

Bali Process
On Trafficking in Persons
And Smuggling Migrants Presented by Undersecretary of State Sieng Lapresse,
Ministry of Interior of the Kingdom of Cambodia

In Brisbane, Australia
On 24-25 February 2009

Co-Chairs,
Distinguished Participants,
Ladies and Gentlemen,

We, the Cambodian Delegation, would like to extend our sincere condolences to the families of the bushfire victims and the Government of Australia. We also would like to express our profound appreciation to the Government of Australia for the warm hospitality accorded us and to IOM for the funding assistance for us to be in Brisbane to better knowledge on Bali Process.

We also would like to take the opportunity of Bali Process to recognize the role of hosting refugees of Thailand and to sincerely appreciate Thailand's care for the Cambodian Refugees in the 80's.

Background

By definition, the people trafficking or trafficking in persons is an act of buying and selling person illegally, and smuggling migrant is someone taken out of the country illegally, without valid traveling document and entry permit. The people who are victimized by trafficking, smuggling and pedophile are often suffered through prostitution, sex tourism, pornography, go begging, employment, adoption, and inter- marriage.

Cambodia is alarmingly facing acts of people trafficking and smuggling that are staged by organized crimes. Cambodia becomes the stop-over and transit for people trafficking and smuggling.

For more than 2 thousands kilometers stretched porous border with Thailand, Lao DPR and Vietnam, Cambodia is generally facing the correlation between trafficking in persons, smuggling migrants and security, because of cross-border nature, with particular reference to terrorism.

In 1997, the Royal Government of Cambodia established the open sky policy to further attract more foreign tourists and investors. At the same time it started negotiations with its neighboring countries to open more check points. Today there are 21 check points: three international airports, three international seaports, and fifteen land check points.

Cambodia is probably the most accessible country in South East Asia. Any foreigner able to pay a \$25-30 fee is provided with a visa entry, as a tourist or business-person at the port entry, with little or no background checks or information exchange.

To consolidate Cambodia's management capacity to prevent and to combat transnational crime involves numerous national agencies. Combating transnational crime through trafficking in person and smuggling migrant control instruments, the Royal Government of Cambodia has established the capacity of national agencies to speak with one voice and act together.

Legal and Policy Framework

On 26 February 2007, five Ministries and 24 Victim Support Agencies signed an Internal MOU, Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking.

On 12 March 2007, the Royal Government of Cambodia established a National Task Force (NTF) to implement the Agreement.

Victim Protection and Support

The Internal MOU establishes formal procedures for collaboration between police, prosecutors and victim support agencies in providing appropriate protection and support to victims. It addresses victim privacy and personal safety; shelters' roles and responsibilities; victim identification and reintegration; medical support and legal counsel; and appropriate treatment and support to victims as witnesses.

Domestic Laws

To strengthen the Cambodian law enforcement, the Law in Preventing and Suppressing Trafficking in Persons were promulgated on 15 January 2008. More rules and regulations relevant to preventing and suppressing transnational crime that have been enforced by the Cambodian law enforcers are Law on the Suppressing of the Kidnapping, Trafficking and Exploitation of Human Beings (1996), Immigration Law, Nationality Law, Investment Law, Labor Law, Counter Terrorism Law, Anti-Money Laundering Law coupling with numerous sub-decrees to effectively address weaknesses in the aforementioned laws.

International Law

Since the finalization of the ASEAN Responses to Trafficking in Persons study, Cambodia has acceded to the UN Convention against Transnational Organized Crime on 12 December 2005; ratified the Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Organized Crime on 2 July 2007; and International Labor Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor on 14 March 2006.

Bilateral and Regional cooperation

The 911 event clearly demonstrated security can no longer be effectively enhanced by unilateral or even bilateral means. It requires regional approach and the nations' ability to act together in a coordinated manner. In this respect, confidence building among the countries would be an important component of combating and preventing transnational crime including trafficking in persons and smuggling migrants.

Criminal justice officers of Cambodia participated in the 2007 ASEAN Workshop on Criminal Justice Response to Trafficking in Persons and in the drafting Practitioners Guidelines that emerged from the Workshop.

Criminal justice officers of Cambodia also participated in two meetings of the ASEAN Ad-Hoc Inter-Agency Working Group Meetings on Combating Trafficking in Persons in Bangkok in May 2007 and in Vientiane in June 2007.

To take the advantage of this good SOM, and as SOMTC Leader-Cambodia, I would like to introduce Cambodia's views on advantages and disadvantages on proposed ASEAN Convention on Trafficking in Persons as followed:

Advantages

A Convention on Trafficking in Persons may effectively assist ASEAN Member States in preventing and combating against the trafficking in persons, particularly it may lead to stronger punishment of criminals, and also stronger protection and support for victims and witnesses of the crime.

Such Convention may also establish the jurisdiction necessary to facilitate bi-lateral and regional cooperation against trafficking by enhancing mutual legal assistance relating to criminal cases as well as the extradition or sentencing in country of traffickers.

Although there is an international protocol on trafficking in persons, the establishment of an ASEAN Convention would facilitate ASEAN and regional cooperation against human trafficking.

Disadvantages

An ASEAN Convention on trafficking in persons would not have value if an ASEAN Member State does not have the political will to implement that Convention. In addition, the different jurisdiction and laws of each Member State will obstruct the implementation of the Convention.

Law Enforcement

As today on the fight of TIP, the Royal Government of Cambodia mainly uses the Department of Anti-Trafficking in Persons and Juvenile Protection and the Immigration Department of the Ministry of Interior to carefully implement Cambodia's new human trafficking law (adopted 18 January 2008) by prosecuting and punishing individuals for human trafficking offences, including those involved in sex trafficking, fraudulent recruitment for the purpose of labor trafficking, and forced child labor, in Phnom Penh and areas outside of the Capital.

The statistics on trafficking prosecutions, convictions, and sentences for the year 2009 have been in the process of compilation and recording.

The Royal Government of Cambodia strongly focuses on law enforcement efforts on:

- Its greater responsibility of implementation of the new Anti-TIP law,

- The quantity of arrests and convictions of human trafficking other than quantity of prostitution arrests and convictions,
- The organized trafficking in persons rings in additions to lower-level, individual TIP criminals,
- The imposition of significant prison sentences on those convicted of human trafficking offenses as well as on those convicted of sexually exploiting children,
- Steps taken to ensure that victims of trafficking are not punished or otherwise harmed for unlawful acts committed as a direct result of being trafficked,
- Proactive measures to identify trafficking victims among vulnerable groups, namely found in prostitution,
- Proactive measures to ensure that the victims have access to protective services such shelters, counseling and longer term rehabilitation,
- Greater efforts to investigate and prosecute acts of trafficking of both male and female children and adults for labor exploitation and forced begging – both within Cambodia and abroad – and convict and criminally punish labor trafficking offenders,
- Those labor recruiters in Cambodia who recruit Cambodians for work oversea, and who are responsible for subjecting Cambodians to conditions of forced labor or debt bondage will be investigated and prosecuted for human trafficking offences, and
- The imposition of severe punishment of Government officials found guilty of complicity in trafficking and smuggling rather than less severe punishment such as demotions, forced resignations, forced transfer of assignment and elimination of employment pay or benefits.

In summary, Cambodia strongly believes that it is time for Bali Process to move towards a more structured and enforceable framework for cooperation among States.

I hope that Distinguished Participants in the Bali Process will seriously consider that move and I sincerely thank you for your time and attention.

As 24 February 2009.