

**Universal Periodic Review of Cambodia  
46th Session  
May 2024  
Joint Stakeholder Submission**

**Joint Stakeholder Report submitted by:**

**Women's Network for Unity (WNU)**

Women Network for Unity. Women's Network for Unity (WNU) is a grassroots collective that encompasses sexual minorities, who are mainly engaged in sex work, and works actively for the empowerment of these groups to fight HIV/AIDS, violence, and discrimination. WNU promotes the human rights and civil liberties of sex workers and calls for recognition of their rights as workers to earn a livelihood free from exploitation and oppression. WNU also works to build networks capable of promoting dignity and justice for sex workers and of combating all forms of violence (including human trafficking), discrimination and HIV infection.

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**Sexual Rights Initiative**

The Sexual Rights Initiative is a coalition of national and regional organisations based in Canada, Poland, India, and Argentina that work together to advance human rights related to gender and sexuality at the United Nations

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## Key Words

Sex work, female sex workers, access to justice, access to health, sexual orientation, transgender, rape, harassment, violence, access to sexual and reproductive health services, stigma, reproductive and sexual health, entertainment workers

## Executive Summary

1. The policing environment pertinent to sex work in Cambodia does not criminalize sex workers; however, it does criminalize and punish all key aspects integral to sex work. This causes the confusion that underpins the belief that sex work is illegal in Cambodia.
2. There is a lack of a clear distinction between voluntary sex work and forced trafficking and sexual exploitation. Such conflation, together with omnipresent and deeply-rooted socio-cultural gender norms and power imbalances, contributes to further the discrimination and stigmatization of sex work in Cambodia. In addition to the already destitute condition of voluntary adult sex workers and their dependents, laws and policies including the 1996 Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Person, the 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation, and the 2010 Village-Commune Safety Policy further remove sex workers' life options and right to work, contrary to article 36 of Constitution of Cambodia<sup>1</sup>.
3. Sex workers' options are limited through criminalization, disempowerment, discrimination and suppression, urging sex workers to go more underground and become more vulnerable to violence. In addition, despite the Government's efforts to combat and prevent HIV/AIDS, and improve access to health services, the enforcement and quality of policy implementation remains limited, which directly and indirectly continues to hamper access to health services among vulnerable sex workers.

## Introduction

4. In Cambodia, sex workers are perceived by society to be women who demean the value and dignity of all women, to be victims of human trafficking, transmitters of infectious diseases, women with no agency, and sex slaves. Put simply, sex workers are viewed as bad women. Attitudes towards sex work come from a patriarchal and moral framework in which women's roles are assigned and constructed, and their value is determined by how well they fit within it. Additionally, neither people with diverse gender identities nor male and nor transexual identifying people who engage in sex work are recognised. As such, within the Cambodian context, female and transgender sex workers face double discrimination, marginalization, exploitation and significant security and safety risks because of their sexual orientation, gender identities, and occupation.
5. Laws and policies deprive sex workers in Cambodia of their right to work and to a livelihood. The 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation (hereafter referred to as "the 2008 Trafficking Law") and the 2010 Village-Commune Safety Policy prohibit most activities associated with sex work, including soliciting in public, and procurement for sexual service purposes. This legal position and environment does not allow for realistic alternatives for sex workers and pushes sex work underground, without access to safe spaces to work. This results in even poorer conditions for sex workers, including increased homelessness, reduced access to basic services and invisibility of needs around fair treatment. Women who engage in not only sex work, but in any part of the entertainment industry, could be

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<sup>1</sup> Universal Declaration of Human Right, article 23, stating that: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment". Constitution of Cambodia, article 36, stating that "citizens have the right to choose any employment according to their ability and to the needs of the society; the right to obtain social security and other social benefits as determined by law; and the right to form and to be members of trade unions".

prosecuted or harassed by authorities. Women suspected of engaging in “prostitution” are often denied basic services from local authorities, are treated as criminals even if they are not violating any specific laws, and are placed at risk.

6. It is understood that accessing quality health services is a challenge for most people in Cambodia. However, vulnerable sex workers whose cultural, social, and economic status and rights are not valued and respected in Cambodian society face particular difficulty. The term “sex worker” itself is controversial, despite the fact that the LSHTSE does not pronounce that sex workers are illegal. Instead, the term is conflated with, and is formally used to refer to, entertainment workers.

### **Deeply-rooted cultural and gender norms in the formation of anti-female sex worker laws and policies**

7. The purposes of both the 1996 and 2008 Trafficking Laws were, inter alia, to “rehabilitate and upgrade the good national tradition” and “preserve and enhance good national customs” respectively, without further defining what constitutes good national customs<sup>2</sup>. Even within one nation, customs can be varied according to “different socio-economic and ethnic groups”<sup>3</sup>. Such broad coverage of “good national customs” furthers the stigmatization and discrimination against sex workers, particularly the female sex workers.
8. In addition, article 46 of the constitution of Cambodia, which is the supreme law of the state, asserts that “the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation [dignity] of women shall be prohibited.” The exchange of sex for money, which is the job of sex workers, is not considered to uphold the dignity of women and national customs. A letter issued by the Ministry of Interior responding to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO)’s report in September 2008 declared that “sex workers create public disorder and damage the dignity and morality of the Cambodian society. Some sex workers trickily attract pedestrians and take their property.”<sup>4</sup>
9. According to Article 23 of the 2008 Trafficking Law, the deeply stigmatized term ‘prostitute’ is defined as “having sexual intercourse with an unspecified person or other sexual conduct of all kinds in exchange for anything of value”- which is the job of a sex worker. Additionally, under the 2008 Trafficking Law, “sex work is made interchangeable with sexual exploitation and trafficking”<sup>5</sup> and stirs up “widespread misunderstanding that sex work was illegal”<sup>6</sup>. Such gender stereotypes and ambiguity in the legal framework continue to create stigmatization and discrimination against sex workers. According to WNU’s 2018 survey on the health and life experience of 230 sex and entertainment workers, 38.2% feel discriminated against, 23.7% feel they are not valued, and 33.6% feel judged about their life and job. Such feelings of shame continue to hinder sex workers from accessing health services at public clinics.
10. The term sex work is rarely found in any written ministry documents or even among some civil society organizations. With grey areas in the laws and customs persisting which reinforce each other, most sex workers resort to working underground under the more formally accepted, and culturally less controversial<sup>7</sup> term: entertainment workers. However, this also creates an environment that allows for some health services programs to be developed by civil society organizations, particularly in combating HIV/AIDS, and to support indirect sex workers in the

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<sup>2</sup> [1] Ibid. p. 13-4 the note explained all of the terms within article 1, except the definition of “good national customs”.

<sup>3</sup> Ratna Kapure. 2002. The tragedy of victimisation rhetoric: Resurrecting the “native” subject in international/postcolonial feminist legal politics. *Harvard Human Rights Journal* 1. As cited in Research result of National Aids Authority, *Policies environment regarding universal access and the right to work of entertainment workers in Cambodia*.

<sup>4</sup> Letter, no. 1219 sor.chor.nor, September 25, 2008 to LICADHO. As quoted in Human Right Watch report 2010. P. 28. [https://www.hrw.org/sites/default/files/reports/cambodia0710webwcover\\_2.pdf](https://www.hrw.org/sites/default/files/reports/cambodia0710webwcover_2.pdf)

<sup>5</sup> Sally Low & Bebe Loff. March 2009. P. 2. Analysis of the Human Rights Implications of the 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation and implementation guidelines.

<sup>6</sup> Chenda Keo, April 2009. Consultancy Report. Hard life for a legal work: The 2008 anti-trafficking law and sex work. p. 4.

<sup>7</sup> It should be noted that not all entertainment workers are sex workers. Entertainment workers, however, are also vulnerable to discrimination and violent. For example, when rounded up by police in March 2009, a local newspaper “Koh Santhepheap” described them as “animals” as cited by NAA research result report, May 2009, p. 14.

entertainment industry<sup>8</sup>. However, the explanatory note of the 2008 Trafficking Law has made it clear that “the intent behind [NGO HIV/AIDS-related] activity is to prevent the spread of HIV/AIDS, and not to further the practice of prostitution.”<sup>9</sup> Sex workers, even though being legal, are deemed not to have a place in this socio-cultural context of Cambodia.

### Impact of criminalisation of sex work on accessing sexual and reproductive health services

11. We regret that Cambodia did not receive any recommendations on the rights of sex workers during the last review. Cambodia received a number of recommendations on ensuring access to health including:
  - 110.50 Adopt, in consultation with civil society organizations, comprehensive legislation and policies against discrimination and violence based on sexual orientation or gender identity, and guarantee their implementation through all public entities, in particular in the education, health and labour sectors (Mexico); (Accepted)
  - 110.142 Implement actions to continue improving the quality and access to health-care and education services with equity (Cuba); (Accepted)
12. The government of Cambodia needs to be done to ensure that all sex workers are able to access health services, and this includes addressing stigma and discrimination in healthcare services, fully decriminalising sex work, and ensuring that health services are available, accessible, acceptable, and of good quality.
13. Historically, sex workers in Cambodia have faced restrictive laws and policies denying them access to their right to life and work, as well as control over their sexuality. In 1996, Cambodia passed a Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Person (hereafter referred to as “the 1996 Trafficking Law”), which criminalized sex trafficking and third party involvement such as pimping.<sup>10</sup> 2008’s Trafficking law and related policies are stricter, and criminalize almost all aspects of sex work, except the sex workers themselves.
14. Within the first few months of enforcement of the 2008 Trafficking Law, over 381 brothels were closed<sup>11</sup>. Among those arrested were sex workers, who were subjected to “beatings, rape, sexual harassment, extortion, arbitrary arrest and detention, forced labour, and other cruel and degrading treatment”<sup>12</sup>. The aftermath forced sex workers into working underground and “hidden with entertainment workers working [in] Karaoke bars, beer gardens, night-clubs, massage parlours, and snooker clubs.”<sup>13</sup>
15. The policing as a result of the enactment of the 2008 Trafficking Law was reportedly contributed to an increase in the mobility among direct sex workers, as well as stigmatization, discrimination, and fear of accessing health services (especially for ART patients) - as well as of collaborating with service providers<sup>14</sup>. Although there are no exact or reliable figures of the number of sex workers and entertainment workers, it is estimated that there are approximately 42,000- 47,000 nationwide, and around 1,000- 1,100 are street-based sex workers in Phnom Penh<sup>15</sup>.

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<sup>8</sup> [1] Hsu, L.N., Howard, R., Torriente, A.M., & Por, C. Promoting Occupational Safety and Health for Cambodian Entertainment Sector Workers. *NEW SOLUTIONS: A Journal of Environmental and Occupational Health Policy*. 2016, Vol. 26(2) 301–313. DOI: 10.1177/1048291116652688. <https://pdfs.semanticscholar.org/386d/b0bbaed86b58e92538e05a9ccc5ecb75669d.pdf>

<sup>9</sup> See 17. P. 71.

<sup>10</sup> Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Person. Jan 1996. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/59890/60877/F655666645/KHM59890%20English.pdf>

<sup>11</sup> Population Services International (PSI) as quoted in *The Cambodia Daily*. May 1, 2008. <https://www.cambodiadaily.com/news/brothel-raids-arrests-worry-health-workers-2-62004/>

<sup>12</sup> See. 7, p. 4.

<sup>13</sup> Fler of UNFPA, Cambodia Country Program Brief. *Entertainment workers are becoming smart girls*. <http://cambodia.unfpa.org/sites/default/files/pub-pdf/FlyerA4smartgirlOL.pdf>

<sup>14</sup> National AIDS Authority (NAA). May 2009. Summary of Key Research Findings on Policies environment regarding universal access and the right to work of entertainment workers in Cambodia. P. 9-14.

<sup>15</sup> John, Godwin. October 2012. Sex Work and the Law in Asia and the Pacific: Laws, HIV and human rights in the context of sex work. P. 119. <http://www.undp.org/content/dam/undp/library/hiv/aids/English/HIV-2012-SexWorkAndLaw.pdf>

16. From January 2020 to September 2023, 284 sex workers were arrested. They were sent to Duon Penh District and the Department of Social Affairs, after initially being sent to “Prey Speu”, a detention center with no accessible health services inside it. In the same period above, there are also 79 documented case studies related to rape, gang rape, harassment, violence, and exploitation committed by security guards, clients, landlords, intimate partners, husbands, neighbours and detention center staff.
17. This environment of criminalisation fuels stigma and discrimination against sex workers, leaving them wary of attempting to access necessary health services through the public health system. What is more, the precarious nature of the lives of sex workers and their dependents is further exacerbated, not only by the effect of these policing environments, but also by their destitute material conditions. Health services are often too expensive for sex workers to access.
18. According to 2021 research by WNU on access to healthcare services in Cambodia: there were 57% (98 people) among 172 sex workers who responded that the reasons that they don’t go to receive health services from both state/public and private sectors and they chose to buy the medicines at the pharmacy or the stores is because: *“Public hospital costs a lot of money including under the table money; and [the doctors] words are unethical, they have no time to visit a doctor, there is no one taking care of them at the healthcare setting, healthcare providers do not want [sic] to talk to the patient when we [sex workers] do not have money to pay off as our earning is not even enough to live on a day to day, using ID poor is entitled to be discriminated [sic]...etc”*

*“I felt so bad and unsafe when a doctor (male) sexually harassed me when I got problem [sic] with my sexual health. During the treatment, he took too long time to check my genital for just [sic] to confirm me that there is no problem with my genital.*

**– Said Phnom Penh sex worker when she received sexual service at the healthcare center in September 2023**

*“We don’t go to the public hospital as we almost pay the same to the private health services because its service is faster, more comfortable particularly our privacy and we won’t be discriminated...”*

**– Said Phnom Penh sex workers during a focus group discussion at the drop-in center, 2023**

*“I used to get health services from Public Hospital, it has taken me so long to wait [sic] and I have to pay the same to private hospital, thus I later on never been to the public hospital.” [sic]*

**– Said Phnom Penh Entertainment Worker (EW), 2023**

### **Related current national frameworks**

19. Cambodia agreed to implement the Sustainable Development Goals, including SDG 3 on good health and well-being. Under SDG: 3.7, Cambodia must ensure universal access to sexual and reproductive health care services by 2030, including for family planning, information and education, and ensure the integration of reproductive health into national strategies and programs.
20. The National Social Protection Policy Framework 2016-2025” (SPPF) focuses on two main pillars: Social Assistance and Social Security. The goal of this policy framework is to develop a strategic plan for the Royal Government of Cambodia to ensure income security and reduce economic and financial vulnerability of its citizens. This will increase well-being and solidarity within Cambodian, society and aims to reduce poverty to the maximum extent<sup>16</sup>.

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<sup>16</sup> Social Protection 2016-2025

21. The National Strategy for Reproductive and Sexual Health in Cambodia 2017-2020 aimed to strengthen and extend reproductive and sexual health information and service to entertainment workers, and to strengthen health education and referrals to health services<sup>17</sup>.

## **Recommendations**

We call on the Government of Cambodia to:

1. Decriminalize sex work and remove all punitive and discriminatory laws and policies on sex workers.
2. Recognize sex work as work and extend all legal protections and rights to sex workers to freely choose and exercise their rights.
3. Address the stigma and discrimination experienced by sex workers when seeking medical services and from the general public.
4. Amend Trafficking laws that conflate consensual sex work with non-consensual sex work.
5. Ensure participation of sex workers in creating and reforming laws, HIV programming, and improving access to health services and sexual and reproductive health services.

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<sup>17</sup> National Strategy for Reproductive and Sexual Health in Cambodia 2017-2020, May 2017