritized. It is likely that the people would highly prioritize job programs, education and vocational training, healthcare, and possibly law enforcement and legal reform.<sup>134</sup>

As a legislative body for the nation, the Senate plays an important role in creating Cambodian national policy. The Senate does not always have the necessary expertise in various areas of law for which it is creating policy. Another problem is that the citizens of Cambodia do not understand the purpose of the Senate and other governing bodies. Workshops in the provinces have been organized to meet with citizens and discuss issues concerning them.<sup>135</sup>

Activities such as this show that there is a promising future for the government of Cambodia: the Senate is only eleven years old but has done a great deal of work to make improvements in the laws and to build a legal framework from scratch after the Khmer Rouge regime.

There is no doubt that the government is aware of the many problems that Cambodia faces with the laws and their implementation, and it is clear that several of the Ministries care about these problems and are trying to help fix them.<sup>136</sup> Even though intentions are admirable, there are many improvements that can be made within the government. For instance, there are several Ministries within the Cambodian government, and they compete for power and resources when they should be working cooperatively for the good of the nation. The Cambodian National Council for Children (CNCC) was created specifically to protect the interests of children and wrote the first Five Year Plan Against Sexual Exploitation of Children (2000-2005).

Unfortunately, the CNCC was not a strong organization within the Cambodian government, and

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<sup>133</sup> Constitution of the Kingdom of Cambodia, Article 51 (1999 Amendment).

<sup>134</sup> Interview with Sophie Jadin of Phare Ponleu Selpak, 14 July 2010.

<sup>135</sup> Meeting with Senator Sang-Bonn Soth and the Deputy Secretary General of the Senate, 22 July 2010.

<sup>136</sup> Interview with Tith Lim of UNIAP, 12 July 2010 and Interview with Lucie Eches of Friends International, 19 July 2010.

international entities and donors started working with the Ministry of Women's Affairs because both women and children were victims of sexual exploitation. Partially because of this jurisdictional issue and the fact that the CNCC was not receiving support, the 2000-2005 Five Year Plan was not very successful.<sup>137</sup> As in every government, there are some Ministries/Departments that receive more resources and are more powerful than others, and this is the unfortunate reality of national politics. However, despite this reality, the Cambodian government cannot afford to have serious internal discord amongst its Ministries during this critical time of redevelopment. Competition amongst government Ministries has only resulted in inefficiencies, corruption, and loss of respect for the law and its governing bodies. The people suffer when government agencies cannot work well together, and there has already been enough warfare and suffering in Cambodian history. While the country is going through its first few stages of growth pains, the government has to pull together and work towards the common goal of doing what is in the best interests of its citizens.

Because of problems in the government, citizens have turned to NGOs for immediate relief from trafficking and sexual exploitation abuses, paying for defense attorneys for juveniles, and rehabilitation and reintegration services for children who have left their communities. Many NGOs have come from around the world to offer support and guidance to the people of Cambodia as the country rebuilds itself from the ground up, and these organizations have done a good job in meeting many of the needs that citizens have on a daily basis.

However, NGOs also face problems of sustainability, inefficiency, and lack of resources. There are now so many NGOs in Cambodia that most reports and academic papers include a list of acronyms (NGO names) for the reader's reference at the beginning of the piece. Even though they do good work, some NGOs are not working in conjunction with the government or local

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<sup>137</sup> Interview with Ana Sunga of UNICEF, 7 July 2010.

institutions and instead create their own systems and infrastructure to solve problems.<sup>138</sup> The ultimate goal of an NGO is to one day be able to leave the country because the problem for which it came in the first place (sex trafficking of children, providing legal aid to citizens in prison, etc.) has been eradicated or at least is being competently handled in the local system. This goal cannot be accomplished if the NGO is not working with the local system and passing on good practices that the local system can one day use on its own.

The best way to create a sustainable system in Cambodia is for NGOs to work directly with the government or with families (ideally an NGO would be able to work directly with both the government and families, but funds often prohibit this).<sup>139</sup> Community leaders are committed to protecting children but often do not know how to do so. The government has several interests to represent besides those of children, and working with the government can take a very long time. However, if a good system can be established in the government to protect children, it is the most stable way to ensure children's rights.<sup>140</sup> NGOs need to work with local family and communities, the government, police, judicial officers, and schools and educators in Cambodia so that these institutions can stand alone and still function well once the NGOs leave.

Every NGO employee interviewed for this Assessment reported that competition for funds and donors constituted a major challenge to the work done by the NGO. There are several good causes represented by the NGOs in Cambodia: there are organizations that represent prisoners when defense attorneys cannot be paid, organizations that set up shelters along the border for trafficked children, organizations that run Centers committed to rehabilitation and reintegration of drug addicts on the streets, organizations that work primarily with HIV/AIDS patients, and organizations that examine the quality of water filters being used in Cambodian

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<sup>138</sup> Interview with Sophie Jadin of Phare Ponleu Solpek, 14 July 2010.

<sup>139</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

<sup>140</sup> Interview with Lucie Eches of Friends International, 19 July 2010.

homes to produce healthy, clean drinking water, just to name a few. There are only a few foreign donors, and there are many organizations that all need support. The donors have to choose only one or two organizations to support, which incites competition amongst the NGOs. A significant portion of NGO time and energy is spent writing grants and doing research on statistics that will impress donors. This time could be more effectively spent on actually helping the citizens of Cambodia, but without funding, NGOs cannot do anything, so the grants must be written and the statistics must be compiled. Despite the good work that NGOs do, they are getting so numerous that their presence might be negatively affecting the situation in Cambodia rather than helping it.

One of the negative effects of having too many NGOs is that the same reports are research and created by multiple organizations. Some organizations have similar missions and overlap in the work that they do. Problems in migration, for instance, extend to trafficking issues, and within the trafficking, there are even more specific issues for women and children (meaning that the NGOs representing the interests of women and children tackle issues in trafficking even though there are already NGOs representing the interests of trafficking victims). It is difficult to avoid such an overlap of work; problems in Cambodia are complex: which NGO takes on a case of a juvenile in need of a lawyer because he is in jail for being a drug addict living on the street after suffering from being a trafficking victim? These complexities call for NGOs to cooperate and coordinate to produce the maximum efficiency rate and avoid excessive duplicity. If one NGO has written an assessment on children in the juvenile justice system, a second NGO does not need to write a second assessment unless it is updating information from the first NGO's report. Sharing information and resources is sometimes difficult from a business perspective: the NGO does not want to make itself obsolete, but the main goal of an NGO should always be to solve the problem it came to solve in the best way possible. Usually the best way to solve a

problem in Cambodia is through cooperation and coordination from all the NGOs, the government, and the citizens.

### Conclusion

As this Assessment shows, there are still many gaps in both Cambodian legislation and implementation of the laws. Children are still abused and exploited, despite the efforts of the government and NGOs to protect children's rights. The law on its face only needs a few adjustments in wording and explanation, but to work more effectively in the Cambodian system, it would be advisable to have local legislation written by local citizens. People who know Cambodia and can create laws that work with the Cambodian system are preferable to laws drafted by foreigners who base the law on their own legal systems. Cambodia's system is flawed, and it will take time for it to improve; rushing Cambodia into a painful and hazardous process of reformation is not the answer. Even the U.S., after over 200 years of establishment, still has imperfect systems and laws that need improvement. Cambodia has come a long way in developing its laws and social norms considering all the nation has been through.

The country's main concern in legal structure is law enforcement and implementation. The difficulty in addressing implementation issues is that the problem is not legal in nature; without the social infrastructure to support the law and its enforcement through the police and judicial systems, the law is weak and useless. Nevertheless, having a law is a good starting point: to maintain a sense of structure and order, laws need to be established. Every country has some level of poverty, some level of corruption in the police force and amongst judicial officers, some level of unawareness and ignorance amongst the general public, and some level of inefficiency in the government. The problems that Cambodia faces are not unique to Cambodia, but in an era

where most of the world has already established secure systems to effectively deal with most of these problems, Cambodia, through no fault of its own, finds itself behind the curve.

The Cambodian government needs to take a more pro-active approach to governing its country and protecting the rights of its people. Cambodians are proud of the fact that they have always enjoyed a great deal of freedom in their daily lives, free from the hindrance of the police or government. However, freedom without enforced rules turns into chaos, and this is what Cambodia is currently experiencing. Simply looking at traffic on the streets of Phnom Penh will demonstrate that when people are allowed to drive on all sides of the road with cars, tuk tuks, motorbikes carrying six people (none of whom are wearing helmets) plus dogs, bicycles and pedestrians going every which way, there are going to be a lot of traffic jams and a lot of serious accidents. There may be traffic laws, but without the government, police and other enforcement agencies to uphold the law, nobody will abide by the law, and people will continue to get hurt.

Cambodia has several of the necessary tools to become a great and thriving nation. Its people are resilient and hard-working, its land is rich in resources, and it has the support of several countries around the world. Cambodia has one of the most sophisticated constitutions in the world, showing that people care about good governance, a prosperous nation, and citizen rights. As the saying goes, “It’s time to put words into action” – Cambodia needs dedicated leadership that is willing to implement the laws it has worked so hard to establish and make change happen for the good of the country. Without strong local leadership, Cambodia cannot become the independent, self-sufficient nation that it aspires to be.