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UPR submission prepared by:



ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) is the leading global network working to end the commercial sexual exploitation of children (child prostitution, child pornography, child trafficking and child sex tourism). It represents 81 member organisations from 75 countries. ECPAT International holds Consultative status with ECOSOC.

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In collaboration with:

ECPAT Cambodia (End Child Prostitution, Abuse and Trafficking in Cambodia), established in 1995, is a NGO network of national and international organisations working together to prevent the commercial sexual exploitation of children. The network consists of 27 member organisations working together to ensure that children across the country enjoy their fundamental rights and are free from sexual abuse and exploitation in all its manifestations. ECPAT Cambodia is the national member organisation of ECPAT International in Cambodia.

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Executive Summary

This submission provides a review of the status of implementation of international obligations and commitments regarding the commercial sexual exploitation of children (CSEC) in Cambodia.

Although current data on the scale of manifestations of CSEC in Cambodia is lacking, Cambodia has ratified most international legal instruments addressing CSEC, with the exception of the *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*. ECPAT strongly encourages the Cambodian government to ratify this international instrument as soon as possible. At the regional level, Cambodia has ratified the *ASEAN Declaration against Trafficking in Persons, Particularly in Women and Children*.

Notable progress have been made with regards to Cambodia's domestic legal framework addressing commercial sexual exploitation of children, with the adoption in 2008 of the *Law on Suppression of Human Trafficking and Sexual Exploitation*, especially with regards to the prohibition of child prostitution. Despite this, Cambodian legislation still needs to be improved, especially in the area of child pornography and the sexual exploitation of children through the use of information and communication technologies. With regards to the enforcement of the *Law on Suppression of Human Trafficking and Sexual Exploitation*, the Committee on the Rights of the Child raised some concerns in 2011, regarding the low rate of prosecuted and convicted child sex offenders by Cambodian national courts.

With regards to child protection policy frameworks, after several years of discussion, Cambodia adopted the National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation (STSLs) in 2011. The Plan of Action will run from 2011-2013.

The implementation of laws and policies addressing commercial sexual exploitation and child trafficking must be improved. The capacity of law enforcement officials who handle cases involving child victims of CSEC must be strengthened. This is particularly important in child pornography investigations as well as cases involving child sexual exploitation through the use of information and communication technologies.

The capacity of care and protection agencies for child victims must be strengthened in order to meet the needs of all children who have been victimised by commercial sexual exploitation and trafficking. Special efforts should be made to ensure the provision of adequate services to foreign children, including children from Vietnam.

1. Legal and policy framework addressing commercial sexual exploitation of children

1.1 Legal Framework

1.1.1 International and regional legal standards addressing commercial sexual exploitation of children

Cambodia ratified the *Convention on the Rights of the Child* (CRC 1989) in 1992, the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (OPSC, 2000) in 2005, the *ILO Convention on the Worst Forms of Child Labour* (No. 182, 1999) in 2006 and the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) in 2007.

Cambodia has not yet signed nor ratified the *Optional Protocol on a Communications Procedure* (OP3 CRC, 2011).

At the regional level, Cambodia has ratified the *ASEAN Declaration against Trafficking in Persons, Particularly in Women and Children* in 2008.

Recommendation:

- **Sign and ratify the *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*.**

1.1.2 Domestic Legal Framework

Cambodia's Law on Suppression of Human Trafficking and Sexual Exploitation (2008) provides a comprehensive definition of child prostitution and prohibits all acts related to child prostitution, in accordance with the Optional Protocol to the Convention on the Rights of the Child. However, this law fails to adequately define and prohibit child trafficking and child pornography.

1.1.2.2. Laws regarding Child Trafficking for sexual purposes

The *Law on Suppression of Human Trafficking and Sexual Exploitation* (2008) is in compliance with the UN Trafficking protocol with regards to the definition and prohibition of trafficking in human beings. However, under Article 12 of the Law, the recruitment of children for the purpose of exploitation is prohibited only if it is done using means of deception, force or coercion, which is not consistent with Article 3 of the Trafficking Protocol. According to this provision, the recruitment of children for the purpose of exploitation must be criminalised, regardless of the means used.

Regarding the implementation of the *Law on Suppression of Human Trafficking and Sexual Exploitation* (2008), the Committee on the Rights of the Child expressed concerns about the "low number of prosecutions and convictions of traffickers"¹.

¹ Committee on the Rights of the Child, Consideration of reports submitted by State parties under article 44 of the Convention – Concluding observations: Cambodia, 2011.

Recommendations:

- **Amend Article 12 of the *Law on Suppression of Human Trafficking and Sexual Exploitation* (2008) to ensure that the recruitment of children for the purpose of exploitation is prohibited regardless of the means used.**
- **Cambodian law enforcement agencies must increase efforts in prosecuting and convicting all persons involved in child trafficking for sexual exploitation, including appropriate sanctions.**

1.1.2.3 Laws regarding child pornography/child abuse materials

The Law on Suppression of Human Trafficking and Sexual Exploitation (2008) fails to provide a comprehensive definition of child pornography. For example, this law does not cover images of the sexual parts of a child's body used for primarily sexual purposes or child pornography in the form of written or audio materials.

Additionally, *The Law on Suppression of Human Trafficking and Sexual Exploitation* (2008) does not criminalise mere possession of child pornography without intent to distribute. Despite the fact that this is not a direct requirement under the OPSC, the Committee on the Rights of the Child has encouraged countries to prohibit the mere possession of child pornography and such a prohibition is stated under the Rio Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008).

In addition, the *Law on Suppression of Human Trafficking and Sexual Exploitation* (2008) does not contain any provisions that prohibit the intentional access to child pornography through the use of information and communication technologies. Although the OPSC does not require signatories to criminalise this conduct, the Rio Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008) urges States to adopt laws that would cover this activity.

The Law on Suppression of Human Trafficking and Sexual Exploitation (2008) does not criminalise the solicitation of children for sexual purpose (grooming), which is particularly critical due to the increased risk of sexual exploitation of children through the use of information and communication technologies in Cambodia.

Recommendation:

- **Amend the *Law on Suppression of Human Trafficking and Sexual Exploitation* (2008) to ensure that mere possession of child pornography and knowingly accessing child pornography through the use of information and communication technologies is criminalised. Additionally, the solicitation of children for sexual purposes (grooming), especially through the use of information and communication technologies should also be criminalised.**

1.1.2.4 Laws regarding the sexual exploitation of children in travel and tourism (child sex tourism)

Even though Cambodian legislation provides for territorial jurisdiction over CSEC related crimes committed on its territory, as well as extraterritorial legislation for crimes committed by Cambodian citizens in foreign countries, Cambodian law does not contain provisions that define

or expressly criminalise the sexual exploitation of children in travel and tourism (e.g. prohibiting travel arrangements, transporting tourists, or printing or publishing information intended to promote child sex tourism).

In the 2011 Concluding Observations on the report submitted by the government of Cambodia on the implementation of the Convention on the Rights of the Child², the Committee on the Rights of the Child expressed concerns that child sex tourism has increased in recent years. The Committee also highlighted the fact that child sex offenders were “rarely prosecuted due notably to the widespread practice of out-of-court settlement and compensation of sexual abuse cases which is encouraged by law enforcement authorities”³.

Recommendations:

- **The Government of Cambodia should amend its legislation to include provisions specifically prohibiting the sexual exploitation of children in travel and tourism, including arranging travel for the purpose of sexually exploiting children and printing or publishing information intended to promote child sex tours.**
- **Cambodian courts should avoid the practice of encouraging out-of-court settlements between perpetrators and their child victims. Courts should also impose harsher penalties on foreign child sex offenders.**

1.2 Policy framework

Since 2000, the Government of Cambodia has made efforts to adopt comprehensive national policies to counteract trafficking and CSEC. Even though the Second National Plan of Action against Trafficking in Persons and Sexual Exploitation was initially designed to cover the period between 2006 and 2010 it was only adopted in December 2011. The National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation (STSLs) covers the period of 2011-2013. This National Plan of Action includes specific measures to tackle the sexual exploitation of children in travel and tourism.

Recommendations:

- **Conduct an effective assessment of the implementation of the National Plan of Action on the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation (STSLs).**

² Committee on the Rights of the Child, Consideration of reports submitted by State parties under article 44 of the Convention – Concluding observations: Cambodia, 2011.

³ Ibid.

2. Key areas of concern with regards to the implementation of children’s right to protection against commercial sexual exploitation on the ground

2.1 Prevention of commercial sexual exploitation of children

The Government of Cambodia, in collaboration with child rights organisations, international organisations and the private sector, has been active in developing and implementing education and awareness raising campaigns and training programmes for key stakeholders, designed to address the issue of child sexual exploitation in travel and tourism. However, these campaigns have mainly been implemented in cities like Monduliri Phnom Penh, Siem Reap, Sihanoukville and Battambang and should also be implemented in smaller communities, as the phenomenon appears to be growing in rural Cambodia⁴.

Despite efforts made in terms of the prevention of commercial sexual exploitation in travel and tourism, several manifestations of CSEC, such as the prostitution of boys, child pornography and the sexual exploitation of children through the use of information and communication technologies, are not specifically targeted through prevention strategies. Another CSEC issue, the demand for virgins in Cambodia, is a harmful practice that requires specific research and preventative measures⁵.

Recommendations:

- **Conduct education and awareness-raising campaigns addressing the issue of commercial sexual exploitation of children in travel and tourism in Cambodia, especially in rural communities where the phenomenon is growing.**
- **Conduct extensive research on the various manifestations of commercial sexual exploitation of children, specifically the prostitution of boys, the demand for virgins, child pornography and the sexual exploitation of children through the use of information and communication technologies. Design and implement effective prevention strategies on these manifestations.**

2.2 Assistance and support services for child victims of commercial sexual exploitation and trafficking

The 2011 Concluding Observations, by the Committee on the Rights of the Child, on the report submitted by the Government of Cambodia on the implementation of the Convention on the Rights of the Child, highlighted “psycho-social rehabilitation services and shelters for children victims of sexual abuse and exploitation are mainly concentrated in the capital and run mainly by non-governmental organizations”. The Committee also stressed that there was a lack of adequate medical, psychological and legal supports for victims of trafficking⁶.

⁴ Committee on the Rights of the Child, Consideration of reports submitted by State parties under article 44 of the Convention – Concluding observations: Cambodia, 2011.

⁵ ECPAT International, Global monitoring report on the status of action against commercial sexual exploitation of children – Cambodia, 2011.

⁶ Committee on the Rights of the Child, Consideration of reports submitted by State parties under article 44 of the Convention – Concluding observations: Cambodia, 2011.

Most foreign child victims of trafficking in Cambodia are of Vietnamese origin. Those victims are given temporary residence in NGO shelters where they are provided with medical, psychological and educational services while awaiting repatriation. However, due to language issues, it appears that services provided to Vietnamese victims are limited⁷.

Recommendations:

- **Cambodia should make efforts to ensure that adequate services (medical, psychological and legal supports) are made available to all child victims of commercial sexual exploitation and trafficking, including those living in rural communities. Special attention should be paid to Vietnamese child victims of trafficking in Cambodia.**
- **Staff from organisations providing care and support for child victims should be equipped with appropriate training to meet the specific recovery and rehabilitation needs of child victims of sexual exploitation and trafficking.**

2.3 Capacity building of law enforcement personnel on commercial sexual exploitation of children and child trafficking

Over the past few years, there have been various initiatives, mainly led by international organisations, aimed at strengthening the capacities of Cambodian law enforcement officials to investigate cases addressing commercial sexual exploitation of children and child trafficking. However, law enforcement agents in Cambodia lack critical skills in the area of investigating child pornography and child sexual exploitation through the use of information and communication technologies.

Recommendations:

- **Law enforcement officials should be provided with specialised training on child protection, commercial sexual exploitation of children and trafficking in persons. They should also be trained on how use a child sensitive approach in dealing with child victims and witnesses.**
- **Law enforcement should also be provided with capacity building training to adequately handle cases of child pornography and sexual exploitation of children through the use of information and communication technologies.**

⁷ ECPAT International, Global monitoring report on the status of action against commercial sexual exploitation of children – Cambodia, 2011.