



ANNUAL REPORT 2005

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I. Introduction

a) **Legal Support for Children and Women (LSCW)**

LSCW is independent of all political parties and is a non-profit organization. There are thirty one (31) permanent staff, eighteen (18) of whom are female. There are twenty (20) staff members making up four legal teams: one mobile team based in Phnom Penh, one prevention and one mobile legal team based in Phnom Penh, one legal team in Prey Veng and one in Koh Kong. In addition, there is a Migrant Support Team based in Klong Yai district, Trat province Thailand working to assist and support Cambodian migrant workers. The Board of Administration has many members, from Japan, Canada, Australia, Germany and Cambodia.

LSCW has legal advisors, at national (Ministry of Justice) and at international levels (Canada). LSCW has one expatriate volunteer in an editorial capacity. LSCW has fully equipped offices in Phnom Penh, Prey Veng and Koh Kong, and networks with other NGOs to share ideas and offer mutual assistance.

LSCW is a member of the Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM), the Global Alliance Against Trafficking in Women (GAATW) in Thailand, the Asian-Pacific Resource & Research Centre for Women (ARROW) in Malaysia, and the Asia Pacific Women Watch network (APWW) in the Philippines.

b) **Mission/Vision**

LSCW aims to **prevent and eliminate** all forms of human trafficking and abuse as well as discrimination against children and women in Cambodia.

LSCW is committed to **legally protecting, assisting and supporting** all persons trafficked or abused, including Cambodian migrant workers in destination countries, through existing legal mechanisms, and to gain recognition of and respect for their rights.

c) **Goal**

Vulnerable groups enjoy increased access to justice and basic human rights through transparent legal mechanisms

d) **Overall Objectives**

Prevention, protection, prosecution and assistance to men, women, children and migrants in crisis and results in human trafficking and abuse cases being solved

e) **LSCW has four main projects and each project has its own specific objectives**

- **Legal Protection**
There is increased legal protection, prevention, prosecution and assistance to men, women and children which results in human trafficking and abuse
- **Legal Prevention**
There is strengthened and improved cooperation and networking among partner agencies in target areas to assist, protect and respond effectively to the needs of target groups
Law enforcers perform their duties according to proper legal procedures resulting in increased access to justice for the target group

- **Migrant Support Project**
There is increased involvement of the target group in activities which increase their knowledge and improve their access to basic human rights, laws and Thai labour policies.
- **Capacity building**
There is increased staff capacity to perform their work effectively
- **Target Group**
 1. Men (victims of human trafficking only)
 2. Women
 3. Children
 4. Migrants in crisis¹
 5. LSCW staff

f) Location

Koh Kong and **Prey Veng** provinces constitute a gap area in assistance to victims of trafficking and abuse. LSCW wants to assist in this area where little NGO coverage and support is present. In terms of trafficking, a major route leads from **Prey Veng** province, through **Phnom-Penh** to **Koh Kong**, and cross-border to **Trat** province in southern eastern Thailand.

Moreover, LSCW has also set up in **Phnom-Penh** a mobile team of lawyers to cover areas surrounding the capital such as **Kandal**, **Kampong Cham**, **Kampong Speu**, **Takeo**, **Phnom-Penh** itself and parts of **Koh Kong** and **Prey Veng** not within easy reach of the offices themselves.

g) LSCW contact office

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Head and Phnom-Penh Office

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Toul Toumpoung II, Chamkarmorn

Phnom-Penh, Cambodia

Phone/Fax: (855) 23 220 626

Email: info@lscw.org

Website: www.lscw.org

Koh Kong Office

Address:

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Daun Tong Commune

Smach Meanchey District

Phone/Fax: (855) 35 936 250

E-mail: kk.pt_lscw@online.com.kh

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Prey Veng Office

Address:

No. 50 Village No. 5

Kampong Leav Commune

Prey Veng Province

Kampong Leav District

Phone/Fax: (855) 43 944 517

E-mail: pv.pt_lscw@online.com.kh

¹ Cambodian migrants who have been trafficked, raped, exploited and who are victims of domestic violence

II. Situation of Cambodian men, women, children and migrant in crisis

a) Situation of Human Trafficking²

Traffickers actively seek out girls who are in crisis after family problems and who are upset or angry with their families, relatives or husband/boyfriend. These traffickers (usually women) are particularly clever in gaining the trust of the girls and trying to persuade them, using friendly and emotionally supportive methods, as well as luring them with stories of high incomes and material possessions. Traffickers are on occasions introduced to potential victims by friends, relatives and acquaintances who are also involved in the deception.

b) Situation of girl in at risk of human trafficking

*Rape*³

There is societal control of women's sexuality and of the different perspectives of male versus female sexuality, i.e. there are stories telling that men have an uncontrollable sex drive and that female virginity is to be protected. Virginity is considered to be an important measure of a woman's value in that if a girl loses it, even through repeated rape, she is seen as 'broken' and can no longer marry. The Khmer word for sex work, *srei khauch*, means 'broken women', referring to a loss of reputation and virginity. Khmer traditionalists compare Cambodian girls to white cloth and boys to gold. When white cloth is muddied it can never be washed to the purity and whiteness it once had. Gold, on the other hand, can be cleaned to shine brighter. Once woman is not a virgin, she is seen as 'used goods'. This includes rape victims, who have brought shame on their family and can no longer expect to become respectful wives. Such attitudes can be seen as marginalizing women into areas of sex work.

*Early marriage and divorce*⁴

Many Cambodian women are subjected to early and arranged marriages, therefore losing their independence and right to consent to marriage. Often they suffer from domestic violence and rape. Divorce is also frowned upon and seen as shameful in Cambodian society. According to PADV, 'Women who choose to get divorced are discriminated against at every turn'⁵, which results in many women living with constant violence from abusive husbands, leading to a life of servitude. Divorce can lead to vulnerability: women are shunned by their families and communities and are therefore without any support system, education or financial means, at risk of falling in prey to trafficking and exploitation.

c) Situation of Labour Migration⁶

Numerous men, women and girls in Prey Veng, Kampong Cham, Takeo, Kampong Speu, Kampot, Kandal and Phnom-Penh seek out traffickers/smugglers to transport them to Thailand. Others are approached by traffickers who are recruiting men, women and girls to work in Koh Kong and cross border to Trat province, Thailand.

Those who want to migrate to work in labour-intensive industries in Trat province regularly borrow money from people from the same locality, such as neighbours, returned migrants or community leaders. Sometimes these loan the families of those men, women and children money in the form of an advance for services to be rendered in the future. The men, women and children become indebted to the traffickers/smugglers for this advance. Hence, they accumulate debt. Therefore, the first person in the trafficking chain is known but the victim is then passed on to more exploitative employers or traffickers at the point of destination. In other

² Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province

³ Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province

⁴ Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province

⁵ PADV, 26 January 1998, quoted in Levi, R.S., undated

⁶ Gender Analysis of the Patterns of Human Trafficking into and through Koh Kong Province

cases, money is owed to families, friends, loan sharks etc. and the person cannot return home without finances to repay the debt.

III. Project background

In 2004, LSCW conducted a gender analysis of the patterns of human trafficking to and through Koh Kong, to investigate and gain detailed insight on the current situation in internal and cross-border human trafficking. The aim was to develop programme strategies to address the need for further legal protection and prevention activities to assist victims as an integrated trafficking policy. The research focused primarily on women and girls trafficked internally to Koh Kong and cross-border to Trat into the sex industry, as well as giving further information on Cambodian men, women and children trafficked to Thailand through Koh Kong to Trat province into the fishing and fish processing, construction, ice factory and sawmill industries.

IV. Brief description of project activities during this period

a) Protection Team

LSCW found that Koh Kong, Prey Veng, Kampong Cham, Takeo, Kampong Speu, and Kandal provinces suffered from a limited amount of coverage in terms of NGOs providing legal assistance to the victims of human trafficking, labour exploitation, rape, abuse and domestic violence. It follows that very few women and children have the opportunity to report their case to the police or courts. Due to difficulty of access to some areas, especially in Koh Kong province, women and children have been abused by perpetrators/traffickers and sold from one place to another, including cross-border to Thailand.

To begin to solve these issues, LSCW set up three offices in Prey Veng as a source province, Phnom-Penh as transit and destination and Koh Kong as source, transit and destination of the human trafficking and cross-border migration. The LSCW Legal Protection Team works in these areas offering legal services such legal consultation, legal advice and legal court representation. In addition, through the mobile team (part of the Legal Protection Team) based in Phnom-Penh, LSCW provides legal services to surrounding areas such as Kampong Cham, Takeo, Kampong Speu, Kandal provinces and Phnom-Penh itself.

Activities

LSCW Protection (lawyer) Team provides the following legal support and services free of charge:

- **Legal consultation and advice** to the victim of human trafficking, domestic violence, rape and abuse
- **Legal court representation**, including research, investigation and preparation of cases to bring for prosecution

Achievement

From January 1 to December 31, 2005, LSCW protection team in three offices received one hundred and eighty two (182) cases. The most prevalent cases being domestic violence (80) cases⁷ follow by rape (65), human trafficking⁸ (24) cases and assault (9) cases. The protection team has secured a large number of convictions during this period, predominantly perpetrators of rape and trafficking cases. (See table 1)

Areas	Domestic Violence					Rape					Trafficking					Assault				
	NC	M	W	B	G	NC	M	W	B	G	NC	M	W	B	G	NC	M	W	G	B
Phnom-Penh	12	-	12	-	-	7	-	3	-	4	6	-	-	-	11	2	-	4	-	-
Kandal	7	-	7	-	-	7	-	3	-	4	3	-	-	-	3	-	-	-	-	-
Takeo	-	-	-	-	-	8	-	3	-	5	1	-	1	-	-	-	-	-	-	-

⁷ Domestic Violence cases are funded by Forum Syd and East West Management Institute (if the victim is minor, the case funded by SKN)

⁸ Rape and human trafficking funded by Asia Foundation (if the victim is minor, case funded by SKN)

Legal Support for Children and Women (LSCW)

Kampong Speu	4	-	4	-	-	7	-	1	-	6	-	-	-	-	2	-	3	1	-
Kampong Cham	16	-	16	-	-	6	-	2	-	4	7	1	7	-	7	1	-	1	-
Koh Kong	19	-	19	-	-	8	-	2	-	7	5	1	3	4	3	3	-	1	2
Prey Veng	22	-	22	-	-	22	-	6	-	16	1	-	1	-	1	-	1	-	
Kampong Thom	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1	-	-	-	
Total	80	-	80	-	-	65	-	20	-	46	24	2	12	4	24	9	-	10	3

NC = Number of cases

M = Number of men

W = Number of women

B = Number of boys

G = Number of girls

During this period, seventy nine (79) cases of hundred eighty two (182) were closed.

☒ **Divorce in result of Domestic violence**

In total of forty one cases, seventeen were reconciled, twenty two were divorced and two cases were unsuccessfully processed.

In most of the domestic violence cases the victim preferred to submit the motion for divorce rather than seeking justice for physical or mental injuries.

☒ **Rape**

In a total of twenty four cases, fifteen were convicted by the court. Nine cases were unsuccessfully processed. Out of twenty four cases, eight (8) victims were women and seventeen (17) girls.

Case Study (Rape case)

The Court appointed LSCW lawyer to represent the victim

The victim in this case is:

Victim A: 17 years old

The perpetrator involved in this case

Perpetrator B: 26 years old

Witnesses:

Uncle of the victim: Mr. C, 40 years old

Grand Mother of the victim: Mrs. D, 68 years old

Female friend of the victim: Miss E, 15 years old

Place: Kandal Province

Summary of case

On January 31, 2005, a 26 year old male coerced and raped a girl of 17 near their house in Kandal province. He abused her trust and committed a crime. The man was sentenced to ten (10) years imprisonment and had to pay one (1) million Riel.

Miss "A" stayed temporary at her uncle's house (Mr. "C") in Kandal province. She wished to find work at a Garment Factory near Phnom-Penh.

On January 31, 2005, Miss "A" and her friend, Miss "C" discussed an interview they were to have the day after

in her uncle's (Mr. "C") house. The man, Mr. "B", her neighbour approached and listened to their conversation. Then he joined their conversation by pretending that Miss "A", needed to have benediction water for luck and to have the Chinese garment factory owner offer her employment. He asked Miss "C" to go to watch Karaoke in their neighbour's house.

Miss "A" thought that she would get more luck if Mr. "B" gave her benediction water. Mr. "B" asked her to change her clothes and wait for him. After he gave the benediction water, he took some make up powder from his wife and gave it to Miss "C". He asked her to go with him in the back of house and said: we will have between man and woman virginity, then we can put on the towel and you can use it to take to the Chinese garment factory owner to be close with you. She refused to follow him. He forced her and grabbed her right hand. He pushed her down and she fell on a palm tree stump near a pond. He threatened her that if she called for help he would kill her and her family. He raped her.

Case status:

The trial was successful. The perpetrator was sentenced to ten (10) years imprisonment and had to pay compensation to the victim of million (1 000 000) Riel.

Case Comment:

The perpetrator abused her trust and he committed the crime. He is also threatened bodily harm to the complainant and others.

☒ **Human Trafficking**

In a total of eleven cases, five were convicted by the court. Six cases were unsuccessfully processed. Out of eleven cases, one (1) victim was a woman and seventeen (17) were children.

Trafficking case study

The case was referred by International Justice Mission (IJM)

The three victims in this case are:

Victim A, 17 year old girl, Phnom-Penh

Victim B, 17 year old girl, Phnom-Penh

Victim C, 16 year old girl, Phnom-Penh

One perpetrator has involved in this case:

Ms D, 30 years old, Phnom-Penh

Witnesses:

Two foreign men (IJM)

One Cambodian translator (IJM)

One motorbike taxi driver (IJM)

And the Police report

Summary of the case

On April 6, 2005, the International Justice Mission team used entrapment techniques to catch the perpetrator. On May 3, 2005, the police arrested one woman perpetrator in Borei Tmei Hotel and brought criminal charges against her for human trafficking. Three girls were rescued. They are between 16 and 17 years old.

Testimony of victims and perpetrator

Victim A:

I knew Ms D since 2003. She was my neighbor. Two weeks after Khmer New Year 2005, I went to visit Ms D and she asked me if I wanted to go and have sex with a foreign man. I asked her how much the foreign man was going to pay. A week later (three weeks after Khmer New Year), Ms D took me and two others girls to have lunch in Hu Nam Restaurant. A foreign man and his translator attended the lunch meeting. After we finished lunch, we all returned home.

On May 3, 2005, around 4:30PM, Ms D took us (me and the two others girls) to Borei Tmey Hotel. All of us travelled by motorbike taxi. The Cambodian translator was waiting for us in the lobby. He brought us to the room and I saw two foreign men waiting for us. One foreign man gave 1900 USD to Ms D. The Cambodian translator mentioned that the foreign man gave 100 USD as deposit to Ms D during the lunch meeting. When Ms D took the money, the police came and arrested Ms D.

Victim B:

After Khmer New Year 2005, I went to visit Ms D in a rented room near Lux cinema where Ms D worked. Ms D asked me if I want to go and have sex with a foreign man. He paid well (500 USD). She told me that I would have to stay with the foreigner only for two days. I agreed with Ms D and she took me to the hotel with two others girls (Victim A and C). The foreigner asked me if I wanted to have sex with him for 500USD. I said: "Yes", and he repeated the question many times. I continued to say "Yes". After two or three days, Ms D took us to the Borei Hotel. When I was in the room, the police came in and arrested Ms D.

Victim C:

After Khmer New Year 2005, I went to Ms D's house (near Bokor cinema). Ms D asked if I would agree to have sex with a foreigner for 500USD. My mother and I agreed. A few days later (victim does not remember the exact date) I came back to see Ms D and she took me to the Hu Nam restaurant. My mother was there, but she waited outside the restaurant. May 3, 2005, Ms D took me with others girls to Borei Hotel. I was in a room with a foreign man and I saw the foreign man give 2000 USD to Ms D.

During the investigation by IJM, Victim C denied that their parents were involved in the case. She declared that her parents refused to let her go with the foreign man. In addition, she said that she decided by herself to go with foreign man.

The perpetrator D:

Ms D was working as masseuse in a hotel. On April 6, 2005, around 5:00PM, she received a phone call from an unknown person who asked her if she had virgin girls to have sex with a foreign man. She told him that she had.

Two weeks after Khmer New Year, the unknown person called her and asked her again if she had virgin girls for sexual services. Ms D said that she had and the unknown person request to see the girls. Then he proposed to have a dinner meeting. When she was in restaurant with the three girls, she saw one Cambodian man and one foreign man. The Cambodian said that the foreign man is ready to pay 700 USD per girl. And he asked her if she agreed with the price. Ms D agreed with these two men. Then they all returned home.

Unknown date, Ms D went the girls' houses and told their parents that the foreign man would pay 500 USD to have sex. Moreover, she added that the foreign man would provide financial support and take care of their daughter if they agreed to let the girl go with foreign man. All of them agreed to let their daughters go with the unknown foreign man.

A week later, the Cambodian man called her to pick up 100 USD as a deposit. He told her that two more clients would come the following week and she had to take the three girls to Borei Tmei hotel.

As agreed she took the three girls to the hotel and the motorbike driver (IJM staff) drove them to the hotel. The driver told Ms D to take the girls to room 112. When she entered to the room, she saw two foreign men sitting

and waiting for her. One foreigner had 2000 USD in his hand. Then, the Cambodian translator said to her that the foreign man would pay the balance. Before she could take the money, the police came and arrested her.

Witness:

Mr. E, (IJM)

Before the police arrested the perpetrator, Ms "D", the IJM team put forward the case to get advice from the chief of Anti-Human Trafficking and Juvenile Protection Office. Then the case was sent to the director of Department of Anti-Human trafficking and Juvenile Protection and to General commission of National Department Police. They provided full cooperation with the IJM team.

Case status:

Perpetrator was sentenced⁹ to six (6) years in prison.

The two foreigners, the translator and motor driver were not considered as perpetrators, due to agreement between Ministry of Interior and International Justice Mission.

The victims were sent to Nevei Thmei shelter.

The victims decided not to take any action for compensation¹⁰.

Case comment:

IJM used entrapment techniques to catch the perpetrator. They declared that they had a Memorandum of agreement between the Ministry of Interior and IJM to use entrapment techniques for rescuing victims of trafficking.

In the sentence, the judge declared that the perpetrator committed a criminal act. According to Article 5 of the trafficking law, the perpetrator was sentenced to six (6) years, because the perpetrator did not receive the full transaction from the foreign male customer.

☒ **Others cases**

Assault

Only one case was represented by an LSCW lawyer. During the period of investigation, the victim and perpetrator reconciled.

Attempt to murder

Only one case was represented by an LSCW lawyer. The perpetrator was convicted for eight (8) years in prison and was ordered to pay three million (3 000 000) riel in compensation.

Attempt to rape

Only one case was represented by an LSCW lawyer. However, the victim and her mother decided to withdraw the case stating they no longer wanted to pursue it.

Challenges and constraints

The LSCW protection team has consistently encountered difficulties communicating with the Investigation Judge (IJ), and the Trial Judge (TJ). Lawyers have found access to the IJ in order to discuss the case at hand problematic, as the individuals concerned are often absent and/or unavailable. As a result, the lawyers have approached the TJ requesting an acceleration of the procedure; however, such requests are slow to produce a positive outcome.

⁹ According to article 3, in suppression of the kidnapping, trafficking and exploitation of human persons law, in first paragraph means: any person who lures a human person, even male or female, minor or adult of whatever nationality by ways of enticing or any other means, by promising to offer any money or, even though upon there is or no consent from the concerned person,, in order to kidnap him/her for trafficking/sale or for prostitution,

¹⁰ LSCW has gave consultation and advised to take action for civil compensation.

In addition, the IJ does not investigate the case by themselves (no fund to do an investigation); they request that the clerk or the police conduct the investigation, the result is almost the same (no funds to do an investigation).

The prosecutor relied on the police report and concluded the case without any additional investigation. Moreover, the court fixed or postponed the date of hearing often without notice.

Many rape cases have been reconciled between the perpetrator and the victim by the Judicial Police. This is due to a lack of understanding or interpretation of the law and legal procedure. Sometimes, the JP does not take immediate action after the victim complains. This gives the opportunity to the perpetrator to escape or run away. Moreover, the victims have testified that many perpetrators have been involved in cases without any action and the cases are rarely sent to court, due to lack of funds to run the police activities.

In the case of sexual assault (rape), especially adult cases, the medical examination is based on the virginity of victim. If the victim is married, the medical examination is unused to support the case as evidence in the court. In addition, because of lack of materials and specialization, the medical expert does only a cursory physical examination.

Comment

Sexual assault (rape) is a prevalent crime in our society that has a devastating and long-term impact on individuals from all walks of life. An assault can be traumatizing in itself, it can also result in a range of problems for the victim, such as mental anguish, physical injuries, and sexually transmitted infections (STIs)¹¹. To respond to the needs of the victim and to support law enforcement representatives to prosecute the offenders, many essential elements should be addressed as follows:

- Provision of medical care for victims as needed;
- Collection of evidence from victims, which may aid investigation and prosecution;
- Investigation of reports of sexual assault, which may lead to charges against suspects and prosecution;
- Support, crisis counseling, information and referrals for victims, as well as advocacy to ensure that victims receive appropriate assistance; and
- Support and information for victims' families and friends

In addition there is a lack of standard evidence collection kits. Evidence should be collected including: clothing, foreign materials on the body, hair (including head and public hair samples and combings), oral and anogenital swabs and smears, body swabs, and a blood or saliva sample for DNA analysis and comparison. An instruction sheet and/or checklist should guide examiners on maintaining the chain of custody for evidence.

Others constraints

According to the law on suppression of the kidnapping, trafficking and exploitation of human persons, in chapter two, article 3, kidnapping for trafficking or sale or prostitution should be punished under this law. However, many cases have involved young people who have decided to runaway from the pressure of parents and family. When they return and decide to marry, the cases are dropped.

Lessons Learned during this period

Concerning the trafficking of children, the LSCW team realized that the steps to be taken in order to prosecute those responsible must clearly be defined as there is no room for failure and non respect of victims' and perpetrators' rights. Trust needs to be established between the victim and the lawyer in order for victims to receive the justice they deserve. Thus, a good and open relationship is necessary.

¹¹ STI are also commonly known as sexually transmitted diseases (STDs).

The LSCW team learned that the success of our interventions depends on the continued operation as an independent, credible, transparent and accountable organization through the creation of transparent and accountable case management.

b) **Prevention Team**

In order to combat human trafficking, rape and domestic violence, LSCW conducted a needs assessment in two provinces, Prey Veng and Koh Kong. The purpose of this was twofold. First, the assessment aimed to identify specific needs, gaps and constraints by familiarising itself with the knowledge of NGOs and institutions (ministries/police) working on trafficking, rape, sexual abuse and domestic violence, and also through interviews with local authorities (communes and target groups). Secondly, the assessment aimed to build cooperation with said NGOs, institutions and local authorities, to ensure effective future work for LSCW and other actors.¹²

Activities

LSCW legal team provides consultation, assistance and dissemination information on legal right to:

- **Conduct** baseline assessment in two area such as Koh Kong and Prey Veng
- **Visit** partners and institutions to provide legal training
- **Awareness raising for commune council** on related laws and procedure which will be disseminated to the communities. This will involve awareness raising sessions on human trafficking law, domestic violence and legal case management.

Achievement

LSCW Prevention team¹³ carried out the scheduled Needs Assessment which commenced in January 2005, whereby NGOs, the local authorities and government departments' needs were researched, additionally the lack of cooperation between these bodies. The main purpose of the Needs Assessment was to determine the problems and the issues hindering their ability to combat human trafficking, domestic violence and rape. The Prevention team therefore interviewed different bodies, such as commune chiefs, using a questionnaire in order to assess the requirements of the communities in question. This in turn helped the Prevention team prepare a strategy plan regarding what additional services should be offered in the future.

The Prevention team's training sessions focussed on human trafficking, legal procedure and the application of the law with regard to trafficking. Namely, the main topics being, the concept of human trafficking, the legal procedure to be followed in cases of trafficking and rape, information on the case referral system, and consequently providing the participants with information regarding the services and the relevant organisations contactable should they become aware of a situation in which a person could possibly be a victim of trafficking. Furthermore, the team provides legal advice to the participants of these training sessions should they require it.

As a result of one particular training session, the commune chief of Tnal Chey Commune called on one member of the team for legal advice. LSCW was able to supply valuable information which in turn resulted in the commune chief taking the case to the court in Prey Veng.

Moreover, many cases were sent and/or referred to LSCW by different organisations and authorities owing to these training sessions. One local NGO, for example, heard about the legal services offered by LSCW and has stated that they would inform those in need, of the variety of services we provide. Additionally, the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSAVY) referred six cases to the LSCW office in Prey Veng.

¹² Baseline Rapid Assessment of Koh Kong and Prey Veng Provinces

¹³ Prevention Team is funded by Asia Foundation.

Challenge and constraint

The LSCW Prevention Team was faced with numerous constraints and challenges. Firstly, there was a lack of awareness on the part of NGO staff and local authorities relating to trafficking issues. As a result, there was a need not only to assess the situation, but also to inform the participants of the requisite procedures and the rights that needed to be requested in order to prevent trafficking.

Furthermore, the team dealt with the Mondol Seima and Smach Meanchey areas in the Koh Kong province, but faced problems accessing the Tmorban and Botom Sakor areas owing to problems of transportation and difficult roads.

The government Provincial Child Protection Committee (PCPC in Prey Veng) has failed to operate efficiently since its establishment, to date only one training session has been organised despite the important role this project could play in protecting and promoting women and children's rights. The government Community-based Child Protection network (CBCP), funded by UNICEF was created with a clear structure and network guidelines and unfortunately has presented similar problems. For example, in one instance the committee members did not know how to respond to the case put before them. It therefore appears, that either capacity is limited or is not being used to its fullest potential.

Others constraint

Due to different target group and areas, LSCW prevention had problems providing adequate training and awareness raising in remote areas. Many participants involved had different levels and capacities in the training/awareness. These can be a lack of interest in learning.

Lessons Learned during this period

Related to training/awareness raising

Case management, Coordination and Networking – the importance of joint collaborative and cooperative efforts of our partners – Effective referral system

The success of intervention in case management continued to deal in non corrupt, credible and transparent way. Increase of technical skills to deal with case management and legal procedure in sustainable way.

c) Migrant Support Team

The LSCW Migrant Support Project is a pilot project which was launched in July 2005 as a new strategy to prevent cross-border trafficking to Thailand. A mobile migrant support team was established consisting of three staff members, largely based in the transit and source province of Koh Kong in addition to crossing to the destination area of Klong Yai, in Trat province, Thailand. The aim of the project is to address critical gaps in support and services to vulnerable Cambodian migrant communities in Klong Yai district in the most eastern point of Thailand, bordering Cambodia.

Activities

LSCW Migrant Support Team will provide legal information in cooperation with Thai partners to Cambodian migrants based in Trat province (Thailand)

- **Awareness raising for Cambodia migrant communities** on rights, legal labour policies, registration and laws which will be disseminated to the communities of Cambodian migrants. This will involve awareness raising sessions on Thai labour policies which can encourage migrants to enter and work in Thailand legally.
- **Establishing a referral mechanism** with agencies in Thailand and Cambodian to offer assistance and support to Cambodian migrants in crisis or in serious conditions. This component will rely on referral mechanisms to other service providers and agencies with other agencies in Thailand and Cambodia.

Achievement

In November 2005, before implementing the main activities of the project, it was decided to conduct a range of research and surveys¹⁴ in order to gain a clearer picture of the situation of the Cambodian migrant workers, their communities, their needs and how they travel and migrate from their provinces in Cambodia. In order to complete the picture, the team decided to focus on cross-border migration through Koh Kong, as transit and source province, to Klong Yai and further a field in Thailand. The first research was titled *A Needs Assessment and Analysis of the Situation of Cambodian Migrant Workers in Klong Yai district, Trat, Thailand (November 2005)*, and focused on the destination. The second survey is the next step in this newly developed project. Its purpose is to assess the extent of migration through and from Koh Kong province to Thailand as well as the routes used, the reasons and the type of persons migrating. The project will continue to build networks with migrants to assist and support them at the destination point.

Lessons Learned during this period

In terms of cooperation and collaboration, LSCW realized the importance of joint collaborative efforts of all organisations dealing with the issue of trafficking, rape and exploitation. Without an effective collaboration and referrals systems, it will be difficult for those in need of our help to get the justice they deserve. All parties dealing with the aforementioned issue shall collaborate in order to ensure the sustainability of their projects and the respect of women's and children's rights. Thus, effective working relationships need to be created and encouraged in order to develop as strong basis for creating a long-term response to trafficking, rape, exploitation and domestic violence.

d) Capacity building

LSCW needs to increase the capacity of their lawyers, co-coordinators, project officers, programme managers, administrators and financial team, which will also ensure sustainability of this newly, established organization.

With support of various donors, LSCW will increase the organization's capacity to manage efficiently and effectively.

- **Build capacity of young legal staff** to provide appropriate high quality protection services to clients
- **Build capacity of team management and key players** to better manage the organization such as coordinators, team leaders, project officers, the finance manager, administrative manager and accountant.

Achievement

LSCW has employed three (3) consultants for training as following courses:

- Writing report and proposal
- Legal procedure
- Administrative procedure

LSCW conducted a self assessment and took part in a participatory course of young staff to identify their prioritized training needs. Six (6) months of writing proposal and two (2) weeks of report writing training were provided by expert from UK in editor trainers at its Phnom-Penh office. One (1) week of legal procedure training provided by national legal expert from the Ministry of Justice and twenty five (25) days of administrative procedure training provide by experience national consultancy.

In cooperation with others agencies, LSCW staff received a valuable training in project management and research method.

¹⁴ Needs Assessment and Analysis of the Situation of Cambodian Migrant Workers in Klong Yai District, Trat, Thailand

LSCW staff emphasized the value they got from the coaching sessions in addition to just receiving training. It was the coaching visits they felt particularly helped them to implement the learning into day-to-day practical tasks.

Challenge and constraint

Reporting and writing proposal, it is barrier of language.

Lessons Learned during this period

We realize the importance of encouraging the sustainability of Cambodian trained lawyers in providing legal advice and assistance to Cambodian clients in a non-corrupt and effective manner. We also realized the importance of encouraging sustainability in terms of mid-management and the need for improving capacity through training in order for lawyers to continue to provide legal protection, prevention and assistance to those in need. In addition, we realized that there is a need for further prevention as the latter will encourage sustainability by helping people understand the issues and problems and the risks involved.

We have learned that it is of extreme importance for our legal staff to develop technical skills and capacity through hands-on training, which will assist them in their future legal representation and work. We learned that after having done rapid assessments and training activities, the project management team should be ready and willing to revise the original design of the project in order to better reflect the needs of the project. Flexibility and willingness to change our strategy and presentation has helped us adapt to different audience and the needs of those concerned. The rapid assessments have also helped us learn the process of identifying key players i.e. those that actively participate in dealing with trafficking issues such as government agencies, NGOs, local authorities, among others.

In addition, concerning trafficking of children, we realized that the steps to be taken in order to prosecute those responsible must clearly be defined as there is no room for failure and non respect of victims' and perpetrators' rights. Trust needs to be established between the victim and the lawyer in order for victims to receive the justice they deserve. Thus, a good and open relationship is necessary.

We learned that the success of our interventions depends on the continued operation as an independent, credible, transparent and accountable organization through the creation of transparent and accountable case management and financial systems.

In terms of cooperation and collaboration, we realized the importance of joint collaborative efforts of all organizations dealing with the issue of trafficking, rape, domestic violence and exploitation. Without effective collaboration and referral systems, it will be difficult for those in need of our help to get the justice they deserve. All parties dealing with the aforementioned issues shall collaborate in order to ensure the sustainability of their projects and the respect of women's and children's rights. Thus, effective working relationships need to be created and encouraged in order to develop a strong basis for creating a long-term response to trafficking, domestic violence, rape and exploitation.

All of these elements will be taken into account by LSCW in its efforts to establish an effective and reliable response and assistance to victims of trafficking, rape, abuse, exploitation and domestic violence. LSCW hopes therefore to pave the way for the development of different strategies in order to provide more effective and efficient legal representation to children and women victims of trafficking, rape, abuse, exploitation and domestic violence.

V. Networking and Capacity Building among provincial staff

During the period of January 1 to December 31, 2005, LSCW team management from head office conducted twenty eight (28) evaluative activities in two specific areas such Koh Kong and Prey Veng offices. It should be noted that in 2005, that is strengthening results-based management is currently one of the main strategies for LSCW to track its goals and to answer the question whether its assistance achieves the expected results,

has a positive impact and uses the right strategies. Twice a week, LSCW team management conducts a desk review of the self-reported data from the each project reports to assess progress in strengthening results-based management systems.

In addition to these activities, the LSCW team management also conducts a monthly sharing information and networking in Koh Kong and Prey Veng province. The LSCW team provides update information, discussion regarding human trafficking case and set up network with partners to address the issues. *Annex 1 provides an overview of network structure conducted during the period from January 1 to December 31, 2005.*

Lessons Learned during this period

Overall, the evidence from the field indicates that each team are making progress in the use of strategic planning tools and application of the logical framework and its indicators for designing and managing the project. About 60 per cent of the LSCW offices are using stakeholder analyses. However, developing clear, realistic results statements, defining indicators to measure results, and establishing baseline data against which to measure progress remains a challenge.

VI. Monitoring and Evaluation

The LSCW management team has taken an initiative to develop monitoring and evaluation systems to track the implementation of activities and solicit feedback from partners. Monitoring and evaluation activities will involve on site monitoring of LSCW office based, financial management, case tracking and analysing quality of work and procedure, networking and meeting.

VII. Impact on the organisation

Legal protection, prevention and migrant support projects have had a significant impact on the organisation. LSCW is primarily legal rights organisation. Therefore, the important of the Legal project is invaluable as it constitutes LSCW's main component.

Legal protection is LSCW's main aim and objective and as a result, this project is an inestimable addition to LSCW organisation. Being essential part of this organisation, this project helped the organisation acquire its reputation within the legal community, NGOs, government agencies, and international organisations, among others. In addition, it has helped us to improve LSCW organisational structure and establish new strategies such as a new case management and tracking system in order to improve LSCW legal services that are at the forefront of our aims and objectives.

In terms of its impact on organisational structure, we are of the opinion that there was no such impact in this time period.

VIII. LSCW Structure (see Annex 2)

IX. List of donors 2005

- USAID/Asia Foundation
- USAID/East West Management Institute
- Forum Syd
- Nederland Embassy
- Switzerland Embassy
- Stichting Kinderpostzegels Nederland
- United Nation Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP)

X. Budget 2005

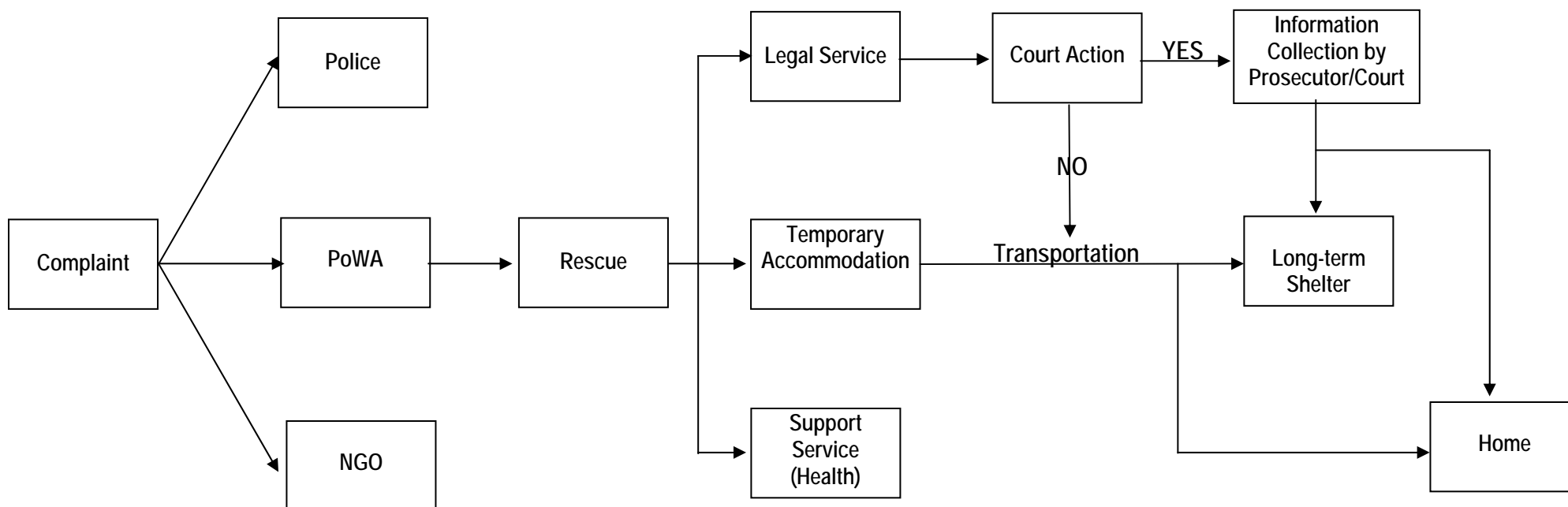
a) Expenditure

▪ Local Personnel/Benefit.....	130,500.00
▪ Office and Administration.....	23,948.49
▪ Activities.....	33,263.19
▪ Monitoring and Follow-up.....	18,860.82
▪ Bank Charge	83.49
TOTAL EXPENDITURE.....	206,655.99

b) Income

▪ Asia Foundation.....	69,029.00
▪ East West Management Institute.....	16,037.16
▪ Forum Syd.....	29,572.00
▪ Nederland Embassy.....	19,977.00
▪ Switzerland Embassy.....	12,185.83
▪ Stichting Kinderpostzegels Nederland (SKN).....	24,799.00
▪ UNIAP.....	23,500.00
▪ Others income.....	13,336.25
TOTAL INCOME.....	208,427.24

ANNEX 1 Roles and Responsibilities for Assisting Trafficking Victims Identified in Koh Kong



Complaints/Report
 . Received by NGOs, PoWA, PoT, PoSAVY and Police

Coordination
 .PoWA

Rescue
 .By police sometimes accompanied by PoWA or NGO
 .IOM provides financial support

Legal Service
 .LICHADO: legal information: provide financial support for food/acc in guesthouse (max 2 weeks)
 .ADHOC: legal information
 .LSCW: lawyer and assistance to prosecute the case
 .LAC: lawyer and assistance to prosecute the case

Short-term Shelter
 .HCC

Medical Service
 .Marie Stopes with reasonable fee
 .PoHealth

Transportation
 .AFESIP
 .HCC
 .Nivei Stmei
 .PoWA escorts support if required
 .IOM provides support if required

Long-Term Shelter /Return to home
 .PoWA coordinates

Remark: Roles and responsibilities has been drafted by LSCW, IOM and PoWA

ANNEX 2 LSCW STRUCTURE

