



Cambodia's Sex Trade: Advocating for the Rights of Women Living in Injustice

By

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Abstract

This thesis is dedicated to contributing to a just, dignified, and safe and secure environment for sex workers in Cambodia. It achieves this goal through a comprehensive exploration of historical and Southeast Asia sex work law contexts, scrutinising proposed legal frameworks, such as legalisation of sex work and criminalisation of clients of sex work, with a particular emphasis on amplifying the voices of sex workers advocating for the decriminalisation of sex work. Additionally, it investigates the role of long-term United States government aid in this context. The study provides a holistic perspective on the path forward, aiming to recognise and uphold the human rights and dignity of sex workers while validating their work as a legitimate profession on par with other forms of employment. The methodology employed involves the utilisation of the existing secondary data, including academic and grey literature, news publications, websites, and content from social media platforms. The research findings reveal that the most effective and suitable approach to acknowledge the human rights of sex workers is through decriminalisation. Decriminalising sex work aims to shift the legal framework from punishing individuals involved in sex work to establishing a more just and equitable system, providing them with rights, protections, and access to resources like health care, legal support, and social services. To realise a society where sex workers' human rights are honored and their work is valued, it is therefore recommended that the Cambodian government, civil society organisations, and sex workers themselves cooperate in advocating for the decriminalisation model in Cambodia. Together, they can transform the sex work landscape in Cambodia for the benefit of all concerned.

Declaration

I certify that this thesis:

1. does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university
2. to the best of my knowledge and belief, does not contain any material previously published or written by another person except where due reference is made in the text.

Signed 

Date: 30 November 2023

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Chapter1: Introduction and Methodology

1.1 Background

This thesis extensively explores the complex realm of sex work in Cambodia, delving into its historical context, societal perceptions, current criminalisation model, foreign aid's influence on Cambodian trafficking laws affecting sex workers, various proposed laws addressing sex work issues, and the perspectives and demands of sex workers themselves.

Growing up as a child near brothels in Cambodia educated me on the challenges sex workers face and instilled in me an enduring sense of the importance of protesting against inequality and violations of human rights. Initially, I lacked a full understanding of why sex workers endured heightened discrimination compared to women in the broader population. Nevertheless, their lives were not solely defined by struggles; they were driven by hope and a strong desire to improve their livelihoods and support their families. These formative experiences profoundly shaped my perspective and commitment to women's rights, particularly in Cambodia's complex socio-cultural landscape.

I dedicated four years, between 2016 and 2020, to working with the Women's Network for Unity (WNU), closely collaborating with sex workers through co-leading projects. This hands-on involvement granted invaluable insight into the moral-oriented culture and gender-biased legal frameworks intricately woven into women's lives, struggles, and the activism of sex workers in Cambodia.

Current debates increasingly favour the decriminalisation of sex work, a core demand of the sex worker rights movement. Since landmark legislation in Australia (1995) and New Zealand (2003), a growing movement—supported by international organisations, sex worker-led groups, and academics—has advocated for decriminalisation based on positive results from New Zealand's model, which emphasises rights, safety, and health for sex workers. Understanding these international perspectives is essential for informing policy development in Cambodia.

My thesis aims to inform the development of evidence-based policies and laws aimed at protecting and empowering sex workers, while addressing the issues they face within the Cambodian context. Achieving gender equality in my country will remain elusive until the rights to work, freedom, and protection of all sex workers, are safeguarded.

1.2 An Overview of Sex Work in Cambodia: A Historical Perspective

Despite the persistent social stigma surrounding sex work in Cambodia, it is important to understand and acknowledge its long-standing history in the country. Cambodia's history, intertwined with its tumultuous past, reflects the influence of three decades of conflicts involving the US's war in Vietnam and Cambodia, as well as the Khmer Rouge regime. Sex work has undergone significant transformations over time, reflecting a dynamic and evolving nature (Derks, 2004). This chapter will present a historical timeline, beginning from the United Nations Transitional Authority in Cambodia (UNTAC) era, emphasising the growing prominence of sex work and its legal aspects in Cambodian law, based on the foundations laid by the UNTAC's *Criminal Code*. Key events in the history of sex work are identified.

The country's economic liberalisation and increased accessibility enabled new economic prospects and enhanced mobility, coinciding with a surge in urban sex worker numbers associated with UNTAC's presence in 1992 and 1993 (Derks, 2004). The UNTAC forged a peace settlement and assumed authority during what is known as the UNTAC era. They assumed sovereign government roles, managing a state's administration, and organising elections. Over 22,000 military and civilian personnel from various nations were deployed across Cambodia upon their arrival. This period saw a significant increase in the number of sex workers in Phnom Penh, surging from 6,000 to over 20,000 in UNTAC's first year of operation (Sandy, 2014). The growth led to the emergence of red-light districts, driven by rising demand for sexual services from both local and foreign men (Human Rights Watch [HRW], 2010). In September 1992, UNTAC introduced the Criminal Code, which notably

lacked specific regulations exclusively focused on sex work. The code primarily targeted pimps or procurers involved in facilitating or enabling forced sex work, rather than the sex workers themselves (Derks, 2004; Keo et al., 2014; Sandy, 2009, 2014).

In January 1996, the Cambodian government introduced the *Law Against Kidnapping, Trafficking, and Exploitation of Individuals* (LKTEI). It was the initial legal step directly addressing sex work in Cambodian law, building upon UNTAC Criminal Code guidelines. The law specifically banned trafficking for sex work, imposing sentences of up to fifteen years for crimes like kidnapping, coercion, and forcing individuals into the sex industry (Sandy, 2014). It authorised law enforcement to raid suspected brothels or similar venues linked to sex work (HRW, 2010). It banned brothels but did not make the offering of sexual services a criminal offense. However, the 1996 law proved largely ineffective at regulating or reducing sex work due to the involvement and corruption of government officials, police, and military personnel in abduction schemes and brothel operations (Sandy, 2014).

By 1998, Cambodia grappled with one of the highest Human Immunodeficiency Virus (HIV) prevalence rates in Southeast Asia, affecting 3.3 per cent of the general population and a staggering 42.6 per cent of commercial sex workers in brothels. Faced with the urgency of a rapidly expanding HIV and Acquired Immunodeficiency Syndrome (AIDS) epidemic, Cambodia introduced the *100% Condom Use Program* (100% CUP). The core principle of the 100% CUP was to promote condom use among sex workers. It is important to note that this program exclusively targeted sex workers within brothels (Dumey, 2009).

The NGO landscape in Cambodia underwent a significant transformation, growing from just twenty-five organisations in the 1980s to over two thousand by 2008. It was not until 1998 that the first sex workers' organisation, the Cambodian Prostitution Union (CPU), was founded. CPU received support from the Cambodian Women's Development Agency (CWDA), a prominent organisation engaged in projects and research related to trafficking and sex work in Cambodia. In June 2000, the

Women's Network for Unity (WNU) was established as an autonomous network operated by and for sex workers, distinguishing it from organisations run by NGO activists (Sandy, 2012).

1.2.1 Unravelling Dynamics: Cambodia's Connection with the U.S. Regarding the Sex Industry and Human Trafficking

The concern by the US in particular with human trafficking shapes policy regarding the global sex industry. Since 2001, all countries around the world have been ranked by the U.S. in the Trafficking in Persons (TIP) report based on their efforts to combat human trafficking, with a Tier 3 designation being the lowest rank. Low-level designation carries the potential consequence of withholding non-humanitarian and non-related aid from the U.S. Many countries, including Cambodia, attach significant importance to their annual TIP rankings due to the potential impact on their image and the looming threat of sanctions associated with a Tier 3 rating (HRW, 2010). The yearly evaluation from the U.S. Department of State's Office dedicated to overseeing and fighting TIP, showcased in the TIP reports, undeniably influenced policy advancements in Cambodia (Bradley & Szablemwska, 2016).

In late 2002, a cable signed by Colin Powell, who was the Secretary of State of the United States at that time, was sent to all U.S. Agency for International Development (USAID) field officers and grant recipients. This cable stated that "ORGANIZATIONS ADVOCATING PROSTITUTION AS AN EMPLOYMENT CHOICE OR WHICH ADVOCATE OR SUPPORT THE LEGALIZATION OF PROSTITUTION ARE NOT APPROPRIATE PARTNERS FOR USAID ANTI-TRAFFICKING GRANTS AND CONTRACTS, OR SUB-GRANTS AND SUB-CONTRACTS" (WNU, n. d. para. 6).

That same year, in August 2002, the Cambodian government attempted to pass legislation, drafted by the Ministry of the Interior (MoI), with technical assistance from Japan, to criminalise sex work. Yet, due to protests by WNU, CPU, and their supporters, the law was never enacted (Sandy, 2012).

In January 2003, U.S. researchers sought 960 sex workers for a year-long Tenofovir trial to prevent HIV transmission, offering a \$3 monthly compensation. In March 2004, the WNU protested the trial and demanded lasting health coverage (Sandy, 2012; Schmid, 2011). The attention led Prime Minister Hun Sen to shut down the trial and expel the researchers within a month (Sandy, 2012).

Starting in 2003, U.S. legislation addressing HIV/AIDS and human trafficking mandated that recipients of international funding for anti-AIDS efforts must adopt a policy “opposing prostitution and sex trafficking as a prerequisite for obtaining funding”. Moreover, the legislation explicitly prohibited the use of funds for the purpose of “promoting, supporting, or advocating the legalisation or practice of prostitution” (HRW, 2010, p. 60).

1.2.2 Sex work and Human trafficking stories in Cambodia

Human trafficking stories in Cambodia are widespread in local and international media, often evoking strong emotions and reactions. A highly debated modern trafficking story is the case of Somaly Mam. Mam's story begins in Cambodia and tells of her life marked by violence, rape, torture, and years of enslavement by abusive men after being orphaned as a child in the Cambodian countryside. Dating back to 1996, Mam and her husband co-founded Agir Pour Les Femmes en Situation Précaire, or Helping Women in Danger (AFESIP) (Hoefinger, 2016). AFESIP's mission is to remove, rescue, and rehabilitate sex workers, and they have strong opposition to the commercial sex industry. AFESIP refers to its anti-trafficking activity as a “victim-centered approach” (Schmid, 2011, p. 66). The approach involves training women in “sewing, housekeeping, hairdressing, small business management, weaving, and handicrafts” (Schmid, 2011, p. 67). Mam founded the Somaly Mam Foundation (SMF) in New York in 2007. Through SMF and AFESIP, she led so-called rescue operations in Cambodian brothels, gaining global recognition, awards, and collaborations with media figures and women's rights advocates (Hoefinger, 2016).

In February 2008, the rising influence of the movement for the abolition of sex work in Cambodia, pressure from foreign donors, particularly the US, urged by the Bush administration's assessment of trafficking in Cambodia, and financial support from United Nations Children's Fund (UNICEF), resulted in the Cambodian government passing the *Law on the Suppression of Human Trafficking and Sexual Exploitation* (LSHTSE) (Hoefinger, 2016; HRW 2010; Keo et al., 2014; Sandy, 2012). This 2008 law explicitly aligned with the U.S. government's policy of eliminating sex work, equating it with human trafficking. WNU advocated for appealing Cambodia's anti-trafficking law, aligning with the MTV EXIT campaign at Phnom Penh's Olympic Stadium (Sandy, 2012).

1.2.3 Illegal Detention of Sex Workers

Significantly, in 2010, Prime Minister Hun Sen urged police to eliminate brothels, nightclubs, and karaoke parlors as part of anti-trafficking efforts (Hoefinger, 2016). Sex workers and marginalised individuals, whether trafficking victims or minors, who were arrested as part of this crackdown, reported being held in detention by the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSAVY), which was established 2005 (MOSAVY, n.d.). Subsequently, detainees were directed to either NGOs or government Social Affairs Centres (SAC), which are overseen by the MOSAVY. These centres, Prey Speu and Koh Kor, were officially established for voluntary rehabilitation services. Prey Speu opened in 2004 under the guise of a vocational training centre; however, it has always been used as an arbitrary detention site for marginalised people snatched off the streets of Phnom Penh (LICADHO, 2022). Koh Kor detained sex workers, homeless people, beggars, and drug users until July 2008 and is currently inactive (HRW, 2010).

The crackdown persisted. On January 1st, 2017, Pen Sokunthea, a 33-year-old sex worker, tragically died during a police arrest attempt. Despite media and NGO outcry, no accountability or justice followed for Pen Sokunthea, and raids persisted (WNU, 2019). The most recent crackdown on sex workers occurred on June 17, 2023, in Phnom Penh, authorities arrested 34 sex workers on Veng

Sreng Boulevard, triggering responses from NGOs, the government, and the public on social media (Radio France Internationale [RFI], 2023). Consequently, the opposition party called Khmer United Party (KUP) has taken a unique position, proposing limited legalisation solely in Sihanoukville for sex work (KUP, 2023).

The historical narrative of sex work in Cambodia is intricate. Notably, the impact of the abolitionist movement, along with pressure through TIP and its control of access to US funding, has further reinforced the stigma surrounding sex work and resulted in the legal efforts to eliminate it. Moreover, this has led to increased crackdowns, abuse, and arrests of sex workers, raising substantial concerns regarding discrimination, and sex workers' human rights violations. Consequently, the discourse on sex work in Cambodia persists as a politically complex issue.

1.3 Thesis Theme and Questions

This research aims to act as a resource for contributing to address issues that have received limited attention within the context of sex work law reform in Cambodia. This thesis poses the following research questions:

- 1) What are the current recommended policy approaches to sex work from the Cambodian government and other significant stakeholders?
- 2) What is the best way forward to advance the interests of sex workers in Cambodia?

1.4 Significance of the Thesis

This study is significant in that it exposes the experiences of Cambodian sex workers whose lives are subjected to vulnerabilities, such as poverty, violence and abuse, inadequate access to education and health, and unsafe working conditions perpetuated by gender inequalities and societal injustices. This thesis will contribute to the academic scholarship about gender and sex work, specifically in relation to the Cambodian context and setting. It accomplishes this by offering a comprehensive analysis of Cambodia's prevailing discourses around sex work, lived experiences of

sex workers who are impacted by the influences of U.S. government's foreign aid policies, and the agenda on human trafficking for the sex trade.

1.5 Methodology

The methodology employed in this thesis centres on the qualitative analysis of secondary data sources, which collectively provide a multifaceted exploration of the phenomenon of sex work and sex workers in Cambodia (Tomaszewski et al., 2020). These secondary data sources included scholarly journal articles based in ethnographic, social, human rights, gender, and anthropological research; NGO reports; and national and international newspaper articles, websites, and social media content (Ruggiano & Perry, 2019).

Ethnographic and empirical research in the areas of society, human rights, and gender relationships provides a deep analysis and qualitative understanding of the historical discourses, and cultural and societal dimensions shaping sex workers' lives and the laws imposed upon them. In addition to academic literature, NGO reports serve as an invaluable and authoritative account of field research, offering firsthand accounts and insights into the challenges faced by sex workers and the impacts of laws and policies that criminalise activities associated with sex work. National and international newspaper articles offer historical and contemporary views of sex work portrayed in the public discourse, while website and social media content capture real-time narratives and the voice of sex workers and debate around sex work in Cambodia. Contemporary accounts and up-to-date knowledge are of paramount importance in anticipating the trajectory of efforts aimed at addressing the violations against sex workers' human rights and instigating law reform.

1.6 Outline of the Thesis

This thesis comprises seven chapters. This first chapter has provided an overview of the historical context and the adverse developments pertaining to the practice of sex work in Cambodia.

Chapter 2 concentrates on the key arguments concerning the sex work discourses in Cambodia, whereas Chapter 3 delves into the various Southeast Asia approaches employed to reform the legal status of sex work. The critical analysis in this thesis is in the fourth, fifth, and six chapters. The fourth chapter scrutinises the proposed legalisation of sex work, which is primarily advocated by non-sex workers. The fifth chapter undertakes an in-depth examination of the proposed decriminalisation of sex work, advocated by a sex worker-led organisation. In Chapter 6, the focus lies in the evaluation of proposed sex work law, with a critical analysis of the most suitable approach for Cambodia to adopt in advancing the interests of sex workers. This final chapter delivers the definitive conclusion of the thesis.

1.7 Limitations

A primary limitation of this research stems from its reliance on English-based secondary data in the literature. While this approach provides valuable insights, it may overlook important perspectives and information in Cambodian sources and primary material that are not available in English. Another notable limitation is that some relevant reports were no longer accessible, as these were NGO and INGO reports published between 2008 and 2012 and are not available online. Similarly, the absence of qualitative interviews from sources for this study poses a current limitation that must be considered for future research endeavors. Furthermore, sex worker grassroots organisations in Cambodia mostly documented and printed their work in hard copy, with correspondingly limited availability outside the country.

Chapter 2: Literature Review. The History and Sociological Analysis on the Sex Work Industry in Cambodia

This chapter explores academic and grey literature related to the Cambodian sex industry, with a focus on four key areas. I will begin by discussing prevailing perceptions of sex workers, followed by an examination of human trafficking statistics. Next, I will delve into the multifaceted narratives of sex work initiation. Finally, I will present the challenges posed by the Law on Suppression of Human Trafficking and Sexual Exploitation (LSHTSE). Through this analysis, I aim to provide comprehensive insights into the complexities of the Cambodian sex industry.

2.1 Guestimate Human Trafficking Statistics in Cambodia

Thomas M. Steinfatt's extensive field studies in Cambodia revealed contrasting findings regarding the prevalence of sex workers and trafficked individuals. His 2003 observation-based study reported approximately 20,829 sex workers in Cambodia for 2002, with 5,250 in Phnom Penh and an estimated 2,488 coerced into sex work. However, there exists a significant discrepancy as Phnom Penh circulated estimates ranging from 80,000 to 100,000 trafficked women and children in Cambodia since the late 1990s (Steinfatt, 2003). In his later 2011 publication in Springer Netherlands, Steinfatt raised concerns about these figures, emphasising a lack of empirical evidence and potential exaggeration by NGOs and the media to serve specific agendas (Steinfatt, 2011).

Contrastingly, UNdata from 2015 showed fluctuating estimates of sex workers in Cambodia, varying between 37,000 in 2013 and 34,400 in 2014 (UNdata, 2015). Similarly, as a segment of the Young Women's Health Study, Professor Lisa Maher and her team's observational study on young women, aged 15-29, engaged in sex work in Phnom Penh indicated that in 2009, 96% of the estimated 35000 female sex worker in Cambodia worked outside of brothels, primarily in entertainment venues or on the streets (Maher et al., 2015, p. 103). This data highlights the discrepancies in reported figures regarding sex work and trafficking in Cambodia, emphasising the need for further research and critical evaluation to gain a more accurate understanding of the realities faced by individuals in the industry.

2.2 The Complex Narrative of Sex Worker Entry in Cambodia

A number of scholars (e.g., Busza, 2004; Hoefinger, 2013; Sandy, 2006) actively debate the diverse motivations behind women choosing sex work. They seek to understand the factors influencing these choices, distinguishing between victims of trafficking and consensual sex workers. The argument is that sex workers cannot be universally labeled as either trafficking victims or exploited individuals; some enter the profession voluntarily, while others are forced into sex work. Associate Professor Joanna Busza's study in 2002 on Vietnamese sex workers in Svay Pak village challenges the prevailing narrative by highlighting the condition of migration for sex work with trafficking, shedding light on the complexities faced by these women (Busza, 2004). Busza (2004) argued that women from southern Vietnam moving to Svay Pak were informed about sex work through discussions with relatives or friends and often relocated to enter brothels, incurring debt because they often borrowed money upfront from brothel owners to send back home, with the intention of repaying the debt through their work. She contended that in a setting where sex work is illegal, and migration associated with it is labelled as trafficking, the system will persist in creating substantial obstacles for sex workers seeking to sustain their means of living. She claimed that most adult sex workers in Svay Pak did not align with the UN Protocol's definition of trafficking (Busza, 2004).

Expanding on this matter, Sandy (2006) interviewed Cambodian sex workers in Sihanoukville in 2003 and offered insights into the multifaceted nature of sex work. Sandy claimed sex workers as active participants in a complex situation, because they were not merely victims or powerless actors. Importantly, she emphasised that many women, including those she interviewed, turn to sex work primarily for economic reasons, closely tied to survival and supporting their families. According to Sandy, sex workers she interviewed stressed the importance of "strong family values" and viewed sex work as necessary to fulfill obligations to provide financial support for their family, while also finding personal satisfaction in earning money in a difficult economic environment where many experience

extreme poverty. For some, this duty is virtuous and upholds Cambodia's societal norms (Sandy, 2006, pp. 464-465).

2.3 Challenging Dominant Narratives of Sex Work in Cambodia

Annuska Derks (2008), a social anthropologist, also challenged the conventional victim narrative and oversimplified coercion versus voluntary engagement dichotomy in the sex industry. Derk's research, featuring the case of "Melea" refutes the notion of being forced into sex work. Melea's motivation, rooted in her troubled relationship with her husband, responsibility toward her impoverished mother, and the need for employment, demonstrates the complexity of sex work. Similarly, Derks challenges the common free choice versus coercion distinction in sex work, emphasising the need to move beyond this binary to understand the complex and contradictory experiences of women in the industry. She also discusses how evolving perceptions of sex workers can lead to shifts in how they are categorised and treated, reflecting changing societal views of their situations (Derk, 2008).

Heidi Hoefinger explored young Cambodian women in the tourist bar scene and their transnational relationships with "Western boyfriends" in her 2013 book. Women like Lyli and Pich, whom she interviewed, engage in "transactional" relationships, exchanging intimacy for material gains like gifts, money, housing, or visas. The author explains that, in Cambodia, girls involved with Western boyfriends describe their relationships using three terms: "sex-for-love," "sex-for-fun," and "sex-for-money." When they actively engage in multiple transactional partnerships, perform intimacy, and primarily seek material benefits, they are designated as "professional girlfriends" (PGs) (Hoefinger, 2013, p. 4). This distinction is essential because it separates direct exchange for cash from non-commercial, gift-based sexual dynamics among bar girls. Despite societal stigmatisation, professional girlfriends use their own means to improve their opportunities and secure a better future, much like openly identified sex workers. Distinctively, she asserts that this concept challenges stereotypes and

highlights agency in sexual activity and partner choice, breaking down exotic stereotypes and perceptions of passivity among Asian women. It reframes the narrative, unlike the experiences of Western women (Hoefinger, 2013).

Keo et al. (2014) argued that the widely accepted definition of human trafficking, often labelled as “modern-day slavery” by the U.S. Department of State and the United Nations Office on Drugs and Crime (UNODC), does not align with Cambodia’s specific circumstances. Keo et al. (2014) found that most convicted traffickers in Cambodia were impoverished women engaged in simple criminal acts due to limited legitimate options. Issues like predatory crime, drug use, sex work, and illegal migration generate excessive public anxiety and moral outrage, often overshadowing the reality of their limited prevalence. This misperception is exacerbated by the media’s focus on sensational cases, diverting attention and resources from other important social concerns and signaling a state of moral panic.

Melissa Ditmore (2014) conducted a study that examined the experiences of Cambodian sex workers regarding structural and physical violence. Ditmore (2014) noted that sex workers in Cambodia operate in a highly violent environment. Despite the financial benefits, societal roles for women are limited, often leading to stigmatisation as “broken women” and making them easy targets for violence and theft (Ditmore, 2014, p. 24). Many sex workers lack social recognition, despite entering the profession to meet societal expectations, according to Ditmore (2014).

In her master’s thesis, Delerce (2019) examined the experiences of Cambodian women bar entertainers in the context of Western discourse, particularly in relation to sex work and human trafficking. Her research challenged the prevalent U.S. discourse, which often highlights extreme violence against women, by revealing that many Cambodian women working in bars do not have such experiences. This suggests that violence is not a constant defining factor in their lives. The study also showed that many women consciously chose sex work to achieve greater freedom and income, and their entry into this profession involved a deliberate evaluation of alternative opportunities. Contrary

to the portrayals in the U.S., the women interviewed for that study often had close relationships with those involved in their work, including traffickers, who were frequently family members or friends. They also formed long-term relationships with clients, with many aspiring to marry one of them (Delerce, 2019).

Some research has examined the representation of sex workers in media and by key commentators. In 2007 anthropologist Larissa Sandy critiqued a Pulitzer Prize-winning journalist known for his work at The New York Times Nicholas Kristof, who extensively writes about human rights, including child sex workers in the developing countries. Sandy's critique highlighted Kristof's portrayal of sex workers as victims in his 2004 publication, where he claimed to "provide first-hand evidence of his purchase of young Cambodian women from a brothel" (Sandy, 2007, p. 195). Sandy further analyses Kristof's work by emphasising the "victim-villain-hero narrative", which she contends disempowers sex workers while glorifying the role of rescuers (Sandy, 2014, p. 10). Sandy (2007) argues against the narrative that all women are trafficking victims, countering sensationalised stories about Cambodian sex slaves.

Kristof was not alone in sensationalising and equating sex workers with sexual slaves. Somaly Mam, a self-identified survivor of the Cambodian sex trade, introduced above, also plays a prominent role in this narrative. Heidi Hoefinger critically analyses Somaly Mam's narrative, which closely aligns with the discourse of extreme control and exploitation and resembles Western depictions of sexual slavery. She claims that Mam's narrative has had a significant impact on the global anti-trafficking movement, particularly within Cambodia. In Cambodia, the prevailing narrative surrounding sex work, largely driven by the international "rescue industry", centers on anti-sex work abolitionism, which equates sex work with human trafficking and violence against women (Hoefinger, 2016, pp. 70-71). Hoefinger (2016) discusses Mam's early involvement in establishing AFESIP, emphasising the "rescue" of women and children from sexual exploitation. She argues that Mam's self-representation

and humanitarian efforts aim to challenge Western-centric, simplified views of gender and sexuality. The anti-trafficking abolitionist movement, influenced by figures like Somaly Mam, gained significant traction during the Bush administration's focus on the anti-trafficking agenda in the early 2000s (Hoefinger, 2016).

2.4 Examining Laws and Its Consequences for Sex Workers

Extensive research has focused on the impact of 2008 anti-trafficking laws on sex workers, considering their rights, health, and activism. The objective is to understand their well-being, especially concerning HIV transmission, potential rights violations, and their ability to organise and advocate for themselves. To explore this, I will begin with a definition of the LSHTSE.

The objective of this law is designed to combat human trafficking and sexual exploitation to protect human rights, improve citizen welfare, uphold national customs, and fulfil international obligations, including the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, and other related agreements Cambodia has ratified or signed.

Chapter 1 Article 1 of the 2008 *Law on Suppression of Human Trafficking and Sexual Exploitation* (Kingdom of Cambodia, 2008, p. 3).

Chapter 4 of the law primarily addresses issues related to the sex industry, with a specific focus on "Prostitution and Child Prostitution". Article 24 places a significant emphasis on tackling public solicitation, targeting individuals who actively seek sexual services in a public setting for their personal gain. The prescribed penalties for this offence include imprisonment for a duration of one to six days and a monetary fine ranging from \$0.75 to \$2.50. It also stipulates that minors will not face punishment for soliciting. Articles 25 to 29 delve into regulating and managing sex work procurement.

These provisions offer a comprehensive definition of what constitutes procurement and outline the corresponding penalties. They encompass issues like involving underage sex workers and instances of documented abuse. The range of penalties for these offences varies, with the minimum sentence being two years and the maximum reaching up to twenty years. Articles 30 to 32 are concerned with the governance and oversight of activities related to the sex industry. These specific clauses provide detailed insights into intermediaries involved in sex work and the management and operation of venues established for such purposes. The prescribed sentences for these violations can extend from a minimum of two years to a maximum of five years (Kingdom of Cambodia, 2008, pp. 9-11).

According to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), the enactment of the anti-trafficking law in February 2008 sparked extensive raids on brothels and individual sex workers in Cambodia. Authorities have carried out routine nightly operations in Phnom Penh, targeting the apprehension of sex workers, vagrants, beggars, and street children, a practice that has persisted over the years (LICADHO, 2008; Keo, 2009). Sandy (2012) asserts that the arrest of sex workers, closure of brothels, and the conduct of brothel raids and rescues emerged as the primary strategies to combat human trafficking in Cambodia. These methods, often coupled with the forced rehabilitation of sex workers, effectively became the dominant—if not the exclusive—approach to address trafficking within the country.

Following the 2008 law's introduction, LICADHO documented the deplorable conditions in detention centers and severe abuses, including rape, physical abuse, and forced labor. They expressed deep concern over these violations of the human rights of innocent Cambodian citizens and called for government and civil society organisations to implement necessary measures to stop these abuses (LICADHO, 2008).

In 2009, Chenda Keo's report for the Cambodian Alliance for Combating HIV/AIDS (CACHA) examined the LSHTSE's impact on the right to work for entertainment and sex workers.

Keo (2009) noted that the 2008 anti-trafficking law led to a misconception that sex work was illegal, resulting in numerous brothel closures and arrests, often due to the possession of condoms. For instance, PSI reported the closure of about 381 brothels in Cambodia between March and June of 2008. Additionally, Family Health International (FHI), documented the closure of 48 brothels in Phnom Penh, leading to the arrest of five brothel owners and affecting around 255 sex workers. Many of these sex workers were apprehended, detained, and often released only upon payment of bribes, which ranged from USD25 to USD150. Those unable to pay these bribes remained detained for periods ranging from a week to several months. Keo argued that these detentions were illegal for two main reasons: 1) individuals were arrested while partaking in regular activities such as walking, eating, and sightseeing, not sexual solicitation, and 2) the detentions occurred without formal charges or convictions, surpassing the lawful detention period of 1-6 days (Keo, 2009).

In a 76-page report titled “*Off the Street: Arbitrary Detention and Other Abuse against Sex Workers in Cambodia*”, published in 2010 by New York HRW, Cambodian authorities were found to be unlawfully arresting, detaining, and abusing sex workers. HRW (2010) reported a range of abuses against sex workers in Phnom Penh, including arbitrary detention, due process violations, physical violence, rape, sexual harassment, forced labor, extortion, confiscation of their possessions, and other forms of mistreatment. Furthermore, HRW’s 2010 report details that starting in May 2010, the Phnom Penh Municipal Social Affairs (MSA) Office required sex workers to sign an agreement in which they promised to discontinue indecent activities affecting morality and public order in exchange for release to NGOs. Many sex workers reluctantly agreed to sign due to fear and the hope of gaining their freedom.

Based on information from WNU’s website, in 2011 and 2012, a study conducted by WNU examined the human rights violations, living conditions, and working conditions of 143 independent sex workers in five districts in Phnom Penh. Out of these, 127 reported being detained for over 4 hours

in police stations or detention centers under the MSA where they received no food, water, or medical assistance. The Community Legal Service of WNU, established in 2011, documented 86 sex workers, 82 of whom worked on the streets. These individuals required assistance on 12 occasions to secure their release from the Department of Social Affairs' detention center due to raids in public parks (WNU, n.d.).

Amanda Dumey (2009), a Juvenile Law Attorney, highlighted how Cambodia's 2008 anti-trafficking law has disrupted the 100% CUP, originally designed for HIV/AIDS prevention. The program now justifies detaining individuals with condoms, driving the sex trade further underground and negatively affecting HIV prevention efforts. Dumey argued that these laws and restrictions not only harm sex workers but also jeopardise progress in reducing HIV prevalence (Dumey, 2009). Furthermore, she pointed out that criminalising sex work impacts women who engage in the trade, often as their sole means of livelihood.

LICADHO's 2009 media statement highlighted that among the 12 detained sex workers, at least four were living with HIV/AIDS and were undergoing anti-retroviral (ARV) treatment. These women, lacking their medication at the time of arrest, missed three days of their essential medicine while held at the NGO (LICADHO, 2009).

The following is based on a 2011 study conducted by Union Aid Abroad APHEDA/ILO (2011) found that legal shifts forced the sex industry to adapt within the entertainment sector, hindering healthcare services' access to sex workers. They claim that, in 2008, Chhouk Sar's, a community-based nonprofit organisation dedicated to delivering top-tier HIV/AIDS services to individuals in marginalised and underprivileged communities, HIV treatment clinic reported a 26% decline in women seeking HIV testing and an increase in HIV-positive women not returning for treatment due to these legal changes. The impact of legal changes on sex worker health is a critical issue in this context.

In their study, Maher et al. (2011) found that the 2008 anti-trafficking law impedes the 100% CUP and restricts access to HIV prevention services, such as condoms and testing, for street-based and entertainment workers. Furthermore, Maher et al. (2011) suggest that entertainment venues may be high-risk environments due to alcohol and drug use, while street-based sex work may provide more control over their surroundings.

In a 2013 a report by Australian founder and former first director of the Prostitutes Collective of Victoria, the Scarlet Alliance in Australia and the Global Network of Sex Work Projects Cheryl Overs, found that the shift of the sex industry to more covert settings, such as restaurants, cafes, and entertainment and massage establishments, introduced new health and human rights challenges, with forecasts of worsening conditions (Overs, 2013). In these entertainment venues central to commercial sex, women assume different roles, including “beer promotion girls”, venue-employed hostesses, and independent hostesses. Overs (2013, p. 18) highlights recurring concerns of excessive drinking, sexual harassment, low salaries for beer promoters, and heightened HIV transmission risks due to discreet sex work practices. Furthermore, Overs argues that replacing the term *sex worker* with *entertainment worker* downplays the critical issues of stigma, violence, and health risks associated with sex work, limiting opportunities for intervention, hindering sexual health programs, and curtailing sex workers' advocacy and support networks (Overs, 2013).

In 2014 Sandy reported on over 75 in-depth interviews with sex workers and various stakeholders in Cambodia, highlighting that sex workers faced police harassment and increased risk of STIs, as many avoided protection and healthcare services fearing they could be used as evidence for their arrest, and noting that arrested sex workers often ended up in rehabilitation centers under inhuman conditions and routine abuse. Furthermore, she argued that the 2008 anti-trafficking law primarily targets sex work, while the more significant issue of human trafficking in other sectors, for example

sweatshops, construction, fishing, domestic work, and forced marriages, were being ignored (Sandy, 2014).

In 2015, Maher et al. reported an observational study involving 80 young women aged 15-29 engaged in sex work in Phnom Penh, interviewed in 2009 and 2011. They concluded that the implementation of the 2008 anti-trafficking law significantly altered the sex work landscape. Historically, sex workers in brothels were easily monitored for HIV prevention efforts, but the law led to a shift, dispersing sex work into various settings like entertainment venues and streets. This relocation made it harder for health services to reach at-risk women, displacing them from the public health system and heightening their vulnerability to violence, including sexual assaults. Such violence undermines the right to health and emerges as a pressing public health issue. Maher et al.'s findings corroborate the impact of aggressive policing, pushing sex work into hidden spaces, hindering women's ability to negotiate safe practices and control their work conditions, thereby increasing HIV/STI risks (Maher et al., 2015).

A cross-sectional survey conducted in 2012-2013 with 798 participants in Phnom Penh by S Mira L. Schneiders and F Amy Weissman (2016) revealed that the primary reasons for the most recent arrest across all groups were drug use (32.9%), selling sex (27.1%), and violent behavior (16.4%) (Schneiders & Weissman, 2016). Notably, they found that 100% of arrested female entertainment workers (FEWs) were apprehended for selling sex, which was a significantly higher proportion compared to all other groups. The authors also discovered that a quarter of key population participants, including half of FEWs, expressed concerns about carrying condoms. Despite all police officers (100%) endorsing HIV prevention and harm reduction, the majority (94.0%) saw arrest and detention as a viable strategy to curb HIV transmission and drug use (Schneiders & Weissman, 2016).

In a 2015 journal published in *Social & Legal Studies*, Law Professor, Natalia Szablewska and Australian Advocacy Advisor, Clara Bradley argued that the solicitation provision has given the

Cambodian police the authority to arrest sex workers, leading to widespread police operations that fail to differentiate between trafficking victims, consenting sex workers, and transactional sex workers. This has resulted in abuse, extortion, sexual assault, and placement in NGOs or infamous social centers, which have seen multiple reports of unlawful detention, sexual violence, and fatalities. They assert that Cambodia's anti-trafficking framework needs reform, as it has failed to adequately protect women from trafficking and sexual exploitation while upholding their human rights and adapting to changing social, cultural, and economic landscapes (Szablewska & Bradley, 2015).

In summary, the literature shows that the prevailing discourse surrounding sex work in Cambodia, and Cambodian government responses, have significantly shaped the challenges faced by sex workers. Existing research highlights a multifaceted narrative that often categorises sex workers as victims of trafficking or sexual exploitation. This narrative, with its complexities, blurs the distinction between consensual sex work and coerced involvement, which is leading to human rights violations and adverse outcomes for sex workers. These multifaceted issues have been examined in this literature review.

Few studies focus specifically on sex work in Cambodia, with most concentrating on trafficking, HIV, sexual health, condom use, and rural-urban migration. The literature mainly explores limited aspects, with only a handful delving into sex workers' broader experiences, such as violence and vulnerability beyond sexual health (Sandy, 2014). It is evident that efforts toward legal reform concerning sex work in Cambodia are largely lacking.

The upcoming chapters will explore global initiatives and legal frameworks related to sex work, emphasising their impact on sex workers' lives and livelihoods.

Chapter 3: Literature Review of Southeast Asia different approaches about sex work

Sex work and the legal status surrounding it represent intricate and multifaceted issues on a global scale. This complexity arises from the significant variation in how different countries and regions approach the regulation of sex work. In this chapter, I conduct a comprehensive exploration of Southeast Asian approaches to sex work, which involves describing various sex work approaches, including criminalisation, the Swedish model, legalisation and regulation, and decriminalisation. To enable a clear understanding of the variety of different ways sex work is regulated, I provide philosophies on sex work and definitions of each sex work law approach. Next, I describe and discuss the current legal statutes in different SE Asian countries. To gather wide-ranging information, I utilised academic and NGO literature, as well as online sources from the Internet. This methodology aims to provide an up-to-date perspective on the global status of sex work.

3.1 Definition, Effects, and Critiques/Challenges of Sex Work Approach

This section examines various regulatory approaches applied to sex work, encompassing criminalisation, legalisation, the Nordic Model (also known as the Swedish Model), and decriminalisation. Each approach is defined and described, outlining their respective effects on the sex work industry. Furthermore, critiques and challenges associated with each model are analysed, offering insights into the complexities and controversies surrounding these regulatory frameworks.

3.1.1 Criminalisation

Karlsson (2022) states that criminalisation makes buying and selling sexual services illegal. However, HRW (2019) highlights the dire consequences of criminalisation:

- **Abuses and Harassment:** Criminalisation exposing sex workers to an array of abuses, often perpetrated by law enforcement, including harassment, extortion, physical and verbal abuse, sexual assault, and coercion.
- **Deterrence from Seeking Justice:** Criminalisation deters sex workers from seeking justice when victimised due to fear of legal repercussions.

- Operate in Unsafe Conditions: It compels sex workers to operate in unsafe conditions to avoid arrest, risking their safety and well-being.

Kyli Rodriguez Cayro (n.d.), a co-founder of the UT-YES Grant at the Sex Workers Outreach Project at Salt Lake City, explains that criminalising sex work increases the vulnerability of everyone involved in the sex trade, including consensual sex workers, survival sex workers, and trafficking victims, to various forms of victimisation, trauma, and health disparities.

3.1.2 Legalisation

Donna Hughes defines legalisation involves regulating sex work through specific laws that dictate its time, place, and manner (Mills, 2021). In simpler terms, legalisation means creating laws that govern when, where, and how sex work can occur, for example, in specific premises, in specific locations in the community, and during specific time periods outside of which it is illegal. Karlsson (2022) argues that the common feature of legalisation approaches is their focus on controlling and managing sex work. Even when certain aspects are accepted and regulated, the primary objective remains limiting and governing the industry rather than allowing it to operate freely. Scarlet Alliance (2022), the Australian Sex Workers Association, emphasises the serious aftermath of legalisation:

- Industry Division: the legalisation of sex work often divides the industry into what are considered legal and illegal sectors, resulting in blame and shame for those who cannot comply with restrictive regulations. Sex workers in illegal settings face similar challenges and penalties to those under full criminalisation.
- Control and Surveillance: this approach leads to strict control, surveillance, and resource diversion, while it also fosters corruption, and hinders access to support for sex workers, such as health services or legal protection.
- Health Implications: mandatory sexual health testing that is often associated with legalisation may deter workers with STIs from seeking help for fear of being barred from their work.

- Economic Disparities: high licensing fees and zoning restrictions tend to favour larger businesses, leaving smaller sex workers with limited bargaining power.
- Covert Operations: biased laws that exclusively target the sex industry, involving licensing and penalties that drive sex workers to operate covertly.

Karlsson (2022) asserts that even when certain aspects are accepted and regulated, the primary objective remains limiting and governing the industry rather than allowing it to operate freely. The emphasis on control limits autonomy and focuses on managing the industry rather than allowing it to operate freely, potentially harming the rights and safety of sex workers.

3.1.3 The Swedish Model (commonly known as the Nordic Model)

Niina Vuolajärvi, author of the upcoming book *Sex work, migration, and the Nordic Model*, notes that Sweden in 1999 was the first nation to criminalise the purchase of sex (Vuolajärvi, 2023). Karlsson (2022) explains that the Swedish model focuses on the criminalisation of the client, those buying sex, rather than the sex worker, which makes the act of purchasing sex illegal, and provides punishment under law. The aim is to eradicate sex work by discouraging clients. Apart from the Nordic countries of Sweden, Norway, Finland, Denmark, and Iceland, the model is currently in use in Ireland, Northern Ireland, Canada, Israel, and France.

Vuolajärvi (2023) posits this model is rooted in specific feminist perspectives that regard commercial sex as a form of violence against women. It posits that true sexual equality occurs in relationships without monetary transactions, as introducing money creates an inherent power disparity, making full and genuine consent difficult for the seller. The core principle here is that targeting the demand for sex work can reduce or eliminate the practice.

3.1.4 Decriminalisation

Karlsson (2022) and the Open Society Foundation (OSF) (2019), a global network of philanthropic organisations dedicated to promoting civil society, human rights, and democratic

governance worldwide, assert that decriminalisation involves eliminating sex work-specific criminal and administrative sanctions, which fosters a conducive atmosphere for the health and safety of sex workers. It has its roots in the proposition that sex work is work. The idea that sex work is a legitimate job comparable to other employment emerged during the 1970s through an organisation led by sex workers in the United States called Call Off Your Old Tired Ethics (COYOTE) (Jeness 1990). According to Karlsson (2022), it is crucial to recognise sex work as a legitimate occupation, subject to labour laws and protections akin to other professions.

Scarlet Alliance (2022) states that decriminalisation of sex work has several key advantages:

- **Liberation from Discrimination:** Enables access to services without bias and empowers sex workers to report violence without fear of legal repercussions.
- **Reduced Corruption and Safer Environment:** Mitigates corruption and fosters a safer working environment for sex workers.
- **Access to Safe Sex Resources and Policy Enforcement:** Safeguards unrestricted access to essential safe sex resources and enforces policies for respectful client behaviour.

Establishes industrial standards, including minimum wage regulations and management guidelines, to prevent exploitation.

- **Empowerment of Marginalised Workers:** Empowers marginalised groups, including transgender individuals, males, drug-involved workers, and underage workers, by ensuring access to rights, support, and essential services.
- **Community Integration and Equitable Access:** Promotes the integration of sex workers into their communities and ensures equitable access to services and events.

OSF (2019) asserts that, while decriminalisation does not address all the issues sex workers encounter, it serves as a fundamental step in upholding their human rights.

3.2 Southeast Asia and Sex Work

In this section, I focus particularly on Southeast Asia due to its close geographical, cultural, and political ties to Cambodia. This examination will highlight varied approaches to sex work within this specific region. In most countries in Southeast Asia, sex work-related activities are illegal. Many countries, such as Cambodia, Thailand, Brunei, Singapore, Malaysia, Indonesia, and Myanmar criminalise soliciting and displaying affection in sexual activities. In Vietnam, Brunei, Laos, the Philippines, and Myanmar, sex work is illegal, and laws explicitly criminalise various aspects of the sex industry, targeting sex workers, clients, and those involved in the organisation and facilitation of sex work.

To illustrate, in Vietnam, sex work is considered illegal under administrative laws, particularly the 2003 *Ordinance on Prostitution Prevention and Combat*, which strictly prohibits various activities associated with sex work, including purchasing sex, selling sex, facilitating, forcing, and exploiting sex workers (Project TX, 2023).

Similarly, in Brunei, both selling and buying sex are illegal, with severe penalties for soliciting sexual acts, and this has been addressed in their Country Report (2023). The legislation in Brunei also criminalises procuring, living on the earnings of sex work, and brothel keeping, categorically stating that sex work is not considered a legitimate occupation (NSWP, 2021).

In Laos, sex work is illegal under the Lao PDR *Penal Code*. Engaging in sex work can lead to penalties, including imprisonment for three months to one year, re-education without deprivation of liberty, and fines ranging from around USD25 to USD145. The law also applies similar charges and consequences to those who assist sex workers or purchase sex (Project TX, 2023).

The sex work in the Philippines is also illegal. Selling sex and profiting from sex work is illegal under the *Revised Penal Code*. Articles 201 and 202 of the code fine and imprison those involved. Moreover, they cover a broader range of offences, encompassing “immoral doctrines, obscene publications, exhibitions, and indecent shows”. What it does not criminalise is clients of sex workers (Project TX, 2023).

In Myanmar, selling sex is illegal, along with solicitation and living off the earnings of sex work. Buying sex is legal, although loitering laws may be applied to clients. Organising or managing sex work, including procuring, owning, or managing a brothel, and aiding and abetting, is criminalised. Other laws disproportionately used against sex workers include public nuisance and loitering offences. There is no mandatory HIV/STI testing or registration, and sex work is not officially recognised as legitimate work (NSWP, 2021).

In Cambodia, Thailand, Singapore, and Indonesia, the legal status of sex work exists in a complex and ambiguous framework. Sex work itself is legal in Cambodia, but soliciting sex is illegal. Organising and facilitating sex work, for example procurement and managing establishments, is also against the human trafficking law (NSWP, 2021).

In Thailand, most sex work-related activities are illegal under the *Prevention and Suppression of Prostitution Act 1996*, which made sex work effectively illegal (Project TX, 2023).

Singapore has legalised sex work and imposes stringent regulations. Sex work is legal and strictly regulated, subject to regular health checks. However, public solicitation, profiting from a sex worker's earnings, or operating unlicensed brothels is illegal (JCPLAW, 2022).

Under Indonesian national law, sex work occupies a legal grey area. There are no specific laws that have explicitly legalised or criminalised sex work. However, related acts like facilitating obscenity for profit, trading in women, vagrancy, and profiting from female sex workers' earnings are criminalised under the *Penal Code*. In Indonesia, sex work primarily occurs in regulated brothel complexes called *lokalisasi*, which operate in designated areas under close supervision by law enforcement. Regulations for brothel workers include mandatory testing and restrictions on movement, while independent sex workers, working outside registered brothels, have more freedom but face greater vulnerability to law enforcement (Project TX, 2023).

In Malaysia, selling sex itself is legally permitted, but related activities like solicitation for sex work are criminalised according to *Article 372B of the Penal Code*. Additionally, offenses such as

disorderly or indecent behaviour in public spaces or other public order violations, outlined in the *Minor Offences Act 1955*, can be applied to sex workers. Furthermore, state-level *Sharia laws*, applicable to Muslim citizens, encompass regulations against adultery (zina) and being in private with someone of the opposite sex who is not a spouse or relative (khalwat). These laws can also be used against both sex workers and clients, along with certain state-level Sharia laws specifically criminalising sex work. Mandatory HIV or STI testing, and registration do not exist, and sex work is not recognised as legitimate work (NSWP, 2021).

Differing from other Southeast Asian countries, Timor-Leste solely criminalised third-party involvement. Selling sex is legal, and there are no specific laws targeting related activities. Police operations often focus on arresting migrant workers violating immigration rules, leading to their arrest and deportation. In addition, purchasing sex is not illegal as the prostitution law in the *Penal Code* mainly concerns third parties involved in sexual exploitation. Similarly, mandatory HIV and STI testing and registration for sex workers are not required (NSWP, 2021).

Southeast Asia's responses to sex work vary significantly due to historical, cultural, religious, and legal frameworks. Cambodia is unique in that soliciting sex is illegal, but sex work itself is not criminalised. This is shaped by Cambodia's tumultuous history, including the civil war, Khmer Rouge, the influence of UNTAC, and U.S. grant policies, which set it apart from the stricter frameworks of its regional neighbors.

In the next section, I delve into an in-depth analysis of the ongoing discourse surrounding sex work in Cambodia. This part encompasses a comprehensive examination of the existing dialogues and perspectives on the topic of sex work. Additionally, the specifics of the proposed legislation on sex work and Swedish model in Cambodia are closely scrutinised.

Chapter 4: Proposed Legalisation and Implementation of the Swedish Model of Sex Work in Cambodia

In the Cambodian context, sex work is illegal under existing human trafficking legislation, subjecting individuals engaged in this profession to various legal penalties. As explored in the preceding chapter, the criminalisation of sex work in Cambodia has had profound social and health consequences, including stigmatisation, discrimination, violence, marginalisation, and more susceptibility to HIV/AIDs and STIs. Nonetheless, despite extensive discussions on the adverse implications of current anti-trafficking law, there is a noticeable lack of substantive dialogue and policy aimed at improving the welfare and rights of sex workers in the country. In this chapter, I examine two models currently being debated that propose to change the law relating to sex work. These proposals have come forward from organisations or individuals that are not affiliated with the sex work industry. These models have been suggested, albeit vaguely, in both academic circles and the media as potential approaches to address the complex challenges related to corruption, HIV/AIDS transmission, and the conflation of human trafficking and sex work in Cambodia. The two models presently being discussed or proposed are the legalisation of sex work and the criminalisation of clients, which is also known as the Swedish Model. These two models can be regarded in contrast to the decriminalisation model, which has been a longstanding proposal put forth by the WNU, an organisation primarily led by Cambodian sex workers, which I discuss in the next chapter.

4.1 Proposed Legalisation of Sex Work in Cambodia

Debates concerning the legalisation of sex work in Cambodia have only begun relatively recently. The topic of whether sex work should be made legal has not been a prominent part of the country's social or political agenda. According to my research, discussions regarding the legalisation of sex work first emerged in Cambodia in 2005; however, it was not comprehensively debated. The topic was raised again in 2009, resurfaced in 2012, experienced a significant resurgence in 2014, and has recently come to the forefront again in 2023, almost 20 years after its initial introduction.

Violence Against Women and Children in Cambodia (VAWCC), an NGO founded in 1997 in Phnom Penh, works to eradicate violence against women and children while supporting victims of gender-based abuse. Additionally, VAWCC actively contributes to HIV/AIDS prevention efforts. VAWCC conducted a study on sex workers living with violence on the streets, led and written by Kasumi Nakagawa (2005), a Japanese professor specialising in gender studies at Pannasastra University in Phnom Penh, with nearly two decades of experience working in Cambodia. Nakagawa found diverse views among non-sex workers on street sex workers. Some blame them for societal issues, while others see them as poverty victims. Nakagawa's research indicates that non-sex workers have differing opinions on the legalisation of sex work; specifically, 46% believe that street sex work should be criminalised, while 54% oppose this idea (Nakagawa, 2005).

In 2009, Chenda Keo, an accomplished Cambodian authority in the field of human trafficking, undertook a pivotal consulting assignment within a broader research initiative undertaken by CACHA. Keo's (2009) report aimed to investigate the challenges arising from the 2008 anti-trafficking law concerning the "right to work" of individuals involved in the entertainment and sex work sector (Keo, 2009, p. 3). He argued that neither the Cambodian constitution nor the existing legal framework criminalises sex work. Additionally, he brought forth evidence indicating that the closure of the Svay Park brothel, a red-light district on the outskirts of Phnom Penh, did not eliminate the sexual and commercial exploitation of the children and girls who had previously worked there. It had only compelled them to scatter and establish themselves in different locations. Keo (2009) stated that this report adopted the standpoint of supporting the rights and well-being of sex workers, and that he was advocating for the optimal path forward, which involves regulating sex work in a manner that effectively eradicates forced sex work and sexual exploitation while simultaneously creating favourable conditions for voluntary sex workers to exercise their rights. He asserted that, if sex work is recognised as a form of work, it should be treated with the same legal and labour considerations. Keo proposed legalisation, and he claimed that the legalisation of sex work should not necessarily be

interpreted as a moral endorsement of paid sex. Instead, it enables the regulation of sex work in designated areas, allowing for the establishment of regulatory mechanisms. Furthermore, Keo argued that unregulated solicitation in public can disrupt social order and potentially harm Cambodia's image in terms of culture, politics, economics, and society. Therefore, he recommends retaining Article 24, which addresses “soliciting in public”, with some clarifications and modifications (Keo, 2009, p. 29). Keo contends that this approach empowers the government to engage in educational, preventive, protective, and rehabilitative programs related to the sex work industry. Keo’s proposal on legalisation of sex work aims to combat exploitation and promote the well-being of sex workers while simultaneously maintaining social order and preserving Cambodia’s image.

In 2012, Sandy examined the global sex workers’ rights movement, specifically focusing on its impact in Cambodia, highlighting how international policy changes affected local sex worker rights activism (Sandy, 2012). According to Sandy, the early 2000s witnessed a transformation in understanding sex work, with advocacy to recognise it as a legitimate profession, emphasising autonomy and choice within the occupation, influenced by shifting international policies and funding dynamics. This paradigm shift challenged anti-prostitution feminists and resonated in countries like Australia, New Zealand, and the Netherlands, shaping government policies and funding models around the concept of ‘sex as work.’ However, contrasting perspectives emerged regarding human trafficking within sex work. While intersecting with HIV issues involving female sex workers, anti-trafficking campaigns largely focused on sexual exploitation, depicting sex workers as victims requiring rescue. This shift, heavily influenced by the anti-trafficking framework, significantly impacted global policies addressing sex work and trafficking. Equally important, Sandy asserted that the two major catalysts for policy transformation were the 2000 *Trafficking Victims Protection Act* (TVPA) and the 2003 *United States Leadership against HIV/AIDS, Tuberculosis and Malaria Act* (Global AIDS Act). Initially, the TVPA made a distinction between voluntary and forced sex work. However, during the Bush administration in 2002 this distinction was later removed, asserting that sex work was inherently

coerced. In 2003, the Global AIDS Act allocated an extra \$15 billion for HIV prevention, care, and treatment. However, it imposed certain conditions for receiving USAID funding, including the “anti-prostitution pledge”. This pledge required groups and organisations to have a clear policy against ‘sex work’ and sex trafficking to qualify for USAID funding. These changes in U.S. policy, combined with global developments, significantly reduced the funding available to sex worker organisations and their partnerships in developing countries like Cambodia (Sandy, 2012). In 1998, the Cambodian Prostitutes Union (CPU) emerged as the first sex worker organisation, forged through the collaboration of local and international women activists, united in their mission to safeguard the rights, recognition, and dignity of sex workers. Supported by the CCWDA, CPU played a pivotal role in addressing the emerging issue of trafficking in women and children for sex work. During these early years, the trafficking of women and children for sex work emerged as a significant concern. Sex workers emphasised the importance of differentiating between voluntary and forced sex work. CPU concurrently advocated for the ‘legalisation’ of sex work as well as for the recognition of their occupational and human rights (Sandy, 2012).

In 2014, Keo, Bouhour, Broadhurst, and Bouhour published a book entitled *Human trafficking in Cambodia*. In the chapter entitled “Human Trafficking and Moral Panic in Cambodia”; the authors proposed the legalisation of sex work. They observe that given the limitations and challenges within the Cambodian criminal justice system, enforcing the 2008 anti-trafficking law while simultaneously upholding the rights of sex workers and victims of sexual exploitation became practically impossible. The authors argued that effectively addressing the problem necessitates substantial structural changes; however, implementing such transformations will take a considerable amount of time. An intermediate response would be to undertake legal reforms aimed at mitigating opportunities for corrupt practices and injustices within the system. One potential reform could involve the legalisation of voluntary sex work. This approach should be complemented by well-structured regulations, entailing the development of a framework that reflects the cultural and social norms of Cambodia while ensuring

that all relevant parties, such as sex workers, community members, government officials, and non-governmental organisations, are involved in shaping and implementing the policy (Keo et al., 2014). In essence, Keo et al.'s (2014) proposal advocates for both short-term and long-term measures. In the short term, they recommended the legalisation of sex work as legitimate employment by regulating it. In the long term, they suggested repealing existing anti-trafficking laws and reforming Cambodia's structural systems.

While the legalisation of sex work appears to reduce harm to sex workers and potentially benefit the government, it is not the exclusive proposition within the discourse surrounding the reform of sex work policy. The criminalisation of clients (Swedish Model), characterised by the criminalisation of the purchase of sex, has gained attention within the Cambodian context. However, there is a dearth of academic literature in Asia on this subject that could be applied in the cultural context of Cambodia. The conceptualisation was initially introduced by a researcher and professor Kasumi Nakagawa, and it was featured in media commentary in 2016.

An article published by the *Phnom Penh Post*, the oldest existing independent newspaper in Cambodia, and read by thousands of foreigners and Cambodians throughout the country, in early August 2016, written by Erin Handley an Australian journalist currently residing in Cambodia, and titled "Soliciting law flawed, says rights advocates", features a photograph of sex workers waiting for customers in the red-light district of the capital, Wat Phnom, late at night. Handley interviewed two non-Cambodian nationals, a researcher and professor Kasumi Nakagawa, and deputy Asia director of Human Rights Watch Phil Robertson, and two Cambodian nationals, a legal expert Sok Sam Oeun, and Phnom Penh Municipal Anti-Human Trafficking chief Keo Thea

According to Handley's report, researcher Nakagawa noted that, from a limited survey of 31 sex workers that she conducted in March and compiled the previous month, 74 per cent had faced arrest while engaging in "solicitation" on the streets. Nakagawa also highlighted that approximately 78 per cent of sex workers were mothers, which, she pointed out, posed challenges if these women

were detained for extended periods. In addition, Nakagawa emphasised that this situation presented a significant challenge, as detaining these women for extended periods could have severe consequences for the well-being of their children. She also stated that sex workers were largely taken to a police station and given a choice: the Prey Speu detention center for rehabilitation or an NGO. Most of the NGOs available for selection are Christian-oriented, and women express reluctance to enrol in these programs because they worry about being subjected to efforts to convert them into “good women”. In Cambodia’s context, the phrase refers to women who conform to traditional societal norms and values related to women's behavior and roles, and those “good women” do not engage in sex work (Handley, 2016a, para. 3-5). Nakagawa acknowledged that sex workers can be arrested and fined if they publicly solicit sexual services under the anti-trafficking law, and argued that legal reform is necessary to protect the rights of sex workers. She expressed that “Unless clients stopped buying sex services, which would require making the purchase of sex illegal, demand will continue to thrive and suppliers will continue to be punished in an unfair way” (Handley, 2016a, para. 7).

In contrast, Phil Robertson called for the immediate repeal of the anti-trafficking provision, citing its frequent use to detain, extort, and abuse sex workers. He urged government donors supporting anti-trafficking projects in Cambodia to act and highlighted the provision’s counterproductivity as it hindered authorities from gathering information to combat real sex traffickers. Keo Thea, disagreed with the notion that the law was counterproductive. He defended the practice of rounding up and arresting sex workers, claiming it was legal, even though the criminal code for solicitation only prescribes fines as punishment. He also mentioned that beggars were treated similarly. However, legal expert Sok Sam Oeun argued that detaining sex workers, even for “education” at places like Prey Speu, was illegal. He noted that the punishment for solicitation is only a fine, which may be relatively small in monetary terms, but it carries significant consequences for the individuals involved (Handley, 2016a).

The second article published by the *Phnom Penh Post* in late August 2016, addressed a related issue concerning sex workers who were arrested under the 2008 anti-trafficking law and subsequently sent to the Prey Speu detention centre, where they were reportedly treated akin to prisoners. The initial section was authored by Meta and Audrey Wilson, which was focused on the arrest and detention of sex workers, while a second section was written by Erin Handley. Within this context, I specifically refer to Handley's piece, as her publication included interviews in response to Kasumi Nakagawa's proposal for the criminalisation of clients. These interviews were done with a program officer at WNU, Keo Tha, an Independent Consultant focusing on Human Rights projects in Southeast Asia with specific expertise on modern Cambodia's socio-political structures and human rights situation Billy Tai, and Phil Robertson. She wrote an early article titled '*Soliciting law flawed, says rights advocates*' in the *Phnom Penh Post*, featuring Kasumi Nakagawa's proposal (discussed above) on the criminalisation of clients. The idea resembled the Swedish Model which seeks to deter the demand for commercial sex by penalising customers without punishing women who might be trafficking victims. In this publication, Handley poses an intriguing and contemplative question: Is it feasible for the Swedish Model to generate positive and effective outcomes when introduced in the Cambodian setting?

There are various perspectives on this policy approach. On the one hand, Keo Thea argues that imposing fines on customers would have adverse consequences for both those who engage in sex work by choice and those who are in dire need of income. In addition, she expressed that men would likely refrain from seeking the services of these women out of fear of potential penalties. As a result, these women could face severe financial hardship, struggle to make a living, and find themselves with no viable options. On the other hand, legal analyst Tai shows support for the concept, suggesting that if the government aims to prohibit the sex trade, its focus should be on reducing the demand rather than penalising sex workers. He advocates, "If you are going to punish somebody, it should be on the demand side. They are more culpable". Furthermore, Tai highlighted the current inconsistency in the

law. While its intended purpose is to combat human trafficking, the law paradoxically penalises both trafficking victims and those who voluntarily engage in sex work. Robertson acknowledges the misuse of anti-trafficking laws against sex workers but also warns against adopting the Swedish model. He explained, “[The model] has pushed the sex trade further into the shadows, made it more dangerous for both sex workers and their customers alike. Criminalising sex between consenting adults is a clear rights violation and an invasion of privacy, and should not be adopted by Cambodia” (Handley, 2016b, para. 42).

Most recently, in 2023, a proposal advocating for the legalisation of sex work in Cambodia surfaced in the local media website *Cambodianess* (<https://cambodianess.com/>), an English-language news outlet founded in 2019 that covers content on economic, political, cultural affairs, and social issues. The journalist for this article (Sopheavotey, 2023), reported on the topic of the legalisation of sex work in Cambodia. This proposal was featured in an interview with three figures: Bunn Rachana, the Executive Director of Klahaan, an organisation dedicated to defending women’s rights, and Chhort Bunthang, the research officer for communication, culture, education, and tourism at the Royal Academy of Cambodia, and Phon Puth Borey, the MOWA spokesperson. Rachana proposed that Cambodia should consider legalising sex work to safeguard the rights and well-being of sex workers. This is because the misinterpretation of the 2008 law by the police has resulted in the conflation of voluntary sex workers with those who are forced into sex work, leading to additional hardships for them. The legalisation of sex work can substantially contribute to reducing incidents of sexual harassment and offering essential protection for those engaging in consensual sex work. Rachana calls upon governmental authorities and policymakers to undertake comprehensive research and formulate legislative measures aimed at defending the rights and interests of sex workers. Similarly, Bunthang expressed his support for the legalisation of sex work. He highlights the inherent ambiguity within Cambodian legal frameworks concerning sex work and emphasises that the anti-trafficking and sexual exploitation laws explicitly address cases involving trafficked individuals, solicitation, exploitation,

and pimping, conspicuously omitting any mention of individuals who voluntarily engage in sex work. However, Phon PuthBorey, the spokesperson for the MOWA, does not explicitly state whether he is in favour of legalisation of sex work. Instead, he claimed that any new legislation must adhere to the Cambodian Constitution. Furthermore, PuthBorey pointed to Article 46 of the Constitution, which explicitly bans human trafficking, sex work-related exploitation, and activities that harm the reputation of women. He emphasised the importance of carefully considering the potential societal implications that legalising sex work might have on Cambodian society. In response to the MOWA spokesperson's opposition to the legalisation of sex work, particularly considering its potential impact on Cambodian women's image, Bunthang agreed with the ministry that legalising sex work could contradict Khmer traditions. However, he acknowledged that legalisation may be essential to address social issues, even when it conflicts with traditional beliefs. He continued by using the example of entertainment clubs and casinos as an illustration. Despite lacking support from Cambodians in the past, these establishments have become increasingly popular over time, and it is only through legal measures that some form of regulation can be imposed on development. Bunthang asserted, "If we can't stop them [sex workers], it should be controlled. I think management is good. Once there is a law to manage, we will know how many people are in this business, and we can support and monitor their health". He went on to add that "When the law is in place, appropriate facilities can be set up to maintain order, and the government can also collect taxes" (Sopheavotey, 2023, para. 6). Both Rachana and Bunthang expressed their favour for the development of a legalisation approach. Rachana's primary aim is to safeguard the rights of consensual sex workers, while Bunthang views sex work as a social issue. Consequently, his approach to legalisation focuses on controlling and managing how sex work operates and exploring how the government can benefit from it through tax collection. Furthermore, Rachana and Bunthang highlight the experiences of other Asian nations, such as Thailand and Japan, where voluntary sex work has been legalised. This reference to international examples underscores the

possibility of implementing similar legal frameworks in Cambodia to provide protection and rights to those who choose sex work (Sopheavotey, 2023).

The current legal framework disproportionately affects sex workers, with clients remaining exempt from legal actions. The idea of adopting the Swedish Model to penalise clients has sparked diverse opinions. The representatives from sex worker-led organisations and Human Rights Watch Asia warn against this model because it could harm both voluntary and economically driven sex workers, pushing the industry further underground and increasing risks. Non-sex workers, gender specialists, and legal analysts believe it is a more effective way to address the issue by targeting the demand side. The debate over the policy of sex work in Cambodia remains a complex and multifaceted issue. The legalised sex work model proposed by CPU in 2012, and Rachana, emphasises the importance of safeguarding the rights of consensual sex workers, while Keo and Bunthang, highlight the importance of safeguarding the rights of consensual sex workers and emphasising on regulating and controlling sex services while generating economic benefits from this approach. In contrast, proponents of the Swedish Model' argue for a demand-side approach to address the issue. Similarly, it is important to be aware that these models are apparently proposed by non-sex workers or organisations that work to serve sex workers, except CPU; however, I discuss their stance in detail in the next chapter. The voices in this chapter are not those of sex workers. However, in the next chapter, I turn my focus on to sex worker-led advocate proposals on decriminalised of sex work to reveal their perspectives.

Chapter 5: Proposed Decriminalization of Sex Work in Cambodia

5.1 WNU Organisational Profiles

“Sex work is work” is a long-standing campaign slogan of the Women’s Network for Unity (WNU) (n.d.), as described in its Strategic Vision: 2014 – 2016, which underscores the WNU advocacy for the rights to work and livelihood of sex workers (see Figure 1). This slogan reflects the organisation’s belief that engaging in sex work should be recognised and treated as a legitimate form of employment, comparable to any other profession or occupation. Moreover, by emphasising that sex work is work, WNU aims to challenge societal stigmatisation and discrimination against sex workers. Equally importantly promoting the fundamental human rights of sex workers and advocating for the decriminalisation of sex work are essential components for WNU in addressing sex work-related challenges in Cambodia.

Figure 1

WNU’s Facebook Post (WNU, 2019)



To comprehensively understand the WNU movement and advocacy, this section provides an overview of the organisation's historical and current profiles. Then, I examine the influence of the strong U.S. politics on anti-trafficking specifically on WNU's mission to empower sex workers' rights. Crucially, the central focus of this chapter is the exploration of the primary determinants of and positions that drive WNU's advocacy for the decriminalisation of sex work. In this chapter, I have used a variety of sources, including academic and non-academic materials, in both English and Khmer languages. It is important to note that I personally translated all Khmer content into English for accessibility.

Historically, WNU was a project initiated by WAC (Women's Agenda for Change) (WNU, n.d.), a non-governmental organisation that took a stance on global issues related to development, free trade, and the U.S. government policies. WAC's mission was to empower Cambodian women workers, and it held opposing views to neoliberal development policies. Additionally, while both organisations shared similar perspectives on these policies, WNU dedicated a significant portion of its efforts to defending sex workers' rights and addressing the immediate concerns affecting local sex workers' livelihood (Schmid, 2011).

In 1999, the WNU, with support from 12 NGOs in Phnom Penh, began organising sex workers. With the backing of these organisations and its subsequent registration as an independent entity, by late 2002 WNU had evolved into a grassroots collective of Cambodian sex workers. This transformation, which included the election of a seven-member secretariat composed of sex workers to ensure sex worker-led governance, involved over 160 sex workers, encompassing some who identified as transgender and lesbian. Notably, WNU achieved formal registration with the MoI in June 2004. It held the distinction of being Cambodia's first sex worker-led organisation, boasting a membership exceeding 5,000 individuals across 13 provinces and Phnom Penh (WNU, n.d.). In 2009, WNU became a member of the United Sisterhood Alliance (Us), a Cambodian coalition dedicated to social development, justice, and policy change, emphasising grassroots involvement, diversity, and

equality (Us, 2015). Additionally, WNU actively participate in regional and global initiatives advocating for sex workers' rights through networks like the Asia-Pacific Network of Sex Workers and the Global Network of Sex Worker Projects (WNU, n.d.).

WNU's vision is to empower sex workers to fully exercise their human rights and live free from violence and human trafficking. Their mission is to strengthen the network of sex workers, enabling them to advocate for increased involvement in the development of programs, policies, and laws related to sex work. These efforts aim to provide sex workers with improved access to social services while ensuring their freedom and free from violence and discrimination (WNU, n.d.). Their key programs include mobilisation and organising, aiming to fortify the membership of sex workers. They offer social assistance to sex worker and their children, covering legal aid, healthcare, and informal education, with funding from a number of international supporting organisations (see Table 1). Additionally, they actively engage in advocacy efforts and campaigns to gain recognition of sex workers' rights and livelihood (WNU, n.d.). According to their website, WNU has undergone significant changes. It recognises the need for a more diverse staff, comprising both sex workers and non-sex workers, to bring a broader range of skills and experiences to build sex workers' movement. In response, a Coordinating Committee (CC) was elected in December 2013 to oversee the organisation's work, replacing the secretariats. The secretariats transitioned into full-time program staff roles. Additionally, a new Manager was appointed to handle the management and program coordination (WNU, n.d.). They are presently carrying on their operation and activities, and currently has around 6,000 members, primarily women aged 18 to 55 (WIC LFS, 2021).

Table 1*WNU Key Financial Donors (WIC LFS, 2021)*

Donor Name	Focus/Area	Current Status
International Women's Development Agency (IWDA), an Australian non-profit organisation	Women's rights in Asia-Pacific region	Active
American Jewish World Services (AJWS), a 501 non-profit organisation	International development and human rights and assisting community-based organisations	Active
Comite Catholique contre la Faim et pour le Development-Terre Solidaire (CCFD), a French Catholic humanitarian aid non-governmental organisation	Against hunger and for development	Active
WaterAid, an international NGO	Water, sanitation, and hygiene	Active
Women's Fund Asia (WFA), a regional women's fund	Initiatives led by women, girls, trans, and intersex individuals to advance their human rights	Active
Southeast Asia Development Program (SADP), a progressive grant maker	Socioeconomic development and environmental health in Cambodia and the region	Active
OXFAM	(Former donor, not current)	Inactive

5.2 Sex Workers and USAID Grants

WNU's mission to uphold the equal rights of sex workers has a history closely tied to the influence of U.S. politics and funding in Cambodia. According to information sourced from the WNU's website, in late 2002, just before WNU's initial secretariat election, five supportive organisations withdrew their backing. Interestingly, WNU claims that this decision coincided with the receipt of a cable signed by Colin Powell (quoted in chapter 1), the United States Secretary of State at that time which directed USAID away from any organisation supporting sex workers.

Following this, organisations receiving USAID grants for HIV prevention and anti-trafficking were required to establish a formal policy against sex work. WNU's efforts to enhance sex workers' access to social services while safeguarding their rights to be free from violence and discrimination conflicted with the new funding restrictions imposed by USAID. Because of this misalignment, WAC/WNU decided to decline a grant offered by FHI (WNU, n.d.)

The U.S. anti-sex work policies have had a significant and detrimental impact on WNU's relationships and collaborations with other organisations. For instance, in early 2003, organisations that had been collaborating with WNU for three years withdrew their support. They expressed concerns about potential repercussions on their U.S. aid due to WNU's empowerment-focused agenda.

While emphasising the importance of addressing working conditions within the sex industry with their slogan, "Don't talk to me about sewing machines, talk to me about workers' rights", has found itself isolated. Schmid (2011, para. 84), claims that Cambodian sex workers are presumed that they would do anything just to quit their job as sex workers are inaccurate, which leads to harm and produces paternalistic policies. Schmid quotes Rosanna Barbero, who is the founder of WAC,

[S]ex workers 'are all pretty damn sick of [hearing] 'We'll put you in front of a sewing machine 14 hours a day and make you a better woman'. Not only is this an unattractive and unrealistic alternative, but it is also a constant reminder to sex workers that they are not respected as human beings by nature of what they do.

She further claims that encouraging disadvantaged women to take jobs that offer less pay for longer hours contradicts the concept of empowerment. Without a doubt, WNU's perspectives had no credence in the views of the U.S. policymakers who adhere to an abolitionist stance (WNU, n.d.).

5.3 Sex Workers' Advocacy and the U.S.'s Researcher

On May 21, 2007, in Phnom Penh Cambodia, an incident occurred, involving researchers from the United States who sought the participations of 960 sex workers to testing in a new HIV drug (discussed in chapter 1). When WNU sought involvement in negotiations, they encountered predominantly English discussions, language barriers and limited translation support. The drug company offered participants \$3 per month in compensation, with no post-trial health insurance. In response, WNU members advocated for long-term health insurance and faced efforts to change their stance, including offers of free transportation and competing incentives from other NGOs. Despite attempts, the drug trial never took place in Cambodia. This experience left WNU stronger but also underscored the deep-seated distrust of USAID-funded initiatives. WNU maintains a firm political stance against funding that impinges on sex workers' rights. Tha and Chea consistently expressed that "they want nothing to do with anything funded by USAID" (Tha and Chea, personal communication, May 21, 2007, as cited in Schmid, 2011, para. 58-61).

5.4 WNU's Advocacy for Decriminalisation of Sex Work in Cambodia

WNU began advocating for decriminalisation subsequent to Cambodia's implementation of the 2008 anti-trafficking law. The emergence of this advocacy coincided with a significant event: during the MTV EXIT anti-trafficking campaign at Phnom Penh's Olympic Stadium in December 2008, around 35,000 people, primarily sex workers, protested. This prompted the WNU to initiate the NO EXIT: Stop Trafficking and Decriminalise Sex Work' campaign. The campaign's critique of MTV EXIT centered on its inability to involve local sex workers due to funding constraints imposed by USAID, thereby limiting discussions on sex work. Through this campaign, the WNU underscored the Human Trafficking Law's violation of sex worker rights, advocating for its repeal and the legitimisation of sex work as a recognised profession (Sandy, 2012, p. 164).

WNU (n.d.) and Facebook's page video (2023) adds that the anti-trafficking agenda promoted by the US government, both through its foreign aid programs and the Tier System of the Trafficking

in Persons Report, exerts significant influence on this legal landscape in Cambodia. Importantly, there is growing concern among sex workers about the strong push within the European Parliament to adopt the Swedish Model, which criminalises clients of sex workers, purportedly to address the vulnerability and exploitation of female sex workers (WNU, n.d.; Facebook's page, 2023). To provide additional context, the EU has been a vital development partner for Cambodia. Since the early 1990s, the EU has played a significant role as a development partner for Cambodia (European Commission's website, n.d.). According to WNU's SC-EF-Final report (2023), in the realm of women's rights and feminist organisation, the persistent challenges of limited funding forces them into a competitive struggle for vital resources. This challenge has implication for their core objectives. However, the problem extends beyond the scarcity of resource. WNU states that the complexities are the changing focus of financial contributors, including philanthropic entities, government bodies, and private donors, directing funding towards maintaining traditional patriarchal structures and economic inequality, diverting them from the core principles of women's rights and feminist work. Intriguingly, some organisations that are perceived as progressive have started to adopting policies that, while complex, have regressive consequences. Notably, the sexual harassment policy, which intended to protect women from exploitation and abuse, has become a mandatory requirement for organisation seeking funding. WNU further stresses that the widespread implementation of Sexual Harassment, Exploitation, and Abuse (SHEA) policies has unintendedly encouraged the criminalisation of clients, leaving independent sex workers in even more vulnerable positions, making them more susceptible to exploitation and abuse.

WNU has crafted a distinct and explicit political stance when it comes to the issue of sex work. Their mission extends well beyond traditional dialogues with governmental bodies centred solely on legislative modifications. Instead, it constitutes a comprehensive approach aimed at challenging all parties or entities that undermine the fundamental rights and choices of women who engage in the sex work industry. In this context, WNU, in collaboration with Us initiated their advocacy endeavours as far back as 2019, taking direct issue with Oxfam's policy on Sexual Exploitation and Abuse (SHEA).

Their core belief is that this policy significantly curtails the agency and autonomy of sex workers, with a particular emphasis on women in the sex industry. WNU has unequivocally articulated their demand for the removal of the “Buying Sex” clause from Oxfam’s policy, underscoring WNU’s unwavering commitment to advocating for the rights and choices of sex workers. Throughout the advocacy process with both Oxfam’s local team in Cambodia and the international team responsible for setting policies and guidelines, several pivotal issues have been brought to the forefront. These include a) The conspicuous absence of a proper consultation process between Oxfam and its partners in the development of policies. WNU emphasises the necessity for full partner engagement to ensure that policies are rooted in the real-life experiences and needs of those directly affected. b) The limitations in Oxfam's understanding of their partners' work and values, notably the principle that “Sex Work is Work”. Despite enduring partnerships that have spanned over a decade, WNU underscores the importance of Oxfam fully comprehending and respecting this fundamental aspect of WNU’s work. In response to WNU’s consistent advocacy efforts, Oxfam initially extended an invitation for WNU and Us to provide input for potential revisions to their policy. However, and to WNU’s deep disappointment, despite their firm and unwavering stance, as well as their persistent communication with Oxfam, including the explicit warning of potential partnership termination in the event the “Buying Sex” clause remained unchanged, Oxfam’s policy remained unaltered. Oxfam claimed that they have raised these concerns and their stance in internal discussions at both local and global levels, and the organisation has acknowledged the issue within the policy. Nevertheless, the policy remains unaltered. Oxfam pointed out the complexities involved in making comprehensive policy changes, citing their commitment to addressing power imbalances and preventing exploitation, particularly within the context of humanitarian work. Consequently, as of early June 2021, WNU officially terminated the formal partnership between Oxfam. WNU and Us underscoring their unwavering commitment to their position against the SHEA’s policy (WIC LFS, 2021).

WNU has proactively addressed their concerns regarding this criminalised client of sex worker policy by convening numerous meetings aimed at formulating their dissent and crafting an alternative perspective on sex work. As a result, it is anticipated that a comprehensive document outlining WNU's stance on sex work and its impact on the policy on sex workers in Cambodia will be generated within the current year. This document will serve as a testament to WNU's commitment to engaging with and reshaping the discourse surrounding this issue (SC-EF-Final Report, 2023).

Calling for decriminalisation

In the complex and often contentious realm of sex work, the intersection of human rights violations and labor rights issues has created a conundrum that calls for a holistic approach to finding solutions. In the part of this chapter, I explore WNU's approach to call for the decriminalisation of sex work that aims to empower and support sex workers on their journey to equality, dignity, and safety. The discussions surrounding the decriminalisation of sex work are rarely debated or considered by the public, media, or policymakers in Cambodia unless WNU raises the issue. It is self-evident that WNU is a prominent advocate for sex workers' rights and the decriminalisation of sex work. In contrast, CPU's position on this matter appears somewhat ambiguous, with observed shifts from advocating for legalisation to advocating for the decriminalisation of sex work. Notably, none of the reports available on their website have emphasised the call for the decriminalisation of sex work (Union Aid Abroad APHEDA, 2017).

Severe violence against sex workers in Cambodia is rooted in regressive laws and policies. These policies, including the Law on Anti-Trafficking and the policy guidelines on Safety Village Communes/Sangkats, have perpetuated a cycle of abuse and exploitation, with public security guards and local authorities often identified as the perpetrators. These legal and systemic issues are of paramount importance in ensuring the safety and well-being of sex workers and transgender individuals in Cambodia. WNU firmly holds the viewpoint of that while the Cambodian Constitution

ostensibly upholds crucial principles of non-discrimination and equality for all citizens. These Constitution safeguards have failed and are not translated into effective measures to ensure the safety and well-being of women, transgender sex workers and entertainment workers. They contend that the existing legal framework, despite its constitutional grounding, has fallen short in protecting the rights and dignity of sex workers in Cambodia. Additionally, WNU strongly emphasises their perspective that the blurred lines between consensual sex work and human trafficking in Cambodia have created significant challenges. They argue that this lack of clarity has had detrimental effects on law enforcement agencies and non-governmental organisation when dealing with sex work-related issues. According to their viewpoint, these uncertainties have, in turn, exacerbated the exploitation of sex workers, who continue to toil in perilous conditions (WNU's Facebook page video, 2022).

WNU's viewpoint further underscores the exclusion of sex workers from national policies and laws designed ensure access to essential healthcare and public services, including social security. They argue that this exclusion has far reaching implication for the well-being of sex and entertainment workers, particularly regarding their access to healthcare. In their perspective, the commodification of healthcare services has posed significant barriers for sex workers in accessing the care they need. In line with their perspective, WNU documented a reluctance on the part of the government and local authorities to support sex and entertainment workers during the COVID 19 pandemic. Instead, they contend that street-based sex workers have been subject to arrest and detention. This, according to WUN's viewpoint, raised serious concerns about the government's actions and their impact on the rights and safety of sex workers (WNU's Narrative Report, Jan-June 2020). Besides, WNU's position extends to the challenges faced by sex and entertainment workers, including labour exploitation, inadequate payment, unjustified termination of employment, and a dearth of government social assistance. From their standpoint, even when government assistance was provided during the COVID-19 crisis, sex and entertainment workers encountered substantial barriers to accessing these services

and believed that the available support fell short of adequately addressing sex worker's needs (Kaagapay Final Narrative Report, 2023).

WNU's standpoint underscores a troubling perspective held by certain public authorities and NGOs, who in their view, seem to believe they have a moral obligation to rescue sex worker and make determination about what serves the best interests of both society and the children of these workers. This attitude has manifested in deeply concerning incidents, such as the forcible separation of a sex worker from her children, as reported in at least one case. Furthermore, within the same context, entertainment workers are compelled to undergo mandatory pregnancy test to retain their employment.

WNU claims that in situations where sex and entertainment workers fall victims to sexual and physical violence, the pursuit of justice often appears to be an elusive goal. This is particularly true considering the immediate discrimination they face from law enforcement officer. Consequently, seeking justice becomes an arduous and uphill battle when confronting cases of domestic violence, violence inflicted by clients, gang rapes, harassment, and abuse perpetrated by police, public security guards, and other public authorities. This case of Pen Sokunthea, as highlighted in their perspective, is emblematic of the challenges faced. Tragically, justice has remained elusive even after her passing in January 2017. Her case encountered setbacks when her sister chose to withdraw it, likely influenced, as WNU suggests, by the offer of a monthly donation of USD 200 for the provision of food and medicine for her and Sokunthea's son from the head of the Daun Penh police (WNU's Shadow Report, 2019).

To address the issues, WNU's ongoing advocacy, having consulted with independent sex and entertainment workers, has adopted a clear stance advocating for the fundamental human rights of sex workers, decriminalisation, and recognition of sex work, rather than its legalisation. Decriminalisation of sex work entails the removal of all laws that treat sex work as a criminal offence. According to

WNU's stance, this model empowers sex workers to function as independent contractors, form collectives, or work as employees in establishments. It grants them essential rights, protection, and access to a range of benefits. Within this framework, sex workers could unionise and can anticipate support and protection from law enforcement agencies, including public security and judicial police, along with other relevant institutions. Moreover, sex workers enjoy a range of options for their workplaces, including street-based work, their own homes, or any combination thereof. They may also opt to work in small collectives with other sex workers or independently. This approach prioritises the rights and well-being of sex workers while addressing the challenges they face in their profession (WNU's Position Statement, 2022; WNU's Shadow's Report, 2019; Facebook's page, 2023).

WNU's Facebook page (20 July 2022) publicly calls for the Cambodian government to recognise that sex work is indeed a form of work, much like any other profession, and a clear stance advocating for decriminalisation. They write (my own translation), "We are opposed to legalisation of sex work because sex work is already a legal occupation". Similarly, WNU's Facebook page in 2021 utilises cross-streaming, broadcasting identical content across multiple Facebook pages. The Voice of Civil Society's Facebook page (VOC), managed by the Committee for Free and Fair Elections in Cambodia (COMFREL), a Cambodian NGO advocating for free and fair elections and democratic governance, is also engaged in this approach. During this cross-streaming, Pech Polet, the managing director, mentions the connection to the ongoing debate surrounding legalised sex work,

I want to make it clear that, WNU, a sex workers-led organisation, does not advocate for legalised sex workers. [There are] 5000 to 6000 members, we are the same as other workers. We advocate for decriminalising sex work and recognising sex work as work. If the government does not respond or address our demand, we will never stop advocating for our rights. We advocate for sex workers' rights based on a human rights-based approach. Sex workers are entitled to be protected, respected, and recognised.

The latest advocacy efforts of WNU found a platform on Radio France Internationale (RFI), a state-owned international radio news network in France. RFI is renowned for its extensive coverage of international news and events, reaching a global audience in multiple languages. RFI Khmer is one such language service. On June 17, 2023, authorities in Posenchey, a district in Phnom Penh, arrested 34 sex workers on Veng Sreng Boulevard. This incident occurred amid intense debates on the legalisation of sex work, proposed by Am Somath, the Phnom Penh-based human rights group LICADHO, a prominent non-governmental organisation dedicated to promoting and protecting human rights in Cambodia, which often frames sex work because of having “no choice due to poverty”. WNU, led by Pech Polet, remains unwavering in advocating for the decriminalisation of sex work. This advocacy, as advocated by Pech Polet on radio, strongly advocate for the removal of all criminalised acts, including punitive and administrative laws. It is import to that WNU, as conveyed by Pech Polet, does not endorse the creation of special laws for sex worker or legalisation of sex work. Instead, they firmly believe that based on fundamental human rights principle, sex work should not be considered illegal. Despite these debates, a government representative strongly affirms the refusal to regulate or reform laws related to sex work. He cites concerns about their impact on Cambodia’s customs and traditions and is actively working towards abolishing it (RFI Khmer’s Facebook page, 2023).

In conclusion, WNU stands as a powerful and unique advocate for the rights and well-being of sex workers, addressing the pressing issues of gender inequality, justice disparities, and the complex legal environment faced by sex workers. With their resolute commitment to protecting and safeguarding sex workers’ rights, even when it comes to losing funding, WNU's core message ‘sex work is work’, demanding social justice and human rights, serves as a potent motivator for constructive social change. A history of WNU's mission and exploration of the influential role of U.S. politics in anti-trafficking efforts and anti-sex work, enables a critical examination of the determinants and positions that shape WNU’s advocacy for sex workers’ human rights and decriminalisation of sex workers. This comprehensive analysis endeavours to illuminate the nuanced dimensions of this crucial

issue, ultimately seeking to chart the best path forward in advancing the interests and rights of sex workers in Cambodia.

Chapter 6: Evaluation of Proposed Sex Work Laws

Sex worker businesses have become everyone's business. And everybody has a say about it. Some say it is disgusting, dangerous, and downgrades women's dignity. Others feel sympathy and urge to save and rescue sex workers because they do not have a 'choice' and they are 'forced' to exchange sex money or benefits. However, Sandy (2014) states that sex workers are agents in their lives. They have developed a self-identified perspective and redirected the public discourse, seeking to convey the realities they experience in their daily lives and profession. This reframing emphasise that sex work can also be a matter of personal choice. These choices are often made based on the opportunities available to individuals and what best aligns with their intersectional circumstance. It underscores that sex work can be a legitimate choice for some. In this chapter, my analysis focuses on identifying the most suitable human rights-based model for addressing right to work, recognising the rights and dignity of sex workers as 'persons', and securing their workplace safety. I base this evaluation largely on the firsthand accounts and testimonies of sex workers, as they have been recorded by a variety of researchers and activists, using their lived experiences as the primary source of evidence. I have structured this chapter into three sections. First, I review the proposed legalisation and the Swedish model of sex work. Second, I also examine the advocacy efforts of sex work-led organisations for the decriminalisation of sex work. Finally, I conclude with a description of the most viable path forward to advance the best interests of Cambodian sex workers, along with my observation of a potential strategic approach that could be adopted.

First and foremost, it is essential to delve into the reasons behind the limited discussions surrounding the approach to sex work in Cambodia, even in the face of the continuation of unlawful arrests and detentions of sex workers that tragically resulted in the death of a 33-year-old sex worker in 2017. Context truly matters here. Cambodia relies primarily on foreign aid to support its economy, education, health, agriculture, and social welfare programs, much of which comes from the United States as the primary donor. For instance, since gaining independence from France in the early 1950s,

Cambodia received aid from the U.S. Notably, this assistance covered education and infrastructure projects, including the construction of National Road 4—a \$25 million initiative linking Phnom Penh to Sihanoukville, symbolising a significant collaboration. Throughout Sangkum Reastr Niyum (1955–1970), the U.S. supported Cambodia's development sectors until the Khmer Rouge regime. Following the 1991 Paris Peace Agreement, which restored peace, the U.S. resumed aid to Cambodia through bilateral channels like USAID, the Department of State, and Agriculture. Since 1992, Cambodia has received approximately \$1 billion in U.S. aid. Between 2010 and 2019, the health and population sector received the highest amount, about \$339 million, followed by governance with \$217 million and education with \$134 million. In 2018, the US government allocated \$152 million across various sectors in Cambodia (OpenDevelopmentCambodia[ODC], 2020). Consequently, the U.S. holds considerable influence over Cambodia and aid contributions are accompanied by a well-defined moral-driven agenda, as described in the WNU (n.d.) website. Schmid (2011) claimed that “Whatever US policy makers decide has enormous impact throughout the world” (p. 46) and Cambodia is no exception.

The economic influence of the U.S. has played a substantial role in reshaping the dynamic of the sex work industry in Cambodia. USAID grants come with strings attached, which are based on policy opposing sex work and sex trafficking. Yet, the reality is that Cambodia is a nation that still emerging from the decade-long civil war and is still wrestling with crippling economic hardships. Therefore, Cambodia faces a harsh truth. Compliance is not merely a choice; it is a matter of survival. The pressing question is: Can Cambodia realistically afford to defy the explicit conditions thrust upon it by the powerful U.S. to enact policies opposing sex work and sex trafficking? More likely, Cambodia will need to adhere to the prescribed criteria and comply with USAID policies necessary to continue receiving financial assistance. Specifically, the TIP report holds sustainable sway over the landscape of sex work, ultimately leading to the promulgation of the 2008 Human Trafficking and Sexual Exploitation Law.

The conditions attached to the U.S. grants prohibit the use of funds to support sex workers or its legalisation. This has the effect of limiting the scope of discussion and reforms related to sex work laws for organisations or entities that received these funds. In addition, since 2008, the replacement of the term sex work with entertainment work in the law effectively eliminates any recognition of commercial sex, thereby preventing the acknowledgement of any associated demands or concerns. These factors in combination indeed can result in the limited discussion and lack of reform of sex work in Cambodia.

6.1 Say NO to ‘Legalisation’ of Sex Work in Cambodia

Why should it need to be legalised when it is not inherently illegal? In the context of Cambodia, the legalisation of sex work falls short in adequately addressing the unique challenges faced by sex workers. Cambodia’s sex industry operates within a complex landscape marked by widespread corruption, unequal in power between law enforcement agencies and sex workers, gender inequality, and social stigma and discrimination against sex workers. These multifaceted challenges cannot be holistically resolved through the framework of legalisation. Fundamentally, to be legalised is to be subject to regulation, and those who fail to comply with regulations may still face criminalisation. To put it differently, if sex workers fail to register, they are in violation of the law. However, who knows what is going on behind these regulations? Is it all about money, or is it not? This matter has a lengthy history of conflict between authorities and sex workers, stemming from past experiences where sex workers have been subjected to exorbitant fines and had to resort to bribing authorities for their release from detention centers. Cambodia has a mix of sex workers, including those working at entertainment-based establishment and on the streets. Consequently, street-based sex work continues to be criminalised under this approach. Therefore, one of the aspects that legalisation does not address is safeguarding all individuals engaged in the sex industry. This model still leaves some marginalised sex workers at a disadvantage. In Cambodia, the prevalent issues of corruption, weak rule of law, and the power imbalances are directly impacting the lives of sex workers. More importantly, laws and

regulations, in Cambodia's context, often work against marginalised groups such as sex workers. Thus, the last thing sex workers require is the introduction of additional laws on them and to be treated differently than other people. Thus, legalisation, as a policy approach in Cambodia, should not be adopted because it lacks the capability to fully uphold the rights and dignity of all sex workers, particularly those who are marginalised.

6.2 Say NO to 'Swedish Model-Criminalisation of Clients' of Sex Work in Cambodia

Sex work is a matter of survival for some sex workers, much like other conventional occupations that provide a means for individuals to earn a living. It is quite ironic that in conducting this research, I had to revisit and clarify the very essence of the concept of work to understand it fully. At its core, having a job is about securing sustenance for oneself and one's family. When that job unexpectedly vanished, it leaves an individual in a difficult situation, at least temporarily, with no means of financial support. Some Cambodian sex workers cannot risk losing their primary source of income, especially considering the extremely limited national social protection available to them.

Criminalising clients means to deter sex workers' only source of income. Removing choices available for sex workers does not contribute to their protection or empowerment. Instead, it can exacerbate the challenges they face in their efforts to secure their livelihoods and improve their well-being and hinder their efforts to negotiate for safe and fair sexual practice. It is essential to recognise that the issues surrounding sex work in Cambodia are deeply rooted in the systemic inequalities and disparities between genders. Stopping unlawful arrest and detention of sex workers should aim to correct the injustices they faced and protect their rights. Simultaneously, exploitation of sex workers is often driven by vulnerability, social stigmatisation, and weak rule of law. Addressing these root causes is crucial for providing support and respect to sex workers while upholding their right and dignity. Abolishing sex work by ending demand signifies a complete lack of recognition for the

existence of sex work. Hence, the Swedish Model is far from recognising sex work as work, let alone safeguarding the rights and dignity of sex workers, and will not ensure a safe workplace for them.

Therefore, Cambodia should refrain from adopting the Swedish Model, which punishes sex workers by removing their ability to earn a living and thus subjecting them to harsh conditions. This model lacks respect and protection for the work of sex workers and denies them basic human rights.

6.3 Say YES to ‘Decriminalisation’ of Sex Work in Cambodia

There is evidence that this model presents a win-win policy, enhancing health, safeguarding rights and dignity, and transforming the relationship between community representatives and the sex workers themselves in areas where street sex work occurs. The New Zealand law included a 5-year review process, and the 2008 report showed significant beneficial outcomes from adopting decriminalisation of sex work, which included:

- 1) No evidence of increases in the number of sex workers, trafficking, or underage sex workers
- 2) Improved relationships between the police and sex workers, with both groups being able to take clients and establishment owners to court for abusive behavior, while government agencies responsible for employee rights and safety also gained expertise in educating and protecting sex workers from harm
- 3) Positive feedback from sex workers about improved working conditions and well-being, with a greater sense of safety under the new legal framework. They also reported being able to negotiate safer sex practices and report abuses to the police
- 4) The harm reduction-focused decriminalisation approach in New Zealand has produced positive results, particularly in terms of reducing the transmission of HIV and other diseases.

There was also evidence to suggest that decriminalisation of sex work encourages sex workers to utilise public health services.

This indicates that with decriminalisation laws in place, firstly, sex workers can work without fear of police abuse, ensuring their safety. Second, sex work is recognised as work, supported by the labor rights of those in the industry who are fully protected. Third, sex workers can leave the sex industry of their own free will without fear of prejudice, allowing them to exit whenever they choose. Fourth, sex workers can access respectful healthcare services, ensuring their access to healthcare. Finally, sex workers can report crimes such as trafficking and child exploitation without fear, contributing to efforts to combat trafficking and child sexual exploitation (Harcourt et al., 2010; New Zealand Ministry of Justice, 2008; Mossman, E., & Mayhew, P., 2007).

In Cambodia, violation of sex workers' human rights has been perpetuated by the human trafficking law since it is impossible to uphold the rights of sex workers in the enforcement of trafficking. Therefore, decriminalisation is a step towards removing laws and policies that impact sex workers rights. Thus, decriminalising sex work would be the most suitable choice for Cambodia, as this would be acknowledging sex work as a legitimate occupation, upholding the rights and dignity of sex workers, and ensuring workplace safety. This shift in policy is a vital step toward a safer, healthier, and more equitable future for sex workers in Cambodia, where their rights and well-being would then be valued and respected.

I strongly believe that centering the voices of sex workers is crucial in pushing for the decriminalisation of sex work. However, I hold a pessimistic view regarding the near-term feasibility of this change, primarily due to the influence wielded by the right-wing U.S. government on aid to Cambodia. This influence poses a substantial obstacle, hindering the prompt implementation of policy reforms related to sex work.

6.4 Towards a Strategic Approach: Observations and Possibilities

It is pivotal to highlight that discussions regarding the reform of sex work laws have remained relatively scarce, predominantly spearheaded by non-governmental organisations advocating for women's rights, with infrequent government engagement. Government responses have led to an absence of legal reform, which policies and practices mainly aimed at eliminating sex work altogether and substituting it with alternative vocational skills, particularly in sectors like the garment industry. Legalisation of sex work would be aiming to control if they cannot stop sex workers from engaging in sex work. Notably, there has been a conspicuous absence of any government discourse addressing the topic of decriminalisation. Given this prevailing landscape, government is unlikely to seriously consider or trial the option of decriminalisation.

It is worth noting that the absence of active involvement of MOWA in discussions regarding sex work law reform stands out. Over the observed period, the ministry has been notably disengaged from active participating in deliberations and conversations concerning sex work legislation. While there was one instance when they expressed reluctance and did not support the legalisation of sex work, their overall lack of proactive engagement in these discussions remains a noteworthy factor. The ministry's role, especially in addressing issues related to gender equality, women's rights, and the well-being of vulnerable populations, including sex workers, indicates the significance of addressing the complexities of sex work laws and their potential impact on the lives and rights of those involved in the industry. Their sustained involvement can be a valuable resource for sex worker-led organisations, helping them anticipate forthcoming legislation. Moreover, the MOWA, through their consistent participation and voice, provides insight into potential legal changes. This assists organisations like WNU in preparing for and adapting to the evolving legal landscape, safeguarding their rights and interests within the framework of the law.

It is crucial to recognise that social change dynamics are at play, and some of these changes are unfolding in response to social media platforms like Facebook. Recently, Facebook has become a tool for promoting social justice and facilitate change in Cambodia. Public debates have recently emerged, advocating for the legalisation of sex work, often grounded in the argument that sex work is driven by its illegal status and that many individuals engage in sex work not by choice, but rather out of necessity due to poverty. This shift in public opinion and discourse could play a pivotal role in swaying the legislative approach towards the eventual legalisation of sex work in Cambodia. Thus, legalisation may become a more popular approach to address the landscape of sex work in Cambodia.

Chapter 7: Conclusion

This thesis has shown how the complex and multifaceted discourse surrounding sex work in Cambodia is rife with interconnected, intersecting, and often conflicting perspectives. The prevailing narrative that often depicts sex workers as human trafficking victims, or individuals solely linked to poverty and social deviance has led to profound injustices, resulting in the violation of sex workers' fundamental human rights. Addressing the root causes of the problem, which has its foundations in policy and law, is needed to prevent sex workers from being abused, harassed, and forced to work in lower-paid jobs with similar exploitation or even worse conditions, especially in terms of economic empowerment.

While sex workers themselves and sex worker-led organisations have been advocating for change, the involvement of women's rights organisation in joining sex workers' movement has been limited, primarily due to funding restrictions imposed by the U.S. government through the prostitution pledge and the pressure on the Cambodian government via TIP. What is unmistakably evident is that the law on human trafficking, ostensibly designed to protect the vulnerable, has inadvertently criminalised sex works and exacerbated their situation, livelihood, freedom, and health. This has resulted in a surge in arrests, escalated instances of abuse, and heightened incidents of extortion and bribery. In essence, the purpose of the legislation was, at least partially, to secure U.S. funding, not to safeguard any Cambodian women.

Despite the longstanding sex workers human rights violations faced by sex workers, tangible solutions to address these issues remain elusive, and the debates around sex work law reform has been notably subdued. The government has exhibited minimal interest in legal reforms designed to safeguard sex workers. Their efforts primarily concentrate on sustaining their relationship with the U.S. to eliminate sex work, aiming to uphold the dignity of Cambodian women, preserve the country's customs and image. There appears to be a limited intention to legalise sex work with the goal of

exerting control and gaining tax benefits. However, the only NGO actively supporting the decriminalisation of sex work is WNU.

The New Zealand decriminalisation model offers a valuable vision for prioritising the rights and well-being of sex workers. However, replicating it entirely in Cambodia is not feasible due to the current political context and significant external influences. Instead, Cambodia can draw inspiration from this model by focusing on specific aspects that can be tailored to its unique circumstances.

Given the limited discourse on legal reform and the prevailing public sentiment against the legalisation of sex work through social media, it is decriminalisation that stands out as the most suitable approach for the Cambodian government to enhance the livelihood, safety, and recognition of sex work as legitimate work. If the rights of sex workers are to be truly respected and upheld, decriminalisation is to be adopted. It is essential to highlight that most individuals and groups advocating for legalisation of sex work are non-sex workers, or in the case of CPU –their stance on the matter is uncertain, oscillating between legalisation and decriminalisation. While most of them may possess educational and professional expertise, one crucial aspect they lack is lived experience. This means that despite their qualification, they may not fully comprehend the intricate challenges, stigmatisation, and vulnerabilities that Cambodian sex workers in their daily lives. The absence of these perspectives from the lens of sex workers can limit the depth and accuracy of their understanding and may result in approaches and policies that do not effectively address the intersectional needs and concerns of sex workers.

Any decision made regarding the regulation of sex work in Cambodia should be based on a thorough understanding of the local sex work context, including societal and cultural, political, economic, and gender inequality structures, and a comprehensive assessment of its potential consequences on all stakeholders involved. Who could have a better understanding of what is best for sex workers than the sex workers themselves? The ongoing dialogue and collaboration among

policymakers, advocates, and sex workers themselves will be crucial in finding a balanced and effective approach to address the challenges associated with sex work in Cambodia.

Conducting comprehensive ethnographic and social research becomes crucial in gaining a profound understanding of the multifaceted dynamics at play. Given the influence of the U.S. in Cambodia's policies, prioritising research that investigates strategies to advance decriminalisation within this context is imperative. This research serves as an evidence-based study for the Cambodian government to ground their decisions on sex work law reform, ensuring that policies and regulations are informed by the intersectional circumstances of Cambodian sex workers.

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