



**KINGDOM OF CAMBODIA**  
**Nation Religion King**



**Permanent Mission of the Kingdom of Cambodia  
to the United Nations Office and other  
International Organizations at Geneva**

No: 2022/11/674

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the Joint Communication No. AL KHM 2/2022 dated 20 September 2022 from the Special Procedures, has the honor to transmit to the latter herewith a reply from the National Committee for Counter-Trafficking of the Kingdom of Cambodia as to the alleged case of human trafficking in Cambodia.

The Permanent Mission of Cambodia would appreciate it if the said information could be conveyed to its high destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 18 November 2022



Office of the High Commissioner for Human Rights  
**Geneva**



No. 245/22 DDX

Date: 18/11/2022

## REPORT

On

### Situation of Human Rights in Cambodia Relating to Trafficking in Persons, Forced Crimes, and Forced Labor

#### Response to Human Right Concerns of the UN:

##### *1. Information on General Situation and Commitment of the Government:*

As a matter of facts, Cambodia is a country whose people have been confronting with Trafficking in Persons, Forced Labor and Sexual Exploitation, especially, within the time of migrating to other countries, lured by offenders for sexual exploiting and forced labor. Meanwhile, there are also people having been trafficked to some countries in Pacific Ocean, Indian Ocean and to Africa Continent while some people have been lost abroad. Within the pandemic of Covid-19 (2020-2021), over Three Hundred Thousand of Cambodian Laborers returned from abroad which opened up the opportunity for Offenders to transfer people to Cambodia via various border gates at the same time. At the time of Covid-19 decreasing and completely under control, at the end of 2021, the Government of Cambodia opened for Investors, who had been suffering from months of business bankruptcy, to re-operate their businesses, and the Government promoted small and medium businesses in order to improve Economic Growth dealing with previous Economic Crisis.

At the time of accusation from the outside environment related to Hundred-Thousand-Person of Trafficking in Cambodia at the end of 2021, the Government have been surprised and committed to investigation to figure out offenses in order to eliminate trafficking in persons and immediately rescue the victims. The Government having the National Committee for Counter Trafficking (N.C.C.T) led by Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior, has announced a Plan of Operation and Increase of Suppression of Trafficking in Persons, Labor Exploitation and Sexual Exploitation (Decision No. 143/22 PK, dated on August 22, 2022)<sup>1</sup>, with the participations of Inter-Ministries from National Level to Sub-National Levels, as one joint force using joint methods to implement joint measure of this herein operational mechanism. This mechanism is led by the Police Commissioner General and it consists of General Department of Immigration as a vice-president, the six Working Groups of the NCCT as assistance to the operations

<sup>1</sup> Operation Plan No. 143/22 PK dated on August 22, 2022 (affixed in the Annex)

and co-actions. At the same time, receiving and reporting mechanism has been also created and actively operated to disseminate to the public.

Before beginning, the American Embassy and Human Right Environment had raised the concerns for the impacts of Privacy Rights at the locations or business entities which consist of foreign laborers if the Government expanded wide range of operation. Therefore, the operation was limited to investigation and suppression only of any suspicious entity or location following the specific reporting or intervention seeking from victims, their families, their friends, non-government organization, or their country embassies.

In order to ease the information providing to be fast, the Government announced and notified the public, especially foreign embassies in Cambodia, on Complaint or Reporting Mechanism and Hotline including Facebook Page of Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior, President of the National Committee for Counter Trafficking or the Website of the National Police Commissariat General or the Website of General Department of Immigration, General Department of the National Committee for Counter Trafficking, and Hotline of the National Police Commissariat General.

Primary principles of this operation focus on key important points:

1. Maintain reputation, dignity, and benefits of the nation against all forms of attacks related to combating all forms of human trafficking, labor exploitation and sexual exploitation in Cambodia
2. Take concrete actions to efficiently combat all forms of human trafficking, labor exploitation, and sexual exploitation especially women and children, and most strictly take legal actions against trafficking of foreigners in the territory of the Kingdom of Cambodia
3. Strengthen stability, security, public order and social safety, and create better social environment for all sectors' developments
4. Congregate cooperation between all competent ministries and authorities via the uses of total measure, total force and total method in order to efficiently implement this plan.

Main purposes of the operation are: (1) Rescue victims timely, (2) Investigate to collect evidences, suppress and arrest offenders for convictions, (3) Shut down any business relevant to malicious activities, and liberate any vulnerable persons to safe locations, and (4) Expand investigation of other related and hidden offenses for legal actions.

Due from August 18 to October 19, 2022, Operating Group had received 496 related requests, 01 from Phnom Penh Capital and 11 from the provinces as follows:

1. Preah Sihanouk Province, 251 Requests, 612 Persons (71 Females), 12 Nationalities
2. Kandal Province, 56 Requests, 144 Persons (13 Females), 06 Nationalities
3. Svay Rieng Province, 36 Requests, 86 Persons (09 Females), 04 Nationalities
4. Oudor Meanchey Province, 34 Requests, 260 Persons (07 Females), 08 Nationalities
5. Koh Kong Province, 34 Requests, 61 Persons (05 Females), 05 Nationalities
6. Phnom Penh Capital, 30 Requests, 81 Persons (06 Females), 06 Nationalities
7. Pursat Province, 08 Requests, 23 Persons (02 Females), 02 Nationalities
8. Banteay Meanchey Province, 06 Requests, 18 Persons (02 Females), 04 Nationalities
9. Pai Lin Province, 05 Requests, 10 Persons (0 Female), 02 Nationalities

10. Kompong Speu Province, 03 Requests, 07 Persons (0 Female), 02 Nationalities  
 11. Kompot Province, 07 Requests, 07 Persons (01 Female), 02 Nationalities  
 12. Tboung Khmum Province, 01 Request, 01 Person (0 Female), 01 Nationality

In those requests, the relevant Nationalities are:

<b>Number of People by Nationalities</b>		
<b>Nationality</b>	<b>Total</b>	<b>Female</b>
1. Chinese	430	27
2. Taiwanese	73	14
3. Vietnamese	398	60
4. Indonesian	146	07
5. Malaysian	136	23
6. Indian	86	00
7. Bangladeshi	12	00
8. Thai	09	03
9. Burmese	08	00
10. Khmer	07	04
11. American	02	00
12. Pilipino	01	00
13. Singaporean	01	00
14. Japanese	01	00
<b>Total</b>	<b>1,310 Persons</b>	<b>139 persons</b>

In the actual operations for the intervention requests, operation working group has found 290 cases in 10/12 capital-provinces, 741 persons, 81 females/139, 11/14 Nationalities (among 1,310 persons of the requests), as stated in below table:

<b>Number of Persons by Nationalities requested for Intervention</b>			<b>Finding in Actual Operation (Primary)</b>		
<i>Nationality</i>	<i>Total</i>	<i>Female</i>	<i>Nationality</i>	<i>Total</i>	<i>Female</i>
1. Chinese	430	27	1. Chinese	230	17
2. Taiwanese	73	14	2. Taiwanese	47	09
3. Vietnamese	398	60	3. Vietnamese	211	25
4. Indonesian	146	07	4. Indonesian	79	07
5. Malaysian	136	23	5. Malaysian	99	19
6. Indian	86	00	6. Indian	44	00
7. Bangladeshi	12	00	7. Bangladeshi	09	00

8. Thai	09	03	8. Thai	07	01
9. Burmese	08	00	9. Burmese	07	00
10. Khmer	07	04	10. Khmer	06	03
11. American	02	00	11. American	02	00
12. Pilipino	01	00			
13. Singaporean	01	00			
14. Japanese	01	00			
<b>Total: 14 Nationalities</b>	<b>Total: 1,310 Persons</b>	<b>Female: 139 Persons</b>	<b>Total: 11 Nationalities</b>	<b>Total: 741 Persons</b>	<b>Female: 81 Persons</b>

In actuality, the operation of victim finding at reported locations was not exactly the same as reported. For instance, in Preah Sihanouk Province, there are 251 Requests of Interventions. The police opened investigations for all 251 Requests and expand further investigations, three suspicious locations found following 123/251 Requests and found 237/612 Persons. For the other 131 Requests (375 Persons) were not at the indicated locations where some locations were closed before the time of operations. Some Requests did not provide sufficient information that led to the locations, and some Requests did not locate in Preah Sihanouk Province. Operating Group cooperated to refer the remaining cases to competent police of other provinces to continue operating investigation. From the found persons: some persons have returned to their homes. The found persons told about many reasons leading to complaints of Human Trafficking; the reasons are: some persons did not want to continue working at the same place because there are higher paid jobs at other places; some persons tried to escape from immigration wrong doing of illegal entry into Cambodia, illegally hid themselves for job and declared they were trafficked; for some other persons about whom their families were worried and filed complaint to seek for children or relatives in suspicion of being victimized in Human Trafficking, etc.

In the operation, the police found:

- ✓ Human Trafficking: 07 Cases, 153 Victims (18 Females), 54 Chinese (04 Females), (01 Taiwanese), 04 Malaysian, 83 Vietnamese (13 Females), 06 Indian, and 06 Indonesian (01 Female), referred to General Department of Immigration for temporary cares. In the operation, 22 Suspects were arrested, 03 are Khmer, 17 are Chinese, and 02 are Vietnamese, referred to the court for legal actions.
- ✓ Sexual Exploitation: 02 Cases, 10 Victims (Vietnamese, 10 females), cooperated by Vietnamese Embassy to bail and repatriate them back to their home country. There were 04 Suspects (Chinese), 01 Female, were arrested and referred to the court for legal actions.
- ✓ 05 Locations of Businesses relevant to offenses were shut down and 04 Locations of Businesses were temporarily stopped for further investigations.

**2. Activity Steps that the Government of Cambodia adheres to ensure Victim Identification, one of the methods of Gender and Child Friendly Responses, helping victims of Human Trafficking for all targets of exploitations including forced crimes, forced labor and sexual exploitation, and preventing human trafficking of children targeted for exploitation:**

As obliged as a signatory country of the International Convention Against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Kingdom of Cambodia adopted its law in 2008 on the Suppression of Human Trafficking and Sexual Exploitation. The Government has clearly determined Four Strategies to fundamentally respond and combat human trafficking: (1) Promotion of Prevention, (2) Promotion of Victim Protection, (3) Enforcement of Criminal Justice System (Suppression, Recue, and Conviction), and (4) Implementation of National and International Regulations and Expansion of International Cooperation. To maintain the implementation efficiency of the Four Strategies, Cambodia Government has organized a National Wide Mechanism consisting of 22 Ministries and 05 Skill Institutions as members and structured from National level to Sub-National levels.

At the same time, the Kingdom of Cambodia adopted the Law on Prevention of Domestic Violence and Protection of Victims (2005), National Policies and National Plan of Actions on Child Protection (2019-2029), Guidelines on Human Trafficking Victim Identification for appropriate services (2014), and Ethics of Victim Identification, Child Protection Policy from worst form of child labor. In addition, Cambodia also has Juvenile Justice Law (2016) which aims to protect children in conflict with the law. In order to protect women and children, Cambodia Government has comprehensible mechanisms such as Cambodia National Council for Children, Cambodian National Council for Women, National Committee for Counter Trafficking, Ministry of Women Affairs, to implement following the principles of Human Rights, Women's Rights, and Child Rights; and the Government has created inter-ministries mechanism for child protection from worst form of labor by strictly implementing and following up the implementation of the competent authorities with the participation of national and international NGO partners.

Anti-Human Trafficking and Juvenile Protection Police is a law enforcement unit which investigates and collects evidences to suppress offenses and rescue the victims. Victim identification is the obligation of the law enforcement officials in accordance with the National Law (Law of Suppression of Human Trafficking and Sexual Exploitation, 2008) and International Instrument (Palermo Protocol) along with code of conduct in order to support victims prompt necessary services, legal service, and social services under their rights and benefits based. At the time of receiving comprehensive reports or complaints from all sources, under the leadership of Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior, President of the National Committee for Counter Trafficking, and His Excellency National Police Commissioner General assigned the Anti-Human Trafficking and Juvenile Police to take action in cooperation with both domestic and foreign relevant authorities to timely intervene and rescue the victims claiming about being victimized. After finding those persons, women and children are the priority targets of the highest attention. Interviewing for information collection was friendly and allowed victims to describe their facing situation in order to surely identify them for proper services.



Law enforcement officials have been trained on Investigation Method and Child Friendly Interview. Child Friendly Approach was applied at the number of Courts and within the progress of child interview of the Police. Even if those persons are illegal immigrants, social and legal services were still provided following the decisions of the victims. In Case there were suggestions of home country return from the victims or suggestion of staying continuation to participate in the court procedures, we always coordinated with their Embassies to follow their suggestions. However, for the suspects, the police needed to continue investigating and collecting the evidence for legal actions.

In social affairs, to ensure the protection of Human Trafficking Victims, the Government of Cambodia performs the Policy of “Trafficking Victim Right Protection” including case management divided into 10 Steps: (1) Victim Identification for Proper Services, (2) Crisis Intervention, (3) Service Referral, (4) Victim Transfer and Admission, (5) Assessment, (6) Case Planning, (7) Victim Reintegration, (8) Case Follow Up, (9) Feedback Receiving, and (10) Case Closure.

Additionally, the Ministry of Social Affairs, Veterans and Youth Rehabilitation issued a Circular guiding the implementation of the 10-Step Case Management which is inclusive of the indication of procedure of Victim Identification in compliance with the Code of Conduct (Victim Benefits Focused) and without discrimination of race, religion, gender, age, condition or social rank. For Child Victims, child friendly interviews were arranged.

At the time of operation, the found persons, who had been reported for intervention, both female and male or children, had to be primarily considered as victims and be provided with health care, food and safe shelter, and victim identification started. Foreigners, who were identified as the victims of Human Trafficking, were referred to General Department of Immigration to be in charge and the Department’s venue was used as a temporary care shelter in accordance with Gender Policy, but was not a detaining place. In spite of imperfect preparation and restriction of disorder exit, the used venue was safe and consisted of protection force, enough food, health check and family engagement, and was not as anxious as the offense location. The Police coordinated the documents and procedures in cooperation with the victims’ Embassies and Representative Offices to help those persons return to their countries as suggested.

### ***3. Measures adhered to ensure Voluntary Return of Human Trafficking Victims and Measures efficiently implemented to ensure safety and non-forcing return to victimized place:***

Generally, Implementation Principle of the Kingdom of Cambodia always considers the best interests of the victims. Human Trafficking Victims are rightfully respected following their decisions of choosing to return to their families or communities where they lived or to the care centers or other places they feel safe. Many foreigners decided to return to their countries and there were also Khmer Citizens victimized abroad also decided to return to Cambodia. The Embassy of Cambodia always perform it duty coordinating with foreign authorities to repatriate victims as suggested; and the competent authority also communicate with victims’ Embassies for them to return to their countries as suggested.

For the past, there were many cases that Cambodia has implemented and cooperated with the Embassies of the victims (for example, Bangladesh, India, and Vietnam) resulting favor of not

paying the fine for Visa overstaying. As mentioned in the above points, foreigners, who were identified as the victims; even they unlawfully had stayed without passport which is against Immigration Law, the General Department of Immigration still admitted them to stay, managed them, provided them health check, medicines, food and referred them to the Ministry of Social Affairs, Veterans and Youth Rehabilitation for necessary supports and services.

In case the competent authorities and the victims have appropriate reasons for the victims to continue staying in Cambodia to participate in the hearing trials or under other reasons that the competent authorities and the victims suggested the Ministry of Interior legally consider and make decision. Nevertheless, many cases the Embassies, the foreign victims and self-victimized foreigners always suggested to be repatriated to their countries under the coordination of the General Department of Immigration to allow those foreigners repatriated as suggested.

There were victims found according to a number of complaints, but they rejected to be victims and they still wanted to return to their working places even the Competent Authorities instructed that there had been complaints stating that: they had been victims or vulnerable, or they had been witnesses to criminal offenses at their working places, or the activities they had been serving were crimes. In such cases, the Police did not allow those victims to return to their unsafe working places and those persons needed to be determined their entry legitimacy and lawful or unlawful working condition in Cambodia. For such doing, it did not mean that the rights of the victims were violated or they were forced to return to the dangerous places, in contrast, we were trying our best to provide them protection from victimization and vulnerability.

***4. Measures implemented efficiently following the Principles of Non-Punishment for Trafficking Victims and Ensuring the Victims are not the subject of Detention of Immigration, and Steps adhered by the Government of Cambodia against Human Trafficking for Forced Criminal Purposes:***

In Case of finding any persons of sufficient identity indicating that they are victims of Human Trafficking, they shall not be punished or detained for the reason of immigration; in contrast, the Competent Authorities needs to put best effort to provide supportive services and protect them and shall cooperate to refer them to the Ministry or Capital/Provincial Department of Social Affairs, Veterans and Youth Rehabilitation, in order to provide them support and care service in accordance with the existing laws, National and International Regulations. For actual example, in the operation according to the intervention request via the homepage of Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior, on October 15, 2022, in Oudor Meanchey Province, there were 75 foreigners found including 07 Chineses, 52 Vietnamese, 06 Indians, 04 Malaysians and 06 Indonesians. Those persons were referred to [REDACTED] in order to find appropriate temporary shelters with safety protection for rightful identification processes; and plus, an airport is also located in [REDACTED] so that the return transportation of those persons would be at ease back to their original countries. After the interviews for primary identification, only Two (02) persons were identified as victims of Human Trafficking and there were 07 persons are juveniles under 18 years old, [REDACTED]. The two victims and the seven Juveniles were referred [REDACTED] Veterans and Youth Rehabilitation to provide supports and to be prepared for re-identification with child friendly approach following the service principles.



Meanwhile, the seven persons [REDACTED] Consulates were informed and coordinated them to return and reunite with their families.

For other foreigners, if the identification by the Competent Authority does not find any victimization of Human Trafficking, but is found they have violated Immigration Law and Labor Law of Cambodia, and unlawfully entered into Cambodia and hid themselves for unlawful job and non-force labor or not being cheated, those persons shall be considered by law by applying fine and deportation pursuant to Article 5 of Immigration Law of Cambodia. It means all deported foreigners are not the victims of Human Trafficking. However, the deportation procedure of the Government of Cambodia is friendly and done by giving notice and cooperating with those foreigners' Embassies or Representative Offices, in order to coordinate for Voluntary Departure and spare those foreigners the time to purchase air tickets for self-returns or transferring via tourist vehicle for the neighboring countries.

A number of foreigners still desired to remain working at the offensive working places, even they knew there had been forced crimes, by giving reasons that they were not the victims and they received pretty much payment. For such situation, Cambodian Competent Authority could not fulfill their intentions because they were under the influence of the crimes and they needed to continue serving the crimes (for example, they had participated in programing online gambling, other online deceit for the traps of the offenders for trafficking, kidnaping, forced labor or dragging businesspersons for investing money to start up deceitful businesses). The purpose of the Government of Cambodia is to prevent victimization of those foreigners and other persons who are attracted or deceived because it is determined that they are vulnerable, in dangerous situation, so that the competent authority does not punish what they have committed against the other persons and just only ease them to leave the dangerous locations and businesses to their countries of origins or safe places. This deed is a protection of who are under dangerous situation, not an act of forcing those persons into victimization, as accused.

**5. Measures used for receiving Consular Support for all Trafficking Victims, who are not Cambodian Citizens, for allowing Trafficking Victims to continue living in Cambodia Territory, for Humanitarian Reason, and for Providing Temporary Asylum Right or other Forms of International Protection to Trafficking Victims:**

Victims or Vulnerable Persons are both Cambodians and Foreigners, both in the Kingdom of Cambodia and Foreign Countries. Though Ministry of Foreign Affairs and International Cooperation, diplomatic officials of Cambodia Mission in foreign countries have play very significant role in cooperative suppression and rescue of Cambodian Victims from Human Trafficking abroad, in implementation of measures to receive Consular Support including document support and communication way to return to the countries of origins, as well as the support of sheltering and food as necessary needs. The diplomatic officials are also the focal officials of cooperation of providing and receiving the information of victimization, and coordination of repatriation and information sharing with other relevant countries. Those diplomatic officials have always been trained on related skills to perform their duties including cooperation with the authorities of the countries of origins. The Embassies and Consulates of Cambodia always cooperate with host countries and other foreign representative offices and Non-Government Organizations to rescue and provide Consular Support to victims regardless of races.

In respect of providing Right of Asylum, Cambodia has complied with Sub-Decree No. 224 ANKR.KB, dated on December 17, 2009, on “Procedure for Recognition as a Refugee or Providing Asylum Rights to Foreigners in the Kingdom of Cambodia” and “Convention Relating to the Status of Refugees”, 1951, and the Protocol in 1967 enable the foreigners with Asylum Right, notwithstanding the persons need to fulfill the terms stipulated in these regard laws. In principle, application of Asylum Right can be made unless the foreigners are under threat of political, racial or religious reason. In seperation, Trafficking Victims are not under such condition. In spite of this, the Trafficking Victims do not apply for Asylum Rights and they are not victimized from the threat of politics, race or religion.

***6. Information on Steps Implemented by the Government in receiving efficient mental resilience for Victims of Human Trafficking and relevant Human Right Abuse, including resilience impacted by Domestic Court Mechanism:***

The National Committee for Counter Trafficking has focused on Resilience of traumatization of Trafficking Victims by cooperating with UNICEF in providing training to many front-line provincial officials to apply with the Trafficking Victims. In spite of this, in such a huge form of operation, the mentioned activities cannot be well done because both of the Victims and the Competent Authorities have very short space of time moving immediately from unsafe to safe places under protection. Therefore, in such situation, trauma recovery is only consulted, for the other steps such as education on victimization, complaint filing against offenders, service acceptance or returning to their families or reintegration are optional for the Victims. Even if some steps of recovery have been made, but we admit that it is not enough. Our main purposes are rescuing life and get the Victims out of criminal offenses, collecting the clues of offenses and offenders to help ease the Competent Authorities to effciently suppress the offenses.

Separately, offenders, who have been arrested within the time of operation, are referred to court for legal action. At the time of suppressing operations of Human Trafficking, Forced Labor, and Sexual Exploitation, due from August 18, 2022 to October 19, 2022, Capital/Provincial Courts of First Instance have received 22 cases from Phnom Penh and other 11 cases from provinces; in those cases, 106 accused have been arrested and proceeded for further legal conviction. In the meantime, the authorities have decided to shut down 05 business locations relating to offenses, temporarily closed 04 suspicious business locations for further investigation. These indicate that Human Trafficking Cases have been paid attention and equally passed the judgement regardless of race, gender, religion, social rank and other conditions. Offenders shall be convicted by law without tolerance.

The Court mechanism, pursuant to the Code of Criminal Procedure, has ensure the principle of equal defense under the law and the justice seeking for the accused and the victims. Along with this, Court cases of Human Trafficking and Sexual Exploitation have been highly paid attention and considered as priority in compliance with the existing law and procedure of Cambodia. The cases of Human Trafficking are in the group of Speed-Up cases and high efficiency in order to punish the offenders and seek justice for the victims especially compensating the damages happening on them. In actuality, referring to statistic of cases, the courts throughout the nation have been annually dealing with many cases by punishing many offenders except escaping offenders who are in the search and who are foreigners living abroad.

**7. Information on Measures done to ensure that the Officials of Cambodia Embassies and Consulates have been trained on Human Trafficking and Victim Identification:**

In accordance with the principle of the Ministry of Foreign Affairs and International Cooperation, all diplomatic officials of Cambodia are always trained, before departing to perform their diplomatic mission abroad regarding to the principle and specific timeframe, on Diplomatic Sector, Responsibilities particularly in Consular Support, Citizen Protection, Cooperation of Rescue and Protection of Victims especially from Human Trafficking, Primary Identification, Document and Necessary Service Providing, Cooperation with host countries, other relevant Ministries and Authorities in Cambodia, and NGO partners, in order to ensure the safety of victimized citizens, inclusive of receiving legal service and safely returning to the country of origin.

**8. Information on Measures implemented efficiently for Investigation of Human Trafficking including Forced Crimes and Measures of Cooperation of Investigation and Punishment of Human Trafficking Cases and Tracing of Lost Persons who can be the Trafficking Victims:**

In order to maintain the efficiency of the investigation and suppression of Human Trafficking, Anti-Human Trafficking and Juvenile Police and relevant competent authorities have responsibly performed based on the Four Strategies against Human Trafficking:

- ✓ Promote Prevention: take action in disseminating people in the communities and related people who are victims and family members of the victims, to be aware of the law, tricks of offenders and the impacts of Human Trafficking... by all means.
- ✓ Strengthen Law Enforcement and Criminal Justice: Increase investigation and suppression, grant the victims as a center of offense clue collection to continue investigating for evidence and arresting offenders and offenders' network, suspects and domestic and foreign human trafficking network, to refer to the court for legal punishment.
- ✓ Provide Victim Protection since the time of investigating and rescuing by cooperating with social affairs sector and local authorities in providing support for victims especially within the progress of court cases.
- ✓ Strengthen cooperation with both domestic and foreign competent authorities in order to intervene in seeking and rescuing the victims who have lost or to share the information of offense location, the information of the victims for timely investigation to rescue the victims and suppress the offenses.

In reality, in the suppression operation of Human Trafficking, Cambodia competent authorities have given notices to Embassies and the public about the way of easy and fast information sharing via Facebook Page of Samdech Krolahom Sar Kheng, Deputy Prime Minister, Minister of Interior, President of the National Committee for Counter Trafficking or the Website of the National Police Commissariat General or the Website of General Department of Immigration, General Department of the National Committee for Counter Trafficking, and Hotline of the National Police Commissariat General, for timely intervention. After being rescued, Cambodia competent authority has requested coordination from Embassies of the respective Countries to provide supportive documents, protection and home return for reintegration at the respective countries.

Additionally, Cambodia Competent Authorities have exchanged the information of suspects abroad to ease the foreign authorities for searching for offenders, arresting and punishing them.

Cambodia Competent Authorities still continue cooperation with foreign authorities and call for support from foreign authorities to trace for who have been lost and suspected to be victimized by trafficking in Cambodia by reporting us in case the persons return to their countries and call for information sharing for newly suspicious clues for more investigation.

***9. Information on Measures implemented by the Government of Cambodia to ensure that the Non-Government Organizations are able to participate in implementing the standard principle of Human Rights in Accordance with International Human Right Standard, to ensure the Environment of Support of Human Trafficking Prevention and Victim Support:***

In the implementation of the activities following the Four Strategies, the National Committee for Counter Trafficking has closely cooperated with national and international Non-Government Organizations by working together to continue services allowing them to implement their own activities directly with the victims at the care centers or the communities. Non-Government Organizations have been widely welcomed to participate in strategic planning and activities planning for jointly working with the Government against Human Trafficking and to broadly implement their activities at the local.

In law enforcement, the competent authorities have cooperated with Non-Government Organizations to share awareness and experiences with law enforcers and front line officials to promote their capacity of prevention, providing victim case information, leading to investigation, rescue and arrest offenders for punishment, supporting the victims at the care centers, providing social and legal services at all legal stages.

The National Council for Women has signed the Memorandum with the Bar Association of Cambodia to provide free of charge legal service for poor women and girls victimized from human trafficking, sexual exploitation, sexual abuse and gender violence.

Based on the policies of Social Affairs in providing supportive services to groups of victims and vulnerable persons, for all genders, ages, nationalities, conditions, the Government of Cambodia always opens for participations of all Ministries, all level authorities, relevant sectors especially national and international Non-Government Organizations and Private Sector, to reduce victimization, which is impacted from global economy, Covid-19 pandemic, natural disasters, to a minimum and to improve the living qualities of all people of the whole country.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation has been implementing the policies, strategic plan, plan of activities, and generate the mechanism to actively govern and manage the support and providing of services to targeted all victims and vulnerable persons especially Trafficking Victims, for both Cambodians and foreigners. All activities have been well cooperated by NGO partners which signed the Memorandums of Implementations. Adding to this, The Ministry of Social Affairs, Veterans and Youth Rehabilitation has always been applying basic need support, primary rescue, trauma recovery, protection for the best interests of the victims in accordance with the Minimum Standards on Residential Care for Victims of Human Trafficking and Minimum Standards on Protection for the Rights Victims of Human Trafficking.

**10. Information on Measures taken by the Government of Cambodia to end Forced Labor or**

***Obliged Labor as Stipulated in ILO Convention No. 29, 1930, and to end Debt Bondage and to deal with Forced Labor in the Ship/Harbor using Cambodia National Flag in accordance with the Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery:***

- ✓ As member of the International Labor Organization, the Government of the Royal Government treats all cases of confirmed forced labor a zero tolerance case as stipulated in the Labor Law and related regulations. This case also applies to any case of confirmed debt bondage. We would like to draw your attention that there might be a mis-understanding of the so-called debt bondage. Following our investigation such allegations, we note that no case of debt bondage is confirmed in accordance with the internationally recognized definition. Through the implementation of the labor in line with the international labor conventions, the Ministry of Labor and Vocational Training as a implementing agency of the Government of The Kingdom of Cambodia has been working actively with its social partners under the technical assistance from the ILO to strengthen the labor inspection system to prevent and eliminate all forms of forced labor after having ratified ILO Forced Labor Convention No. 29, enacted on June 28, 1930, by ILO on February 24, 1969. Based on Labor Law, 1997, stating that “Forced or obliged Labor is absolutely prohibited” and “employing any person for debt reduction is prohibited”.
- ✓ The Government of Cambodia has considered the abolition of all forms of Child Labor as an essential obligation for the best interests of Children. With this regards, Cambodian Government, having the Ministry of Labor and Vocational Training as an assistant, has been trying its best to abolish the worst forms of child labor to protect and promote child rights. The Government has created a number of policies and regulations for example, the ratification of ILO Convention No. 182, No. 29, and No. 138 and circulated 13 Prakas on Elimination of Child Labor. In meantime, National Plan of Actions on Reduction of Child Labor and the Elimination of the Worst Forms of Child Labor, 2016-2025, has been propagated; along with the establishment of the National Committee for Counter Child Labor (Royal Decree No. NS/RKT/1116/1044, dated on November 17, 2016) as a mechanism of coordination and consultation on elimination of Child Labor. The Ministry of Labor and Vocational Training has been inspecting without any pre-notice at all careers, which are prioritized and risky such as garment and textile sector, brick factories, entertainment, construction and agriculture, in order to enforce labor law, prevent forced labor and debt slavery, and to make the owners be responsible before the law. Actually, from 2019 to the first 09 months of 2022, Labor Inspectors have inspected many brick factories and have made the business owners and the guardians of the children sign legal agreements of zero child labor, forced labor or debt slavery; 1,262 agreements were national wide made, and 06 handicraft enterprises were ordered to comply labor safety and health terms and conditions
- ✓ In order to strengthen the working conditions and protection of the Rights of Workers from Abuses, debt slavery, child labor; three Inter-Ministerial Inspection teams were established, one is in tourism industry (Inter-Ministerial Prakas No. 065/21, dated on February 17, 2021), one is in Agriculture Sector (Prakas No. 064/21, dated on February 17, 2021) and the other is in Manufacturing Sector (Prakas No. 073/20, dated on February 27, 2020).
- ✓ In separation, there was a case that a Cambodian Nationality Ship using Cambodian National Flag, the Government has terminated an agreement with COSMOS Group, registered as Cambodian Ship since August 15, 2015.

## **11. Steps implemented by the Government of Cambodia for Laborers including Migrant**

### ***Laborers to combat Human Right Abuses by Businesses Operating or Locating in Cambodia, and to ensure that those business enterprises respect Human Rights, including the Efforts of Human Right Protection Responsibilities in accordance with the UN Business and Human Rights:***

- ✓ Cambodian Labor Law in line with international labor conventions is known as a core legislation providing protection to workers without any discrimination as stipulated in the Article 12 of the said law. In addition, specific laws have been adopted to better promote workers' rights and protection, namely Law on Trade Union, Law on Minimum Wage and Law on Social Security Schemes. Any worker or employer who violates these laws will be penalized by labor inspector accordingly. In order to promote better working conditions, the labor inspection system and labor disputes settlement mechanism have been continuously strengthening. In this connection, three Inter-Ministerial Labor Inspection Teams have been established via the Inter-Ministerial Prakas 719 PRK, dated on February 19, 2018, on Strengthening the Foreign Manpower Inspection Work in the Kingdom of Cambodia). The Government of Cambodia is drafting a Sub-Decree, on the Management of the Foreign Manpower, aiming to provide better protection to foreign laborers against Human Trafficking. To strengthen and promote the efficiency of managing migrant workers, the Ministry has drafted a Law on Management of Foreign Migrant Workers and a Sub-Decree on Management of Foreign Manpower in the Kingdom of Cambodia, by transforming the existing measure and regulations into complete law which is efficiently enforceable. In meantime, Labor Contract between Cambodian Laborers and Foreign Employers have been bound in accordance with the regulations of the Memorandum of Understanding or Bilateral Agreements between Cambodia and host countries; the Agreements need to clearly and sufficiently stipulate the terms and conditions of work, right protection and the benefits of the laborers, determined in Labor Ministry's Prakas No. 253 KB/PRK, dated on September 23, 2013, on Promulgation of Minimum Standards of Job Placement Services Abroad Contract. Adding to this, in order to ensure that employment contracts binding are in compliance with the existing regulations, all contracts between Cambodian Laborers and Foreign Employers have been reviewed and registered by Labor Inspectors in charge after the time both parties of the contract signed.
- ✓ The Ministry of Labor and Vocational Training has assigned Inspection Team of Private Recruitment Agencies to generate regular and random inspections as necessary at the offices and Employment Orientation Centers of Private Recruitment Agencies. These inspections have been made in accordance with Prakas No. 250 KB/PRK, dated on September 23, 2013, on Inspections of Private Recruitment Agencies, to ensure the efficiency of law and order enforcement relating to Recruitment, Training, Sending and Management of Cambodian laborers abroad. Meanwhile, the Ministry has issued Prakas No. 249 KB/PRK, dated on September, 2013, on Complaint Receiving Mechanism for Migrant Workers, a part of complaint receiving from domestic and foreign migrant workers and a conflict solving outside the court system.

Measures of Inspections of Business Enterprises and Monitoring foreign manpower have been established and strengthened with the implementation mechanism of multi-institutions working group; the implementations regularly proceed based on the determined principles to guarantee the business enterprises in progress in Cambodia territory comply with the determined principles and legal compliance of labor law, business related laws, and Human Right principles. In spite of this, within the pandemic of Covid-19 for over two years, Inspection and Monitoring activities have been highly reduced because many enterprises and factories have been closed and to avoid transmission of the disease and avoid more burden on the business enterprises

confronting massive losses. Furthermore, there were over 300 Thousand laborers of Cambodia returned from destination countries, especially, they disorderly crossed the borders from neighboring countries which benefited foreigners to illegally enter into Cambodia.

At the time of suppressing operation of Human Trafficking, Human Smuggling, and Sexual Exploitation at the end of August, 2022, the Government of Cambodia has issued the inter-ministerial decisions to increase the inspections of foreign manpower after finding many foreigners have been hidden for working illegally in Cambodia, and online gambling and many other offenses happening in Cambodia territory.

Along with the suppressing operation of Human Trafficking, labor exploitation, and sexual exploitation, inter-ministerial working group have inspected 10 business enterprises employing foreign laborers (and have continued to their business locations). These inspections aim to figure out any businesses violating Human Rights or hiding other offenses.

In the operation process, 2,760 persons of foreigner workers of 14 Nationalities, have been found; 814 persons do not have passports while 1,947 persons have passports, among those only 434 persons or 22.30% have work permits while the other 1,512 persons or 77.70% do not own work permits.

For such cases, Cambodia Authorities need to apply immigration law and labor law of Cambodia, and have instructed those persons to leave their working places to be fined for both workers and employers, allowed them to apply for work permits and a number of them have been deported.

***12. Steps that the Government of Cambodia has paid attention on implementation to ensure Victims receiving treatments to be resilient in accordance with the principles guided by the United Nations for Laborers, who can be victims in the relevant businesses, including Human Trafficking for Forced Labor purpose, uncomfortable living, unsafe working conditions, and Violation of Human Rights, through the certainty that all business enterprises in Cambodia have mechanisms that care for treatment to be resilient in compliance with legal procedure accessible by the Victims:***

The responses of victims have been respected and considered as a foundation of further investigation for offenses to be punished. With this reason, Competent Authorities of Cambodia shall closely cooperate with the Victims or witnesses to verify the real situation occurring and reported, and not only an accusation for the benefit of anyone and impacting the rights of others. We have been impressed that victims are brave to share the realities and provide inputs as a key to tackle problems and to suppress the offenses, reduce offense power, and timely rescue other victims and vulnerable person.

The Government of Cambodia pays highly attentions on all sector developments, especially, labor and vocational training aiming to improve working conditions, create employment opportunities, build working environment and strengthen harmony of professional relationship, in order to contribute to the reduction of poverty, promotion of people living standard, and sustainable development with in-depth reform focus of all sectors. In the meantime, the respects of Human Rights is a duty of the Government of Cambodia, who has been strongly focusing on implementation regardless of Cambodian or Foreign workers; those of them have equal rights as



stipulated in Article 12 of the Labor Law, none of any employers discriminate workers/employees upon their races, colors, religion, political mindset, ethnic origin, descent, and membership entry of any employee federation or action in the federation.

- ✓ Article 6 and 7 of Sub-Decree No. 32 ANKR.BK, on Social Security Scheme on Pension for Persons Defined by the Provisions of the Labor Law, stipulates that the registration of workers/employees shall be in accordance with the data in the Cambodian Identity card or passport for foreign workers/employees, in order to receive benefits of social supports. For the aim of enforcing the above law and regulation, Ministry of Labor and Vocational Training has been raising the awareness and promoting regular inspections on factories/enterprises, by instructing, determining and fining in case of non-compliance to the existing law and order.
- ✓ As above-mentioned, the Government of the kingdom of Cambodia has been wholeheartedly worked on protection and promotion of workers' rights and to provide effective remedies. Under the latest amendment to the Labor Law, an expansion of the service of the Arbitration Council to hear individual disputes has been adopted. Thus, the Arbitration Council can hear both collective labor disputes and individual disputes in accordance with the Labor Law.
- ✓ The Government of the Kingdom of Cambodia through an implementation of the Better Factories Cambodia Programme since 2001 has been received confidence of protection of workers' rights and freedom of association from international brands and buyers sourcing from Cambodia as a model country among the Better Work Programme of the International Labor Organization. BFC has been extended its mandate for another 5 years from 2023 to 2027 in jointly promoting working conditions and occupational safety and health conditions of workers in garment, traveling goods and bags sectors.

Ministry of Social Affairs, Veterans and Youth Rehabilitation has issue the Standard Operating Process (SOP) with other neighboring countries such as Vietnam in coordination of service providing, rehabilitation, sheltering and repatriation; for Thailand (plan of action is under arrangement), for other countries with whom we do not have SOP, the Ministry of Social Affairs, Veterans and Youth Rehabilitation always uses coordination mechanisms of Ministry of Interior, Ministry of Foreign Affairs and International Cooperation, and the embassies of the victims to coordinate repatriation of victims back to their countries of origins based on Human Right principles and outline right of voluntary decision-making of victims as stipulated in the Policy on the Protection of Rights of Victims of Human Trafficking (the outline 11 Rights are: 1. Safety and protection, 2. Individual identity, 3. Privacy and confidentiality, 4. Dignity, 5. Information, 6. Services, 7. Justice, 8. Normality, 9. Participation, 10. Decision-Making, and 11. Freedom of movement)

### ***13. Information of Measures implemented for Preventing Corruption in Law Enforcement***

#### ***Institution in relation with Human Trafficking, and for Investigating and Punishing Corruption Committed as Barriers to Justice Procedure, Investigation, and Punishment of Human Trafficking Crime, and Victim Protection:***

Cambodia dares to state that law enforcement relating to investigation and punishment of Human Trafficking and Victim Protection are strictly and legitimately performed without any involvement of corruption. Cambodia does not only internationally, but also nationally commits to combat Human Trafficking. By means of the National Committee for Counter Trafficking, Cambodia expresses intense willingness in protection of the rights, freedom and the benefits of Cambodian people both inside the countries and abroad without allowing any unpleasant deed happening as an obstacle to this significant mission. In reality, in the period of 2021, when the nation was in hard situation of pandemic of Covid-19, a military General and accomplices were arrested, dismissed, and

punished for 4 years of imprisonment for the offense of Human Trafficking in accordance with Article 15, Law on Suppression of Human Trafficking and Sexual Exploitation, and Article 29 of Penal Code. There were some other cases suppressed related to corruption of a District police opening the border gate for cross-border human smuggling; he was punished with the same administrative and court measures.

***In Conclusion:***

Human Trafficking and other offenses, happening in Cambodia at these current days, are new experiences for Cambodia to tackle and are lessons learnt for Cambodia itself and other countries against offender network in such broad and huge transnational crimes. All criticisms or blames for this confronting situation are invocation for the Government of Cambodia to be more cautious and more competent in response to offenses.

Actually, launching operation plan and additional mechanisms, from national to local level, counting from information mechanism, information sharing and simultaneous opening of capital and provincial wide operation with high responsibilities, has led all levels of authorities actively cooperate and perform their duties to timely rescue victims, mostly foreigners, and provide victims full safety, has given the authorities more experiences in combating human trafficking work. Upon the sharp measures and plans, as a joint mean using joint force and joint resource and timely responding to the situation and target, so that the response is timely and requests of intervention remarkably decreases and the number of human trafficking case in Cambodia is nearly zero. This situation benefited the preparation of the 40<sup>th</sup> and 41<sup>st</sup> of ASEAN Summit which successfully went on well. Despite of this, competent authorities still keep their hands in investigating, offense hunting as an early raining and not allowing such situation to again happen.

These actions have reflected an extreme commitment of the Government of Cambodia fighting against human trafficking, human smuggling, labor exploitation and sexual exploitation and online cheating which is a root cause of these transnational crimes; and have reflected the effort to recovery a very bad situation of Cambodia, impacted from the U.S. evaluation; and have also responded to the evaluation of Financial Action Task Force (FATF). Especially, these actions are political willingness of the Government of Cambodia wishing a good environment of safety, security and peace for the people of Cambodians and foreigners who are living, working or entertaining in Cambodia territory; and these actions are contributions to political stability building and also regional and global securities and economies.

Once again, in the name of the Government of Cambodia, I would like to express sincere thanks for the letter of Your Excellency proving your attention, care and invoke the Government of Cambodia to be cautious with these cruel crimes.

With best regards, Your Excellency

  
Chairperson of NCCT  
Permanent Vice Chairperson  
  
H.E. CHOU BUN ENG (Mrs.)