



CHAPTER III

EXISTING KNOWLEDGE ON VULNERABILITY OF CAMBODIAN WOMEN

Women in Cambodia started receiving more attention in the early 1990s only after the UNTAC began operating their peace-building processes, and the first national elections were held. A decade of wars had destroyed much of the social infrastructure, including the status of women. In Cambodian society, they represented the group with the lowest economic, politic and social status. On the family level, their lives are financially depended on their husbands rather than being equal partners in supporting their families. Sometimes, such dependency legitimated the rights of men and gave them support to commit domestic violence against the women. And although they worked hard in households or on farms, women's jobs were usually considered as secondary (or slight), unpaid jobs with little value in society and culture. One reason is because they did not enjoy equal access to education, vocational training or jobs. Before the 1990s, the government adopted a state market rather than free market economy, which led to a shortage of jobs. Most people were simple farmers who lived on what they produced. Education was limited because of the civil wars in the country, as well as a lack of funds and human resources. Additionally, a long civil war had become a substantial mental problem, causing many men, especially the soldiers, to become alcoholics and use violence to solve their family problems. The long civil war also revitalized the existing belief that women should not be allowed to travel or continue their higher education far away from home.

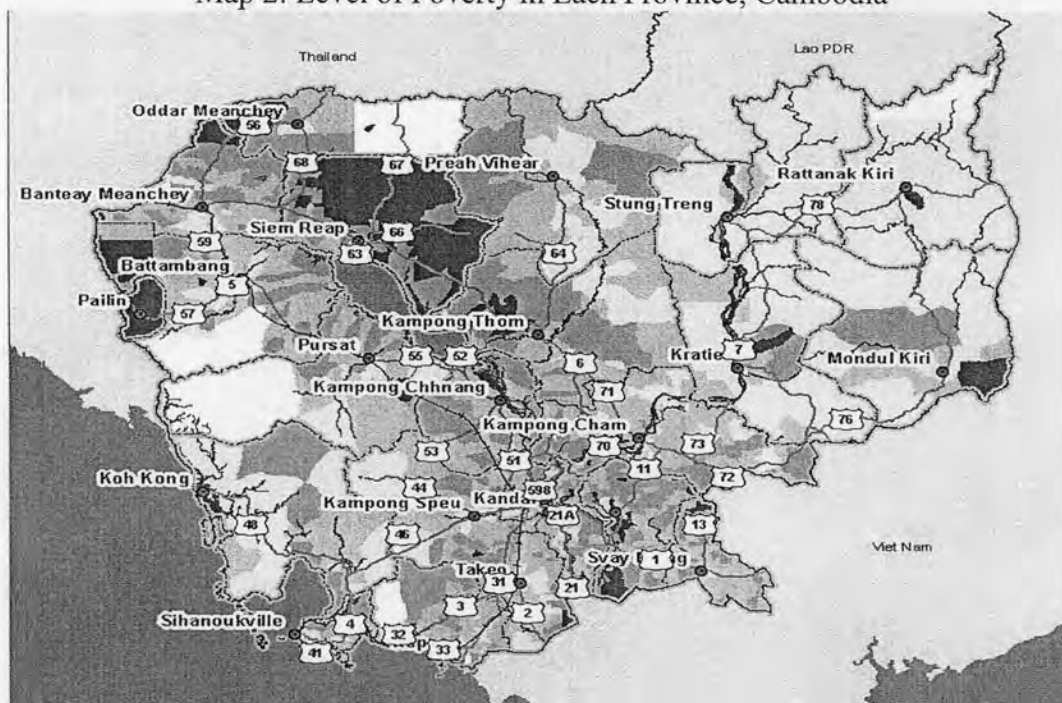
At the government level, only a few women made it to high positions. As Trudy Anne Jacobsen (2003) described in her Ph.D thesis, until the signing of the Paris Peace Accords in the early 1990s, only 18 percent of parliament members were women. In 2001, among a population of 13.1 million people, 52 percent of them were women (UNIFEM et al, 2004), but according to statistics from 2003, 65 percent of women were farmers. It is noted that even now, women do not enjoy more opportunities for work; their situation is little improved. Recognizing this, the next chapter will look at the roles

played by NGOs, and particularly how they have attempted to improve the employment opportunities for women.

3.1 ECONOMIC INEQUALITY

Recently, Cambodia has experienced stable levels of economic growth. The GDP was estimated to be around 7.5 percent in 2008⁶. It has been reported that per capita GDP for that same year was approximately \$1,446USD (ILO, 2008). However, it is believed that GDP growth does not necessarily impact all people in the country. The economic growth distribution still tends to reflect a wide disparity between the rich, the powerful, the poor, and the men and women. Geographically, while some provinces – including Phnom Penh, Sihanoukville, Kandal, etc. – are generally thought to be less poor, some of those same areas, including Siem Riep, Battambang, Svay Rieng, Banteay Meanchey, Oddar Meanchey, Pailin, are actually among the poorest in the nation (as shown in the map below with the red highlights).

Map 2: Level of Poverty in Each Province, Cambodia



Source: Atlas of Cambodia

⁶ please see http://en.wikipedia.org/wiki/Economy_of_Cambodia. However, recently according to the World Bank prediction, Cambodia is severely affected by the global economic, and the GDP growth can be only 1 percent and at least 200000 people are added to the existing poor people group under the poverty line (Kay Kimsong, 9 April, 2009). The author wishes to use this statistics, but since the government and some institutes refused it, and the author does not know to what extent so far people can be affected, the existing statistics is preferably used.

40 percent of the rural population still lives below the poverty line (ILO, 2008). In other words, while livelihoods depend on small farm lands, the people must still find other sources of income. Without it, they will face a crisis, including bankruptcy. One source they depend on is migration. While some people decide to migrate inside the country, others leave the country because they believe, or hear, that salaries elsewhere are better than in Cambodia. For instance, according to Sarthi (2003: 7) who conducted research on Labour migration in the transitional Economies of Southeast Asia, daily salaries in Cambodia during the 1990s ranged from \$0.50USD to \$0.80USD, while salaries ranged from \$2.20USD to \$6.10USD in Thailand. So, Thailand became an attractive country for poor Cambodian people.

Table 3: The Comparison of Daily Earning between Cambodia and Thailand

In Cambodia April/ May 1999		In Thailand, April/May 2000					
Type of work	Average earnings (\$USD)	Type of work	No. of workers	% of F	Average earnings(\$USD)		
					F/M	M	F
Fishing	0.50	Construction	142	20	3.70	3.80	3.10
Hunting/ gathering	0.50	Porter	54	6	6.10	6.20	3.90
Wood collection	0.70	Agriculture	31	52	2.20	2.10	2.20
Agriculture	0.80	Food processing	20	35	3.90	4.00	3.70
Construction	1.60	Garments	18	100	3.50		3.50
Small trade	1.50	Fishing	12	0	3.50	3.50	
Moto-taxi	1.90	Shop-work	11	100	3.20	3.90	3.20
Handicrafts	0.80	Other	18	78	4.80	5.40	4.60
Others	0.90	Aggregate	306	32	4.00	4.30	3.30
Average	0.8						

Source: Sarthi (2003)

However, because the movements were often made without sufficient information or preparation, migrants sometimes ended up being exploited or even trafficked. Among the most vulnerable migrants, women were particularly susceptible to exploitation. As mentioned already, 65 percent of women were farmers, meaning they were likely pushed to migrate in order to find other resources to strike their poverty up to neck. Because they lacked resources and traveling experience, as well as the education and skills (particularly when compared to their male partners), many women were reportedly forced to work as prostitutes. LICADHO (2006) summarizes the issue like this:

"Many women are trafficked in and out of Cambodia to work in the sex industry but the largest number is trafficked within Cambodia itself. Research indicates that 64.45% of prostitutes have been forced into prostitution, 52.9% were tricked by the prospect of a job, 11.04% were sold by family members and 0.58% of women were raped. In the case of women who have been trafficked for sexual purposes, the percentage of those claiming they were duped by offers of improved employment has increased. Victims trafficked outside Cambodia, who are forced into prostitution, may also face arrest and criminal charges for their involvement in the sex trade as well suffering from health problems and disease such as HIV/AIDS. (P.16)

Such vulnerability is believed to result from the fact that Cambodian women still do not receive equal treatment from Cambodian society. They are usually kept inside the house to do housework rather than to attend school. As a report by UNIFEM et al (2004) shows, in 2000, 50 percent of girls between the ages of 14-17 worked, while only 36 percent of boys did. The belief is that even if girls pursue higher education, in the end, they will ultimately get married and take care of the household work. It is also believed that it is useless for women to study since their husbands will ultimately be responsible for all expenditures by the household. In addition, according to the law, even though both husband and wife are equal shareholders in their property, men are usually the decision-makers. With this belief in superior power, men subject women to a dependent

and inferior status, while men themselves are dominant and sometimes use domestic violence, or even divorce their women if they are not satisfied. There is little intervention or help from the government in the existing laws. As shown in LICADHO's report (2006): "*[An] increasing number of violent acts against women as being reported and whilst there is currently sufficient legislation to protect women from these crimes, there is insufficient action by the Royal Government Of Cambodia (RGC) in combating the practical problems of violence against women. Cultural and social attitudes towards violence against women, a culture of impunity, unfair legal and judicial processes and lack of governmental assistance to victims of this violence all contribute to women in Cambodia suffering from violence.*" (p.1) In doing this, women will end up in even poorer situations

Moreover, even when women receive jobs, they are often paid less to work in less stable jobs. For example, Cambodian women, who represent 90 percent of garment factory employees, are only paid the minimum wage of around \$40USD. And during the recent global economic crisis, there has been substantial concern about those women since the crisis directly affects the garment factories. According to recent estimates, at least 60,000 jobs have been lost in this sector. Furthermore, since women are responsible for their families but the only other available local jobs are in family-based agriculture (Christopher Shay, 10 April 2009), without factory jobs, the women may attempt to migrate, where they may be deceived or sold as sex or forced labor workers (Khoun Leakhana and Christopher Shay, 13 May 2009). Therefore, with lower education levels, limited job opportunities, less access to resources, and the threat of violence against them, women are often targeted by traffickers and forced into slave bondage, including sex work. They are often deceived and then moved to another place, especially one outside the country.

3.2 LACK OF LEGAL SUPPORT

Recently, Cambodia has been categorized as Tier 2 in the U.S. report. This means that the Cambodian government is working hard to combat trafficking. The category is

marked by good intentions, including efforts on behalf of the government to limit and decrease instances of trafficking. For example, the Cambodian government created a Task Force in which many inter-ministries and NGOs cooperate: These include the Ministry of Women's and Veteran's Affairs, the Ministry of Social Affairs, labor, vocational training and youth rehabilitation, ministry of interior, ILO, IOM, World Vision, Cambodian Woman Crisis Center, AFESIP, etc. Moreover, Cambodia has ratified and signed many treaties/conventions/agreements with international, regional, and national organizations and government agencies. These include the UN anti-trafficking convention, the ASEAN Declaration on Anti-trafficking in the Region, the new national Anti-trafficking Law, the Memorandum of Understanding with Thailand (2003) and Vietnam (2005). Some Ministries under the approval of the Government collaborate with IOs and NGOs to run programs that monitor and reduce the vulnerability of people. For example, the Ministry of Tourism has actively campaigned against trafficking by training employees and cooperating with the employers and staffs of guesthouses, hotels, and other entertainment establishments to help fight against sexual exploitation, particularly against children. Other programs, with the cooperation of NGOs, have been established to help train local commune councils and village chiefs to collect the data regarding the vulnerable people. Information is gathered from the villages, and actions are taken to keep people from blindly migrating or being deceived by others. Other programs help provide vocational training, as well as small funds or loans, to vulnerable people so they may be able to earn income. In addition, the Ministry of Labor and Vocational Training, with support from the ILO and other NGOs, also has equipped the migrants with travel smart or work smart guidebooks. Furthermore, there have been raids on many brothels and brothel-like establishments, instilling fear that the US government would impose sanctions. All of these activities help the Cambodian government reach Tier 2 status after having been labeled as Tier 3 in 2002 and 2005. Moreover, an influx of money from the US has encouraged the Cambodian government to become more active in raiding brothels or brothel-like establishments.

Similarly, Thailand, which partners with Cambodia to fight against transnational trafficking, has also been recently classified as Tier 2. Such classification results from

many positive steps taken by the Thai government. For instance, in 1998, the Thai government created a National Sub-committee on Coordination for Combating Cross-border Trafficking in Women and Children under the National Youth Bureau in the Office of the Prime Minister. However, its name was changed to the Sub-Committee to Combat Transnational Trafficking in Children and Women and moved under the domain of the Ministry of Social Development and Human Security. Approved in the same year by the Cabinet, the National Plan of Action to Combating Trafficking in Children and women was begun. Moreover, MOU on Common Guidelines of Practices for Agencies Concerned with Cases where Women and Children are Victims of Human Trafficking were prepared and signed by nine provincial governments. In 2005, the Cabinet again approved ministerial regulations that allowed the children of migrants and other stateless persons to access education. In the same year, the government also funded 500 million baht for trafficking cases (only around 50 million have been spent so far). And in 2008, a new anti-trafficking law was passed.

However, even with good intentions, there are still complaints that little impact has actually been made to reduce the trafficking of women. One of the problems is corruption, which is common in Cambodia and Thailand. Because of this factor, Cambodia recently ranked 166th globally, while Thailand ranked 80th by the corruption watchdog Transparency International⁷. Their corruption can be observed in many aspects. For instance, one case in Cambodia involving prostitution and trafficking, known as the case of the Chhai Hour II hotel, was likely a crime organized by powerful people. The hotel became infamous on December 7, 2004, when 83 women and girls were found and rescued by the anti-trafficking police under the leadership of General Un Sokunthea, the head of Cambodia's Anti-trafficking and Juvenile Protection Department; her team worked in cooperation with AFESIP, an anti-trafficking NGO. All of the rescued women and girls were sent to the AFESIP shelter. However, many hours later, seven suspects were freed by the command of the "powerful official." Then, a day later, around 30 men

⁷ Please see <http://www.rfa.org/khmer/news/cambodia-ranks-14th-as-most-corrupt-09252008004704.htm>. However, as reported by George McLeod in Phnom Penh Post (9, April 2009) it should be noticed that recently the Political and Economic Risk Consultancy (PERC) ranks Cambodia among the 16 Asian

and women (some with guns) broke into the shelter of AFESIP and abducted all the women⁸. More interestingly, three days later those abducted women, probably under pressure, protested against AFESIP in front of the US embassy, saying they were not forced into sex work and were not even sex workers. They said they were not abducted, but that they themselves had broken the gate to the shelter in order to return to work in the hotel. They said the raid by AFESIP and anti-trafficking police, and the subsequent sheltering, was against their will (Guy De Launey, 12 Dec 2004). More interestingly, General Un Sokunthea's position was suspended (Elise Labott, 15 Dec 2004), and AFESIP had to be temporarily closed because of death threats⁹. The suspension and death threats made the US government doubt the involvement of Cambodian senior officials in that trafficking case. They wanted to put sanctions on Cambodia if those corrupt officials were not arrested. This case illustrates the strength of organized crime in Cambodia. They run hotels as brothels and abduct girls, even after those girls were rescued by NGOs and the police. Organized criminals can even influence the police to free the main suspects and change the case of prostitution and trafficking into a case of human right violence against the AFESIP (Guy De Launey, 12 Dec 2004).

More interestingly, one year later, the same hotel was raided, and it was found to still be involved in women trafficking. On September 8, 2005, police arrested the Chhai Hour II owner and manager, and two women who tried *"to sell a 16-year-old girl into the sex trade"*. It was even argued that the 16-year-old girl volunteered to sell her virginity for \$1000USD in order to help her sick mother. This is considered a trafficking case¹⁰. It is a welcome success of a police performance, but it is reportedly only because of US warnings that Cambodia would be punished for its passive measurement against trafficking. Moreover, because of the media reaction to the story, the criminal was arrested. Indeed, the owner of the hotel at first was helped by a Koh Kong provincial officer to flee to Thailand (Center for Independent Journalism, 10 Oct 2005).

countries as the third from the bottom but less corrupted than Thailand and Indonesia while the Corruption watchdog Transparency International ranks Thailand only 80 and Indonesia 126.

⁸ please see Updates on the Chhai Hour II Hotel Case in Cambodia (March, 25 2006). Download from <http://www.humantrafficking.org/updates/156>

⁹ Ibid.

¹⁰ Ibid.

Furthermore, the study by Frederic Thomas (2005) found that pimps and brothel owners are required to pay the police officers around \$20USD each month per sex worker. And, if those sex workers are underage (around 10-12 years old), and earn around \$1,000USD per night for their pimp, they must pay around \$200 to \$300USD daily to bribe the senior police officer. The same author estimates that if the annual income of the pimp is around \$300,000USD, the bribe will be nearly \$80,000USD. And if the pimp or the brothel owner is arrested, he/she must pay from \$500 to \$800USD for the release, but each sex worker pays only \$20 to \$50USD.

Additionally, corruption is also widespread to the provinces. For instance, in Battambang, the anti-trafficking police were recently accused of being involved in corrupt activities. An underage girl was convinced to go to a restaurant, where she was drugged and later raped. However, it was reported that the anti-trafficking police forced the girl's mother to drop the case in exchange for \$2,000USD, \$400 of which was taken out for the anti-trafficking police (Suphal Muni, 5 Aug 2008).

Furthermore, according to Jerrold W. Huguet and Varamon Ramangkura (2007), the number of trafficked Cambodian women returned from Thailand is increasing every year: from 151 in 2004, to 186 in 2005 and 252 in 2005. With an influx of illegal migrants and trafficking victims into Thailand, research has also uncovered a strong network of organized criminals. One cross-border crime organization is described by Vichuta Ly and LSCW (2008) as follows:

There appears to be a rotation of girls from Koh Kong to Trat and vice versa, with some connections between those running brothels in both places. One Cambodian Karaoke owner used to run a business in Koh Kong but after the economic downturn in Koh Kong, moved his business to klong Yai in Trat. Connections were found between brothels in various areas (Phnom Penh, Battambang, Kompong Som and especially Koh Kong and Klong Yai in Trat), whereby girls were rotated and replaced by new girls. Resource Persons in Koh Kong repeatedly emphasized that

*girls were taken by boat at nights to Trat from the Koh Kong brothels.
(p.188)*

Moreover, some border police and immigration officers were also believed to be involved with the crime. As Pim Pawun Boonmonkorn et al (2006) remarked:

Women who carry money or gold back home and get caught by the police will have their valuables confiscated. Thai Police are also involved in the trafficking gangs that facilitate traveling across the border. Women in this study reported sitting in police cars and being escorted by men in police uniform while traveling.

Another example that clearly illustrates this case involves the cooperation between Cambodia and Thailand, which allows people in Banteay Meanchey to work in Thailand for a period of one week. The Poipet immigration office is responsible for issuing the white card for them. The card expires after two years, and the official price is around 250 baht. However, people from outside Banteay Meanchey can bribe the officers to make one for them. It costs around 800 to 1500 baht. However, they have to use a fake name provided by the officers; that name is likely the name of someone who lives in Banteay Meanchey. Moreover, in one recent informal group discussion with Cambodian migrants in a van from the Thai-Cambodian border to Prahtou Nam, it was learned that people can travel through the Aranyapathet-Poipet international border without showing a passport or other identification card. There, brokers who have connections with both Thai and Cambodian immigration officers, can bring those people across the checkpoint safely. The fee is 350 Baht (around \$10) per crossing. Both the undocumented and documented migrants generally use this service because it is cheaper than the fee for a single re-entry visa (around \$28 USD) and because they do not need to submit any documents. To avoid being arrested during their journey back to Cambodia, undocumented migrants can hire a broker to bring them from their workplace across the border (or the other way around) but the fees start from around 2000 baht (around \$55) per person. With that fee, they are guaranteed to sit in an air-conditioned van that will not

be stopped by the patrol police along the way. The discussion group also explained how a person arrested by the Thai police or immigration officers are taken to work at the same place again. For instance, for those who were arrested but not sent to Saun Plu immigration office, the employers can bribe for the employee's release. However, for those who have already been sent to Saun Plu, the employer can bribe someone in the office to quickly deport those arrestees to Cambodia; the employer must also pay for transportation and food. Then, at the border, the employer can arrange for somebody to bring those persons back.¹¹

There is increasing criticism being voiced against police corruption, but those Thai officers respond by claiming they are simply the victims of weak state institutions that do not provide adequate facilities or funds for fulfilling their mission. Often, they are compelled to search for funds out of their own salaries, which are often barely enough to support their families. They commonly receive bribes, and these bribes are sometimes collected for a central fund used to renovate police station buildings. Such funds may also be utilized to provide recreation or to increase payments to low-ranking officers ((Ju Kojima (2007) cited Bangkok Post, 31 August 2003)). Regarding those police officers who take bribes, Ju Kojima (ibid) writes: "Studies reveal that the police commonly demand bribes from undocumented migrant workers, taxi-motorcyclists and masseuses as well as from underground business operators. This has become the major source of income for the police, amounting to 36.4 billion baht in 2002. According to the experts, the range of bribes paid by the massage parlour owners depends on the scale of the business, and is estimated between 500,000 baht and 2 million baht (Bangkok post, 18 August 2003). Pro-sex worker groups confirm, however, that bribes paid by massage parlour owners are mostly deducted from the earnings of dancers and masseuses. Already in the low-end categories, this leaves the workers with only 500 to 1000 baht of their monthly 2500 baht salary (Bangkok Post, 17 August 2003)."

Therefore, the migrants are excluded by the laws of both the country of origin and the country of destination. As shown in the report of Andre Olivie (2008), even the senior

¹¹ Group discussion on Thursday 16 April 2009.

Cambodian officers were informed that Thai officials were not screening properly to identify trafficking victims (among a group of 50 Cambodian deportees), the Cambodian senior officers did not ultimately make the report to the Thai officers, citing a difference in the laws.

3.3 LACK OF MONITORING AND LEGAL MIGRATION FACILITATION

Since migration, both internal and external, is feminized, women are sent in and out the country to work. Those who go through the legal channel are likely to receive more protection than those who use illegal channels. However, through the legal channel the migrants must pay more than they would in the illegal channel. In addition to expenditures related to their job application, they also must pay for "tea money" in order to be first on the list; otherwise, it will take longer, or the applicants may not even get a job. According to Chantavanich (2007), aside from the "tea money," the applicant must pay around 20,000 baht (around \$600) to work in Thailand. This money is deducted monthly when the migrants work in Thailand¹². Moreover, the time to process this application is very long (from 3 to 6 months), which becomes a barrier for those who need to work urgently. And since corruption is involved, tea money is not refunded, and the applicants are not even guaranteed to receive a job. Those who pay more are likely to get their jobs first. As witnessed in these last two or three years, while there are jobs available with higher salaries in Korea, many people pay tea money (around \$1000 or \$1500) to the brokers, who claim to be very close to the persons in charge of screening the applicants. However, some brokers take the money, do not provide jobs to the people, and never return the money. Those who are cheated in this process protest in front of parliament or the Prime Minister's house to ask for their money back – particularly to pay for the high interest debts – but their protests are usually staged in vain.

¹² According to the informal group discussion on the 16 April 2009, it found out that some documented migrants have to pay more from 140 to 200 USD for the Passport in addition to the 20000 baht. While asking what the 20000 baht is for, nobody know the reason clearly.

Even if they receive jobs, there is no mechanism to ensure that the contract is adhered to and the environment of the work place is safe. Alison Vicary (2004) summed up her research findings from Thailand as follows”

In provinces such as Kanchanaburi, Lobburi and Pechaburi, there is a lot of quarrying going on. The wages are quit good; we have not yet analysed injury rates nor done any costing on that. But OHS (occupational Health and Safety) is very poor and from roughly 50 men, around one per month is killed. Blindness, paralysis, and head injuries are commonplace. The conditions are primitive at best, for example, what you see is the guys drilling holes in the rock, these are the guys who work at the bottom, and then they will put nitro-glycerine and the detonator in, then they run around the rocks and light the fire, and then run from the explosions. Women also face OHS problems because they work in the belt system where the rocks are crushed for road making, and all the machinery is exposed. I think about two months ago there was a woman killed because her hair was caught in a band and her whole body was dragged into the machinery. No safety helmets, harnesses, anything, nor warning system when the explosions are going to take place. (P.22)

Ironically, the working contract is written only in Thai and English. Some of the migrants even do not know what is in the contract. The migrants must sign a contract with their Thai employers, often in the presence of their recruitment company. Sometimes, the recruiters will threaten the migrants with losing their property if they return home earlier than their contract allows. This occurs even when the jobs are difficult or different from what was promised in the country of origin. As shown in the case of one migrant worker by Chantavanich (2008): "Before coming to work, the recruitment agents mentioned that the worker was to work at factory processing canned fish, but when the worker arrived, it was an industrial factory...with [a] foul smell, [and] ‘suffering’ condition[s]. The worker wanted to return home, but could not because the

recruitment agents asked the worker to commit to a contract. If the worker broke the contract, there would be charges, and the worker's house would be confiscated."

Moreover, culture, basic law, and orientation of the work have not provided as much as in the case of the Koreans, where basic language, culture and working conditions must be given in Cambodia or in Korea before being allowed to work; even the role of the embassy is unsatisfactory. Additionally, according to research and informal group discussions, although they already paid their advance fees, many migrants still were not allowed to hold their own passports. And if they want to visit their homeland for any reason, including to attend to problems, sometimes they receive permission and sometimes they do not. For example, one migrant needed to return home after his son fell from a mango tree and required an operation, but when he and his wife asked for permission, he was only allowed to go after agreeing that his wife would remain in Thailand. They were required to sign a contract making her responsible for everything if her husband failed to come back. Furthermore, freedom of movement is sometimes constrained, even in the destination country. According to Chantavanich (2008), among 61 Cambodian respondents, 45.90 percent said they lacked freedom because of restrictions imposed by their employers.

Some migrants do not even know the price of a passport extension. In one discussion group, people reported paying anywhere from \$140 to \$280 even though the actual price should not be more than \$30. However, if the migrants do not extend through that service, they will not be allowed to work. Moreover, each month they have to pay around \$2.50 to \$5 USD for health insurance, even though it is supposedly already covered with 20,000 baht from the contract.

The illegal channel is cheaper than the formal channel. However, according to Chantavanich (2007), although the illegal channel only costs from \$80 to \$140 and takes only one or two weeks to process, it is more dangerous in terms of being smuggled or trafficked and put into debt bondage. Through this channel, workers are often exploited by their brokers and employers. Often, they are not paid the minimum wage but are

forced to work overtime without extra payment, and sometimes, when they finish their work, the employers do not pay them at all but instead report them to the police, which take bribes and then deport the workers¹³. Those who have accidents during work, may or may not be sent to the hospital. Most will then be reported to the police and deported. Moreover, aside from exploitation by employers, the illegal migrants may face bullying, arrest, and deportation from the police, as well.

Interestingly, while there is criticism that some authorities who have the duty to protect people from being exploited or trafficked may close their eyes or ignore the law in exchange for bribes, it has also been reported that some authorities may not be aware of what trafficking means in their law. Their actions in trafficking cases may be based on common knowledge or stereotypes. For instance, one report mentions a 13-year-old Thai girl, Chand, who was treated like a slave (Sanitsuda Ekachai, 21 Aug 2007). With assistance from human rights lawyer Siriwan Vongkietpaisan, Chad reported the case to the police; however, the police did not accept it as a slavery case. The reason is as follows:

When she tried to press charge against Wipaporn for slavery, the police simply refused to accept it was happening. They fiercely insisted that the anti-slavery law did not apply, because Chad was not in chains, said Sirawan. They were all adamant that Thailand no longer has slaves, that no one had ever been charged with slavery, and that with no legal precedent, they could not enforce the law.

Another clear example is shown in Andre Olivie's 2008 study on 50 deported migrants who were identified by Thai authorities as undocumented workers. According to him, among those deportees, 52 percent should have been classified as trafficking victims according to the UN protocol, as well as Cambodian and Thai anti-trafficking laws. According to the same study, Thai immigration police, Cambodian immigration police,

¹³ please see Mekong Migration Network and Asian Migrant Center. 2004. Mekong Symposium On Migration: Protecting Migrants' rights when they leave the Host Country. Chiang Mai, Thailand.

and Cambodian anti-trafficking police did not have the requisite skills and tools to help them correctly identify trafficking victims.

Ratchada (2007) also found similarities and explained that those officers lack the knowledge of trafficking is because when there are training seminars or meetings about trafficking, they are mostly attended only by the senior officers. Those officers at the grass roots level – those who work directly with trafficking cases – rarely, if ever, attended trainings on the subject. Moreover, while those low-level officers are responsible not only for handling trafficking cases but also other kinds of crimes, their work is constrained by a lack of funds for arresting the criminals. However, the DSI (Department of Special Investigation) and CWD (Children, Juveniles and Women Division), both of which take responsibility only of trafficking cases, do not work at the grass roots level but rather receive funding directly from the government. As Ratchada described her interview with one officer:

"He also saw that criminals were mainly from organized crime with powerful heads (monetary, transportation, authority as well as power). He noted that they were able to change as many cars as they needed to during one crime process. They could travel anywhere with their enormous capacity. he said that police had limitation in monitoring and coordinating capacity on human trafficking case in the area due to the multi-responsibility tasks. Khun Somkid also emphasize that the local police were not responsible for only human trafficking case, but they needed to be responsible for other crimes. He said that Thailand assigned the CDW, central investigation Bureau, the royal Thai police to be a main police organization to respond to human trafficking case in Thailand. Hhun Somkid stated that CWD and DSI never actually implemented any kind of work in the area but only seem to request for information. Central budget related to human trafficking was mainly transferred to CWD, while many actual operations occur at the province level; He thinks that the administrative management must be reconsidered. ... the provincial police

had limitation to follow and trace criminals, due to its limited budget in transportation and number of available vehicles. he also said that budget provided for police transportation expense for tracking the criminals was limited to specific destination. The planned of tracing criminal route was made before the tracking task started. Therefore, he could ask for the transportation expense and the use of the car only from police station to point A. Khun Smabkit could not ask for the budget and vehicles immediately from Point A to B or C. He also said not all provincial police officers truly understand the human trafficking conditions and situations or even the definitions indicated in human trafficking legislation and other related Acts and regulations. Some police officers have never been attended any human trafficking related training."

The Cambodian embassy in Thailand reportedly knows about cases in which both legal and illegal migrants have been arrested or bullied by the Thai police. However, there is no clear measurement to protect them or give them advice. Information regarding the poor working conditions and exploitation are rarely sent to inform the people in the country of origin. It is unbelievable that around 130000 Cambodian people are arrested and deported back each year by the Thai police (RCG, no date). As generally understand, it is usually more dangerous to send people to work in countries that do not have migrant-friendly laws. This drives migrants to those states where they can be exploited rather than helped. For instance, many criticisms were reported by Penchan Charoensuthipan in the Bangkok Post on June 17, 2008:

The alien working act, which came into force on Feb 22, is prejudiced, unconstitutional and a breach of human rights... The law focused on national security and the economic benefit for business operators. It was passed without any public hearing.

...officials can conduct a search without obtaining a court warrant.

Under the act, unlicensed migrant workers face a maximum of five years imprisonment or a 100000 baht fine, or both. A migrant worker who fails to carry a work permit could be fined up to 10000 baht.

...while unlicensed alien worker face harsh prison terms, the employers had been spared. For example, employers hiring unlicensed workers are exempt from criminal charges. However, employers will be fined 10000-100000 baht for every unlicensed worker.

Moreover, recently, there is a criticism to the Cambodian embassy in Malaysia that they did not help 6 Cambodians that work illegally but under the harsh condition in the coffee factory in Malaysia. According to Ya Navuth, the executive director of CARAM (Coordination of Action Research on AIDS and Mobility), those six people went to ask for help from the embassy but they were rejected. One more thing that should be noticed is the remark by Oum Mean, a secretary of state at the ministry of labour and vocational training, said, "because they crossed the border illegally...It was difficult for the embassy to help them." (Khoun Leakhana and Christopher Shay, 10, April, 2009). However, the question is posed back to such remark what the role of embassy is then. Even this case happen in Malaysia, some interviewed NGOs share the same idea that the Cambodian embassy abroad does not well function. Sometime, the request to the embassy to go and help translate or help the victims is refused with the reason that there is not enough budget or personnel. However, when victims were rescued and repatriated back to Cambodia, those embassies always claim for that achievement, saying that they work very hard for their people.

Therefore, without any clear mechanisms for protection from the law – as well as the poor knowledge of the migrant workers about the law and their rights – both legal and illegal migrants often suffer rather than improve their living conditions. They are targeted not only by the police, but also by traffickers who force them to a state where they cannot depend on themselves, the law, or the authorities. There, they often fall into the trap of debt bondage, as well as forced labor or sex work.

3.4 Social Marginalization in the Destination Country

There remain influential opinions that foreign workers steal the jobs of local people, are troublemakers (law breakers, drug dealers or smugglers), prostitutes who destroy the society of the receiving country and spread HIV/AIDS, and lazy beggars¹⁴. Therefore, even some victims of trafficking are treated the same whether they are illegal or legal migrant workers, and they are often not adequately protected. For instance, Awatsaya Ponam et al (2004: 8) illustrated this when reporting that: "the Asian economic crisis of 1997 dramatically changed Thai attitudes and response to migrants who were subsequently perceived as taking jobs away from unemployed Thais and posing a threat to national security." In 2006, the ILO conducted a poll which found that Thai people view migrant workers negatively. Half of the respondents did not want the workers to enjoy same working conditions, 60 percent of them did not even want them to have freedom of expression; worse still, most Thais did not support the idea that those migrant workers should receive equal pay. Interestingly, even the state policy toward migrant workers sometimes reflects an absence of human rights. For instance, according to Supara Janchitfah (15 Jan 2008), quoting a 2007 ILO report, said that migrant workers, of which 75 percent were Burmese, made \$2 billion in wages and had probably provided \$11 billion, or 6.2 percent, toward overall Thai GDP. That amount of money does not take into account the high registration fees, anti-pregnancy, one employee one work permission policies, etc., which are invented to suppress migrant workers, who would be unable to stand independently but must rely on their employers, who often exploit them or dupe them into becoming sex workers.

The aforementioned stereotypes are also seen among the authorities whose duty it is to ensure the protection of human rights. Some reports show that police believe that migrants often tell lies¹⁵ or experience discrimination based on those immigrants who work in the sex business. Therefore, when some raids or arrests are carried out, the

¹⁵ please see Mekong Migration Network and Asian Migrant Center. 2004. Mekong Symposium On Migration: Protecting Migrants' rights when they leave the Host Country. Chiang Mai, Thailand.

arrestees sometimes were detained and deported without any fair screening process. For example, according to Phil Robertson (2004) even though there is an MOU between Cambodia and Thailand, in 2003 and 2004 the Thai government arrested and deported Cambodian women and children beggars without screening which ones were victims of trafficking. Thai authorities were simply concerned with preparations for a meeting of APEC leaders¹⁶. Recently, Jerrold W.Huguet and Varamon Ramangkura (2007), as well as Andre Olivie (2008) found that provincial Thai officers often do not screen those victims who give themselves up or those who are arrested.

3.5 Conclusion

Until recently, we were still seeing many reports showing the vulnerability of Cambodian women in their own country or in Thailand. They represent not only the poorest and most abused, but also the most marginalized group. Such issues raise the question of what NGOs have done to help them. The next chapter deals with that question.

¹⁶ According to some research, MOU is considered by the officers as not the law; and they can ignore it since there is no any punishment. So that's why Rosalia Sciortino (2004) commented for MOU reform as in her word, "Initial attempt to support this intervention is through bilateral agreement. Nevertheless, present bilateral agreement are still lack of legal protection, migration at destination countries often experience poor living condition, exposed to health hazards and had barriers in accessing health and education services. Migration flow in the GMS may start change now that the GMS countries are embarking on officially exporting workers to ensure an economic boost of foreign remittances and a better management of migration flows."