



STOP HUMAN TRAFFICKING



Newsletter

March 2008

Welcome to the March newsletter.

The first copy of the full translated version of the new Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation which was approved by the Senate in January 2008 has arrived at **SISHA**, coinciding with the launch this month of the government's Taskforce on Anti-Human Trafficking.

The new Law introduces some specific and purposeful legislation which although is considered to be standard offences against law in developed nations, is a very positive step forward for Cambodia in terms of the tools available to deal with offenders.

For example, an offence of 'Child Pornography' has been introduced which criminalizes the production of such material and all aspects or onward distribution. Unfortunately, on studying the new legislation carefully there seems to be several issues which will undoubtedly complicate and hinder prosecution cases as the law is tested in the future. We have identified several potential loopholes, one of which allows offenders to possess child pornography material without risking apprehension providing they are not intent on distributing or selling it to second parties. As all practitioners in the field of sexual offences investigation are aware, the possession of such material is a major indicator for other types of more serious and likely 'hands on' offences. Additionally, any person who possesses such material clearly has pedophilic tendencies and condones the production of images which is directly and damagingly abusive to children.

Furthermore, the new law requires a child to be depicted physically naked in the pornographic image for it to be considered child pornography, though from experience we know that images which show fully clothed or partially clothed children can easily be labeled and used as 'Child Pornography' when the scene or other persons/ acts being carried out in the picture are of a sexual nature.

The new law criminalizes sexual intercourse and indecent acts against minors under 15 years old and has made the legal age a minor under 18 years old, which is a clear positive step. Worryingly, an exemption has been created under the same act which states that children under the age of 15yrs cannot be arrested or tried for this offence. As disturbing as it is, the fact is that children under 15yrs can and do commit these offences against other children, as proven and prosecuted in other countries, yet the lawmakers do not recognize or account for such action.

It cannot be argued that the introduction of this new law is a very positive step for Cambodia, but initial observations by **SISHA** foresee some challenges ahead as we proceed with relevant investigations.

As 2008 comes more underway, we have noted an influx of bars and clubs which cater to the growing demands of western sex tourists, including karaoke bars and Khmer venues. Such a trend is a reliable indicator that Cambodia is still very much seen as a lucrative destination to buy sexual services of any sort. This is further compounded by the fact that for just 20USD in Cambodia you can buy the company of a prostitute all night, whereas the same in other parts of the South East Asia region such as Thailand or Vietnam would cost between 60-80USD and more. Bearing in mind as well, the capabilities and positive law enforcement action and abilities still far outweigh those here in Cambodia.

The faces behind these organized in house massage parlour/ brothel operations are more and more becoming Taiwanese, Japanese and Korean and bringing with them an altogether more sophisticated and clandestine style of offending. This all contributes to keeping many girls and women in the region at risk of being trafficked for sexual exploitation.

CASE

In June 2004, Srey Leak was rescued by NGO IJM from a brothel in Phnom Penh at the age 11 years old and placed into aftercare. Four weeks ago, **SISHA** received information that Srey Leak had been recently deceptively taken from the aftercare center by her mother and re-sold into a brothel. **SISHA** investigators, after tracking phone numbers used by Srey Leak and her associates, traveled to Siem Reap province and located Srey Leak working in a Khmer run Karaoke bar/massage parlor. **SISHA** investigators are now working with local Anti-Human Trafficking Police and will hopefully execute a raid at the premises in the near future and rescue Srey Leak and the many other girls that are working at the club who have been exploited.



'Khmer girls secretly filmed in a hotel room and their pictures placed on a pornographic website'



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In March, **SISHA** investigators were asked by Cambodian Anti Human Trafficking & Juvenile Protection Police to investigate a website on the internet that has numerous naked and sexually explicit pictures and videos of Cambodian females on it. The females have been filmed using covert and overt video cameras in various bars in Cambodia and had the images and videos placed on the website without their consent. Furthermore, the owners of this website are displaying pictures and videos of cultural sites in Cambodia, namely Angkor Wat Temples, The Royal Palace, The Killing Fields and National Airports. **SISHA** will work in close cooperation with International Police to hopefully have this website removed from the internet and the creators prosecuted for various crimes in both Cambodia and their country of origin.