



# States of play: Sex work and sex workers under Cambodia's Human Trafficking Law

---

Larissa Sandy  
Criminology & Justice Studies (RMIT)

## The research...



Part of a postdoctoral research fellowship in Criminology at Flinders University  
(January 2012-July 2014)

The research involved:

- 75 in-depth interviews with sex working men, women and transwomen as well as NGOS and peer educators providing services to sex and entertainment workers.
- Interviews were in the Cambodian language and in two locations: Siem Reap and Phnom Penh (two sites with the largest number of sex and entertainment workers).
- Interviews were with workers working in diverse settings including karaoke (or KTV), massage, beer gardens and on the street and aimed to find out about the impact of Cambodia's 2008 Human Trafficking Law.

## The legal context...

- Before 2008 the four texts regulating sex work resulted in the de facto legalisation of brothel based sex work.
- Article 46 of the Constitution prohibited **'the commerce of human beings, their exploitation by prostitution and obscenity which affects the reputation of women'** (Article 46 as cited in Jennar 1995: 15).
- Article 10, Chapter Two, 2008 Human Trafficking Law:

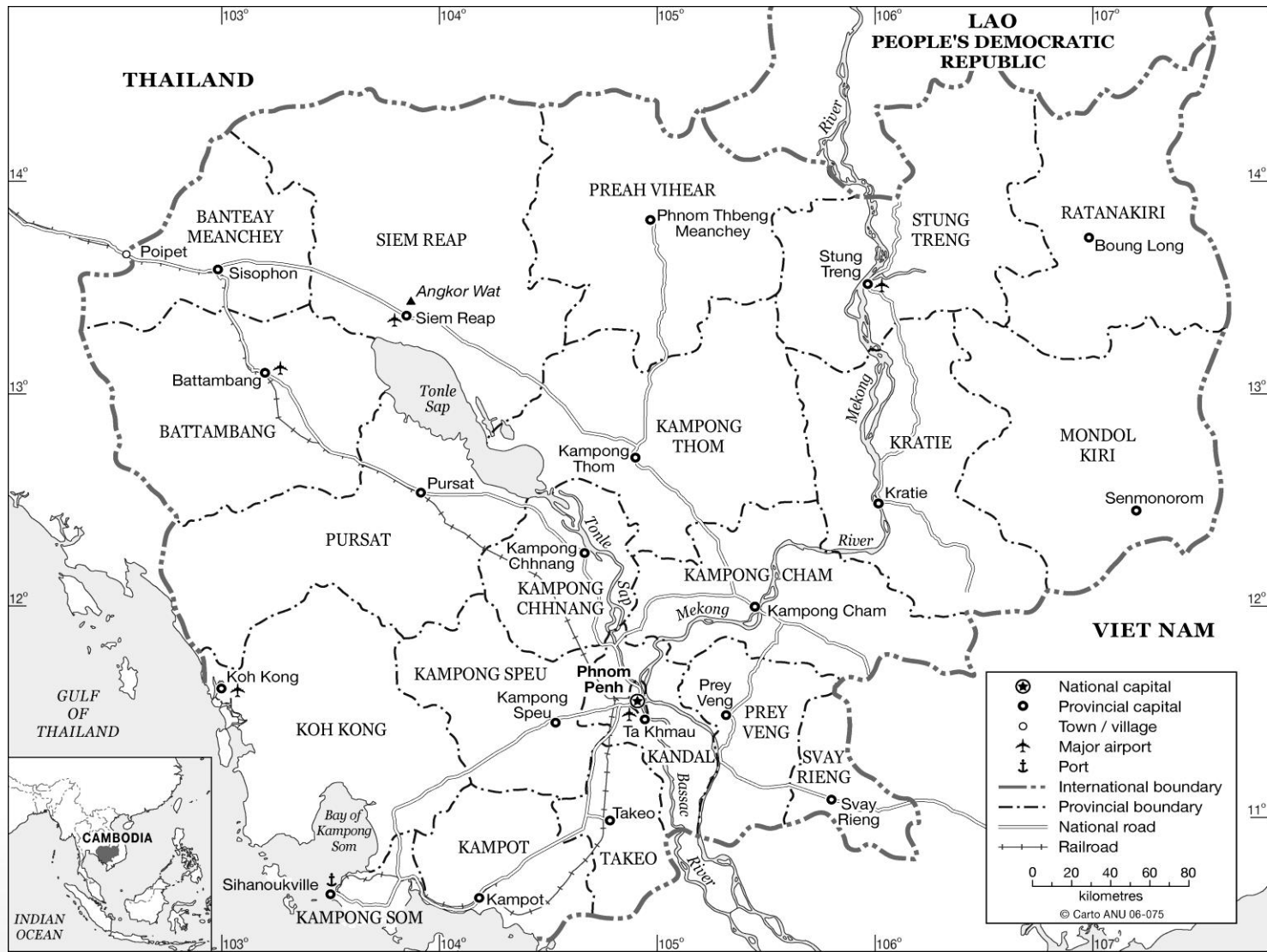
**'A person who unlawfully removes another for the purpose of profit making, sexual aggression, production of pornography, marriage against will [sic] of the victim, adoption or *any form of exploitation* shall be punished with imprisonment for 7 years to 15 years'**

**The [term] 'any form of exploitation' ... [in] this law shall include the exploitation of the prostitution of others, pornography, commercial sex act, forced labor or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labor or the removal of organs.**  
(Royal Government of Cambodia 2008: 5, emphasis added)

## The legal context...



- Article 8: illegal any offer to introduce or provide transportation to a person for work in the sex industry.
- Article 10: all migration or movement for sex work illegal.
- Article 12: illegal to employ women for sex work.
- Preventative measures targeted at “at-risk” women and girls “being in danger of prostitution” and **compulsory rehabilitation** in government or NGO-run centres (Royal Government of Cambodia 2008: 10).



Map of Cambodia provided by Cartography, Research School of Pacific and Asian Studies, Australian National University.

## Government issued guidelines on implementation of 2008 Human Trafficking Law...



*prostitutes are to be regarded as victims* of procurement for prostitution. Prostitution *is not a crime*; thus the individual *prostitutes are not punished* as offenders under the new legislation.

(Excerpt from Guidelines on Enforcing the Law on Human Trafficking and Sexual Exploitation cited in Keo 2009: 17, emphasis in original)

## Rehabilitation centres...

Prey Speu

Established 2004

Described as a human rights abomination

Provides no vocational or other training

In reality serves as a detention centre.



## Release from rehabilitation...





## References



Jennar, R. (1995) *The Cambodian Constitutions (1953-1993)*, Bangkok: White Lotus.

Gottesman, E. (2003) *Cambodia after the Kinner Rouge: inside the Politics of Nation Building*, New Haven, CT: Yale University Press.

Keo, C. (2009) *Hard Life for Legal Work: The 2008 .Anti-trafficking Lcnv and Sex Work*, Phnom Penh: CACHA.

Phnom Penh Post, The (2015) Horrific state of Prey Speu revealed. 8 July.

Royal Government of Cambodia (2008) Law on Suppression of Human Trafficking and Sexual Exploitation. Unofficial translation. Online. Available at [http://www.no-trafficking.org/content/Laws\\_Agreement/Cambodia%20new%20law%20on%20trafficking%20&%20sexual%20exploitation%20-%20english.pdf](http://www.no-trafficking.org/content/Laws_Agreement/Cambodia%20new%20law%20on%20trafficking%20&%20sexual%20exploitation%20-%20english.pdf) (accessed 4 January 2010).

# Questions/ comments?

larissa.sandy@rmit.edu.au