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“I Want Justice from People Who Did Bad Things to Children”: Experiences of Justice for Sex Trafficking Survivors

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Abstract

This research from the Butterfly Longitudinal Research Project focused on understanding the experiences and perceptions of justice and the justice system for 93 Cambodia participants (including 88 survivors of sex trafficking) as they navigated the legal system. Thirty-two of these survivors had experiences in court and provided details into their courtroom experiences, predominantly within Cambodia but also in the United States. The survivors’ experiences were diverse; however, the prevailing themes were: fear throughout their legal journeys; a low level of awareness and understanding of their legal experiences; and that NGO support was essential for these survivors to engage in the often complicated, lengthy and emotionally challenging legal processes. The recommendations generated from the results at the individual survivor level included: encouraging active participation to make informed decisions on their legal journey; survivors need compassionate support from all stakeholders throughout their legal journey; questioning needs to be appropriate, sensitive and age appropriate; and survivor safety needs to be central both in the courtroom and in the community, as perpetrators and their associates may be threatening. At a wider, societal level, the legal system should be accessible and encourage victim participation. Further, the outcomes of court should be adequate for survivors, in that they provide justice, restitution and deter future crimes; trust in the legal system needs to be developed; information and education about the legal system and legal rights should be promoted; and protection for survivors must be enhanced.

Keywords

Cambodia, justice system, sex Trafficking, commercial sexual exploitation, children, police, courts, corruption, bribery, perpetrator, NGOs, trust

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Cambodian justice system.

“I WANT JUSTICE FROM PEOPLE WHO DID BAD THINGS TO CHILDREN”: EXPERIENCES OF JUSTICE FOR SEX TRAFFICKING SURVIVORS

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ABSTRACT

This research from the Butterfly Longitudinal Research Project focused on understanding the experiences and perceptions of justice and the justice system for 93 Cambodia participants (including 88 survivors of sex trafficking) as they navigated the legal system. Thirty-two of these survivors had experiences in court and provided details into their courtroom experiences, predominantly within Cambodia but also in the United States. The survivors' experiences were diverse; however, the prevailing themes were: fear throughout their legal journeys; a low level of awareness and understanding of their legal experiences; and that NGO support was essential for these survivors to engage in the often complicated, lengthy and emotionally challenging legal processes. The recommendations generated from the results at the individual survivor level included: encouraging active participation to make informed decisions on their legal journey; survivors need compassionate support from all stakeholders throughout their legal journey; questioning needs to be appropriate, sensitive and age appropriate; and survivor safety needs to be central both in the courtroom and in the community, as perpetrators and their associates may be threatening. At a wider, societal level, the legal system should be accessible and encourage victim participation. Further, the outcomes of court should be adequate for survivors, in that they provide justice, restitution and deter future crimes; trust in the legal system needs to be developed; information and education about the legal system and legal rights should be promoted; and protection for survivors must be enhanced.

KEYWORDS

Cambodia, sex trafficking, commercial sexual exploitation, children, police, courts, corruption, bribery, perpetrator, NGOs, trust

THE BUTTERFLY LONGITUDINAL RESEARCH PROJECT (The Butterfly Project) is longitudinal research with survivors of sex trafficking in Cambodia. Data was collected from 2011 to 2018. A full description of the research including methodology and ethics can be found in the first paper in the series of this special edition (Miles et al., 2021). This research paper on experiences and perceptions of justice among the Butterfly Project participants was determined by the aftercare programs (programs where survivors receive care and support post exploitation) in a round table discussion during which they were asked what topics they wished to be included in a portfolio of information that would help organisations to better care for clients.

This paper begins with outlining the research context and methodology. Next, it presents findings that were generated from qualitative interviews which took place in 2016 and 2017. Questions were based on experiences of the justice system for 48 of the research population of 93 participants, 32 of which had courtroom experience. All 93 respondents were asked about their perceptions of justice. The findings covered practical aspects of survivor's legal justice experience, including practical support they received, along with thematic areas such as how justice experiences are impacted when trafficking occurs within the family, or when the perpetrator dies. Finally, recommendations that were generated from both the research findings and respondent's suggestions are presented.

THE WORD JUSTICE IN KHMER (CAMBODIAN)

The word justice in Khmer is យុត្តិធម៌ *yut te thor*, which literally translates as "rightness, honesty, and to follow the rule of law" (Samdech Porthinhean Chuon Nath, 1967). *Yut te thor* was used when surveying the participants about their experiences and perceptions of the legal justice system, and conversely, the participants used this term when discussing justice. Understanding that the Khmer language term for justice is used differently helps explain the title of this study. "I want justice from the people who did bad things towards children", means that this participant wished to follow the rule of law and punish the criminal behaviour of sex traffickers of vulnerable children. The full quote from which the title is derived paints an understanding of the motivations behind why this participant sought a legal case against their trafficker:

I just want honesty and justice [sic] from some people who did bad things towards children who did not know anything... They [traffickers] commit that because they have money and power. They can do what they want. They threaten some people who are poorer than them. They threaten children who have no power to fight back.

CONTEXT FOR THE CURRENT STUDY

This section provides a brief overview of Cambodia's recent legal justice history, and outlines the legal definition of trafficking in Cambodia. Topics relating to barriers to justice, human trafficking and corruption, and of brief review of the experiences of International NGO's pursuing justice for trafficking survivors in Cambodia since 2010 are also covered in this section.

Cambodia's Evolving Legal System

Cambodia's legal landscape was completely dismantled during the period of the Khmer Rouge (1975-1979). This genocide led to the killing of or making refugees of many of the elite, including the country's judiciary. This has had a lasting impact due to the systematic destruction of Cambodia's legal and political leadership and who then needed to be trained. Following the suppression of the Khmer Rouge, a decade of Vietnamese occupation followed and finally a new departure was marked from this difficult period with the Paris Peace Agreement in 1991. This agreement was negotiated after two years (1989-1991) of supervisory control of the country by the United Nations Transitional Authority in Cambodia (UNTAC) (Marks & Naraharisetti, 2013).

The Paris Peace Agreement led to the promulgation of a new Constitution in 1993 and the formation of a constitutional monarchy through elections (Marks & Naraharisetti, 2013). The concepts of political pluralism, human rights, and the rule of law were introduced (Kong, 2012). The elections which occurred in 1993 were seen as a new beginning for a country, departing from its violent and traumatic past.

Today, Cambodia's legal system "is an amalgamation of Cambodian customs, the French based legal system (an influence from French colonization), and the common law system, which is an influence arising from foreign aid assistance to legal and judicial reform in Cambodia" (Kong, 2012, p. 8). In essence, the country has a developing hybrid legal system that encompasses the state's legal structure, legislation, and judiciary, alongside its cultural traditions and customs at the grassroots level (Kong, 2012).

Furthermore, in Cambodia's post-conflict society, the state needed to be rebuilt; political, social and legal structures needed to be established anew. During this time, Cambodia ratified an array of international conventions, although some of these obligations are not yet being adhered to and the protections not being achieved. This could be seen as a superficial introduction of human rights and democracy through the interactions of those in power rather than trickling down to the masses (Marks & Naraharisetti, 2013).

Legal Definitions of Trafficking in Cambodia

Cambodia's laws and definitions of human trafficking have been developing over the past 30 years, exemplifying its germinating justice system as a whole. The first iteration of a law responding to these issues was in 1996, although several organizations commented that it was underdeveloped (Cambodian Committee of Women, 2007, p. 24; Human Rights Now, 2009, p. 1).

In 2008, Cambodia enacted the *Law on Suppression of Human Trafficking and Sexual Exploitation* (LSHTSE) (Royal Government of Cambodia, 2008). This law provided a more robust definition of human trafficking from its recruitment, coercion, sale, and transfer of persons for profit and/or exploitative purposes (Royal Government of Cambodia, 2008). Alongside this law, the UN's 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, aka *The Palermo Protocol* (Royal Government of Cambodia, 2008, p. 3; Human Rights Now, 2009, p. 2) offered Cambodia a legal framework for identifying survivors of human trafficking. Specifically, Article 3(a) guides Cambodia:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of

power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (United Nations Office of the High Commissioner on Human Rights, 2000).

Article 1 of the United Nations Convention on the Rights of a Child (CRC) defines a minor as being under the age of 18 (United Nations Office of the High Commissioner on Human Rights, 1990). Article 34 of Cambodia's Law on Suppression of Human Trafficking and Sexual Exploitation, *Purchase of Child Prostitution* distinguishes between children above and below the age of 15 years old. A perpetrator who engages in sexual conduct with a child under the age of 15 years old can be imprisoned for between seven and 15 years. When the offense occurs to a 15-, 16-, or 17-year-old the punishment reduces to between two and five years, thus a less severe punishment than offences against younger victims (Royal Government of Cambodia, 2008).

Barriers to Justice in Cambodia

The United Nations Office on Drugs and Crime (UNODC) 2008 *Toolkit to Combat Trafficking in Persons* and the UN Inter-Agency Coordination Group Against Trafficking in Persons (UN-ICAT) 2016 issue paper, "Providing Effective Remedies for Survivors of Trafficking in Persons" detail common barriers that survivors face when trying to access mechanisms for obtaining justice. At the individual level, barriers primarily include survivors' fear of a variety of experiences, including: facing the perpetrator or their associates in or out of the courtroom; providing testimonies/disclosures publicly in court; or, being punished for illegal activities done under the oppression of a trafficker. Moreover, the desire to forget the exploitative situation; lacking relevant knowledge of their legal rights; low psychological health to engage in legal processes; or, cultural and linguistic issues were all listed as barriers to pursuing justice (United Nations Office on Drugs and Crime, 2008; UN Inter-Agency Coordination Group Against Trafficking in Persons, 2016).

Other reports also identified numerous institutional barriers such as: an inability to afford legal services; survivors not being accurately identified; social and cultural stigma deterring survivors from reporting crimes; corruption; law enforcement and judiciary lacking adequate capacity to intervene and support trafficking survivors, especially women; and, traffickers' inability to pay for compensation (United Nations Office on Drugs and Crime, 2008; United Nations Committee on the Elimination of Discrimination Against Women, 2019; UN Inter-Agency Coordination Group Against Trafficking in Persons, 2016).

Human Trafficking and Corruption

A major barrier to justice is corruption involving the bribery and abuse of power of officials or influential people (United Nations Office on Drugs and Crime, 2004, 2011). In a 2011 paper, the United Nations Office on Drugs and Crime identified that corruption can be linked to the various stages of trafficking; from forging documents during recruitment (p. 24), through the bribery of immigration officials, law enforcement and judiciary (p. 11).

The Cambodian Government has acknowledged that some officials are complicit with traffickers. In December 2016, the Interior Minister Sar Kheng stated he was aware that government officials enable traffickers (Mech, 2016). In 2019, Cambodia was downgraded to the Tier 2 Watchlist on the United States State Department's Trafficking in Persons (TIP) Report, with corruption being an influencing factor:

Corruption continued to impede law enforcement operations, criminal proceedings, and victim service provision. Against a backdrop of insufficient government oversight and accountability measures, authorities did not investigate credible reports of official complicity with unscrupulous business owners who subjected thousands of men, women, and children throughout the country to human trafficking via debt-based coercion. (US Department of State, 2019, p. 126)

While there are concerted inter-departmental efforts by the Cambodian government to combat corruption throughout the country and its leadership, it is clear that corruption is pervasive in many levels of Cambodian society, making it a highly complicated issue to resolve (Blomberg, 2019; International Bar Association, 2015; Cambodian League for the Promotion and Defense of Human Rights, 2015; US State Department, 2019).

Involvement of Human Trafficking Survivors in the Cambodian Legal System

The author contacted Peter Williams, then Field Office Director, Cambodia, International Justice Mission (IJM) to organise an information building discussion. IJM is an INGO that provides legal and practical support to survivors of trafficking. The meeting took place on the 5th of September 2017, and the information below was clarified.

In Cambodia criminal and civil legal cases run concurrently; all the evidence available is heard for both. The survivor is witness in the criminal case and plaintiff in the civil case. Court convictions and the awarding of compensation are conflated, the latter is dependent on the first outcome. Prosecution can be made in the absence of the survivor's willingness to participate providing a statement has been made by the police.

International Non-Governmental Organizations Experiences of Pursuing Justice for Trafficking Survivors

In 2010, Amnesty International explored sexual violence in Cambodia including investigating the violence perpetrated through litigation and restitution. Survivors described how the police and courtrooms were unhealthy environments and how compensation was awarded but not actually obtained (Amnesty International, 2010). This report included information from a survivor who did not pursue receiving compensation from their perpetrator because it would be akin to payment for her virginity that was taken (p. 28).

International non-governmental organization (INGO) Hagar's Report "A System Just for Children" (Reimer, 2015) details the experience of child survivors within Cambodian legal justice system. This study was Hagar's second research study on Cambodia's criminal justice system, the first being in 2011. The 2015 study expanded on the details of its predecessor, finding that much had not changed since its release and recommendations.

Hagar's 2015 report describes issues such as: post-trial safety being a major concern for many children; NGO support critical in all aspects of experience and journeys; children often did not participate in decision making; children experienced fear in court; children expressed mixed feelings towards treatment received from police; children reported being very comforted by the supportive adults; compensation was

not paid despite being awarded; and, children encountered the perpetrator in the courtroom (Reimer, 2015).

The Cambodian League for the Promotion and Defense of Human Rights (LICADHO), a human rights NGO in Phnom Penh, also conducted research on Cambodia's justice system in 2015. Some similarities between the experiences of their cohort with the Butterfly Project's were: the proposition of rapists marrying their survivors as a consequence; public officials were involved with corruption and bribery; and, complaints not being filed because the perpetrator was a family member (Cambodian League for the Promotion and Defense of Human Rights, 2015).

METHODOLOGY

SAMPLE

The participants were recruited through 15 NGO Cambodian aftercare programs for survivors of sex trafficking. While potential respondents were vetted to have had a trafficking experience per the definition of trafficking outlined in the *Palermo Protocol* (see above; 2000), in subsequent years it became clear that the trafficking histories of five individuals were misrepresented to the researchers (Miles et al., 2021). Although these participants did not have a known trafficking experience or experienced the legal justice system, they did have indirect exposure to the justice system through the experiences of their siblings and peers within the shelters and, thus, the data that they provided was included in relevant sections.

A total of 93 participants were included in this study from the overall 128 individuals from the Butterfly Project cohort. Of these 93, 88 were interviewed in 2016 and 85 in 2017. The data obtained from the interviews was complemented with summary narrative information, which included details of respondent's personal circumstances and social histories, compiled in 2014.

Thirty-two individuals had courtroom experiences associated with their being trafficked. This sub-cohort was asked a further set of questions investigating their legal processes and courtroom experiences beyond the questions on their perception of Cambodia's justice system, in which all the participants were asked.

QUALITATIVE INTERVIEW QUESTIONS AND DATA ANALYSIS

The research was qualitative in nature with the purpose of providing a voice to the participants (Liamputtong, 2010). An inductive approach was utilised, in that the data itself generated the subsequent subject areas and themes, rather than attempting to fit the data into pre-determined categories or sections (Braun & Clark, 2006).

The data for the research was provided from two rounds in-depth interviews conducted in 2016 and 2017. Both rounds of interviews were semi-structured and generally lasted between 45 to 75 minutes. The 2016 interviews were explorative in nature. Interviewers explored with respondents their past stories who were asked questions about their legal justice encounters. The findings of the 2016 interviews guided the questionnaire development for the second round of interview in 2017. The questions asked during the 2016 interviews explored the survivor's previous trafficking or "bad experience," they enquired whether they had gone to court or not. Questions included:

- "Did you go have a court case after your bad experience? If yes, how did it go?"
- "Who assisted you with this process?"

- “Did you think you received justice? If not, why not?”

In the 2017 follow-up interviews, if the individual had gone to court they were asked a series of more specific follow-up questions such as

- “How did you feel you were treated by the police, lawyer, judge and local authorities?”
- “Did you think that the justice/outcome was fair for you?”
- “What should the justice system look like to benefit most for you or people who have similar experience like you?”

If the respondents had not experienced court, subsequent questions focused on their perceptions and understandings of the justice system. For example:

- “At that time of exiting your trafficking situation, did you wish to have gone through the court system? Why?”
- “Could you tell me if you know where to access support for the court case processing?”
- “What does successful justice look like for you?”

As the primary author did not conduct the interviews, data analysis began with line-by-line reading of the 2016 interview transcripts to identify common areas of relevance and ensure all relevant data was obtained. Unclear context and ambiguous details were clarified during regular meetings with the research team. As the 2016 interviews were being analysed, the research team was interviewing and transcribing the 2017 round of interviews. Following this, the overall framework for the findings was developed. Once the data was all assessed and categorised, the individual’s responses were meticulously reviewed. Statements were examined, participant’s perceptions and opinions were explored, taking into consideration the context and background of the participants’ stories. Altogether, the data provided an in-depth account of survivors’ experiences and perspectives of Cambodia’s legal system.

STUDY LIMITATIONS

The quality of the interactions between the participants and NGOs was a critical variable that affected their experiences and perceptions of the legal system. How people perceive events is affected by how these events have subsequently influenced their lives. When reading this paper, it is important to simply acknowledge that each individual has his or her own unique perceptions and experiences their lives in their own specific way.

The timelines with respect to the individual’s legal experiences were not always clear. Some were engaged in legal processes at the time of their interviews, while others recounted experiences from over a decade prior. As such, the findings are related to not only the legal system in Cambodia in 2016 and 2017, but to previous unspecified timeframes.

We did not have information specific to the role of the individuals who went to court. Some were clearly plaintiffs; others, such as the individuals who travelled to the US and elsewhere to testify, one could assume were witnesses. The survivors’ roles affect their views of the justice process and more details about their circumstances could have enhanced the thematic interpretations.

The questions referred to aspects of legal concepts, terminology and processes. On many occasions, respondents simply did not understand questions and, thus, could not answer. This knowledge gap was, thus, a core research finding. Sometimes interviewers prompted the participants by asking them leading questions in the hope

of fostering an understanding of the question being posed. On other occasions, individuals appeared to simply agree with what was being asked or agreed with what the interviewer was saying. This was not a unique phenomenon within the Butterfly Project, especially among the male participants. The Butterfly Project researchers believe this to be born out of the notion of *saving-face* (Davis et al., 2016).

FINDINGS

Beginning with demographics and an overview of the types of legal journeys that the participants experienced, this section moves on to present the research themes. Practical aspects of individuals' legal justice experiences were uncovered, such as how they accessed the legal system, whether they were protected in court, and the outcomes of their cases. The interviews also revealed why some survivors did not engage with the justice system.

Additional thematic areas of interest include: fatalist perspectives displayed by some individuals; participants who did not feel exploited; trafficking by family members; and how the death of the perpetrator was experienced by survivors.

DEMOGRAPHICS AND EXPERIENCE WITH THE LEGAL SYSTEM

Of the 93 participants, 76 were female and 17 were males (see Table 1). Eighty-two were Cambodian and 11 were Vietnamese. Portions of the group were involved in the same case; for example, five individuals were identified during the same police raid. The cohort also included four sets of siblings (two sets of sisters, one set of brothers, and one set of half-brothers). As the primary focus of the research was the participants' unique experiences, the authors did not attempt to base findings or draw conclusions on age or gender factors.

Table 1:
Demographics of Research Project Participants and the Justice System

Gender	Justice System		Location	
Female (n = 76)	Experienced Justice System	Courtroom experience	Cambodia: 23 Cambodia & USA:1 Thailand: 3	27 (36%)
		No courtroom experience	Cambodia: 9 Thailand: 1	10 (13%)
	No Justice System Engagement	Justice not pursued		16 (21%)
		No perception of an offence		13 (17%)
		No information		11 (14%)
	Male (n = 17)	Experienced Justice System	Courtroom experience	Cambodia & USA: 5
No courtroom experience				6 (35%)
No Justice System Engagement		Justice not pursued		3 (18%)
		No perception of an offence		0
		No information		3 (18%)

Of the 93 participants: 32 had direct courtroom experience, 16 were engaged in the legal process but did not experience court, and the 45 remaining had no experience with legal processes. The court cases dealt with perpetrators who brokered/facilitated trafficking or who perpetrated sexual abuse (see Table 2). Perpetrators were family members, Cambodian nationals or foreign nationals.

Of the 32 whose cases proceeded through court, nine experienced legal systems outside of Cambodia; six in the USA and three in Thailand. The six individuals whose court cases were in the US, also went through court in Cambodia, including two females and four males. The boys were all associated with the same perpetrator. Without explicitly building a comparative analysis study between the US and Cambodian justice systems, we heard about different experiences of both legal systems. The legal experiences of those who experienced the Thai justice system were not explored in detail.

Table 2:
Sex Trafficking and Sexual Abuse Perpetrator Profiles

Type of offence	Perpetrator	Number (%)
Facilitators / Trafficking Brokers	Family member	5 (9%)
	Non-family member	7 (12%)
	No broker/no info	14 (25%)
	Occurred in Thailand	2 (4%)
Perpetrators of Sexual Abuse	Family/household	3 (5%)
	Community	6 (11%)
	Foreigner	8 (14%)
	No info	10 (18%)
No information		2 (4%)

THE FORMAL JUSTICE PROCESS

The findings regarding the formal justice process section begins with identifying why some cases did not proceed to court. It establishes the police as the primary gatekeepers to the legal system. Information about the length and complexity of legal processes, as viewed by survivors is presented next. Then, individual's practical experiences in relation to their understanding of legal processes, and how prepared and how protected they felt during their legal processes are outlined.

Cases That Did Not Proceed to Court

Sixteen individuals were engaged in formal legal investigations but their cases did not proceed to court or the legal proceedings were stopped. The main reasons for this were because: they withdrew their complaints out of fear of repercussions from the perpetrator's family; the perpetrator was not remanded; the perpetrator was released without prosecution; their complaint did not proceed for an unknown reason; they were not required to attend court themselves; their case was resolved via community level mediation rather than the court system. In other circumstances, the cases were resolved at the police station suggesting that informal mediation occurred; in five cases the perpetrator died prior to court; and in three cases, the five perpetrators involved were jailed from three months to unspecified time-frames (the data does not indicate why the survivor did not attend court).

The Police as Gatekeepers to the Legal System

The police force was the predominant gatekeeper to accessing the justice system for the 48 participants with legal justice experience, through: their investigations independent of NGO support; community members identified survivors and brought them to police; and, through collaborative investigations with NGOs, a common activity between anti-human trafficking NGOs and police in Cambodia. Of the 32 survivors who eventually attended court, none had made initial contact with the police themselves. Ten cases were brought to court through police investigations, while a further eight were brought to court following police raids. On six occasions, family members brought survivors to the police upon learning of their abuse. One individual was discovered by a teacher which subsequently led to another survivor being discovered. In another case, an NGO investigation/intervention appeared to be responsible for the

case being brought to court. We could not determine how the remaining six cases entered the legal system.

When the participants described their interactions with the police, 60% described these as 'positive', 'normal', 'neutral' or 'as expected'. In contrast, 40% described negative experiences, predominately from those who worked in the commercial sex industry and were 'rescued' during a police raid on their place of employment. These negative interactions sometimes created fear and made lasting impressions on the survivors as was the case with this one woman:

They spoke strongly and loudly. They asked me whether I was forced by my mother, but I told them that I went by myself. They shouted at me... The police made me fearful. He put the gun in front of me too.

The following individual did not respond well to the police intimidation and, as a result, did not comply with any of their questioning:

If he asked with a bad attitude, I could not answer anything.

When first identified, some survivors recounted being lied to or not provided important information by authorities, especially when they were the subjects of police raids. The cohort reflected about how, at the time of the raids, they were told that they would be released or allowed to see their parents after questions. However, instead, they were transported directly to aftercare shelters for survivors of trafficking.

I hated the policeman because he told me a lie. He said, 'I will let you go home when I finish questioning you.'

If they saved me, why didn't they allow me to stay here? Why did they need to bring me to Phnom Penh? Moreover, they did not let me know about the road and phone calls. At that time, I was afraid.

The lack of trust in the legal system was a prevailing theme expressed throughout the interviews. It especially came about if an individual's first experiences of engaging in the legal system was being lied to by the police.

Lengthy and Complex Legal Processes

Once they entered the formal justice process, each participant's experiences were diverse. No common judicial procedures were identified with respect to processing cases. Timeframes for completing the various justice stages, such as: providing statements, attending their initial court hearing and attending subsequent court hearings, varied considerably. The respondents often couldn't accurately recall, or remember at all, the timeframes related to their cases. For those who did provide timeframes, cases lasted from a few months to years. Matters were further complicated when the perpetrators did not show up for court dates or appealed decisions. Some individuals were still immersed in their own legal journey during the Butterfly Project interviews in 2016 and 2017.

Feelings of disinterest or apathy towards engaging in the justice process appeared to be directly related to the length of time that the cases took and the complexities involved. These factors led survivors to describe "laziness" and "boredom" in pursuing justice. While these terms may not typically be associated with legal processes, they

were direct translations, which indicates how the lengthy and complex legal proceedings were associated with participants choosing to stop pursuing legal action. The length and complexity of legal procedures also resulted in some survivors failing to obtain restitution after they withdrew their complaints.

Not Understanding the Legal Process

The process of providing information regarding court processes and their rights as a survivor were explored with 28 of the 32 participants who attended court. The role of NGOs in providing and explaining information about legal proceedings was crucial and mentioned in a high number of cases. Thirteen survivors either did not enter, remember, or did not understand various stages of litigation.

However, when provided with information, the survivors did not necessarily understand what was being communicated. One woman did not understand the information she had received from the lawyer, even though she remembered what she was told:

We were so young at that time... They asked me again and again, 'do you understand? If you don't understand, I can ask you again.' At that time, I just answered 'yes' though I didn't understand.

Some participants were highly aware during their entire legal experiences, but these were exceptional. For the most part, levels of awareness were low. When informants were involved in all aspects of their pursuit for justice, they identified more positive experiences than survivors who were not involved or aware. Some individuals appeared completely disassociated from their legal experiences, to the extent that they did not even know the outcome of their cases.

Preparing Survivors for Court

When information about court proceedings was provided and was well understood, survivors were more likely to positively experience the courtroom. Several provided examples of the practical advice that they had received, the preparation prior to attending court and how these helped. One respondent was 13 years old when her court case commenced. She was coached to only provide the information requested by the court, which in turn helped her manage the questioning process:

I have been told by the counsellor that I need to be courageous and not be afraid. When they asked me, I just answered or described the situations. If they did not ask me, I did not answer those points.

Another young woman of a similar age recalled a practical example during court preparation of being shown an image of the courtroom's layout:

The lawyer gave me a picture to see where I would sit at the court and where the perpetrator would be in the court, as well.

Other participants also highlighted receiving practical advice on courtroom activities and etiquette, with some discussing how they role-played with their lawyer. This information and practice helped the survivors in court considerably:

They told me everything that I had to do in court. They told me everything... They told me and it helped me a lot.

Lack of Survivor Protection Practices

The types of protection that the survivors received directly impacted whether they had positive or negative experiences during their legal process. Individuals could not often recall specifically what was said during their court hearings, although they vividly recalled how they were treated and how they felt during the proceedings. Nineteen of the 32 participants felt worried, scared, afraid, or nervous during court. Retribution from the perpetrator's family was a real and inherent fear disclosed by many respondents. As one woman commented:

I felt afraid. The perpetrator will be in prison but their family, husband and children are not in prison. I was afraid that their family would follow me.

Further examples of questionable or lack of protection procedures being implemented in the Cambodian courtrooms included the aggressive conduct of the defence lawyers when cross-examining the survivors. Their intensity, accusations and intimidation tactics attempting to find incongruencies in the survivors' accounts left lasting impressions among the cohort:

[The defence attorney] made me cry because of his speech. He threatened me. They sometimes did not respect me and they just asked me in ways they wanted.

This same woman later described how she was asked by the defence attorney to describe the genitalia of her rapist. This was not the only occurrence of this type of questionable interrogations noted by the cohort.

In Cambodia, it was common practice for the survivors to be in close proximity to their perpetrators in the courtroom. One participant described how she had to sit face-to-face with her perpetrator in court. When asked if they would provide protection the survivor responded:

They didn't provide anything. We sat opposite each other. I was afraid!

Another participant told the researchers about how she became irate in the courtroom while listening to the perpetrator give a false account of the events surrounding her case. She could not hold in her anger any longer and upon expressing this, the lawyers and judge began recording her actions using their personal mobile phones:

I got angry. Do you know why? The judge and lawyer used their mobiles and took photos... They took pictures of me.

Positive Practices to Protect Survivors

The interviews elicited stories of survivors feeling respected, believed and protected while in court. There were instances of lawyers and judges protecting the survivors from accusations or intimidation tactics from the defence. On one occasion, a survivor recalled how the judge instructed the defence lawyer to act in a child friendly manner, making her "feel brave."

Other positive protection practices included: erecting barriers from the perpetrator; utilizing safe and confidential spaces for individuals to provide their testimonies; and the effective management of the courtroom to ensure survivors and perpetrators were not in close proximity. Furthermore, when participants were involved

throughout all phases of their pursuit for justice, they described more positive experiences than the participants who were not involved or were unaware.

The participants who went to the US to testify against their abuser described numerous survivor protection measures. One individual discussed his experiences with the researchers via an online video call. In the USA he was recorded in an interview with the prosecutors that was played in court as opposed to solely relying on cross-examination as is the case in Cambodia. When the Butterfly Project researcher asked whether he had to repeat his story in the US courtroom, he replied:

I wasn't because my case notes were all sent from Cambodia. They asked whether the organization provided counselling to me or not. So, the court in the USA didn't need to ask me again, they already knew it all. I was only asked whether I wanted to talk or not [to provide additional statements]. That's it. If I talked, I would be allowed and my speech would be recorded on the computer.

This participant also noted how this system held a survivor-centred approach, where survivors' mental and physical welfare and safety were prioritised during the judicial proceedings. Two respondents excitedly described their treatment in the USA as though they were from a different social class:

I was like a rich man!

We feel like we are little princesses!

It is important to note that while the US legal system has greater resources compared to the Cambodian, the main reasons for the cohort's positive experiences when engaging in the legal system there were not due to the availability of resources but, rather, to how they were treated respectfully and supported in feeling safe throughout the proceedings.

COURT OUTCOMES

The main court outcomes were imprisoning the perpetrator and awarding monetary compensation to survivors; although the monies were not necessarily received. Thirty-six individuals had their cases proceed to court, including four who did not attend court for undetermined reasons, resulting in the sentencing of 39 perpetrators, although most individuals were not aware of the lengths of their perpetrator's sentences. Among the 16 perpetrators for whom sentencing details were provided, the average jail sentence (when taking into consideration perpetrators who had already been released), was 7.5 years; ranging from 20 years to three months. Under Cambodia's 2008 Law on Suppression of Human Trafficking and Sexual Exploitation, perpetrators of human trafficking, exploitation and abuse are to be imprisoned from anywhere between five and 20 years, depending on the specific crime (Royal Government of Cambodia, 2008). However, about half of the perpetrators in the cases described by the Butterfly Project research respondents were sentenced between one and five years. The other half were sentenced to seven years in prison with three perpetrators released early or pardoned.

The individuals' reactions to their perpetrators being imprisoned were mixed. Some associated the imprisonment with receiving justice. The length of the sentences did not appear to be the main factor influencing whether survivors thought that they

had received justice, however, in some instances, individuals believed that the sentences of their perpetrators were either too short or too long. The determining factor for perceiving that justice was served appeared to be that the survivors had won their cases, which was exemplified in the perpetrator being held accountable and imprisoned.

I got justice from this case because the perpetrator was in jail based on what the court judged for him.

Some individuals interpreted the perpetrator's imprisonment altruistically, meaning that others will now be protected. When asked whether they believed that they had got justice, one survivor commented:

Yes, I do, because I thought that it might happen to other children including my younger siblings.

For other participants, imprisonment was negative. Two individuals described how some family members were imprisoned for brokering their trafficking. Neither wanted their mother and grandmother imprisoned. They did not appear to highlight their family member's role or blame them for facilitating their exploitation. Instead, they expressed pity, forgiveness and acceptance towards the family member who trafficked them. Both also highlighted how the persons to whom they were being trafficked were not caught or held accountable, noting that their family had been disproportionately punished for the offences.

Another woman expressed pity and guilt after her perpetrator apologized to her. She appeared to lament the loss of her more comfortable life, in which her family's material needs would be met despite her exploitation. Although these feelings were strongly influenced by her parents, desperation, and filial piety:

I sometimes pity that person. The offender said sorry to me. He loved me too much so he could not control his feelings. The organization also told me that it was not appropriate to do things like that when I was young. [He] helped me a lot, but I answered [within the court] to put him in prison. I also regretted it because if I stayed with him until now, for example, how would my house be? They were angry why I filed the complaint because that godfather helped a lot. My mum often said, 'that guy is very rich'. If I stayed with him, we would not go to work.

Others did not consider the prison sentence long enough. In one case, the survivor of sexual exploitation speculated that her perpetrator may have been released early by paying off officials:

He got a holiday and another thing, as we know money is the highest power in Cambodia. He was released for a long time. I think so, because he had money.

Corrupt payments were alluded to or suspected by many other informants, although only one direct experience of bribery took place when a participant recalled paying officials to attempt to get her grandmother released from prison.

When examining who was actually convicted, sentenced and imprisoned, it was generally the intermediate broker and direct abuser rather than the traffickers, who

were higher up the trafficking network. The fact that the “*big-one*”, meaning the boss, got away was mentioned by a few participants as a negative aspect of their legal experiences.

Compensation

Compensation was received by respondents in only three cases; one of which was by informal mediation before the case entered the legal system. In this mediation, the individual was asked if she regretted not proceeding with her legal case. She initially commented that she had no regrets as the case was resolved diplomatically and her family, who were poor, received \$1,250USD in compensation. However, on later reflection, she expressed the need for justice to prevail through the court system to prevent cases similar to hers reoccurring.

I just want to tell those who got the case like me; please do not pity on the offender. They should finish their case at the court completely. If we do not do it at the court, the case would happen more and more because they would bribe to be free. We should be thinking about this.

Compensation was ordered but not received in 20 cases. In some situations, the participants needed to return to court to pursue compensation orders. In only one case was an individual prepared to do so. In six cases, obtaining compensation was specifically not pursued. One reason for not claiming compensation was because they did not consider their treatment as negative, so their experiences did not deserve compensation. Compensation was not considered by one participant as it could have been perceived as an inappropriate trade for the value of her virginity.

I don't need compensation money. I wanted the perpetrator put in prison. For compensation, I don't think [about it] at all because I don't like to get money from my case. It seems like I got money in exchange for my loss [virginity].

Compensation was seen by some in the cohort as disempowering, or as a validation that the abuse they endured had been somehow resolved.

Compensation is not justice...money is not the indicator of justice.

DECISIONS TO GO TO COURT OR NOT

This section presents the reasons why individuals did not go to court. There were occasions where survivors had wished they had gone to court at the time of their trafficking experiences. Fear was identified as the overriding factor for individuals who did not want to go to court. Some respondents did not feel exploited.

Survivors Who Wished They Had Gone To Court But Did Not

In ten scenarios, individuals wished that they had pursued justice. Discussing their desire to have pursued justice against their perpetrator, all indicated that they would have needed support to meaningfully engage in the process. Five survivors specified the need for NGO support. Six would have pursued a case against their perpetrators but they had not known how to do this at the time, especially because they were so young when they were trafficked.

Did Not Want to Go to Court

Twenty-one participants stated, or implied, that they did not want to go to court even though they had been abused or exploited. Fear of their perpetrators or their associates was the main reason that they did not pursue litigation. In some cases, the survivors were directly threatened with violence or countersuit. In other cases, they perceived the perpetrator or the perpetrator's family as too powerful to challenge. When describing how they felt about possibly confronting the perpetrator or taking a legal case, the survivors used words such as: fear, afraid, dare, threat, scare, safety, kill, and revenge:

I felt afraid. The perpetrator will be in prison but their family, husband and children are not in prison. I was afraid that their family would follow me.

Some were fearful about how they would be treated if they entered the legal system. One survivor was concerned that she would not be treated fairly during the legal process because she was Vietnamese. Other participants seemed to have negative perceptions of those who pursue justice, due to what they saw on TV and in the media.

Finally, other practical reasons that participants did not take a legal case against perpetrators included: financial costs associated with travelling to attend court, and not being able to work; prosecution would mean that the care provider of their siblings would be imprisoned; they did not want further trouble; legal complexity and subsequent survivor apathy; and they did not understand the law and their rights.

Participants Who Did Not Feel Exploited

Sixteen survivors, a relatively large proportion of the research population, either stated or implied that they did not wish to pursue court cases as they did not feel exploited, abused, forced, or improperly treated during the activities they were engaged in. Twelve of these had been sexually exploited and came into the care of an NGO through police raids on their workplaces. Five of these were minors working in the commercial sex industry and were survivors of exploitation by default under law, although this was not how they viewed themselves. One individual who had been selling sexual services as a minor before being picked up in a police raid and handed over to an aftercare shelter told the researchers:

No one abused me because I volunteered to go there by myself. There was no reason for me to file a complaint against them.

OVERARCHING THEMATIC FINDINGS

Four overarching themes were generated from the narratives of individuals from the total research population and are presented in the following section.

Trafficking and the Family

The survivor's family has an important role in a survivors' legal justice experiences. Some individuals required the support of family members not only to access the legal system, but also to help navigate and effectively engage in justice processes. When family support was not available, survivors found their legal journeys more difficult.

Family also played an influential role in survivors' decisions not to enter, or to continue through the legal system. For example, some feared for their family's safety due to possible retribution from the perpetrator. Others did not continue with legal

processes due to the prolonged separation from their family that this would entail. Family was also a factor in why the participants were trafficked. In some cases, survivors chose to take risks or work in the sex industry to help contribute financially to their families (Smith-Brake et al., 2021).

In a number of cases, exploitation and trafficking were perpetrated by a family member. Survivors in these cases were exposed to further trauma, in that, along experiencing abuse and exploitation through their trafficking, they also suffered extreme neglect from their primary caregivers whose role was to love and protect them. If the trafficker was that household's breadwinner, the individuals were faced with further adversity if they proceeded through the legal system because any resulting criminal sentencing would place financial responsibility for other dependents of the perpetrating family member onto the survivor.

When asked why she did not take a legal case against her stepmother, one participant responded:

I told them that I won't file a complaint because I pity her. Because if the police arrested her, who would take care of my younger brother and sister?... But if I told this to someone else, people would say 'Oh! Why do I need to save her? Just let the police arrest her because she is a terrible stepmother and has an ugly heart!' They don't understand my heart because I used to live with her, she raised me up since I was young. And, if they arrested her, who would take care of my younger brother and sister? What will happen to them?

In the absence of an effective financial protection system for survivors of trafficking and their family, this is the blunt reality for survivors of trafficking facilitated by their caregiver. Sometimes practical choices had to be made between seeking justice or risking the primary means for survival. Even if individuals did initiate cases against family members, it would be irrational to expect to receive compensation from them and, in the absence of effective alternatives to receiving compensation, such as in a public fund for survivors, receiving compensation is not realistic. As one survivor described:

They asked if I wanted to get compensation? I didn't understand! Whom should I ask for compensation? My mother was the one who brought me in.

The reason that some individuals became exploited was to help support their families, which illustrates how some put their family's well-being above their own. Their interconnectedness with family, despite maltreatment, was more meaningful than their own self-protection. Their collective responsibilities appeared more important than individual rights.

Fatalist Views as a Reason for Not Pursuing Legal Justice

Cambodian Buddhism includes elements of fatalism in the belief of *karma*; that someone gets what they deserve. This belief may have had a positive impact in some cases as participants saw their perpetrators punished for their crimes. Elements of fatalism could be identified at times in the survivors' discussions and perceptions of the legal system. One woman spoke about her trafficker already having received their negative karma through the imprisonment of one of their sons-in-law:

The son in-law of the [trafficker] who was in prison was accused of human trafficking. He truly trafficked humans to Thailand. I think this is her karma.

However, others expressed a negative predetermined belief of *karma*, believing that they could not win a case. There were also many examples of believing that the rich would always win in court.

I didn't want to file a complaint because I didn't want any further problems...
If I did, I thought I would not win because they have much more money."

Defeatism was evident in a high number of responses in relation to trust in the judicial institution. In other instances, the respondents accepted the outcome of their legal appearance, even though the perpetrators were not brought to justice or the participants did not receive the compensation that was ordered.

The karmic fatalist views expressed may be influenced by cultural perceptions of how events and experiences are seen. These views are further vindicated if one considers the social structures that exacerbate inequality and hinders social mobility, such as corruption.

If their status is higher than us or they have someone backing them with a higher authority, they will be the winner.

Death of the Perpetrator

Thirteen perpetrators died during or following legal proceedings, including three circumstances in which the survivors had faced their perpetrators in the courtroom. The individuals had mixed feelings and perspectives about these deaths. Five associated the death with unresolved justice, in that their perpetrator did not face justice in court, or avoided prison, or simply their legal journeys were not brought to a conclusion. One survivor did not believe that their perpetrator had died and was in constant fear because of this. Another appreciated the death of the perpetrator as a release from her fears of the court process.

Two individuals would have taken a case against their perpetrators to court had they been alive. In both cases, the individuals recalled being unable to find the assistance necessary to prosecute their perpetrator at the time they had exited their exploitation experiences.

Two perceived the death of their perpetrators as their deserved karma. One expressed pity for her perpetrator but, fundamentally, believed that his death was deserved:

I think that those who abuse someone else will receive the Karma and it will cause their lives... I feel pity for him but this is his bad deeds and he needed to receive it.

The other woman understood the bad karma accrued by the perpetrator as being a higher force, above the law. When she was rescued from her trafficking experience she returned to her community and the home of the trafficker who had died from HIV/AIDS. However, she did not see the point of telling her trafficker's family what she had done to her, nor the need to file a complaint, as the trafficker had already received her Karma.

She already died. Why do we need to cause problem? Why do we need to hurt her parents because their daughter was the one who had hurt me.

WHAT SHOULD JUSTICE LOOK LIKE?

All the research respondents were asked their opinions about what justice *should* look like. Some answered relating directly to their own experience while others answered in a more general sense. Responding to this open-ended question with multiple themes, the majority made reference to the outcomes of court rulings (i.e. perpetrator imprisonment, survivor restitution).

Justice is going to court! If we don't go to court as the victims, right or wrong cannot be determined at all. We always want the result that is rightful and we want the perpetrator to get punishment from his actions toward us.

About half of the respondents also made references to the need for resolving societal issues (i.e., corruption, equality).

When they accept money from the offender, it means they support the evil person and leave the good person behind.

Justice means no corruption and bribery.

Furthermore, about half made reference to survivor treatment: appropriate interactions with officials, support, safety, when asked about what their perception of justice is:

During the interrogation, the judge shouldn't shout or threaten. [Interviewer: How about the lawyer?] All of them, the lawyer and the investigator, both the prosecutor and the police. And when asking [us questions], they should grant us respect!

DISCUSSION

The findings generated several discussion areas related to the need to protect survivors, the need for NGO support, the need to empower survivors and the need to make restitution a realistic outcome for those who engage in the justice process

PROTECTING SURVIVORS FROM ADVERSITIES IN THE JUSTICE SYSTEM

Fear was the predominant reason that individuals did not enter or continue proceeding with their legal cases. Intimidation tactics were common in every stage of the survivor's legal journeys, from heated police interrogations, traumatizing cross-examination from defence attorneys, and threats from violent perpetrators. Individuals need to be protected from the adversities of being lied to, disrespected, blamed, shamed, unbelievably and threatened; all of which were experienced by this and other cohorts of survivors seeking legal justice in Cambodia (Amnesty International, 2010; Cambodian League for the Promotion and Defense of Human Rights, 2015; Reimer, 2015). As a result of intimidation, survivors may not comply with or may disengage from the legal process and/or lack trust in authorities, all of which may lead to poorer quality evidence during investigations and cross-examinations (Biejer & Liefwaard, 2011; Santos & Gonçalves, 2009; Reimer, 2015).

Children expressed anger when they heard the perpetrators tell their versions of the stories (Reimer, 2015). Protective measures need to be implemented to help resolve this issue such as pre-recorded statements and using audio-visual equipment so

that the survivors and perpetrators do not need to be in the same room (Reimer, 2015). Continued protection from the perpetrators inside and outside the courtroom was critical for the survivors in the current study. Survivors felt most protected when they had support and encouragement and were aware of the court proceedings. Becoming familiar with the court setting and proceedings helped survivors feel less intimidated. They identified court preparation as alleviating their fears of going to court in general.

Other researchers similarly mentioned being intimidated by police and experiencing poor courtroom culture indicating unresolved issues within the Cambodian justice system (Amnesty International, 2010; Reimer, 2015). Both circumstances leave a survivor vulnerable to re-traumatization; failing the function of the court to bring them justice. This can be addressed through the strict implementation of appropriate standards and effective survivor protection practices (Office for Victims of Crime: Training and Technical Assistance Center, n.d.). Even if the conduct of the court personnel is appropriate, some individuals still remain fearful or anxious. Providing them with support and encouragement during their court appearances positively impacted how they engaged and participated in their court appearances. For some participants, simple words of encouragement or being told not to be afraid had lasting impressions (Reimer, 2015).

Consideration must be given to survivors' safety while they are in communities where the perpetrator and/or their associates reside, as this was a large deterrent for the Butterfly Project participants pursuing litigation. This fear of the perpetrator back in the community was not unique to the Butterfly Project cohort, as the participants of Reimer's 2015 study also identified this as a major concern. Some form of a protection system needs to be implemented, even if only for informing survivors that their perpetrator will be released. Perpetrators returning to their home communities is a reality for survivors. Should protective mechanisms be implemented, for example, if they are offered guidance and advice, or if they are engaged in support services, this reality may be more manageable.

NGOS: OVERCOMING BARRIERS TO ACCESSING THE JUSTICE SYSTEM

Fundamental to this cohort's sustained access to the legal justice system was NGO support. If the survivors did not have the money, social capital, or were of a marginalized population, there was a general perception that justice was beyond their reach. NGOs played an active role in every stage, from survivor identification, equitable access to individuals from ethnic minorities who are largely barred from accessing Cambodia's public services (Sperfelt, 2020); financing legal and opportunity for income costs, educating the survivors on legal proceedings and, protecting them both physically and emotionally over the years of their legal journey (Reimer, 2015).

I didn't know where to find them [a lawyer] and I don't have money to pay them as well. We don't have a lawyer and we need to spend a lot for the lawyer and we don't have money to pay for it. Then that NGO helped me and later we filed a complaint and they helped us.

However, relying solely on NGOs to provide all of these support mechanisms to survivors of human trafficking to access Cambodia's legal system is unrealistic. Rather, the state needs to develop and enhance its police, public attorneys and compensation pool to respond appropriately to the numerous cases requiring justice (United

Nations Convention against Transnational Organized Crime, 2010; Office for Victims of Crime: Training and Technical Assistance Center, n.d.). This is accomplished through adopting strict survivor-centred frameworks that require all stakeholders to communicate with survivors in ways so as to not further traumatize them (Office for Victims of Crime: Training and Technical Assistance Center, n.d.). The Royal Cambodian Government could also invest in a publicly-funded restitution pool for survivors whose perpetrators cannot afford compensation (United Nations Convention against Transnational Organized Crime, 2010).

Those who experienced the USA legal system reported high levels of security, respectful questioning, confidentiality and appropriate treatment. Their experiences in the Cambodian legal system were quite the opposite. An example of survivor-centred practices in the USA was the use of technology to provide pre-recorded statements. While the US legal system is greater resourced compared to Cambodia, the main reasons for their positive experiences was not the availability of resources but how they were treated with respect and made to feel safe throughout their interactions.

EMPOWER SURVIVORS TO MAKE INFORMED DECISIONS

The survivors often had little information about court proceedings and were not empowered to make decisions (Reimer, 2015). The fact that some disengaged from court proceedings as soon as they could, suggests that they could benefit from a simpler court experience, i.e., ensuring that compensation rulings are heard at the same time as sentencing.

A lack of awareness of legal proceedings appeared to disenfranchise survivors from their justice experience. Low levels of awareness, understanding and participation are all elements that can be addressed providing there is a will to do so. The responsibility primarily falls on the stakeholders who are working directly with survivors, mainly the police, support workers, lawyers, NGOs and judges when survivors are in court.

Some examples of survivor-centred approaches were mentioned. Even basic preparation work positively influences survivors' legal experiences. Providing relevant and coherent legal information should be the standard rather than the exception.

Furthermore, stakeholders need to be conscious of when they shield survivors, particularly children, from pertinent and relevant information by restricting their involvement in legal processes. Though this may be to 'protect' the individual, this can lead to unintended adverse feelings of apathy, confusion or disdain towards the proceedings. The best practice is to provide survivors with enough appropriate information to understand their legal experiences.

TOWARDS SURVIVORS RECEIVING RESTITUTION

Survivors' wishes need to be considered with respect to pursuing compensation even if they deem it inappropriate or it validates their abuse or exploitation experience, similar to issues highlighted in the 2010 Amnesty International report on sexual violence in Cambodia.

For individuals willing to pursue compensation claims, the necessity of free legal assistance has been highlighted by various commentators (Kim & Hreshchyshyn, 2005; Lam & Skrivankova, 2009; Simmons, 2012). Survivors of labour exploitation have a better chance of successful compensation claims than survivors of trafficking for sexual exploitation (Simmons, 2012). Essentially, "a compensation mechanism

will not be able to function better than its overall legal environment” (Thompson & Jernow, 2008, p. 44). Failing to provide survivors with compensation can restrict their ability to reintegrate, diminish the restorative functions of the legal system, and can lead to thoughts of injustice or unfair treatment.

Awarding compensation is not generally effectively managed, or it is simply not a realistic outcome for the vast majority of survivors (Reimer, 2015, p. 95). Some individuals could not receive compensation simply because they could not travel to attend a separate, later, court hearing that awarded this. A re-examination of how compensation is dealt within the legal system and how individuals can pursue compensation is needed. Lawmakers need to consider how compensation is pursued, awarded and obtained.

Notably, the majority of perpetrators were poor and unable to pay meaningful compensation amounts. Access to a state fund could mitigate against this barrier to obtaining compensation (Sangalis, 2011). Such a scheme is available in Thailand and a variation of it could be implemented in Cambodia (Liberty Asia, 2018). This fund would move Cambodia towards compliance with the recommendations set out by the UN working group to investigate the compensation of trafficking survivors (United Nations Convention against Transnational Organized Crime, 2010). However, should such a fund be set up, legislators would need to intentionally work towards fair and equitable awarding of compensation among all trafficking, exploitation and abuse survivors within the country, no matter nationality, race, ethnicity, sexual orientation or gender identity.

The fact that so few of the study participants received the compensation amounts ordered means that, for many, it was no more than an illusion. When it is not realistic for the survivors to obtain it, awarding compensation not only diminishes the symbolic value of compensation, but can create a sense of unresolved justice when cases have finished.

AGENCY AND FREE CHOICE

Individual choice, agency and free-will are relevant to the participants who did not believe that they had a case to take against their employers in the commercial sex industry, primarily because they did not believe that they were being forced to engage in the illicit activities or they believed that they were treated well. Pursuing the legal justice route was not deemed an appropriate reaction to their experiences.

Individual choice, agency and free-will are widely debated in relation to prostitution and sexual exploitation. It is beyond the remit of this paper to comprehensively engage in this debate, other than offering the voices and perspectives of some of these participants.

It should be noted that all of the survivors who claimed their own agency in decision making, appeared to be working in the sex-trade due to necessity rather than a desire to work in the sex trade. Had they not been experiencing the root causes of exploitation, such as poverty, economic vulnerability and lack of opportunities, perhaps their journeys may have been different.

None of the participants who were under the legal age to consent to work in such businesses, mentioned the fact that it was illegal to do so or perhaps they were unaware of this. Their ages were not considered in pursuing work instead of school; rather what was important was their need to earn money for the family (Smith-Brake et al., 2021).

RECOMMENDATIONS

These general recommendations are drawn from the research findings along with participant suggestions and are presented at individual and societal levels. Five are for the protection and support of a survivor:

- **A survivor needs to actively participate and make decisions throughout their justice journey.** To ensure this, survivors need to be protected from re-traumatisation during legal proceedings and their basic rights as survivors must be maintained. Articles 12 and 13 of the UN CRC need to be promoted, in that a child's voice should be heard in any judicial and administrative proceedings affecting them (United Nations Office of the High Commissioner of Human Rights, 1990).
- **Relevant information about their legal rights and what to expect from the justice system must be provided to survivors at all stages of their legal journey.** Survivors benefit greatly when they prepared to enter the legal system and attend court. Information must be provided in the individual's language and in a way that the individual understands its meaning. This is necessary so that the survivor can manage their expectations while also be empowered to make informed decisions.
- **Survivors must be assisted, supported and protected throughout their legal journeys.** Support must start with identifying and accompanying them throughout their legal experiences. Support must also be available for survivors who have concluded their legal journey but may continue to feel endangered by the perpetrator or their associates. The safety threat that survivors and families face must be responded to by authorities. Protection measures should also be given to support survivors who do not enter the legal system.
- **Intimidation as an interrogation or cross-examination tactic in Cambodia's legal justice system must stop.** Interviewing and questioning of survivors needs to be respectful and age appropriate. Survivors should not be intimidated or made to feel afraid during pre-trial investigations and legal proceedings. Children need to be accompanied by a trusted adult throughout all legal proceedings. Any service provider or authority working with survivors need to be trained in how to engage with survivors of trauma and abuse. A strict code of conduct should be enforced that includes language during interviewing and questioning that is respectful and age appropriate.
- **Court procedures concerning safety and confidentiality must be strengthened.** Survivor centred approaches to engagement need to be adopted. Protective measures should be taken to ensure they feel safe and secure during their legal experience. Technology should be made available and utilised. Security must be a top priority for survivors as they enter and exit the legal process. Encounters with their perpetrator should be avoided or eliminated.

Five recommendations are for government and policy makers at the societal level:

- **Ensure equal access and participation in the legal system for all survivors of abuse and exploitation.** Efforts are needed to develop state institutions in place of a survivor's dependency on NGO support to engage in the justice system. Efforts must tackle societal inequalities that impede a survivor from accessing the justice system, e.g., socioeconomic class, race, ethnicity and immigration status.
- **Ensure adequate and timely court outcomes for survivors that provide justice and restitution.** Survivors need to be made aware of court outcomes and any subsequent changes to rulings e.g., when a perpetrator is released. Sentencing must be appropriate, effective and consequent with the survivors feeling they have received justice. Concrete efforts need to be made to provide survivors with restitution. Compensation should be awarded concurrently during the same hearing as sentencing. It also needs to be realistic for survivors to obtain compensation. The state should

establish a compensation fund for survivors to easily access out of redress or when obtaining compensation is not a reality e.g., when the perpetrator dies.

- **Trust in the legal system must be developed and combat corruption throughout all levels of government as corruption assists perpetrators and oppresses survivors.** The lack of trust in the legal system needs to be addressed. Survivors should feel confident to engage in a fair legal system which treats all individuals equally. Efforts to tackle corruption must be increased. Crime should be responded to irrespective of an individual's ability to pay police officers. Furthermore, the Cambodian government needs to continue its efforts to tackle corruption throughout all its levels, as these only embolden traffickers and harm further survivors. Traditional and customary routes to justice should be appropriately balanced against formal routes to justice.
- **Education and information must be provided about rights and the justice system in general.** Education must be provided at the community level to ensure people know and understand the law and their rights within it. State institutions and the judiciary should be educated in the needs of survivors and how best to engage with them within the legal justice system.
- **Victim identification and subsequent protection of survivors must be enhanced.** Effective child protection procedures should be developed to ensure that children are quickly removed from danger and their needs are adequately responded to. All stakeholders need to be trained in and sign child protection policies. Intimidation tactics toward survivors during case investigations and legal proceedings need to be reprimanded as these leads to survivor distrust in the legal justice system and further traumatization.

CONCLUSION

If Cambodia is to move more towards a survivor-centred approach to justice, issues regarding access to justice and judicial accountability must be addressed. These changes could ensure an emotionally healthier and trustworthy response to how survivors experience the justice process. The legal-cultural issues identified in this study's findings relate to: how survivors are treated by the police force, defence and the judiciary; how survivors are encouraged to engage and participate in the justice process by all stakeholders involved in their cases; the derogatory attitudes of the police towards women who work in the sex industry; and, the etiquette of the courtroom.

Changes to more appropriate victim-centred practices can be driven by the country's civil leadership: from magistrates responsible for the courtroom, to the chiefs in charge of the local police. Changes can also occur through increased accountability being expected from all stakeholders. Accountability will need to be benchmarked against mutually understood and accepted standards and expectations.

Survivors, themselves, can instil change through how they engage with the justice process. In the study, some individuals made decisions, sometimes as fundamental as to report that they had been abused, and this influenced their own legal journey directions. These decisions not only brought about change in their own justice outcomes but set a new template for other survivors to follow that was less common in the past.

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