

## FOREWORD

Under the wise and talented leadership of Samdech Akak Moha Sena Badei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia, the Royal Government of Cambodia has shown consistent commitments to creating a favorable environment and laying a variety of key foundations for Cambodia to move forward with solid optimism and confidence in the momentum of reform and development.

The Royal Government of Cambodia in the 4<sup>th</sup> mandate has outlined the Rectangular Strategy, Phase 2 for Growth, Employment and Equity. Our utmost objective is to increase the effectiveness of public services. With this strategy, we have been strengthening peace and, driving socio-economic development, successfully improving other sectors and gradually reducing poverty. The Royal Government's internal policy has put a central focus on human rights and gender, reflecting its commitment to combating human trafficking.

The Royal Government of Cambodia has focused on assisting victims of human trafficking to meet their required needs by providing appropriate services, especially assisting, rehabilitating, reintegrating, and protecting the rights of victims and preventing human trafficking in the country and cross borders. The Law on Suppression of Human Trafficking and Sexual Exploitation was promulgated on February 15<sup>th</sup>, 2008. The Royal Government of Cambodia has taken significant action based on its international obligations to stop human trafficking through Prakas, laws and other Memoranda of Understanding as below:

- Decision No. 35 S.S.R dated July 20<sup>th</sup>, 2007 of the Royal Government of Cambodia on the establishment of the National Task Force to implement the agreements and MOUs between the Royal Government of Cambodia and relevant countries on the elimination of human trafficking and assistance for victims of human trafficking.
- Decision No. 41 S.S.R dated August 8<sup>th</sup>, 2007 of the Royal Government of Cambodia on the establishment of the High Level Working Group to Combat Human Trafficking, Human Smuggling, Labor and Sexual Exploitation on Women and Children.
- Decision No. 2815 S.S.R dated August 15<sup>th</sup>, 2007 of the Royal Government of Cambodia on the Assignment of the Secretariat of the High Level Working Group to Combat Human Trafficking, Human Smuggling, Labor and Sexual Exploitation on Women and Children.

Within the legal framework, the sale/purchase of human beings for sexual services or for other exploitative purposes is a crime both in Cambodia and overseas. It is the worst crime, a crime that devalues human beings and tramples human rights for profit. It is a crime that shall be never ever ignored by police officers, border officials and all competent authorities. The legal response to human trafficking issues shall be swift and just to ensure that human trafficking criminals are aware that their crimes will not go unprosecuted. We have realized that human trafficking is a borderless crime; therefore, we need to have legal structures and processes that can address this cross-border crime.

Human rights, including the rights of victims are protected for all people, including victims of human trafficking. We know that victims of human trafficking are victims of transnational crime, and not illegal immigrants although their stories may be similar to illegal immigrants. They are not criminals but they are individuals who have the right to respect, justice and self-determination to map their future without discrimination. They deserve our

compassion and immediate action from our Government to relieve their hardship and suffering.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation has established the Anti-Trafficking in persons and Reintegration Office (ATRO), under the supervision of Department of Social Welfare, and issued Prakas No. 128 S.V.Y dated March 12<sup>th</sup>, 2007 to establish the Poipet Transit Center to accept and reintegrate victims of human trafficking and other vulnerable children repatriated from Thailand and Vietnam to return and live with their families or communities. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has also issued directive No. 009 S.V.Y dated September 28<sup>th</sup>, 2007 on Reintegration and Follow up of Victims residing in shelters of government and non-government organizations, as well as signing Memoranda of Understanding with Vietnam and Thailand to suppress the crimes of human trafficking and rescue the victims of cross-border trafficking.

The Policy and Minimum Standards for Protection of the Rights of Victims of Human Trafficking is a new step in realizing the rights of victims of human trafficking. Simultaneously other steps are being undertaken like:

- Taking actions toward ratifying the Mutual Legal Assistance Treaty to coordinate the legal responses among ASEAN countries;
- Expanding, strengthening and monitoring the implementation of Memoranda of Understanding between nearby countries to suppress perpetrators and rescue the victims of human trafficking.
- Mobilize experts within governments, international organizations and non-government organizations to ensure their skills shape a balanced response and seriously consider issues of human trafficking.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation is committed to operationalizing and actualizing the policy and the minimum standards with transparency and effectiveness, especially to suppress the crimes of human trafficking and rescue victims without discrimination.

Profound thanks are due to the Counter Trafficking in Persons Project of The Asia Foundation (CTIP-The Asia Foundation) and the United States Agency for International Development (USAID) for their cooperation with the technical officials of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation to prepare and develop the policy and minimum standards on protection of the rights of victims of human trafficking.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation welcomes constructive comments from national and international milieus for improving the policy and minimum standards documents based on practical experience for the sake of victims of human trafficking in Cambodia.

Phnom Penh, September 09<sup>th</sup>, 2009



**ITH SAM HENG**

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# KINGDOM OF CAMBODIA

Nation Religion King



Ministry of Social Affairs, Veterans, and Youth Rehabilitation

No: 852 S.V.Y

*Phnom Penh, August 31<sup>st</sup>, 2009*

## **Prakas On**

### **Implementation of the Policy on Protection of the Rights of Victims of Human Trafficking**



#### **Minister of Ministry of Social Affairs, Veterans, and Youth Rehabilitation**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Preah Reach Kret No. NS/RKT/0908/1055 dated September 25<sup>th</sup>, 2008 on the Appointment of Royal Government of Cambodia
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20<sup>th</sup>, 2004 promulgating the law on the organization and functioning of the Council of Ministers
- Having seen Preah Reach Kram No. NS/RKM/0105/001 dated January 17<sup>th</sup>, 2005 promulgating the law on the establishment of the Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Having seen Preah Reach Kram No. ND/RKM/0208/005, dated February 15<sup>th</sup>, 2008 promulgating the Law on Suppression of Human Trafficking and Sexual Exploitation
- Having seen sub-decree No. 55-ANKR.BK dated April 8<sup>th</sup>, 2005 on the organization and functioning of the Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Having seen directive No. 009 S.V.Y dated September 28<sup>th</sup>, 2007 of the Ministry of Social Affairs, Veterans and Youth Rehabilitation on reintegration and follow-up of victims residing in the shelters of the government and non-government organizations

#### DECISION

##### Article 1.-

The purpose is to enable the implementation of the policy on Protection of the Rights of Victims of Human Trafficking. The Policy on Protection of the Rights of Victims of Human Trafficking No. 062 S.V.Y dated August 31<sup>st</sup>, 2009 shall be annexed to this Prakas.

##### Article 2.-

Any provisions contradicting this Prakas shall be void.

Article 3.-

Director of the Cabinet of Minister, Director General of the Directorate General of Administrative and Financial Affairs, Director General of the Directorate General of Technical Affairs, Inspectors of the Inspection Office, Director of the Department of Personnel and Administration, Director of the Department of Finance and Logistics, Director of the Department of Internal Audit, Director of the Department of Social Welfare, and Directors of the Municipal/Provincial Departments of Social Affairs, Veterans and Youth Rehabilitation and relevant units of the Ministry of Social Affairs, Veterans and Youth Rehabilitation are obliged to implement this Prakas from the date of its signature.



CC:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of National Assembly
- General Secretariat of Royal Government of Cambodia
- Cabinet of Samdech Prime Minister
- Cabinet of Deputy Prime Minister
- Relevant institutions and Ministries
- All Municipal and Provincial Halls
- All units under the Ministry of Social Affairs, Veterans and Youth Rehabilitation
- All relevant Non-Government Organizations
- As in Article 3
- Royal affairs
- Archive-chronicle

**ITH SAM HENG**



# KINGDOM OF CAMBODIA

Nation Religion King  
rr°ss

Ministry of Social Affairs, Veterans, and Youth Rehabilitation

No: 062 S.V.Y

*Phnom Penh, August 31<sup>st</sup>, 2009*

## **POLICY On PROTECTION OF THE RIGHTS OF VICTIMS OF HUMAN TRAFFICKING**

### **I. Overview**

Human Trafficking refers to the recruitment, transportation, transfer, harboring, receipt of persons, by the threat, use of force, other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, of the giving or receiving of payments or benefit to achieve the consent of a person having control over another person, for the purpose of exploitation.

People may be trafficked for the following purposes:

- Prostitution;
- Domestic work, including forced or exploitative domestic labor;
- Child labor;
- Bonded labor;
- Servile marriage;
- Illegal adoption;
- Sex tourism and entertainment;
- Pornography;
- Removal of organs;
- Begging, dangerous and exploitative labor;
- Carrying out criminal activities etc.

In Cambodia, trafficking occurs internally and across borders. Cambodia is also a transit country for individuals trafficked from and to other countries. Human trafficking occurs to men, women and children in Cambodia.

The consequences of war and the genocidal regime have left the country with many challenges. Poverty occurs most frequently in rural areas and many rural Cambodians face natural disasters and victimization due to other causes. Every year a number of Cambodians migrate to urban areas to seek employment with companies, factories, enterprises, or private houses inside the country. Some Cambodians also find employment in neighboring countries to earn income to

support their families through promised employment by middle-people (pimps) who are often the dishonest, unethical people.

Human trafficking has been widespread in Cambodia since 1990. A recent study by UNIAP found that 29% of returned illegal migrants from Thailand were victims of human trafficking. Another recent study by UNIAP found that 9% of sex workers were deceived into this work. In 2008, the Ministry of Social Affairs, Veterans and Youth Rehabilitation received and rehabilitated 105 women and children victims of human trafficking who were repatriated from Thailand; of these 7 women and children were trafficked for sex. 745 Cambodians, who were victims of forced labor trafficking, were repatriated from Vietnam. Four Vietnamese women victims of sex trafficking were sent back to Vietnam. 18 Cambodians trafficked to work as fishing laborers were repatriated from Malaysia and rehabilitated. The Phnom Penh Municipal Department of Social Affairs, Veterans and Youth Rehabilitation, in cooperation with the police officers from the Anti Human Trafficking and Juvenile Protection Unit, rescued and referred 505 victims of human trafficking to partner organizations to receive services such as shelter, health, education, livelihood, vocational skill training, and reintegration into their families and communities. For juvenile cases, the majority of the underage girls were lured into sex work which was against their will and cannot be consented too. Cross border trafficking is a pressing issue. Foreign young girls are trafficked into sex work and forced labor in Cambodia and Cambodian men, women and children are trafficked to neighboring countries for sex work, forced labor including fishing labor.

Human trafficking occurs in three stages: the recruitment, transportation and exploitation of individuals<sup>1</sup>. Human trafficking does not occur in isolation. It may occur simultaneously with sexual exploitation and violence or human smuggling. Voluntary legal or illegal migration may become human trafficking where agreed-to conditions do not match promised conditions and the migrants may be victimized through physical, sexual, mental, and financial abuses. Human trafficking affects people, regardless of gender, nationalities, birth origins, religion age and affects all sectors. Attention is paid to providing victims of human trafficking with safety and protection from threats, violence, and abuses. Basic needs to be provided are shelter, food, medical and psychological care, legal protection, while upholding confidentiality, and legal remedies as well as witness protection.

This policy document will introduce the concept of the Protection of the Rights of Victims of Human Trafficking based on the understanding of actors in this sector in Cambodia (see section II). The Case Management Model for Protection of the Rights of Victims of Human Trafficking (see section III); The Policy on Protection of the Rights of Victims of Human Trafficking (see section IV); General Policy on Protection of the Rights of Victims of Human Trafficking (see section V); Specific Objectives for Protection of the Rights of Victims of Human Trafficking (see section VI); and the Responsibility of Competent Ministries/Institutions of the Royal Government of Cambodia, Commitment of Officials and Agents Protecting the Right of Victims (see section VII).

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<sup>1</sup> Component on the Law on the Suppression of Human Trafficking and Sexual Exploitation, prepared by Asia Regional Trafficking in Persons Project, 2009

## **II. Concept of Protection of the Rights of Victims of Human Trafficking**

As stated in the overview, there are multiple types of human trafficking; and victims of human trafficking require special protection of their human rights. This policy only addresses services and places that protect the rights of victims and provide care in government shelters, NGO shelters, and communities<sup>2</sup>.

### **A. Victim identification**

A victim or suspected victim can be identified virtually anywhere. Therefore, caring for victims at the victim identification stage can also occur in many locations. Some of the most common locations, however, are police stations, at immigration offices or in shelters.

Caring for victims of human trafficking at the police station or at immigration offices shall be undertaken with cooperation between police officials including police from the Anti-Human Trafficking and Juvenile Protection Unit, border police, and social affairs officials.

### **B. In a short-term transit center**

A victim may enter a short-term transit centre shortly after being identified. The victim may be highly traumatized at this stage and may display erratic behavior. A short-term transit centre shall offer intensive care and support, identifying the victim's immediate needs and linking to outside services.

Caring for victims of human trafficking at the short-term transit centre shall include involvement from social affairs workers, counselors and caregivers. Depending on the victim's needs, s/he may also receive health services from health workers such as doctors or nurses. Investigating judges and legal aid service providers may interact with the victim in this context. It is necessary that their manner of questioning is victim-friendly and does not cause trauma to the victim.

### **C. In a long-term shelter**

A victim may enter a long-term shelter if their family cannot be traced or if they cannot return to their family for safety reasons. In a long-term shelter, a victim shall have access to health services, legal protection, education in schools, vocational skill training, counseling and life skills as appropriate.

Caring for victims of human trafficking shall include involvement of social workers, counselors, and caregivers. All relevant service providers shall be familiar with the victims' case plans and rehabilitation plans. Depending on the victim's needs, a victim may also receive health services from health workers such as doctors or nurses. Investigating Judges and Legal Aid service providers may interact with the victim in this context. It is necessary that their manner of questioning is victim-friendly and does not cause trauma to the victims.

### **D. In the community**

A victim may choose to return to his/her community instead of receiving care in a shelter or a victim may have chosen a rehabilitation service in a shelter and now be ready to return to the community.

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<sup>2</sup> Directive of MOSVY on reintegration and follow-up implementation

Caring for victims in the community is a challenging and important task. Caregivers, who have less control of the community environment, need to be aware of triggers that may re-traumatize the victim. Caregivers need to be able to inform the victim of how they can access the closest medical, psychological and financial services.

Caring for victims in the community shall be done by the Social Affairs Workers and NGO social workers who conduct follow-up visits to individuals to check their reintegration progress. If the victim agrees, the Commune/Sangkat Chief and Commune Council Women and Children Focal Point may also play a role in assisting reintegration and minimizing discrimination in the community.

### **III. Model of Protection of the Rights of Victims of Human Trafficking**

#### **Process of Case Management of Care for Victims**

The case management process begins when a victim or potential victim is identified and continues until a case is closed. The case management process provides a framework for service providers so they can maximize their effectiveness in helping the victim. The phases of the case management process are not always sequential but many steps need to be carried out simultaneously. The steps in the case management process are victim identification, crisis intervention, referral, reception, case planning, assessment, recovery, reintegration, follow-up and case closure.

**Victim identification** is the process of determining if an individual or group of individuals' experience/s are consistent with being trafficked as outlined in the Palermo Protocol<sup>3</sup>.

The three key factors that need to be present for a person to be identified as a victim of human trafficking are recruitment, transportation and exploitation. Anyone can identify a victim of human trafficking. However, if the victim is not able to freely leave their trafficked workplace, then an intervention is required. An intervention is the responsibility of the police officials. Service providers who have identified victims of trafficking shall not rescue victims alone. It is too risky for the victim and service provider.

If there is inconclusive evidence on whether a person identified is victim, it should be assumed that the individual is a victim. This individual should have their rights respected and access to services in the same way as persons that are absolutely known to be victims of human trafficking.

**Crisis Intervention** refers to the process of providing immediate short-term assistance to victims who experienced an event, or series of events, that produced emotional, mental, physical and/or behavioral imbalances that have prevented the person from effectively coping with their current situation.

Crisis intervention can occur simultaneously with the victim identification stage. Police may conduct raid/rescues to remove the victim from the trafficked situation in consultation with social workers to ensure that the victims are moved to a safe place

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<sup>3</sup> Palermo Protocol is a protocol to prevent, suppress, and punish trafficking in persons, especially women and children, supplementing the U.N. Convention against Transnational Organized Crime, G.A.Res 55/26

and provided with necessary emergency assistance, such as shelter, food, medical and psychological care.

Crisis intervention can also occur later in the rehabilitation process. Any incident where a person's psychological or physical safety is in danger will require a crisis intervention. For example, an individual with mental instability, such as suicidal tendencies, will mean a crisis intervention is required. A victim recently reintegrated back into their community who calls to notify service providers that their trafficker has appeared in the village also requires a immediate crisis intervention.

**Referral** is the process of referring or transferring the client to appropriate services. The referring organization needs to clearly communicate the victim's expected results to the receiving organization so they are well-prepared to respond to the victim's requirements. Information about referral shall be shared with the victims in advance and there need to be informed consent from the victims.

**Reception** is the act of receiving and providing services to victims. This can happen at numerous locations, including police stations, shelters, hospitals, and skills-based training facilities.

The first impression that victims get from service providers is at reception. This first impression will affect how safe a victim feels and if they trust the service provider. Reception will also impact the extent that they want to cooperate and provide information to service providers, including police.

**Case Planning** is the process of setting the direction for the successful resolution of a victim's issues, through setting goals and objectives as well as the courses of action and resources required. It is an ongoing activity during the victim assistance process and the victim shall be actively encouraged to participate in his/her case planning.

Case planning is best achieved using a multi-disciplinary team. The multi-disciplinary team includes the victim, the case manager (officials/social affair workers), and other relevant professionals who are going to help with the recovery process.

Case planning and/or progress against the case plan shall be documented on the intention, objective, challenges, and procedure of resolution which are recorded on the victim's file.

**Assessment** is the process of compiling, reviewing and evaluating specific case related information such as health assessments, initial case assessments or assessments of family and community assessments that will lead to the resolution of victims' problems, rehabilitation and reintegration.

Assessments shall be conducted to track the progress of the victim. Assessments should give service providers an understanding of the success of interventions and enable service providers to determine any changing priorities or needs that shall be incorporated into the case plan. The results of assessments need to be shared with the victim.

**Recovery** is the process of healing from an experience which has been physically or mentally traumatizing that incapacitates a person from adequately

functioning within her/his environment and also includes the process of developing the person's capacity, self esteem, skills and behaviors necessary to function effectively in society.

Every victim of human trafficking has a unique experience and therefore every person's recovery from human trafficking will also be unique. Service providers shall ensure that the recovery process is tailored to a victim's individual needs. Activities of recovery include counseling, life skills, medical assistance and vocational skills training and so on.

**Reintegration** is the process of a victim's return and resettlement into their family and community based on their personal decision. Successful reintegration shall be the ultimate goal when providing assistance to victims of human trafficking.

The Ministry of Social Affairs, Veterans and Youth Rehabilitation have a standardized procedure, for rehabilitation and reintegration. This procedure outlines clear roles and responsibilities of social affair officials of district/municipal levels in the reintegration process. National and international service providers shall consult with municipal/provincial social affair officials to reintegrate victims of human trafficking.

**Follow-up** is the process of checking on the current status and the evolving needs of the victim after the process of reintegration.

Follow-up is a necessary step in the case management process as reintegration into a family and community can be associated with re-traumatization, discrimination, lack of acceptance from the community, and difficulty adapting to community life after shelter life.

**Case closure** is the process of finalizing a victim's case in consultation with the victim and other relevant parties and indicating an end to service.

Successful case closure can be made possible based on the following criteria<sup>4</sup>:

- Relations between the family and the reintegrated person are stable and sustainable;
- The economic situation of the family is stable and they can survive as others do;
- The reintegrated person can participate in the usual and regular daily activities such as schooling, earning an income (inside or outside of the house), getting vocational training and so on; and,
- There is enough proof indicating that the reintegrated person is both economically and psycho-socially stable.

In the situation where a victim is re-traumatized, it is necessary to reopen the case.

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<sup>4</sup> Directive No. 009 S.V.Y of Ministry of Social Affairs, Veterans, and Youth Rehabilitation dated September 28<sup>th</sup>, 2007 on reintegration and follow-up victims residing in the shelters of the government and non governmental organizations

#### IV. Principles on the Protection of the Rights of Victims of Human Trafficking

The Royal Government of Cambodia has concentrated on assisting victims of human trafficking by providing appropriate services, especially protection of the rights of victims of human trafficking, and prevention activities to stop human trafficking in the country and cross borders. The Law on Suppression of Human Trafficking and Sexual Exploitation was promulgated on February 15<sup>th</sup>, 2008. The Royal Government of Cambodia established the High Level Working Group to Combat Human Trafficking, Human Smuggling, Labor and Sexual Exploitation on Women and Children on August 8<sup>th</sup>, 2007. The Royal Government of Cambodia has taken essential actions to comply with international obligations to stop human trafficking by enacting Prakas, Law, and Memorandums of Understanding (MOUs) as follows:

- The Law on Suppression of Human Trafficking and Sexual Exploitation, promulgated on February 15<sup>th</sup>, 2008;
- Directive No. 009 S.V.Y of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation dated September 28<sup>th</sup>, 2007 on the implementation of reintegration and follow-up on victims of human trafficking residing in the shelters of the government and non government organizations;
- Decision No. 35 S.S.R dated July 20<sup>th</sup>, 2007 of the Royal Government of Cambodia on the establishment of the National Task Force to implement the agreements and MOUs between the Royal Government of Cambodia and relevant countries on the elimination of human trafficking and assisting victims of human trafficking;
- Decision No. 41 S.S.R dated August 8<sup>th</sup>, 2007 of the Royal Government of Cambodia on the establishment of the High Level Working Group to Combat Human Trafficking, Human Smuggling, Labor and Sexual Exploitation on Women and Children;
- Decision 2815 S.S.R dated August 15<sup>th</sup>, 2007 of the Royal Government of Cambodia on the Assignment of the Secretariat of the High Level Working Group to Combat Human Trafficking, Human Smuggling, Labor and Sexual Exploitation on Women and Children;
- Policy on Alternative Care for Children dated April 11<sup>th</sup>, 2006 with support from Samdech Akak Moha Sena Badei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia;
- Prakas No. 606 S.V.Y dated November 22<sup>nd</sup>, 2006 of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation on the minimum standard for child care in the shelters;
- Prakas No. 198 S.V.Y dated March 10<sup>th</sup>, 2006 of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation on the minimum standard for child care in communities;
- Guidelines on the Protection of Child Victims of Human Trafficking, prepared by Cambodian National Council for Children (UNICEF), 2006; and
- Child Rights in Relations to Juvenile Justice and Child victims of Criminal Offences: A Training Manual for Judges and Prosecutors, prepared by UNICEF and Royal Academy of Judicial Professionals, 2007.

There are some drafts of laws and provisions including:

- Draft Instructions on How to Handle Child Victims and Witnesses in the Child Justice Process, UNICEF;

- Draft Inter-Ministerial Prakas on Cooperation and Coordination in the Child Justice Process, the Royal Government of Cambodia; and
- Draft Juvenile Justice Law, the Royal Government of Cambodia.

To implement Law, MOUs, Prakas, and directives with good results, service providers shall uphold the rights of victims of human trafficking<sup>5</sup> as follows:

The **right to safety and protection** which refers to the right of a victim of trafficking or exploitation to be assured by all those working with them that their security and well-being is prioritized.

The **right to individual identity** which refers to the right of victim to be viewed with individual characteristics, values, attitudes and beliefs.

The **right to privacy and confidentiality** which refers to a victim's right to have information about their medical, family, community, or previous history protected and only distributed at their discretion.

The **right to dignity** which refers to a victim's right to be treated by others with respect and honor.

The **right to information** which refers to the right of a victim to know specific details and all particulars that affects the individual. This includes information about their legal options, cases pending, medical status, their family and community, and skills training, plus any other relevant information relating to their case.

The **right to services** which refers to a victim's right to access a variety of support and assistance from government and civil society in order to rehabilitate them until they are recovered.

The **right to justice** which refers to a victim being entitled to equal protection before the law, as enshrined in the Cambodian Constitution and according to the principle of just and fair treatment for all people

The **right to normality** which refers to the victim's right to be assisted in reintegrating into the community and family of their choosing and experience ordinariness in their daily lives without any discrimination.

The **right to participation** which refers to the right of all victims, whether children or adults, to express their opinion and participate in activities relevant to them in the society.

The **right to decision-making** which means a victim has a right to make decisions for themselves when these decisions are not in conflict with the law.

The **right to freedom of movement** which refers to the right of the victim to live and move with freedom within their country of citizenship and to be repatriated if outside their country of citizenship.

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<sup>5</sup> These Rights of the Victim were identified based on the *Recommended Principles and Guidelines on Human Rights and Human-Trafficking*, United National Economic and Social Council, 20 May 2002 and the *COMMIT Guiding Principles for the Protection of Victims of Trafficking in the Greater Mekong Sub-region*.

## **V. General Policy on Protection of the Rights of Victims of Human Trafficking**

### **1. Vision**

Victims of human trafficking shall have their rights as outlined in section IV upheld. Service providers and Government officials shall indicate commitment to protecting the rights of victims of human trafficking so they can, in time and with safety, be successfully reintegrated into families and/or communities.

### **2. Mission**

This policy is to be implemented alongside the political platform reflected in the Rectangular Strategy of the Royal Government of Cambodia. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation and other relevant ministries and institutions have committed to implementing the policy and building the capacity of staff who work with victims of human trafficking as well as establishing a monitoring and evaluation system that ensures effective implementation of the policy and that victims have suitable relationships with their families and communities.

### **3. General Objectives**

The policy on protection of the rights of victims of human trafficking is to offer a framework to ensure that victims of human trafficking are respected, treated with dignity, provided with sufficient rights and benefit protection, and ensured with physical and mental development. The policy has the purpose of ensuring victims of human trafficking:

- Receive the benefits enshrined in legal instruments and national and international laws;
- Are empowered and enabled to be reintegrated successfully into families and communities;
- Have the possibility to get material and mental supports, especially health, educational and vocational training services; and,
- Receive better protection of the rights free from re-victimization and discrimination.

### **4. Obstacles**

Service providers and all programs to assist victims of human trafficking may encounter challenges as follows:

- The understanding of the rights of victims of human trafficking is limited;
- The understanding of human trafficking in society is limited;
- Lack of human, material, and financial resources for the implementation of victim assistance programs;
- The implementation of national and international laws which Cambodia has ratified is limited;
- Coordination of service provision among government institutions, NGOs, and civil society working with victims of human trafficking is limited;
- No common system of monitoring, follow-up, and evaluation;
- Some difficulties resulting from modernization such as individuality, changes in traditional value, and decrease in solidarity.

Victims of human trafficking may encounter practical challenges as follows:

- A lack of support and good family environment, and lack of proper shelters to take care of victims;
- Sexual abuse and sexual exploitation;
- Lack of access to education, health, and rehabilitation;

- Lack of information on possible negative impacts of migration;
- Victims of human trafficking may have contracted HIV/AIDS;
- Victims of human trafficking may have developed a drug dependency due to being trafficked;
- The implementation of human trafficking prevention programs is narrow and more works need to be done to address the demand for victims;
- Family, community, and specialized staff lack the knowledge of current support, information and referral services;
- Most victims of human trafficking have a lack of trust in official structures and institutions that can help victims of human trafficking; and,
- The structure of the Ministry of Social Affairs, Veterans, and Youth Rehabilitation is still limited at the municipality and district level.

## **5. Opportunities**

In order to improve assistance and support of victims of human trafficking, opportunities exist or will exist as follows:

- There is political will towards protecting rights of victims of human trafficking and those who are vulnerable to human trafficking;
- Widening the legal framework and sufficiently and appropriately strengthening law enforcement;
- Decentralization of national functions to sub-national levels assists in the establishment of community and family participatory structure;
- Family, community, and staff providing services to victims have opportunities to build capacity;
- Poverty reduction strategy and rectangular strategy of the Royal Government of Cambodia responds to the needs of poor families and get better support; and,
- The Royal Government of Cambodia is committed resolving family and community issues at the time of human trafficking and post victimization.

## **6. Strategies**

In order to protect the rights of victims of human trafficking, it is necessary to have general strategies to address the needs of victims of human trafficking through a multi-sector approach:

- Conduct a regular assessment on the needs of the sectors in connection with victims of human trafficking;
- Establish the policy framework which focuses on protection of the rights of victims and institutionalize the programs and services that uphold the welfare of victims of human trafficking;
- Increase access to basic necessary services to victims of human trafficking;
- Monitor, follow-up, and evaluate on a regular basis to ensure anti-human trafficking programs meet the needs of victims; ensuring that program development is sustainable and moving to provide assistance for victims of human trafficking.

## **VI. Objectives of Protection of the Rights of Victims of Human Trafficking**

### **a. Reception of Repatriated Victims from Abroad**

Ensure that victims of human trafficking are accepted through the process of repatriation and deportation without discrimination on nationality, religion, social class, disability or sex by upholding the rights of victims and commencing to make a plan and proceed with case management until successful closure of the case.

### **b. Sending Victims to their Country of Origin**

The case manager for foreign victims shall ensure that victims of human trafficking receive the necessary rights and services afforded to Cambodian victims, without any discrimination, from the beginning of the process of case management until closing the case. Before and during the process of repatriation, information needs to be delivered to the relevant stakeholders in the receiving countries.

### **c. Reception of Victims from Authority of Municipal/Provincial Departments of Social Affairs, Veterans and Youth Rehabilitation**

Those who work with victims of human trafficking shall uphold the rights of victims. Officials in charge shall implement the process of case management (as outlined in III) to ensure success of reintegration.

### **d. Reintegration of Victims into Families, Communities and Non-Government Organizations**

The objective is to settle victims of human trafficking to live their normal life (the same as before being trafficked), full of good health and happiness in the community of their own choice. Service providers need to ensure a well-planned reintegration and follow-up to address the needs of victims and families.

## **VII. Responsibilities of Competent Ministries and Institutions of the Royal Government of Cambodia and Commitment of Officials and Agents Protecting the Rights of Victims**

### **1. Responsibilities of Competent Ministries and Institutions of the Royal Government of Cambodia**

- a. Review the arrangement, development and compilation of policies and standards, which have special relevance to the protection of the rights of victims of human trafficking and based on human rights conventions;
- b. Disseminate and ensure effective implementation of policies, laws, documents, and standards which are relevant for the protection of the rights of victims of human trafficking;
- c. Establish and approve the Minimum Standards on Protection of the Rights of Victims of Human Trafficking;
- d. Monitor, follow-up, evaluate and regulate Government and Non-Government service providers of victim protection on the implementation of the Minimum Standard on Protection of the Rights of Victims of Human Trafficking;
- e. Allocate funds to support activities consistent with the policy and minimum standards on protection of the rights of victims of human trafficking, with special attention on roles of officials operating, monitoring, follow-up, and evaluation;

- f. Mobilize funds to assist victims of human trafficking, facilitate assistance for Non-Government Organizations' agents working on protection of the rights of victims and mentor to effectively and sustainably carry out their work.;
- g. Lead coordination and cooperation with development partners on issues relevant to the protection of the rights of victims of human trafficking; and,
- h. Effectively lead, in the capacity of chair of the Protection and Reintegration Cluster Group of the High Level Working Group to Combat Human Trafficking, Human Smuggling, and Exploitation in Women and Children that the Royal Government of Cambodia has assigned.

## **2. Commitment of Government Officials and Non-Government Organization Agents to Protect the Rights of Victims**

- a. Cooperate with competent institutions of the Royal Government of Cambodia to assist in reviewing the preparation and dissemination of policies, laws, and other standards to ensure consistency with relevant human right conventions, concerning the protection of the rights of victim of human trafficking;
- b. Implement relevant policies, laws, documents and standards to effectively protect the rights of victims of human trafficking;
- c. Monitor, follow-up, and evaluate activities, provide reports as well as assist in facilitation of the monitoring, follow-up, and evaluation by officials of Ministry of Social Affairs, Veterans, and Youth Rehabilitation in accordance with the policy and minimum standards;
- d. Non-Government Organizations working with victims of human trafficking shall request permission for and sign a Memorandum of Understanding with Ministry of Social Affairs, Veterans, and Youth Rehabilitation;
- e. Mobilize sufficient funds to support victims and share funds with other programs in accordance with the national policy and minimum standards paying special attention to the role of officials operating the monitoring, follow-up, and evaluation;
- f. Assist in the development and implementation of sustainable solutions focusing mainly on the protection of the rights of victims of human trafficking; and,
- g. Coordinate with Non-Governmental Organizations and competent institutions of the Royal Government of Cambodia.

## **3. Cooperation with nearby Countries and Non-Government Organizations in Protecting the Rights of Victims of Human Trafficking**

### **a. Cooperation with Nearby Countries**

- 1. Prepare a national plan of action on human trafficking every two years to facilitate the implementation of agreement;
- 2. Initiate the preparation of necessary strategies, policies, and provisions to implement the agreement;
- 3. Make recommendations for cooperation and mutual assistance in combating trafficking in men, women and children;

- Monitor and evaluate the implementation of agreements and report to relevant committees on bilateral cooperation between Cambodia and Vietnam, Cambodia and Thailand and signatories of the countries in the meetings to share experience once a year and report to the Royal Government;
- Cooperate with national and international Non-Government Organizations to effectively implement agreements that protect the rights of victims of human trafficking;
- Resolve confrontation on interpretation or implementation of agreements through negotiation. In case of non-resolution through negotiation, there needs to be a report to the Government of both parties for resolution.

**b. Cooperation with Non-Government Organizations (NGOs)**

1. Cooperate to coordinate with national and international Non-Government Organizations to implement the national policy and standards on protection of the rights of victims of human trafficking;
2. Cooperate with national organizations, Non-Government Organizations and local authorities to implement the plans designed to protect the rights of victims of human trafficking;
3. Cooperate and communicate with national and international organizations in the process of case management;
4. Cooperate to prevent unsafe migration; and,
5. Expand and strengthen cooperation among national and international organizations to promote the protection of the rights of victims of human trafficking.



**ITH SAM HENG**



# KINGDOM OF CAMBODIA

Nation Religion King



Ministry of Social Affairs, Veterans, and Youth Rehabilitation

No: 857S.V.Y

*Phnom Penh, 3rd September 2009*

## **Prakas**

**On**

### **Minimum Standards for Protection of the Rights of Victims of Human Trafficking**



#### **Minister of Ministry of Social Affairs, Veterans and Youth Rehabilitation**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Preah Reach Kret No. NS/RKT/0908/1055 dated September 25<sup>th</sup>, 2008 on the appointment of Royal Government of Cambodia
- Having seen Preah Reach Kram No. 02/NS/94 dated July 20<sup>th</sup>, 2004 promulgating the law on the organization and functioning of the Council of Ministers
- Having seen Preah Reach Kram No. NS/RKM/0105/001 dated January 17<sup>th</sup>, 2005 promulgating the law on the establishment of the Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Having seen Preah Reach Kram No. ND/RKM/0208/005 dated February 15<sup>th</sup>, 2008 promulgating the Law on Suppression of Human trafficking and Sexual Exploitation
- Having seen sub-decree No. 55/ANKR/BK dated April 8<sup>th</sup>, 2005 on the organization and functioning of the Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Having seen directive No. 009 S.V.Y dated September 28<sup>th</sup>, 2007 of the Ministry of Social Affairs, Veterans and Youth Rehabilitation on reintegration and follow up victims residing in the shelters of government and non-government organizations.
- Having seen Prakas No. 852 S.V.Y dated August 31<sup>st</sup>, 2009 of the Ministry of Social Affairs, Veterans and Youth Rehabilitation on the implementation of Policy on Protection of the Rights of Victims of Human Trafficking.

# DECISION

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1.-

The purpose of this Prakas is to outline and implement the minimum standards for the protection of the rights of victims of human trafficking with the support of the institutions of the Royal Government of Cambodia, national and international non-government organizations and benevolent individuals in the Kingdom of Cambodia.

#### Article 2.-

The minimum standards for protection of the rights of victims of human trafficking use a victim-centered and rights-based approach, focusing on the victim's needs throughout the general support process. These standards are based on the phases in the Case Management Process.

The minimum standards apply to all people providing assistance to victims of human trafficking, including social affairs officials, law enforcement officials and all international and national service providers working in Cambodia.

#### Article 3.-

The minimum standards for the protection of the rights of victims of human trafficking set for the implementation in this Prakas apply across the following situations:

##### 1. In a short-term transit center

Protection at a short-term transit center aims to provide comprehensive support and care required to identify the urgent needs of victims and connect them with external services.

##### 2. In a long-term shelter

Protection at a long-term shelter aims to provide a venue in which health services, legal representation, general education, vocational skill training, counseling, and life skills for victims can be provided.

##### 3. In community

Protection of victims in communities is provided by Buddhist monasteries, other religious venues, by biological families and relatives of the victim.

#### Article 4.-

A victim is any person who is abused or exploited by another person or group of persons, directly or indirectly for the purposes of human trafficking.

Human Trafficking is the recruitment, transportation, transfer, receipt of persons, by means of threat, use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, of the giving or

receiving of payments or benefit to achieve the consent of a person having control over another person, for the purpose of exploitation.

**Rights** refer to the entitlements of every victim of human trafficking, that do not have to be earned and cannot be traded away. These rights are enshrined in the Universal Declaration of Human Rights of the United Nations dated December 10<sup>th</sup>, 1948.

**Article 5.-**

National and international non government organizations implementing programs or sponsoring programs and involving the protection of the rights of victims of human trafficking throughout the Kingdom of Cambodia shall sign a Memorandum of Understanding with the Ministry of Social Affairs, Veterans, and Youth Rehabilitation.

**CHAPTER II**

**RIGHTS AND MINIMUM STANDARDS FOR THE PROTECTION OF THE RIGHTS OF VICTIMS OF HUMAN TRAFFICKING**

**Article 6.-**

Government institutions, national and international non-government organizations and benevolent individuals, shall uphold all the standards on the rights of victims as follow:

**1. Right to Safety and Protection**

- Service providers shall ensure that exploiters and traffickers do not have access to rescued victims in their care.
- Law enforcement officials shall take necessary actions to protect victims in their jurisdiction by responding to information in a timely and appropriate manner.
- Any organization working with trafficking victims shall take reasonable steps to ensure that the perimeter of their premises are safe and secure and cannot be accessed by outsiders without permission.
- Any organization working with trafficking victims shall take reasonable steps to ensure that their internal premises are maintained to a high standard and to ensure victim safety and health within the premises.
- Organizations providing services to victims of trafficking shall take reasonable steps to with staff arrangements provide gender appropriate services for victims.
- Organizations providing services shall take serious steps to ensure that guests or visitors are comprehensively checked prior to meeting and are made aware of policies to protect the victim.

- Assessments of the victim's physical, mental and emotional state shall be conducted regularly to ensure the psychological and physical well-being and safety of the victims.
- Comprehensive risk and security assessments shall be conducted in cooperation with families, communities and other relevant parties before reintegration to see if the victim can be reintegrated into their family and their original community or other family and community.
- A general risk assessment of shelter premises shall be conducted on an annual basis.
- Recruitment procedures shall involve a thorough assessment of the suitability of the individual, including a criminal record check for all staff who will be interacting with victims of human trafficking.
- Facilities providing care for victims shall have fast and effective procedures and actions for when a victim disappears or leaves the premises without notifying staff members.

## **2. Right to Individual Identity**

- A person shall be recognised as a normal ordinary individual first and a victim subsequently.
- The victim's individual beliefs, values, attitudes, identity and experiences shall be considered and respected.
- The victim's individual perspective and interpretation of their trafficking experience and the way they feel about their rehabilitation and how to best recover from this experience shall be respected and the validity of their individual view recognised.

## **3. Right to Privacy and Confidentiality**

- Service providers shall understand the difference between private/confidential information and general information.
- Victim's confidential information shall not be shared without the victim's informed consent. In cases where information must be shared with any individual or organization and informed consent cannot be obtained, the victim will be informed of who has been given access to the information, and for what reason.
- There shall be a clear understanding between the case worker and other service providers on what information is appropriate and necessary to exchange information for the provision of services.
- Victims' medical, legal, and other case-related information and records shall be kept in a safe and secure location.
- Victims' records shall only be accessed by authorised personnel who require the information to carry out their roles in supporting the victim.

- Victims' identities shall be protected from the media as outlined in Article 49 of the Law on the Suppression of Human Trafficking and Sexual Exploitation, 2008.

#### **4. Right to Dignity**

- Victims shall be treated with respect throughout the victim assistance process and be recognized as individuals who have undergone a difficult series of circumstances.
- Any act of discrimination and/or stereotyping against the victim on the basis of sex, age, race, ethnicity, religion, nationality, sexual preference, disability, or past experiences is strictly prohibited.

#### **5. Right to Information**

- All victims shall be informed of their rights throughout the victim assistance process.
- Those who work and interact with victims shall explain their roles and tasks to the victims.
- Any activities that the victim is involved in or invited to join shall be explained to the victim.
- Victims have the right to access information and receive explanations on all health, medical, legal, and case documentations that pertain to the victim.
- Victims who do not speak and/or read Khmer shall be provided with a translator so they can understand all written and verbal information. In case of a victim with a disability such as muteness or deafness a sign language translator shall interpret with the victim.
- For child victims, service providers will make decisions regarding the amount of information to share with the child and the appropriate manner in which to share this information and be guided by what is in the best interest of the child considering the age of the child and degree to which the child is victimized.

#### **6. Right to Services**

- All victims shall have the right to access services, including psychological, legal, medical, spiritual, socio-economic services, and vocational training at any stage of the victim assistance process.
- State institutions, civil society organizations and non-government organizations shall cooperate to help victims access the required services.
- Service providers shall consult with victims throughout the case management process to ensure that victim's needs are responded to consistently and appropriately.

## **7. Right to Justice**

- Legal procedures shall be explained to victims in an easily understood manner.
- Victims shall be provided with free legal assistance if required.
- All victims shall be empowered to make an informed choice on whether they want to be involved in the judicial process.
- Victims shall have the opportunity to be present and heard at all legal proceedings and make a decision on whether or not to file an appeal.
- Child victims shall have a child advocate appointed to be present during all legal proceedings to ensure decisions are made in the best interest of the child.

## **8. Right to Normality**

- The victim shall be empowered to be reintegrated effectively into society and family through the provision of necessary services and care during the recovery process.
- Persons working with a victim shall take steps to minimise the stigma, cultural bias and discrimination the victim may encounter.
- Persons working with a victim shall not display their personal discrimination/prejudices against the victim.
- Service providers shall provide assistance and take practical steps to assist the victim in integrating into the community of their choice.
- During the recovery process the victim shall be given the opportunity to have contact with his/her family if it is safe to do so.

## **9. Right to Participation**

- The victim shall be empowered so that he/she can be actively involved in all aspects of planning related to the assistance they receive.
- The victim shall be fully informed of all aspects and issues pertaining to his/her case in advance to enable their views and considerations to be taken into account at any stage of the victim assistance process.
- The victim shall be consulted when setting clear criteria for their participation, to avoid being dominated, feeling threatened or receiving undue influence by others.
- Child victims shall have the right to participate in the process of planning their future and express their opinions which will be incorporated as far as their opinions are achievable, appropriate and compliant with international conventions and agreements signed and ratified by the Royal Government of Cambodia.

## **10. Right to Decision-making**

- Victims shall be encouraged and supported in order for them to appropriate decisions.
- Victims shall be entitled to a reasonable reflection period before making a decision and shall not be asked or forced by anyone to make hasty decisions.
- If a victim's preferred course of action is not possible, assistance shall be provided by service providers or counsellors to him/her in determining appropriate alternative courses of action.
- Decisions shall only be made on adult victims' behalves when they are unable to make their own due to a physical and/or mental r intellectual incapacity. If necessary, family or relatives shall be consulted in victims' the decision-making.
- Child victims shall have the right to participate in decision-making and have their decisions carried out as far as their security, safety and well-being allow.
- When it is not possible to consult a victim prior to a decision being made on their behalf, an explanation shall be given by service providers or counsellors on why a certain decision has been made and how it is beneficial for the victim.

## **11. Right to Freedom of Movement**

- Each foreign victim has the right to prompt repatriation with humane treatment to their country of origin.
- Within their country, victims have the right to be integrated into the community of their choosing and move between communities as they desire.
- Adult victims facing no criminal charges shall have the right to leave law enforcement institutions or service providers after informing the competent authorities or institutions. Adult victims shall not be held against their will.
- A shelter may keep a child victim against his/her will in order to ensure safety and best interest of the child. However, particularly with child victim, steps shall be taken to identify family quickly and integrate the child to the family if he/she is safe and expedient.
- When it is ambiguous whether a victim is a child or an adult it is to be assumed that the victim is a child and freedom of movement can be restricted in line with the above standard.

In brief, the upholding right to freedom of movement is dependant on defining the age of victim so this shall be a priority.

## **Article 7.-**

The case management process begins when a victim of human trafficking or potential victim of human trafficking is identified and continues until a case is closed. The case management process provides an important framework for service providers so that they can do action plans to maximize and strengthen their effectiveness in helping the victim. The phases in the case management process are not always sequential as outlined below and in reality many steps need to be carried out simultaneously. The steps in the case management process are: victim identification, crisis intervention, referral, reception, case-planning, assessment, recovery, reintegration, follow-up and case closure. Throughout the case management process, all the overarching rights of the victim outlined in chapter 2 of this minimum standard shall be effectively upheld.

The case management process involves:

### **1. Victim Identification**

- A safe space for conducting the interview shall be ensured.
- Service providers must ensure there is no direct contact between the victim and suspects or perpetrators.
- In cases where it is ambiguous whether an individual is a victim or not, the individual shall be treated as a victim and provided with appropriate support and services until there is conclusive evidence indicating otherwise.
- A victim whose age is uncertain but could potentially be a child shall be treated as a child and victim identification and interviewing processes shall be consistent with the principles in the Convention on the Rights of the Child. Victim identification needs to be expedited and prioritized to determine age so as to ensure that the services offered to the victim are appropriate and rights are not infringed upon.
- Persons conducting interviews will do so using a victim-centred approach that is sensitive to the trauma the individual may have experienced and be cognizant of not re-traumatizing victims.
- The victim identification interview shall not commence until critical medical and psychological recovery services have been delivered.
- The victim identification interview shall be kept as brief as possible by limiting questions to essential information, such as name, age, address or place of birth, perceived threats to safety, and the immediate needs of the victims.
- The victims shall be given the opportunity to have a support person with them throughout the victim identification process.

### **2. Crisis Intervention**

- The service providers shall have a clear understanding of the general nature and issues of the victims, especially the stages of crisis in order to identify the

particular issues the victim is experiencing and know the appropriate intervention needed for each type of victims.

- The need for a crisis intervention is to be determined according to the needs of the victim.
- Prior to the crisis intervention a risk assessment, as outlined in point 6 of the process of case management, shall be appropriately implemented to reduce the likelihood of harm to the victim and service provider.
- If service providers can contact the victim prior to the crisis intervention, they shall do so to effectively prepare the victim for next steps.
- The services and supplies the victim will require during and immediately following the crisis intervention shall be prepared prior to the intervention.
- Crisis interventions shall be conducted in a safe and secure manner to minimize the likelihood of physical and mental trauma for the victim and others involved.
- During a crisis intervention victims shall be separated from suspects and contact between the victims and suspected perpetrators will be prevented.
- Persons interacting with the victim during and directly after the crisis intervention shall protect the victim's possessions.
- Crisis interventions must be planned and carried out with the officials, especially in cooperation with police officers, social affair officials, NGO service providers, private service providers, and Embassy and/or immigration officials (in case of foreign victims).

### **3. Referral**

- Referral shall be based on the decision of the victim and shall be conducted based on the victim's requirements at any time during the stages of the victim assistance process.
- Service providers shall maintain a list of names, safe referral places and partners which offer services for victims. The list needs to be regularly updated.
- During the referral process, senders and receivers shall cooperate so that victims' needs are placed first.
- When referring a victim, the sending service provider shall provide all relevant information about the victim's case to receiving service providers.
- Prejudice and discrimination of any kind against a victim shall not be a reason for referral or declining a referral of the victim to services or assistance.
- Service providers shall recognise the limitations of their services and refer the victim to other medical, psychological services, and skill development resources based on the requirements of the victim.

#### **4. Reception**

- The first act of a service provider shall be to make the victims feel safe and secure and try to develop close rapport with them.
- A gender sensitive approach shall be used at reception; it is recommended that women are greeted by women and men greeted by men, except when the victim's special circumstance requires a different arrangement.
- Service providers shall orient the victim to their necessary physical surroundings, including bathroom and bedroom and so on.
- Service providers shall explain to the victim their purposes and roles, principles, rules, and necessary regulations, including internal regulations of how to live in the managed premises.
- Service providers shall arrange a space for victim reception that is comfortable for the victim and give the victim time to adapt to the new surroundings before the intake interviews.

#### **5. Case Planning**

- Case planning and management of all activities shall focus on the victim's needs and the victim shall be regularly consulted and informed of activities in his/her case plan.
- Once a victim is identified, case planning shall be conducted as soon as possible and include the victim's active participation.
- Case plans shall be reviewed often, regularly updated and be flexible in nature based on practical situations..
- Case plans shall be specific outlining expected efficacy, achievements, the responsibility of service providers and expected timeframes for activities in case plans.
- The process of the implementation of case plans shall be clearly documented and kept confidential.
- A victim shall always be provided with his/her case plan on request.
- Where appropriate and victim consent is given, case plans shall be developed in cooperation with all relevant service providers.

#### **6. Assessment**

- Once a person is identified as a victim, physical and psychological health assessments shall be prioritized.
- Service providers shall recognize that assessment is a multifaceted, ongoing process that includes initial assessment and interviews, ongoing/detailed assessment and interviews, physical and psychological health, risk, socio-legal,

shelter, staff, community, family, skill and ability and livelihood assessments of the victims.

- Service providers shall know which assessments and interviews shall be conducted and the most appropriate time and manner to do this.
- Risk assessment of victims returning to live with their family and community shall be conducted as soon as practical to determine the feasibility of improved reintegration into the community.
- At a minimum, service providers shall conduct an annual assessment of the quality of services offered.
- Before conducting any assessment, service providers shall familiarize themselves with relevant case information so they can avoid asking unnecessary questions which may re-traumatize the victim.
- Assessments and interviews shall be conducted on suspected victims. The victim shall be fully aware of the objectives of the assessment and agree to the assessment methodology.
- The outcomes of assessments shall be used to determine the services and support for the victims and shall be used as information for case planning.

## **7. Recovery**

- Service providers shall recognize that every victim's trafficking experience is different; therefore, every victim recovers differently and at their own pace.
- Victims shall be empowered and their capacity built throughout the recovery process and have the right to make informed decisions about which services will be most helpful or appropriate for them and when they want to engage in these activities.
- Victims shall be provided with access to services and have the rights to accept or decline services, including medical, psychological, legal, accommodation, life skills, recreational activities and religious services at any place of worship.
- Victims shall be supported in re-establishing healthy relationships with their family and former community based on assessment and resolution to the challenges faced by the victims.
- Victims shall have the opportunity to interact with others and to spend time reflecting alone in order to contribute to their recovery.
- Service providers shall work on restoring a victim's self-esteem by identifying their strengths and validating their feelings.
- Victims, especially children, shall be provided with age-appropriate activities to aid recovery.

## **8. Reintegration**

- Strategically, where and when reintegration will occur will depend on the victim's decision. Reintegration may be with their original family and community or with a new family and community.
- At the victim's request, awareness-raising and assistance for the community shall be provided before and after the victim's reintegration.
- Vocational skills training designed for use in the community where the victim will be reintegrated shall be provided.
- Reintegration shall only begin after proper assessments of the particular nature of each victim and their reintegration location have been completed.
- Reintegration shall begin on a trial basis and service providers shall continue to regularly assess the safety of the living place and wellbeing of the victim.
- Service providers shall be aware that reintegration may trigger a crisis situation and must monitor the reintegration to determine if additional services and support are required.
- If needed, especially in cases involving child victims, assistance to the victim's family in the form of counseling, training in parenting, and livelihood projects shall be offered after risk and basic needs assessments are completed.
- If the victim is a minor, steps shall be taken by service providers to ensure the returned victim continues his/her schooling based on his/her level.

## **9. Follow up**

- A flexible follow-up case plan shall be prepared and regularly updated that prioritize and address the victim's needs and challenges.
- The number of follow-up visits to be conducted shall be determined based on discussions between the victim and service providers. This number can be altered based on the victim's required needs.
- As part of the follow-up process case workers shall link victims to services available in their community or village of origin.
- The victim shall be informed of the specific time of follow-up visits in advance, except when the case worker would like to spot check actual situations after reintegration.
- Follow-up visits shall be conducted in a discreet manner in line with the victim's requests and situation.

## **10. Case Closure**

- Before closing a case, a service provider shall try to ensure that the victim's health is better, that the victim is emotionally and financially stable, feels settled

in the community and family and feels confident in maintaining his/her daily livelihood.

- The victim shall be consulted in making the decision to close the case.
- In cases where a victim cannot be reached, service providers shall take all steps to try and contact the victim through family and other service providers before closing the case.
- Before closing a case, service providers shall sufficiently prepare the victim, family and community for case closure, including for potential unexpected or unfavorable developments during or after case closure.
- There shall not be a hasty case closure when a victim is uncooperative. In contrast, service providers shall try to understand the reasons for the victim's behavior; it could be a sign of a newly emerged problem for the victim, so service providers shall explore the situation and assess the next steps.
- If service providers close a case in an unsuccessful or unsatisfactory manner, service providers shall use this as a learning experience and analyze the case to identify the gaps for improvement for their next service provisions.

#### **Article 8.-**

To be able to effectively and successfully help victims of human trafficking, it is important that service providers are physically and psychologically healthy and wise; therefore, service providers shall comply with the guidelines below:

##### **1. Self-care for Service Providers**

- Service providers need to be aware that they can only be effective service providers if they are mentally, physically, and emotionally fit and of good livelihood in the society. Hence, their first caring responsibility is to themselves as a model for their victims.
- Service providers shall be cautious in their work with victims and ensure that they are sufficiently capable to take actions to protect their victims' physical and emotional safety.
- Service providers shall be aware of vicarious trauma and stress that may occur due to their interaction with victims and of practicable preventive actions to effectively reduce challenges.
- Service providers shall be aware of and cautious of their own specific signs of stress and burnout. Service providers shall be aware of different techniques to reduce their stress and of the different healthy ways of coping with their own stress and emotional distress.
- Service providers shall take steps to provide emotional support to the victim without becoming emotionally involved and attached. Service providers shall retain a degree of detachment and objectivity.

- Service providers shall recognize personal problem/s that may affect their work, especially when their problems may be similar to the victim's. If necessary, they can talk to family, a trusted friend and/or colleague with relevant expertise and get assistance before problems incapacitate their effective provision of services. Alternatively, service providers can negotiate to have a particular case assigned to another service provider.
- Service providers shall take steps to continually refresh their knowledge and activities and update their work-related skills to maximize their effectiveness of service provision.

## **2. Managers of Service Providers**

- Managers of service providers shall communicate information on managing stress, burnout and vicarious trauma experienced in the work undertaken by service providers.
- Managers of service providers shall provide staff under their supervision with the opportunity to reduce their stress.
- Managers of service providers shall monitor staff behavior and look for signs of physical, mental burnout or vicarious trauma as a result of contact with other people and/or victim and, if concerned, discuss these with the individual employee in an appropriate manner.
- An adequate budget shall be allocated for stress-reducing activities for service providers to increase effectiveness in service provision.

## **CHAPTER III**

### **CASE MANAGEMENT**

#### **Article 9.-**

Shelters of government and non-government organizations that sign an agreement with the Ministry of Social Affairs, Veterans and Youth Rehabilitation shall implement the phases of the process of reintegration and follow up, as outlined in the directive No. 009 S.V.Y dated September 28<sup>th</sup>, 2007 of the Ministry of Social Affairs, Veterans and Youth Rehabilitation on the Reintegration and Follow up of victims residing in the government and non-government organization shelters as follows:

- 1- Phase of Pre-Reintegration
- 2- Phase of Reintegration
- 3- Type 1 of Follow-up
- 4- Type 2 of Follow-up

#### **Article 10.-**

- Directors of organizations providing services to victims of human trafficking shall be responsible for disseminating and educating all staff on the Universal

Declaration of Human Rights, the Policy and Minimum Standard on Protection of the Rights of Victims of Human Trafficking.

- Directors of organizations working with victims of human trafficking shall respect and abide by the Universal Declaration of Human Rights, the Policy and Minimum Standard on Protection of the Rights of Victims of Human Trafficking.
- Service providers working with victims of human trafficking shall effectively uphold and implement the Universal Declaration of Human Rights, the Policy and Minimum Standards on the Protection of the Rights of Victims of Human Trafficking.
- NGOs working with victims of human trafficking shall cooperate with MoSVY to implement the Protection of the Rights of the Victims of Human Trafficking in accordance with the operative laws.
- Leaders and officials of social welfare department and Municipal/Provincial Departments of Social Affairs Veterans and Youth Rehabilitation shall widely disseminate the Universal Declaration of Human Rights, the Policy and Minimum Standards on the Protection of the Rights of Victims of Human Trafficking.
- Leaders and officials of Municipal/Provincial Department of Social Affairs Veterans and Youth Rehabilitation shall learn and effectively implement the Policy and Minimum Standards on Protection of the Rights of Victims of Human Trafficking.

#### **Article 11.-**

Victims of human trafficking shall have access to their own records kept by the service providers who are in charge of the victims' residential services. Documentation of victims of human trafficking shall include the following information:

1. Full name and alias of the victim, photo, sex, date and place of birth.
2. Date and address of victims before and after being victimized as well as the case narrative.
3. Name, date of birth, address, and occupations of parents, biological siblings, and relatives of the victim.
4. Assessment of family status and household of the victim, including whether there is abuse or neglect occurring in the family. Service providers shall ensure that all information received is kept confidential. Information from the assessment shall be documented in the victim's case plan, including the plan for communicating with his/her family or friends.
5. Medical and psychological records, including information on vaccinations, prescriptions and doctor's advice for treatment or/and forensic assessment.
6. A case file of a victim of human trafficking shall be regularly updated.
7. Do not share information about victims of human trafficking, including HIV status and profile of the victim's family unless there is informed consent from the victim

and information sharing is to take into consideration the best interest of the victim.

8. The documentation regarding victims shall be kept confidential and in a safe place.
9. Victims have the right to check their own records, including personal profile and medical records. If victims are traumatized when reviewing the documentation, service providers shall provide urgent psychological support to the victims. To ensure better documentation, service providers protecting the rights of victims of human trafficking shall comply with annex containing 7 forms and 2 special forms found in the Directive No. 009 S.V.Y dated September 28<sup>th</sup>, 2007 on reintegration and follow up on victims residing in government and non government organization shelters.

#### **Article 12.-**

In order to protect the rights of victims of human trafficking, service providers shall be familiar with Article 49 of the Law on Suppression of Human Trafficking and Sexual Exploitation. The law states “newspapers and other mass media shall be prohibited from publishing or broadcasting or disseminating any information which can lead to the public knowledge of the identities of victims in offenses stipulated in this law”.

In all circumstances, the publication of information about the victim and communication about the victim shall respect and protect the rights of the victim. As indicated above, publication of the victim is an offence against the rights of the victim, especially if the victim’s face becomes publically known. The exception is if publication is beneficial to the victim with the victim giving informed consent.

### **CHAPTER IV**

#### **MONITORING OF PROTECTION OF THE RIGHTS OF VICTIMS OF HUMAN TRAFFICKING**

#### **Article 13.-**

- Social affairs workers and NGOs social workers implementing the programs for the protection of the rights of victims of human trafficking shall be in charge of regularly monitoring and following up on, collaborating and encouraging other service providers for victims of human trafficking to comply with this minimum standard.
- Regular evaluation on reintegration shall be done to ensure that victims are progressing in all fields. Evaluation includes reviewing documents, site visits, and interviews with family, neighbors, local authorities, and the victim.
- After the evaluation is conducted, if the families or relatives do not uphold the rights of victims, case managers shall request to move the victim to another assessed place or to live in a safer situation.
- The Department of Social Welfare, Municipal/Provincial Departments of Social Affairs, Veterans and Youth Rehabilitation shall monitor the implementation of the minimum standards by service providers at least once a year. Monitoring

and evaluating of the implementation of the minimum standards shall be effectively carried out step by step for the protection of the rights of victims of human trafficking.

The Department of Social Welfare, Municipal/Provincial Departments of Social Affairs, Veterans and Youth Rehabilitation shall take the steps as follows:

1. Disseminate and conduct training on the Prakas on the Minimum Standards for Protection of the Rights of Victims of Human Trafficking.
2. Prepare for the monitoring and evaluation of non-government organizations providing services to protect the rights of victims of human trafficking through education, instructions, appreciation, and/or continue to sign the Memorandum of Understanding.
3. Monitor and evaluate the government and non-government program operators who provide services to victims of human trafficking within the jurisdiction of the Ministry of Social Affairs, Veterans and Youth Rehabilitation. Where service providers fail to abide by the minimum standards for the protection of rights of victims of human trafficking, officials in charge of monitoring and evaluation shall request those service providers to make specific improvements and follow-up after a three month period.
4. If after three months, service providers still fail to abide by the minimum standards for the protection of the rights of the victim of human trafficking, the officials in charge of monitoring and evaluation shall report this breach to the Minister of Social Affairs, Veterans and Youth Rehabilitation to take action such as instructing, educating or postponing the programs providing services for the protection of the rights of victims of human trafficking

## **CHAPTER V**

### **FINAL PROVISIONS**

#### **Article 14.-**

Any provisions contradicting to this Prakas shall be void.

#### **Article 15.-**

Governmental institutions and national and international non-government organizations and benevolent persons who have been providing services for the protection of the rights of victims of human trafficking shall implement the Prakas on Minimum Standards.

#### **Article 16.-**

Director of the Cabinet of Minister, Director General of the Directorate General of Administrative and Financial Affairs, Director General of the Directorate General of Technical Affairs, Inspectors of the Inspection Office, Director of the Department of

Personnel and Administration, Director of the Department of Finance and Logistics, Director of the Department of Internal Audit, Director of the Department of Social Welfare, and Directors of the Municipal/Provincial Departments of Social Affairs, Veterans and Youth Rehabilitation and relevant units of the Ministry of Social Affairs, Veterans and Youth Rehabilitation are obliged to implement this Prakas from the date of its signature.



**ITH SAM HENG**

CC:

- Ministry of Royal Palace
- General Secretariat of Senate
- General Secretariat of National Assembly
- General Secretariat of Royal Government
- Cabinet of Samdech Prime Minister
- Cabinet of Deputy Prime Minister
- Relevant institutions and Ministries
- All municipal/provincial halls
- All units under the Ministry of Social Affairs, Veterans and Youth Rehabilitation
- All relevant Non-government Organizations
- As in Article 16
- Royal affairs
- Archive-chronicle