



Research Results

Policies Environment regarding Universal Access And the Right to Work of Entertainment Workers in Cambodia

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Dr. Ly Cheng Huy,
Chairman of CACHA Steering Committee

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ACRONYMS

AAC	ActionAid Cambodia
AIDS	Acquired Immunodeficiency Syndrome
AFESIP	Agir Pour les Femmes En Situation Precaire
APNSW	Asia Pacific Network of Sex Workers
ART	Antiretroviral Therapy
BC	Bandanh Chaktomuk
BCC	Behavior Change Communication
BPG	Beer Promotion Girls
CACHA	Cambodian Alliance for Combating HIV/AIDS
CBOs	Community Base Organisations
CCW	Cambodian Community of Women Living with HIV/AIDS
CDHS	Cambodian Demographic Health Survey
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CNMWD	Cambodian Network for Men and Women Development
CPU	Cambodian Prostitute Union
CUCC	Condom Use Coordinating Committee
CUP	Condom Use Programme
DHATWG	Drug and HIV Technical Working Group
DSW	Direct Sex Worker
DU/IDU	Drug User/Inject Drug User
EW	Entertainment Worker
FHI	Family Health International
FSW	Freelance Sex Worker
GFATM	Global Fund for the fight against AIDS , Tuberculosis and Malaria
HACC	HIV/AIDS Coordinating Committee
HBC	Home Base Care
HCW	Health Care Worker
HIV	Human Immunodeficiency Virus
ICASO	International Council on AIDS Organisations
IDSW	Indirect Sex Workers
IDU	Intravenous Drug Users
KHANA	Khmer HIV/AIDS NGO Alliance
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LSHSE	Law on Suppression of Human Trafficking and Sexual Exploitation
MARPS	Most At Risk Populations
MHC	Men Health Clinic
MHSS	Men's Health Social Service
MOI	Ministry of Interior
MOLVT	Ministry of Labor and Vocational Training
MSM	Men who have Sex with Men
NAA	National AIDS Authority
NACD	National Authority Combating Drug

NCHADS	National Center for HIV/AIDS, Dermatology and STD
NCDD	National Commission for Decentralization and Deconcentration
NGOs	Non Government Organisations
NMSMTWG	National MSM Technical Working Group
OPC	Outreach Peer Education and 100% Condom Use
PMTCT	Prevent of Mother to Child Transmission
SOP	Standard Operational Procedure
STI	Sexually Transmitted Infection
SW	Sex Worker
TWG	Technical Working Group
UA	Universal Access
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Program
VCCT	Voluntary Confidential Counseling and Testing
WHN	Women Health Network
WAC	Womyns Agenda for Change
WNU	Women Network for Unity

EXECUTIVE SUMMARY

With the imminent emergence of the second wave of HIV infection, strong leadership is critical to orchestrate, align and harmonize all the initiatives of different sectors working with EW and MSM/Transgender to address their rights and their access to UA services. This action research aims at analyzing the situation on the right to work of entertainment workers and at examining a broad scope of enabling environment factors that might affect the coverage of quality of UA services. It also seeks to identify eventual problems resulting from the implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation.

With support of EW and MSM/Transgender networks, this research was conducted in November 2008 on 1116 Entertainment Workers (Direct Sex Workers, Massage Girls, Freelance Sex Workers, Karaoke Girls and Beer Promotion Girls) and 591 MSM/Transgender (362 Short Hair and 229 Long Hair) selected from 4 Provinces, Siem Reap, Banteay Mean Chey, Sihanoukville and Phnom Penh.

Findings

1. Right to work

- a. The EW was on average 25 while MSM/Transgender was one year younger. However, the latter were better educated than their female peers (respectively 9 years and 3.9 of schooling on average). Among EW, 27% of them were found to be illiterate. While one third of EWs is found to be single, more than two thirds of MSM/Transgender claims that they had never married. The duration in the sex job varies from 20 to 36 months with EW and 15 to 40 months with MSM/Transgender. 18% of EW used to work in the Garment Factories. Among Female EWs the average number is 3.12 while MSM/Transgender have only 2 dependents in average.
- b. Over 50% of female EWs said they entered the profession voluntarily. A further 40.16% said they chose to work in the industry because of family problems. In-depth analysis is needed to find out what is meant by family problems and whether or not this involves force and whether or not sex work as is their last choice for survival. Less than 0.8% of female EWs surveyed said they were sold into prostitution and 6.21% said they were lured. Further investigation would be needed to determine what respondents meant by being lured. Some may mean that they were attracted to work in the industry by honest information about what to expect. However, even if all of those lured were deceived, this would still mean that only 7.1% of respondents were trafficked. More than 90% of EWs stated that they work independently. Among EW, 86% of sexual acts during the last week were with clients whereas only the figure was only 40% for MSM/Transgender. The total income of EW and MSM/Transgender ranges from 91 USD (MSM) to 157 USD (Karaoke Girls). The former send on average 20 USD back home while their female peers remit 38 USD for their dependants. The debts of EWs were almost twice as high as those of MSM/Transgender (44 USD and 24USD respectively). IDSW were found to be more often drunk than DSW. 41% of Karaoke Girls and 28% of BPG asserted that they had been drunk in the previous week. The prevalence of the use of smoking drugs (21.4% for DSWs) seems to be higher than in the 2007 BSS (18.6% of DSWs). More than 90% of EW and MSM/Transgender asserted that the government has the duty to protect the rights of all citizens including MARPs and that they have equal rights with other citizens. All of them rated a number of factors related to their work (e.g. lack of job opportunity, lack of representatives, unclear policies with conflicting understanding and practices...) as having a negative impact on their right to work. They also acknowledged that stigma, discrimination, harassment and violence from different population groups are declining.

2. Enabling Environment for UA

1. *Involvement in the Advocacy mechanism for Universal Access*

The participation of EW and MSM/Transgender sex workers in advocacy occurs mostly at the local level and mostly through their passive participation in workshops where listen to others. With

support from NGOs and their central level teams, some participatory advocacy interventions (e.g. campaigns, workshops, Parades and Press Conferences) have been conducted and these result in a better atmosphere than the more passive activities. The percentages of Direct Sex Workers, Massage Girls and Freelance Sex workers participating in advocacy for the right to work were respectively 38%, 38% and 43%. Karaoke Girls and Beer Promotion Girls were less involved (27% and 30%) while 46% of MSM/Transgender sex workers had participated.

The involvement of EWs in UA mechanisms was found to be lower than their actions for the right to work. The percentage of the involvement of Massage Girls and Freelance Sex Workers were respectively 32%, 19% AND 33%. In contrast Karaoke Girls' and Beer Promotion Girls' involvement was higher in advocacy for the right to than for the right to UA. The percentages of the latter groups in UA advocacy were respectively 31% and 33%. MSM and Transgender sex workers have a better involvement than the female groups (respectively 58% and 43%).

2. The perception

On the right to sell sex on a voluntary basis: The absolute majority of EWs from all types of employment agree that they have right to sell sex on a voluntary basis (84%). MSM and Transgender sex workers provide almost similar answers to this question with 86% of them asserting that they do have the right to sell sex on a voluntarily basis.

On public order: Waving hands to attract the Clients: Among EWs, the disagreement and agreement with Article 24 of the LSHSE (which punished soliciting in public) are equal. The analysis by types of employment found that those who are directly selling sex (DSW, Massage Girls and Freelance SW) have almost the same percentage of agreement and disagreement with this statement. Those who are indirectly selling sex (Karaoke and Beer Promotion Girls) agree less than the three previous groups. MSM and Transgender strongly disagree with the statement of the article 24 of LSHSE (with 67% of MSM and 74% of Transgender). It is interesting to note that from the analysis by locations of EWs, there is an absolute disparity between the perceptions provided by the respondents.

On the main factors related to UA: The analysis by the use of WAI, found that EWs and MSM/Transgender sex workers strongly perceive that stigma and discrimination are barriers to UA for EWs. The lack of EW representatives in the process of policy and program development, the lack of coordination between central and local levels and the lack of participation in Anti-Human Trafficking, Drug control, Human Right networks in 100% CUP are the main factors that affect their access to UA services.

3. Actual implementation of the policies

Illegality of selling sex and legality of buying sex: By types of employment, it is known that more than 80% of all EWs and MSM/Transgender has not seen their clients punished by the authority.

Actions of uniformed services and local authorities for those who are trafficked and those who are voluntarily selling sex: The pattern of the responses to this question asking whether Uniformed Services and local authorities separate those who are trafficked and those who are voluntarily selling sex varies across provinces. Among EW, most of the Sihanouk Ville respondents did not provide answers while among MSM/Transgender, 78% of Phnom Penh respondents stated that there is no separation when 46% of respondents in Banteay Mean Chey and Sihanouk Ville said there was separation. .

3. Universal Access

1. Coverage

- a. **Condom Use:** As an overall observation, the rate of condom use for all EW with paying clients ranged from 88% to 99%. With sweethearts it ranged from 70% to 91% and with spouse/ cohabiting partners from 41% to 78%. The condom use rates of Karaoke Girls and Beer Promotion Girls with sweethearts are respectively 70% and 78%. Among MSM (Short Hair) the rate of condom use with different types of partners exceeds 80%. The condom use rate of Transgender (Long Hair) with their

partners also exceeds 80% except with Male Non Paying Partners where the rate is only 65%.

- b. **Peer Education:** Among EW, there was very little progress in outreach by Peer Education teams in Siem Reap and in Banteay Mean Chey over the past year. While there was a significant increase of coverage in Sihanouk Ville, it slightly decreased in Phnom Penh. The overall coverage in 4 provinces increased from 63% in 2007 to 65% in 2008. It is worth noticing that the coverage in Siem Reap in 2007 and 2008 was relatively low by comparison to other locations (only 31% in both locations in 2007 and 2008). Among MSM/Transgender sex workers, the coverage of Peer Education in Siem Reap is also low in 2007 and 2008 (respectively 53% and 49%). For other locations the coverage varies from 79% to 94%.
- c. **Interest in the Peer Education Program:** The analysis by Wight Average Index by location found that all EW are Highly Interested in PE except in Siem Reap where they are only interested. The analysis by type of employment shows that only Freelance Sex Workers are only Interested while others are Highly Interested. Among MSM/Transgender sex workers, Phnom Penh had a lower score (only interested) as compared to other locations where the respondents are Highly Interested. They were found to be Highly interested both in the separate MSM and Transgender groups.

d. The Use of Services:

STI and VCCT:

- a. Among EW/SWs the use of STI services was higher by DSW, Massage Girls and Freelance Sex Workers (ranging from 72% to 83%) than by Indirect Sex Workers group (Karaoke: 58% and Beer Promotion Girls: 61%). The difference in the use of VCCT services is also similar but with a higher percentage in all groups (ranging from 70% to 90%). The use of abortion services is high among Freelance Sex Workers and Beer Promotion girls (respectively 17% and 11%). For EW/SWs who attended STI and VCCT services, the average usage decreases in all 4 provinces except for the STI clinic in Phnom Penh. As an overall observation, MSM and Transgenders' use of health services is less than their female peers. The use of STI clinics is less than 50% while the use of VCCT varies from 71% among MSM to 76% for Transgenders. The analysis by location found the coverage of services to EW/SWs was lower in Siem Reap than in other provinces while the coverage of services for MSM/Transgenders was lower in Banteay Mean Chey and Siem Reap as compared to the other two provinces.
- b. Over the past one year, among EW the coverage of STI and VCCT services increases in all provinces except in Phnom Penh. The coverage of those services in Banteay Mean Chey and Sihanoukville are similar. A closer look at the average use of STI and VCCT services by MSM and Transgender found that it is in fact decreasing in all provinces except in Banteay Mean Chey. In Phnom Penh, the use of STI services remains unchanged while the VCCT is slightly decreasing. The use of STI services provided by government by EW and MSM/Transgender are respectively 43% and 42% of the respondents. The remaining services are mostly provided by NGOs.

The reach to Drug Education Program and HBC

- a. Among EW: From 55% to 61% of EW in Banteay Mean Chey, Sihanouk Ville and Phnom Penh have been reached by Outreach Workers who work on Drug abuse. However, only 32% of EWs in Siem Reap have been reached. The reach by HBC (Home Based Care) Teams is low in Siem Reap and Banteay Mean Chey (only 16%), medium in Sihanouk Ville (30%) and high in Phnom Penh (46%).
- b. Among MSM and Transgender, the reach by the Drug Education Program varies from 42% in Sihanouk Ville to 66% in Phnom Penh. The reach by HBC Teams has a greater variance with 55% of MSM/Transgender covered by the team while only 7% of their peers in Banteay Mean Chey have been contacted by the HBC Team.

Partner referral

The total figure for partner referral is only 26% for EW and 22% for Transgender. In Sihanouk Ville the referral of MSM/ Transgender partners is remarkably high (57%).

2. The quality of services

Friendliness of services

From the data collected and the analysis by locations, it is found that EWs from all provinces said that HCWs at STI clinics and VCCT Centers are very friendly to them. EWs from Siem Reap found that HCWs of both services are friendly.

Among MSM/Transgender, the scores are less than EWs in all provinces since they said that HCWs at STI clinics and VCCT Centers are friendly to them.

Payment for services

According to the answers of the EW respondents, the payments for ART and PMTCT are insignificant. The proportion of EW/SWs in Siem Reap spending money on these services seems to be high for STI and VCCT services (respectively 26.6% and 37.2%). However, the average amount of those payments is lower compared to other locations. Compared to their female peers, fewer MSM/Transgender pay for STI and VCCT services, their payments for ART are also insignificant.

4. Possible problems related to the implementation of the new LSHSE

1. Possible problems related to the implementation of LSHSE

Movement

The analysis by types of employment found that Direct Sex Workers have moved location markedly more in 2008 as compared to 2007 while movement by Karaoke Girls increased only a little in 2008 as compared to 2007. The movement of other EW groups decreased from 2007 to 2008.

Among MSM/Transgender, there was a little increase in movement by Transgenders in 2008 as compared to 2007. There was less mobility among MSM in 2008 by comparison to 2007.

Arrests

The analysis by location found that in 3 provinces (Siem Reap, Banteay Mean Chey and Sihanouk Ville) less than a dozen of the EW interviewed had been arrested in 2007 and 2008 (2% to 4%). For EW in Phnom Penh, the numbers of arrest was 103 (or 19% of the EW interviewed in Phnom Penh) in 2007 and 80 (or 14% of the EW interviewed in Phnom Penh) in 2008. In all locations the tendency of arrest is decreasing from 2007 to 2008 except in Sihanouk Ville and except among Direct Sex workers where there was an increase in 2008.

In all 4 locations, there was an increase of arrests of MSM/Transgender except in Banteay Mean Chey. The arrests were severe in Phnom Penh where MSM/Transgender seek clients in the parks and public places.

Release from arrest

The compiled data from 4 provinces indicates that half of the arrested EW is released without intervention or with intervention from NGOs. Money or valuable items have been used to gain release during or after arrest (respectively 7% and 27%). Among those who have arrested, 6% stated that they had provided sex as a means of release.

The MSM/Transgender groups use similar ways to the Female EW to gain their release with the exception that they are more able to provide valuable items or pay direct money at the time of the arrest.

2. Support

The support in case of violation

As per the response of EWs, it is found the chance of obtaining support from someone civilians or from uniformed services / local authorities in Siem Reap and Sihanouk Ville is medium and low in Banteay Mean Chey and in Phnom Penh.

The chances of receiving support are thought to be low by MSM/Transgender in all provinces, except in Sihanouk Ville where they can be rescued by a citizen.

The support gain back right after violation

Among different sources of assistance after violations, less than 40% of EWs from the 4 provinces

asserted that they would receive support from police and/or local authorities. The majority are likely to rely on NGOs and local people for assistance. The answers from MSM/Transgender groups are also similar to their female peers.

3. Changes in some key variables between 2007 and 2008

Among EW

- Significant reduction of the mean of their movements from 0.59 in 2007 to 0.49 in 2008.
- Significant reduction of the mean of VCCT checks up from 1.46 in 2007 to 1.33 in 2008.
- No significant changes of mean number of arrests and STI attendance of EW between 2007 and 2008.

Among MSM/Transgender

- Significant reduction of the mean amount of movements from 1.17 in 2007 to 1.03 in 2008.
- Significant increase of the mean of number of arrests from 0.071 in 2007 to 0.121 in 2008.
- No significant changes of the mean of the rates of usage of STI and VCCT services by MSM/Transgender between 2007 and 2008.

5. Training and skills development of relevant networks and key partners including EWs and MSM/Transgender

1. Capacity Building on Leadership for Results is suggested to create a powerful and long lasting network of policy makers, program implementers and beneficiaries which can adjust the implementation of policies especially at local level. Policy makers and program implementers need to be inspired to support this paradigm shift. Key officials from the relevant institutions who are directly or indirectly involved with the work of Entertainment Workers and MSM/Transgender sex workers and their access to basic services (e.g. UA, legal services, social services...).

2. Capacity building in designing and delivering innovative and appropriate strategic BCC programs for EW, MSM/Transgender and their clients

The capacity building for BCC needs to be linked to Basic Human Rights, Positive Prevention, Continuum of Care, and also to creating an enabling environment through empowerment and meaningful participation. Sweethearts Programs need be reviewed, redesigned and expanded with the active participation of Entertainment Workers.

3. Develop skills of police forces and local authorities to act as Community Enablers

The technical capacity of police and local authorities in hot spot areas need to be built to create enabling environments for the prevention programs of government institutions and NGOs.

4. Strengthening the organizational and advocacy capacity of Entertainment Workers and MSM Transgender networks

The expected output is to establish a strong network of Entertainment Workers and MSM Transgender sex workers which can work in solidarity with GOs and NGOs and can effectively advocate not only for sexual safety but also for broader aspects of human rights including legal and social support.

5. Strengthening the organizational and advocacy capacity of Networks working with Entertainment Workers and MSM/Transgender

Technical and Organizational Capacity of different elements of the existing mechanism needs to be strengthened. Secretariat support needs to be made available to each element of the systems to ensure smooth undertaking of the mandated tasks. Some key elements of the system may need close mentoring by a Short Term Consultancy for a reliable and effective functioning with improvement of local ownership.

■ Analysis

1. *The changes in the general features of the sex industry with an increase in the number of EW their movement to non brothel based settings, the combination of risks of EWs and MSM/Transgender, the changes in the relationship between EWs and their partners/clients and the changes in the enabling environment.*
2. *The study on Demography Socio Economic of this action research paints the picture of an environment where young women and young men have to be involved in entertainment industry and gain their living buy selling sex. Most of them come from poor and/or broken families. Less than 1% of them have been sold into prostitution. EWs need to send from 30 to 50 USD back home every month to support on average 3.12 dependents. Among MSM/Transgender it is interesting to note that 66.6% of MSM acknowledged that they receive money from selling sex while 84.5% of Transgender do so.*
3. Discrepancy between the perception and the reality
 - a. 84% of EW and 90% of MSM/Transgender think they have the right to participate in the development of law and policies that are related to sex work
*In depth interviews with key informants found that there was a lack of representatives of EW and MSM/Transgender in the consultation process for the development of those policies. Their assignment in the former OPC SOP was just aimed at having representatives of the service beneficiaries rather than to play an active role in service design and implementation and to protect broader rights including the right to work and the right to live (No representative of WNU in the OPC TWG at central level and CUCC at provincial level).
Although WNU and WHN are active in 9 provinces, their connections with local level and central level are lacking. The reality at local level could not easily be reported to provincial and /or central level as a contribution to policy development or review.*
 - b. 89% of EW and 96% of MSM/Transgender think they have the same rights as other citizens?
Although sex work has not been made illegal under the Law on Suppression of Human Trafficking and Sexual Exploitation, many articles of this law cut off the chance of entertainment workers to earn their living from sex work.
4. Right to Universal Access services
*Apart from their funding agencies, MSM CBOs working at the local level such as MHC, MHSS, and Kanhnha have not been systematically connected with NMSMTWG to report the problems related to the coverage of interventions in their own areas.
NGOs are using different approaches for interventions and different channels of reporting. NMSMTWG and DHA TWG are struggling to define indicators, to collect and compile data on service coverage for MSM/Transgender and DU/IDU.*
5. Quality of Universal Access services
Since EW and MSM/Transgender have been mostly considered as passive service beneficiaries, the problems related to the quality of UA services (e.g. friendliness of the services, payment of services in some areas...) have not been most of the time openly discussed.
6. Possible problems related to the implementation of the new Law on Suppression of Human Trafficking and Sexual Exploitation
*In depth interviews with key informants found that there was a lack of proper training for local police on the use of unified guidelines for the implementation of the law.
Many reasons could be used by uniformed services and local authority to arrest EWs and MSM/Transgender beyond trafficking. These are include soliciting, room rental, and public order, child prostitution ... For release from arrest, 34% of respondents asserted the use of bribes as an alternate solution.
Overall, there was a low expectation and confidence that police and local authorities could assist EWs and MSM/Transgender in case of violations.*

■ Recommendations

Recommendations were made on the format of the guidance note on HIV and Sex Work of UNAIDS that have been released in February 2009.

- Pillar 1: Assure universal access to comprehensive HIV prevention, treatment ,care and support
- Pillar 2 : Build a supportive environment, strengthen partnerships and expand choices
- Pillar 3 :Reduce vulnerability and address structural issues

■ Conclusions

As for the response to the results of the findings on the five objectives and the analysis, it is concluded that a strong leadership is very critical for a coordinated response to assure both the right to work and the right to have access to UA services of Entertainment Workers.

Each sector and mechanism needs to support the actions recommended in the three pillars. The existing initiatives such as the National Strategy for the prevention among EWs and clients (NAA), MOI Strategic Plan for the response to HIV and AIDS 2009-2013 (MOI), the Prakas 086 of MOLVT, the new SOP for the Continuum of Prevention Care and Treatment, Approach for Female Entertainment Workers in Cambodia (NCHADS), the network of EW and MSM/Transgender and the NGO working MARPs should be supported.

I-BACKGROUND

National AIDS Authority (NAA) in collaboration with the Cambodian Alliance for Combating HIV/AIDS (CACHA) is working closely with entertainment workers networks which include namely Women's Network Unity (WNU), Network Men and Women Development of Cambodia (CNMWD), Cambodian Prostitute Union (CPU), National Men having Sex with Men/Transgender network and Cambodian Community of Women Living with HIV/AIDS (CCW) since April 2006. The up-coming research project will be funded by Women's Agenda for Change (WAC), Women's Network Unity (WNU), International Council on AIDS Organisations (ICASO) through Asia Pacific Network of Sex Workers (APNSW), ActionAid Cambodia, The United Nations Population Fund (UNFPA) and The Joint United Nations Programme on HIV/AIDS (UNAIDS).

CACHA understands clearly the drivers of the epidemic, through its extensive experience in working with entertainment workers for almost three years. Despite the fact that HIV prevalence rate dropped from 3.2% (1997) to 0.9% (2006) but the prevalence of specific groups in particular entertainment workers remains high, approximately 12.69% in 2006. The Entertainment workers in Cambodia are now facing challenges that have not been seen in the past decade. More than half of brothels were closed. Entertainment workers can no longer carry condoms with them. A lot of them had been arrested, detained, beaten and in some cases raped. A proportion of them no longer have access to ARV medicines. The move of entertainment workers from brothel based to be freelance (or indirect) entertainment workers is obvious and widespread throughout the country. Moreover, the entertainment workers and brothel owners were arrested especially after the implementation of the new Law on the Suppression of Human trafficking and Sexual Exploitation. It is foreseen that, if no appropriate measures are put in place on time, the HIV prevalence among entertainment workers will increase, meaning the second wave HIV in Cambodia will be inevitable.

In response to such problems, the Deputy Prime Minister Sok An on the occasion of the Closing Ceremony of The Third National AIDS Conference on 12th September 2008 at Chakdomuk Theatre, acknowledged that sex industry could not be eliminated in Cambodia (and in other countries). In view of the necessity to support 100% Condom Use policy and also ensure a smooth implementation of the new Law on Suppression of Human Trafficking and Sexual Exploitation, the Deputy Prime Minister has urged the two institutions namely National AIDS Authority and the General Department for Anti-Trafficking of the Ministry of Interior to work closely together to come up with common understanding and workable actions to deal with these sensitive issues. More importantly, he reiterated that NAA should collaborate closely with the CSOs which are the active operators and implementers in the field of HIV/AIDS countrywide.

It is expected that the results of the Research on Policies Environments regarding Universal Access and the Right to Work of Entertainment Workers will provide valuable insights for policy and program development to relevant stakeholders especially the National AIDS Authority and the General Department for Anti-Trafficking of the Ministry of Interior for consideration. More importantly, the results of this research will be consulted with all concerned stakeholders including policy makers, technical officers (programmers and law enforcement officers), representative of private sectors (beer companies, karaoke owners, hotels owners, etc.), representatives of MARPs and vulnerable populations so that their comments could also be gathered and reflected in the final recommendations of the research.

One of the key lessons learnt by CACHA through its experience in working with this target group is that the process of bringing about sustainable change takes time, especially given the complex nature of the problems faced by entertainment workers in the context of Cambodia society. It was also realized that the most important players are the target group themselves. Sustainable impact in the longer term depends on strengthening their voice and choice options. Empowering and enabling people to exercise their rights, along with the wider aim of reducing discrimination, marginalization, exploitation, and building a more socially inclusive society are also very important. It is a long-term process, and cannot be achieved over a short period of time.

The progressive realization of rights can only happen through the initiation of a series of simultaneous processes, involving the target group themselves, civil society, legal and political authorities, services providers, and other stakeholders. This requires a gradual and step-by-step approach. Therefore, the project has adopted a holistic approach, and that a central component entails empowering the target group as potential agents of change with rights and responsibilities, through increasing rights awareness, linkage with civil society groups and services providers. The collaborative nature of most of the activities includes facilitation of linkages between the target groups and local government authorities and services providers, the involvement of civil society as key change agents, harnessing the capacity of this potentially dynamic group, empowering them through awareness training so that they will be more assertive in mobilizing public action against discrimination.

During project designing stages it has been noticed that many organizations which have been working with the target groups are mostly implementing discrete sectoral project, mainly focusing on service delivery especially health rights. Based on this experience this project has been given emphasizes to build collaboration and cooperation between relevant governmental and non-governmental agencies so that lasting strategic changes can be brought about.

II- OBJECTIVES

Specific Objectives

1. To analyze the situation on the right to work of entertainment workers in light of the current situation of Cambodia (when the human trafficking law is being applied)
2. To examine the enabling environment on development and enforcement of existing policies and social norm regarding Universal Access of Entertainment Workers.
3. To assess the coverage and quality services regarding Universal Access of Entertainment Workers.
4. To identify problems (and possible problems) related to the implementation of the new Law on Suppression of Human Trafficking and Sexual Exploitation amongst Entertainment Worker.
5. To increase the knowledge, capacity and skills of relevant networks and partners.

III- METHODOLOGY

1. Conceptual framework

This action research is designed to address two fundamental rights to live of Entertainment Workers and MSM/Transgender, the right to work and the right to have access to basic services.

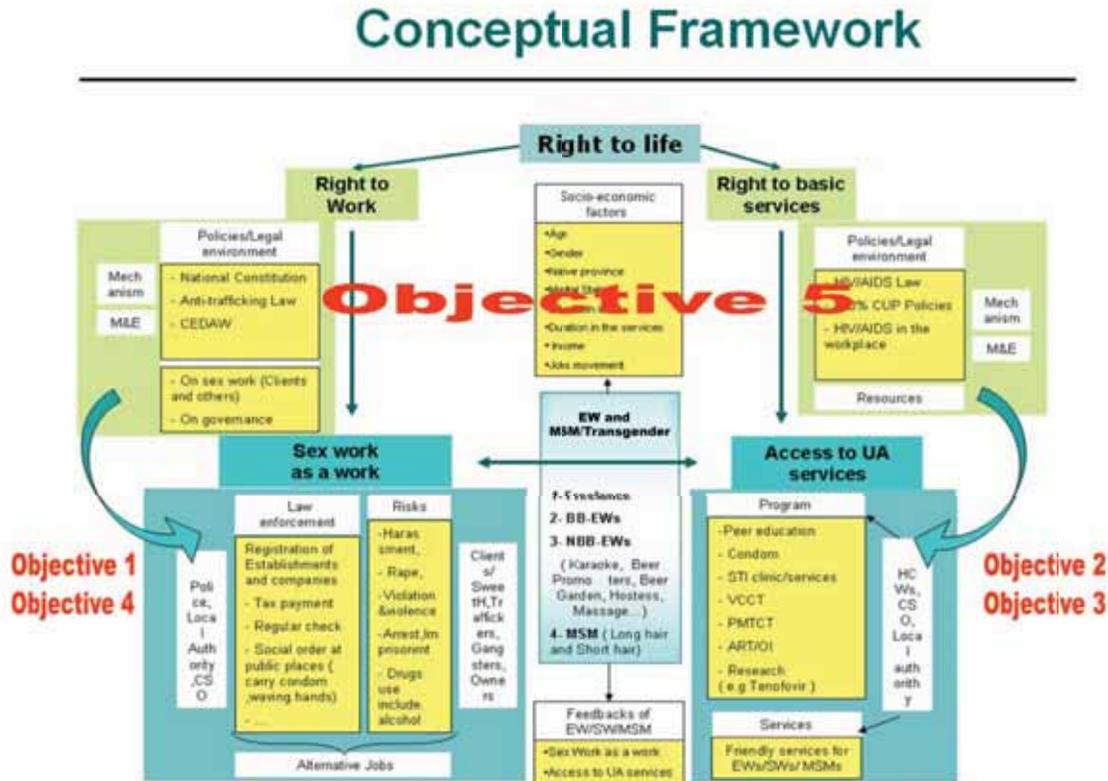


Figure 1: Conceptual Framework of the Action Research

Subsequent to Demographic and Socio-Economic studies and the exploration of attitude and the risks of EW and MSM/Transgender, this action research intends to investigate 2 important aspects:

Right to work

- Operation of sex work
- Enabling environment (participation in the development of law and policies and in advocacy actions, results of advocacy actions)
- Social norm (on right of citizen, on social order, on the duty of local authority, on stigma and discrimination)
- Problems related to enabling environment (Harassment and violence, the practices in the implementation of the polices and law, arrest and release from the detention)
- Social supports (from normal citizen, from local authority and police, from the community)
- Perceptions on main factors related to right to work

Right to have access to Universal Access services

- Coverage of Peer Education
- The use of basic services (e.g. STI, VCCT, Drop in center...)
- The linkages to other services (e.g. HBC, Drug Outreach education)
- The qualities of services (e.g. interest in Peer Education, friendliness of HCW, payment for services)
- Perceptions on main factors related to right to have access to UA

A special interest of the action research aims at finding whether the recent implementation of the law on Suppression of Human Trafficking and Sexual Exploitation in February 2008 has the potential to detrimentally affect the right of living of EW and MSM/Transgender and their right to have access to basic services.

2. Research design

1. Type of research study

- Purpose: The overall objective of this action research is to advocate for positive change in the approach, practices, policies and mechanisms of authorities and development partners, service providers and civil society through strategic partnership towards Universal Access and the Right to Work amongst entertainment workers in Cambodia.
- Type: This action research is a combination of qualitative and quantitative approaches. It aims at gathering data on “Policy Environment Regarding Universal Access (UA) and the Right to Work of Entertainment Workers”. Subsequent analysis was made to provide comments on the findings and to suggest causes that might affect the rights to work and to have access to UA services of EW and MSM/Transgender in a broad context. Lastly, recommendations for future application and planning for a safe working environment and a better access to quality UA services.

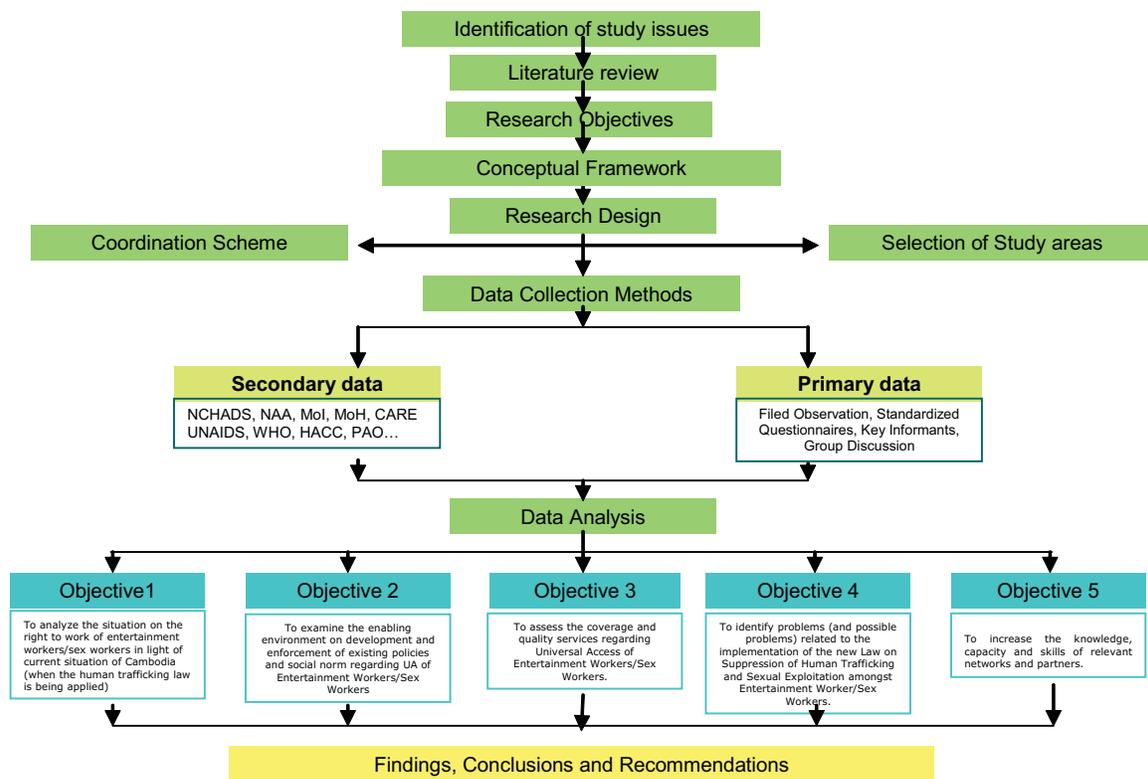


Figure 2: Research design of the Action Research

- Study Population: The interest of this action research is to address those who are directly or indirectly selling sex. The respondents are Direct Sex Workers, Massage Girls, Freelance Sex Worker, Karaoke girls, Beer Promotion Girls, Men having Sex with Men (MSM) and Transgender.
- Study Locations: The study has been purposively conducted in 4 selected provinces and municipalities where sex industry is booming namely Phnom Penh, Siem Reap, Sihanouk Ville and Banteay Meanchey.

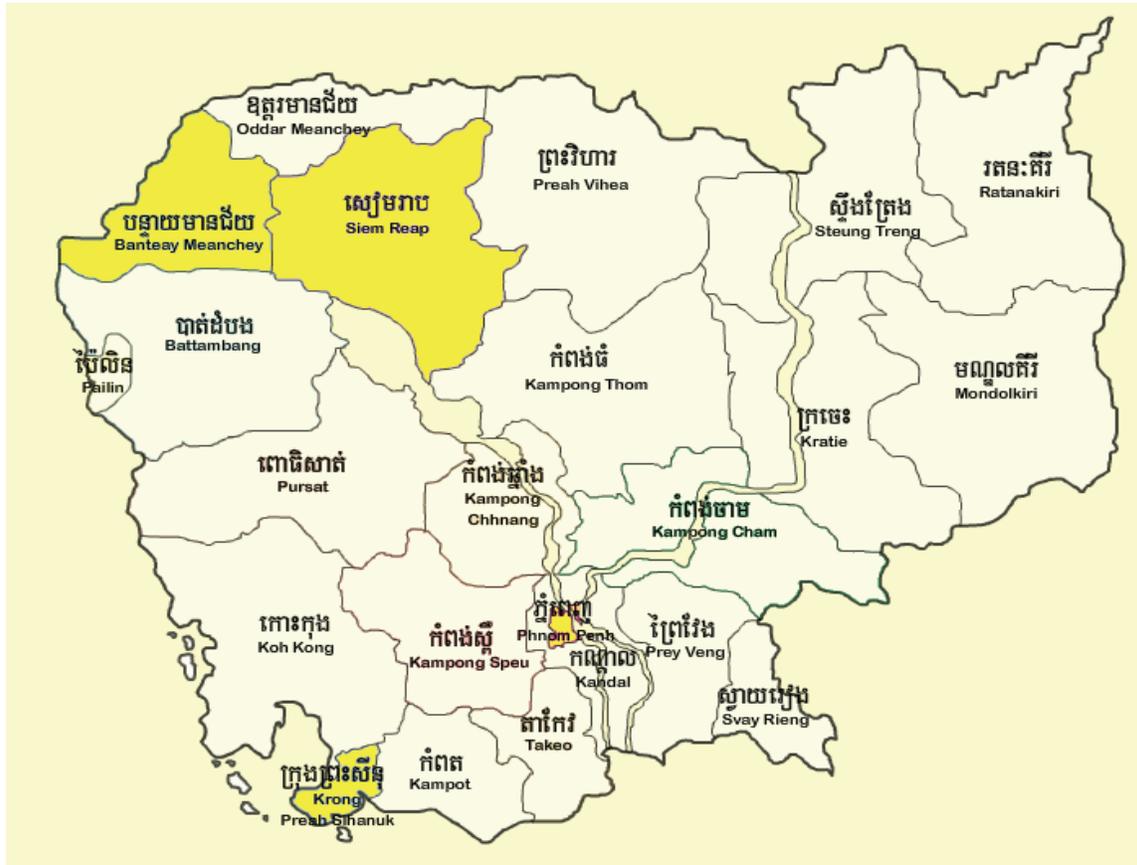


Figure 3: Map showing the provinces where Data collection were conducted

The following table provides the population size of the Direct Sex Workers and Indirect Sex Workers and MSM reached reported by Provincial AIDS Office of the 4 selected provinces

Table 1: Number of EW and MSM/ Transgender reported by Provincial AIDS Offices

Types of EWs and MSM/Transgender	Siem Reap	Banteay Mean Chey	Sihanoukville	Phnom Penh	Total
Direct SWs	131	124	96	743	1098
Indirect SWs	3400	1345	955	11109	16854
MSM/ Transgender (reached)	1312	1257	105	1014	3683

2. Data collection

Data sources and collection methods

- **Secondary Data Sources**

Secondary data relating to study provinces will be collected from pre-existing documents belonging to: NCHADS, NAA, MoI, MoH, MOLVT, CARE, UNAIDS, WHO, HACC, PAO (Provincial Statistics and other relevant organizations and institutions).

- **Primary Data Sources**

For the qualitative portion:

The officials from key relevant institutions and organizations (the government, the civil societies, the community-based organizations, the international and UN agencies) and also representatives of Direct Sex Workers, Freelance Sex Workers, Karaoke girls, Beer Promotion Girls, Men having Sex with Men (MSM) and Transgender have been recruited in the study in order to get insight views on the rights of EW and MSM/Transgender and their access to UA services. The data collection used by several techniques including reconnaissance survey, standardized questionnaires, interview, group discussion and observation.

A- Reconnaissance Survey: it will be applied in the initial stage to visit the 4 study provinces for identification of a sample size, pre-test of structured questionnaires and design a plan for field work. Also, it will give a basic understanding in the existing situation of the areas and the selected provinces useful to plan for other stage.

B- Filed Observation: These will be employed to observe the surrounding areas, environment and location of brothels, karaoke, restaurants, guess houses, renting rooms, public parks and other entertainment establishments where the sexual activities could be taken place.

C- Standardized Questionnaires: This was design for the interviewing entertainment workers, Karaoke girls, beer girls, Men having Sex with Men (MSM) and Transgender. They will be included both close-ended and open-ended questions.

D- Key Informants: These will be targeted to interview several key actors in the study provinces namely the government, the civil societies, the community-based organizations, the international and UN agencies.

E- Group Discussion: These will take place for consensus, further information, in particular, the immediate issue. The discussion will be held among sex workers, Karaoke girls, beer girls, Men having Sex with Men (MSM) and Transgender, local people (both old and young generations) local authorities, police and other key stakeholders.

For the quantitative portion:

- a. Sample Size**

Formula calculation of sample size will be used through to statistic (Yamane, 1960) and 90 percent of confidential interval.

$$n = N / (1 + N * e^2)$$

Where, n: sample size (respondent)

N: total population (respondents)

e: precision (10%)

- b. Sampling Methods**

Based on the selection criteria of the study areas, Phnom Penh, Siem Reap, Sihanouk Ville and Banteay Mean Chey will be purposively employed.

Table 2: Number of EW and MSM/ Transgender involved in quantitative part of the action research

	Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		Total	
	Types	N	%	N	%	N	%	N	%	N	%
Female EWs	DSW	44	16.06%	69	27.60%	53	23.87%	80	21.62%	246	22.04%
	Massage Girls	7	2.55%	25	10.00%	1	0.45%	90	24.32%	123	11.02%
	Freelance SW	20	7.30%	3	1.20%	22	9.91%	81	21.89%	126	11.29%
	Karaoke Girls	183	66.79%	132	52.80%	114	51.35%	94	25.41%	523	46.86%
	Beer Promotion Girls	20	7.30%	19	7.60%	26	11.71%	25	6.76%	90	8.06%
	Others	0	0.00%	2	0.80%	6	2.70%	0	0.00%	8	0.72%
	Total	274		250		222		370		1116	
	Types	N	%	N	%	N	%	N	%	N	%
MSM/ Transgender	MSM	63	39.38%	134	77.01%	40	59.70%	125	65.79%	362	61.25%
	Transgender	97	60.63%	40	22.99%	27	40.30%	65	34.21%	229	38.75%
	Total	160		174		67		190		591	

c. Operational procedures

Questionnaires were developed from the conceptual framework by the consultants' team and pre-tested and corrected with representatives of EW or MSM/Transgender (the members of WNU, CPU and CNMWD) to ascertain that the questions could be clearly understood and that the information collected fit the local context and situation.

A training session was conducted in Phnom Penh for all provincial Focal Points and Coordinators and along with an additional training for each member of the interviewers for the 4 selected provinces.

Interviews were conducted face to face by gender-matched interviewers who are mostly young students of social sciences and health and also officials of National AIDS Authority. A Focal Point and a Coordinator (Representative of EW or MSM/Transgender) were assigned to coordinate and supervise the data collection in each province. Central supervision was provided to the study in Banteay Mean Chey and Siem Reap. All questionnaires were checked in the field by supervisors to ensure data quality before the data was entered.

Efforts have been made to have interviews had conducted in privacy and in an appropriately sensitive manner.

3. Data Analysis

All the information and data collected from both primary and secondary sources will be analyzed by various techniques of qualitative and quantitative approaches.

a) Quantitative Analysis

The Statistical Package for Social Science (SPSS) was used for analyzing the quantitative data collected.

1) Descriptive Statistics

Descriptive statistic will be employed basically on socio-economic data of respondents using frequency, percentage, cross-tabulation, graphs and charts.

2) Analytical Statistics

• ANOVA test

ANOVA will be used to test for a relationship between one continuous variable and one categorical variable in the 4 different study provinces. The test will give us details in difference in the means of the rating on the perceptions on main factors related to the right to work and the right to have access

to UA services, the interest in Peer Education Program, the rating of the friendliness of STI and VCCT, the rating of perceptions on the social support in case of violations.

● **Wight Average Index (WAI)**

WAI technique will be used for rating the degree of perceptions on main factors related to the right to work and the right to have access to UA services , the interest in Peer Education Program, the rating of the friendliness of STI and VCCT, the rating of perceptions on the social support in case of violations.

The WAI will be applied in the study is illustrated as below:

(1) Index of the perceptions on the right to work and the right to have access to UA services

First Rank (1)	Second Rank (0.66)	Third Rank (0.33)
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The ranking and priority index will be constructed as follows:

- F1: Frequency of 1st rank
- F2: Frequency of 2nd rank
- F3: Frequency of 3rd rank

(2) Index of interest in Peer Education Program

Very High (1)	High (0.8)	Moderate (0.6)	Low (0.4)	Very Low (0.2)
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(3) Index of rating the degree of satisfaction of the friendliness of STI and VCCT services

Very Friendly (+2)	Friendly (+1)	Moderate (0)	Somehow Friendly (-1)	Not Friendly (-1)
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(4) Index of the rating of perceptions on the social support in case of violations.

Very High (1)	High (0.8)	Moderate (0.6)	Low (0.4)	Very Low (0.2)
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● **Paired Sample T test**

This test has been used to depict the existence of the significance of the changes of the means some variables between 2007 and 2008. These are the movement of EW and MSM/Transgender, the arrest, the use of STI and VCCT services.

b) *Qualitative Analysis*

Most of the data collected through group discussion, key informants' interview and field observation will be analyzed by qualitative analysis. In addition, the desk review, situation analysis, statement analysis and content analysis on their views and perceptions on new anti-trafficking law, 100 condom uses, current brothel crackdown, rights to work and other current hot issues will included in the qualitative analysis stage. In addition, a problem loop will be developed in order to find relationship of factors affecting the Universal Access Achievement 2010.

4. Limitations

- o Most of the interviews of this action research were not done by EW and MSM/Transgender due to the limitation of their basic knowledge. Although they are thought to be the most appropriate interviewers for their peers, most of them can hardly read and write. The majority of interviews were instead conducted with students of social sciences and health universities and health officials.
- o The interviews of this action research were mostly arranged by a Coordinator who is mostly the Provincial representative of EW and MSM/Transgender. Most of the respondents in this action research are somehow connected with their local network. However, it is understood that there are

- a large number of EW and MSM/Transgender who have not been connected with local network.
- o It is commonly found that sex workers may have felt a need to give “correct” or socially acceptable answers:
 - Duration of work in the sex industry : Usually sex workers tend to state that they were recently involved in the sex work
 - EW and MSM/Transgender may have not appropriately recall events that happened in 2007 (e.g. movement, arrest, the use of STI and VCCT services...)
 - Some Direct Sex Workers may not be able to frankly state that the income of their work are to be shared with the owners of the rooms who used to be their former owners.
 - o All of the sex workers who participated in this action research appeared to be over 18 years of age, although, in the course of visits to entertainment establishment, girls who appeared to be younger than this were observed. It is difficult to interview adolescent working in entertainment industry especially with sensitive questions that are connected with their private lives.

IV- FINDINGS

Objective 1: The right to work of EWs and MSM/Transgender

1. Socio-Economic

1. Age of the respondents

In average the female EWs are one year older than MSM and Transgender. It is interesting to notify that both female EWs and MSM/Transgender are older than their peers for the remaining three provinces. Besides, it is to remind that in this survey 35 EWs (or 3.4%) are found to be less than 18 years old. Out of 35 adolescent EWs, 22 admitted that they receive money from sex work.

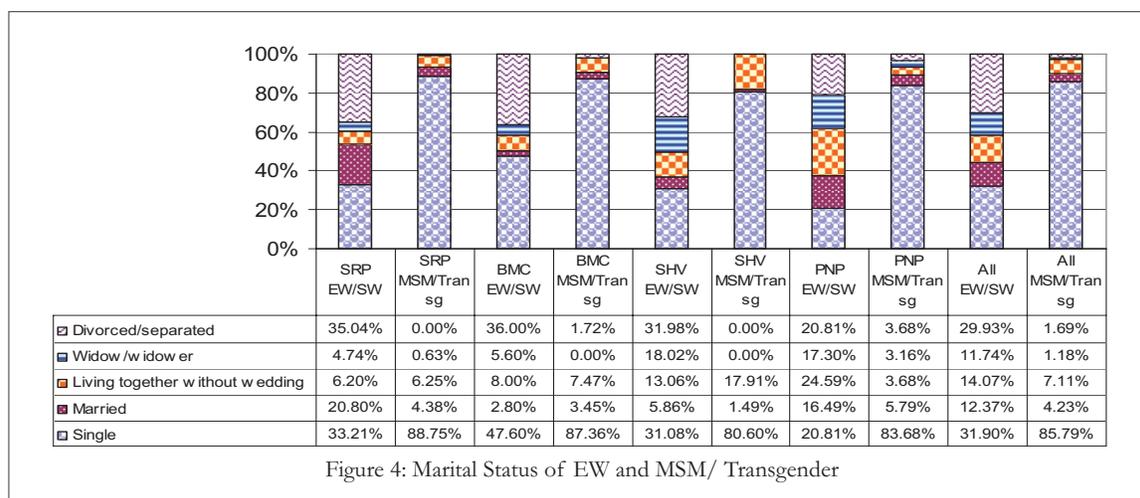
Table 3: Mean age of EW and MSM/ Transgender

	Siem Reap	Banteay Mean Chey	Sihanouk Ville	Phnom Penh	Total
Female EWs	24	23	24	28	25
MSM	21	23	24	25	24
Transgender	23	25	24	25	24

Source: Action Research, November 2008

2. Marital status

Among female EWs, the percentage of those who are single is similar in Siem Reap, Sihanouk Ville (respectively 33% and 31%). Banteay Mean Chey EWs have the highest percentage of single EWs while Phnom Penh has the least percentage of those who are single.



Among MSM/Transgender, in general, the respondents were single (85.8%), living together (7.1%), married (4.2%), divorced/separated (1.7%) and widow/widower (1.2%). All of the study sites shared similar high percentage from single status as compared to their Female EWs peers.

3. Level of education

In general the level of education of EWs in the 4 sites is low. The average of schooling (counted by years) by location for Siem Reap, Banteay Mean Chey, Sihanouk Ville, Phnom Penh is respectively 4.27, 4.73, 3.34 and 3.38. Therefore, the majority of EWs is within the Primary education.

The analysis by type of employment finds that DSW and Freelance SW are having the lowest level of education (respectively 2.73 and 2.87 years of education). Karaoke Girls and Beer Promotion Girls are having almost similar level of education (4.63 and 4.29) while Massage Girls are in the middle of the two previous groups.

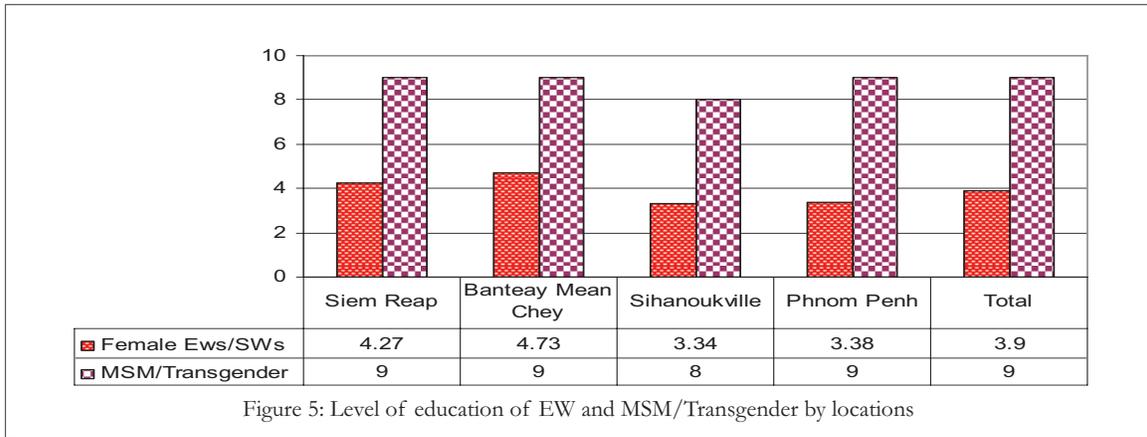


Figure 5: Level of education of EW and MSM/Transgender by locations

In average, MSM/Transgender respondents completed grade 9 including grade 9 for Phnom Penh, Siem Reap and Banteay Mean Chey but grade 8 for Sihanouk Ville. It is notifying that MSM completed grade 9 but Transgender completed grade 8.

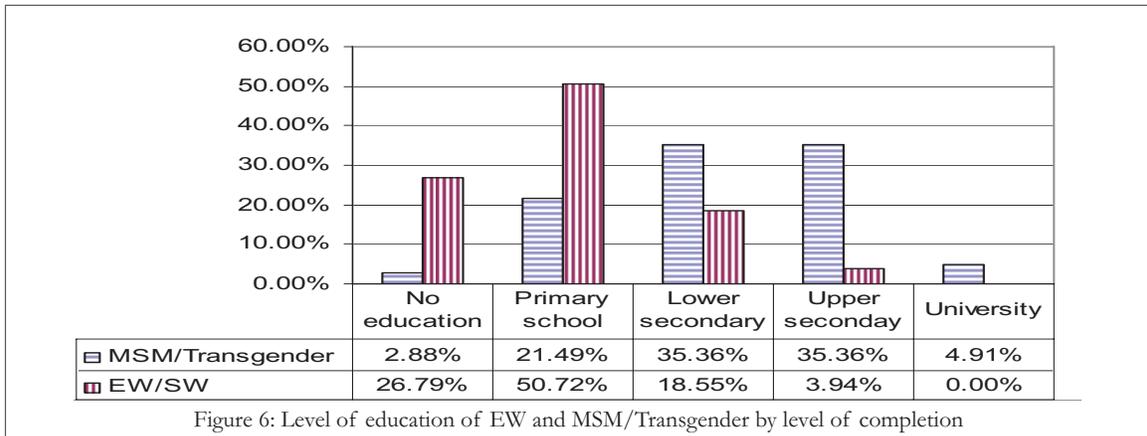


Figure 6: Level of education of EW and MSM/Transgender by level of completion

From the above figure, it is surprising that the 27% of EW have no education at all. Since they can barely read and write their chance for other job opportunity could be very low except the unskilled work.

4. Duration of work in the job

The analysis by type of employment found that Massage Girl and Freelance sex workers work longer (almost 36 months) in the service than other groups. Karaoke and Beer Promotion Girls are having similar duration in the job (around 20 months). In average, Direct Sex Workers have been working for 30months.

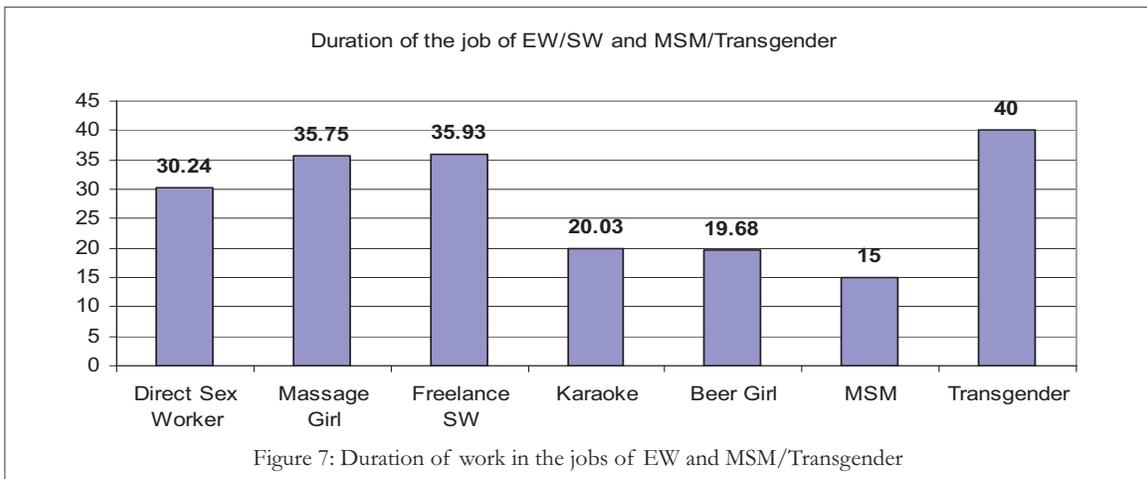


Figure 7: Duration of work in the jobs of EW and MSM/Transgender

Among the MSM/Transgender group, the data collected from 4 provinces, the Transgender have been working 40 months while the MSM has been working only 15 months.

5. Previous job

Among EWs, more than third of all EWs were unemployed, 18% were previously employed in the factories. The analysis by locations found that high percentage of EWs in Phnom Penh and in Sihanouk Ville leaving the factory work. It is interesting to notify that the among EWs who used to work in the factory, the percentage of Massage Girls, Beer Promotion Girls and Karaoke are respectively, 25%, 24% and 20%.

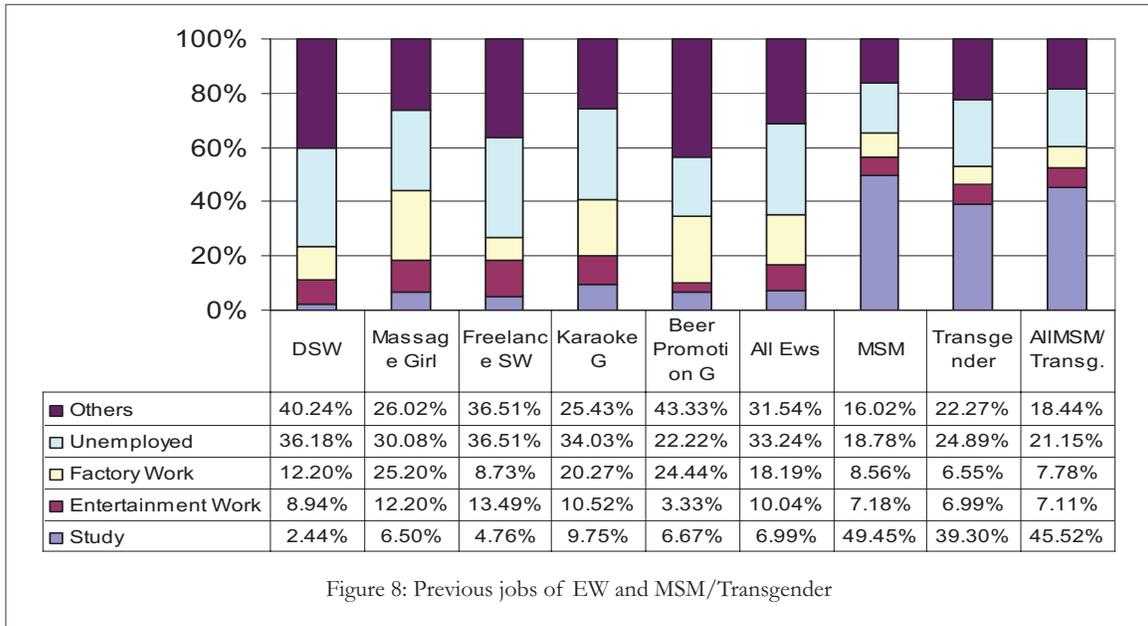


Figure 8: Previous jobs of EW and MSM/Transgender

Among MSM/Transgender, from 40% to 50% of them were in schools while 21% of them were unemployed. Only 7% of MSM/Transgender used to work in Entertainment Establishments.

6. Average number of dependents

Among Female EW the average number is 3.12 while MSM/Transgender has got only 2 dependents in average.

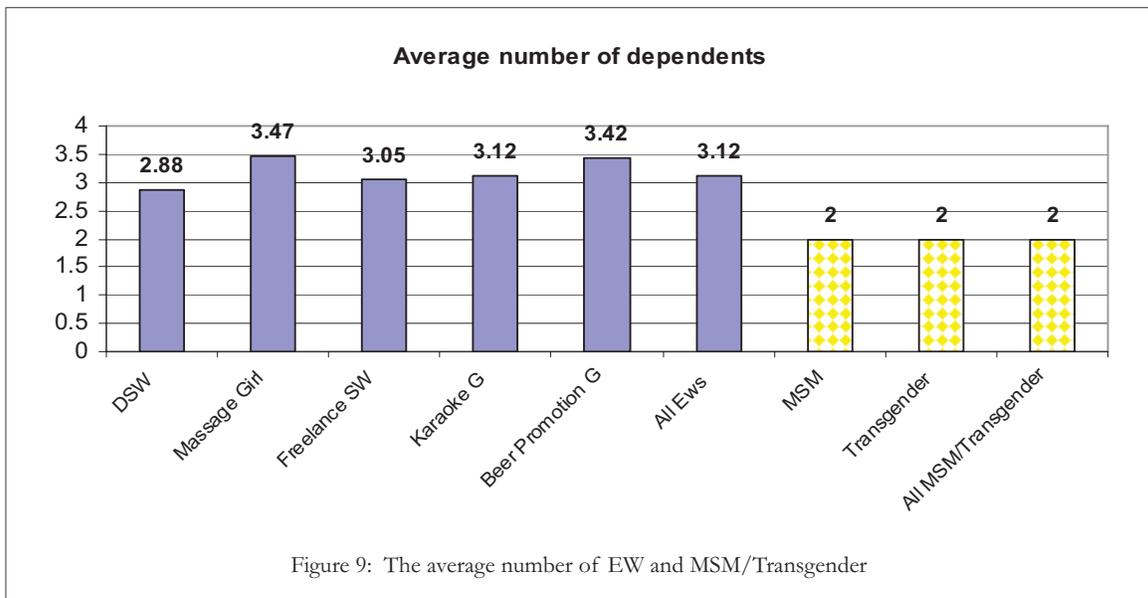


Figure 9: The average number of EW and MSM/Transgender

2. The work

1. Main reasons for working in Entertainment Services

To the multiple answers question, EWs list out the main reasons that force them to work in the sex industry. On average, each EW provides almost 2 answers to this question.

Table 4: Main reasons for working in Entertainment services of EW

Main reasons for working in Entertainment services	DSW Massage G		Massage G		FSW		Karaoke G		BPG		All EWs/SWs	
Lured by others	15	4.55%	3	1.14%	26	13.76%	36	5.09%	12	10.08%	94	6.21%
Sold to prostitution	6	1.82%	1	0.57%	1	0.53%	4	0.58%	0	0.00%	12	0.79%
Rape	2	0.61%	1	0.57%	4	1.59%	1	0.15%	1	0.84%	9	0.59%
Family problems	139	42.12%	78	44.57%	78	41.27%	262	38.08%	46	38.66%	608	40.16%
Volunteers by their owns	166	50.30%	93	53.14%	77	40.74%	381	55.38%	60	50.42%	780	51.52%
Others	2	0.61%	0	0.00%	4	2.12%	5	0.73%	0	0.00%	11	0.73%
Total	330	100%	176	100%	190	100%	689	100%	119	100%	1514	100%

Source: Action Research, November 2008

Among negative factors, rape is seen a one of the main reasons only for DSWs while sex trafficking is very low among different groups (less than 1%). The percentage of EWs who have been lured by others is also not important for all types of employment except Freelance Sex workers and Beer Promotion Girls (respectively 14% and 10%).

Although half of EW stated that they decide to work as sex workers on voluntarily basis, in depth analysis need find out the details of the problems that force them to sex work as a mean for survival.

As an overall observation, family problems (parents divorce, debt, poverty...) are one of the main reasons that oblige EWs to accept self-prostitution as a mean for survival have been lured by others is also not important for all types of employment except Freelance Sex workers and Beer Promotion Girls (respectively 14% and 10%).

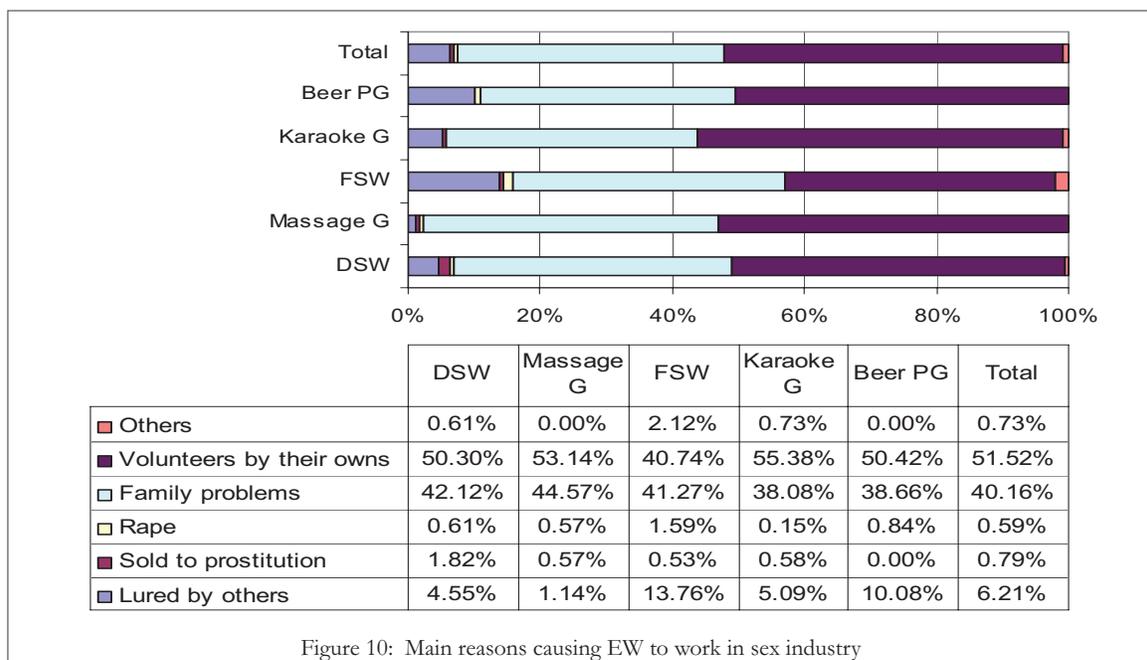


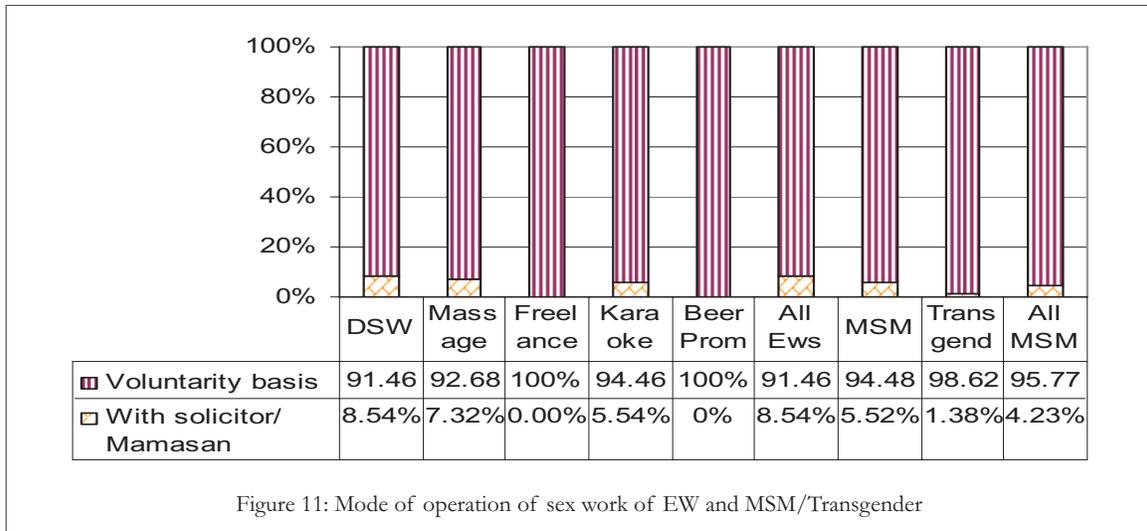
Figure 10: Main reasons causing EW to work in sex industry

This question has not been asked to MSM/Transgender groups.

2. How EW and MSM/Transgender operate their sex work?

Absolute majority of EWs asserted that they operate their sex work on their own. Very few DSWs, Massage Girl and Karaoke Girl do have solicitor or mamasan to support their sex work (respectively 9%, 7% and 5%). Freelance SW and Beer Promotion Girls completely depend on their own to organize their work. In general, only 5% of EWs do have solicitor or mamasan to assist their sex work. The analysis by locations found that in Banteay Mean Chey this figure is the highest (9%) and Sihanoukville the lowest (2%).

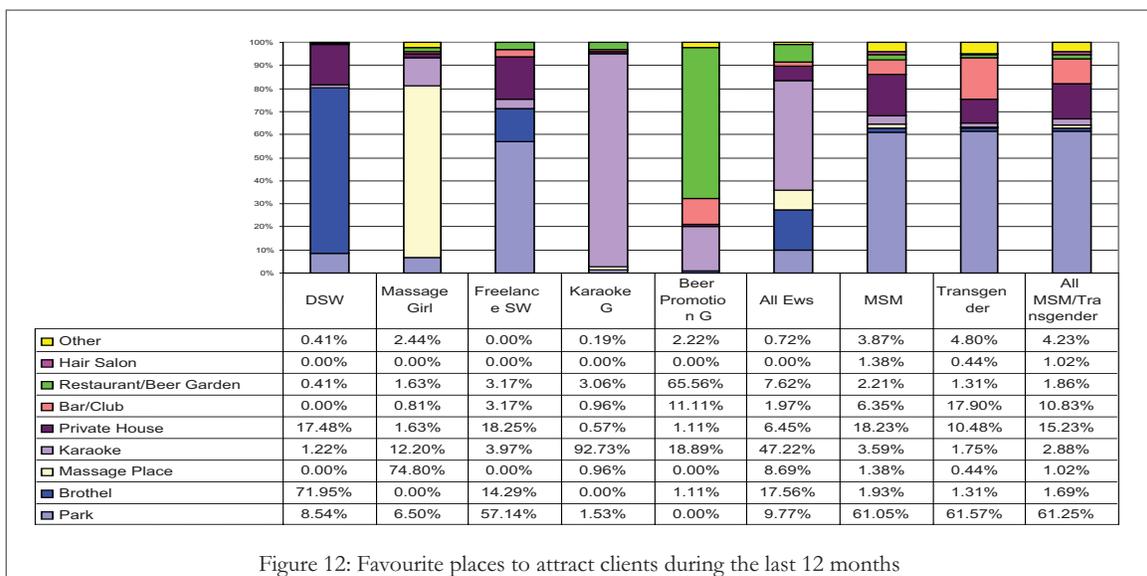
Among MSM/Transgender Group, MSM (short hair) seems to operate with more mamasan or solicitor (5%) than the Transgender (Long Hair) (1.38%).



Some Direct Sex Workers may not be able to frankly state that the income of their work are to be shared with the owners of the rooms who used to be their former owners.

3. Favorite places where EWs and MSM/Transgender attract their clients during the past 12 months

Among EW, Direct SWs used not only brothels as a venue to seek for clients but also park and public places and some private houses. Freelance SWs used more parks and public places than other groups but also used brothels and private houses as well.



Karaoke Girls picked their clients from the Karaoke lounges where they work while Beer Promotion Girls succeeded to negotiate clients in the restaurants and Beer Gardens where they are promoting their beers. Massage Girls are usually in between the two previous groups. Most of their clients were picked from Massage parlor but they also they can go to public places and Karaoke to seek for clients as well.

In the analysis with the locations, it is found that with the exception Phnom Penh, the majority of EWs used to seek clients mostly in Karaoke and Restaurant/Beer Garden combined together. Park and public places are the most favorable for Freelance Sex Workers in Phnom Penh and Banteay Mean Chey (respectively 29% and 1%).

Among MSM/Transgender the favorite places to attract their clients are the park, private houses, bar and club. Very few of them seek their clients at hair salon and restaurant and beer gardens.

4. Number of sexual intercourses of Female EW with different types of partners during last week

Based on the answers of the respondents to the question Q12, it is interesting to notify that direct sex workers are having more sexual intercourses with different types of partners than indirect sex workers (respectively 15.72.66 and 2.66). DSW are having the highest number of sexual intercourses with partners in a week (almost 19 partners) as compared to other groups.

Table 5: Total number of sexual intercourse of female EW with different types of partners during last week

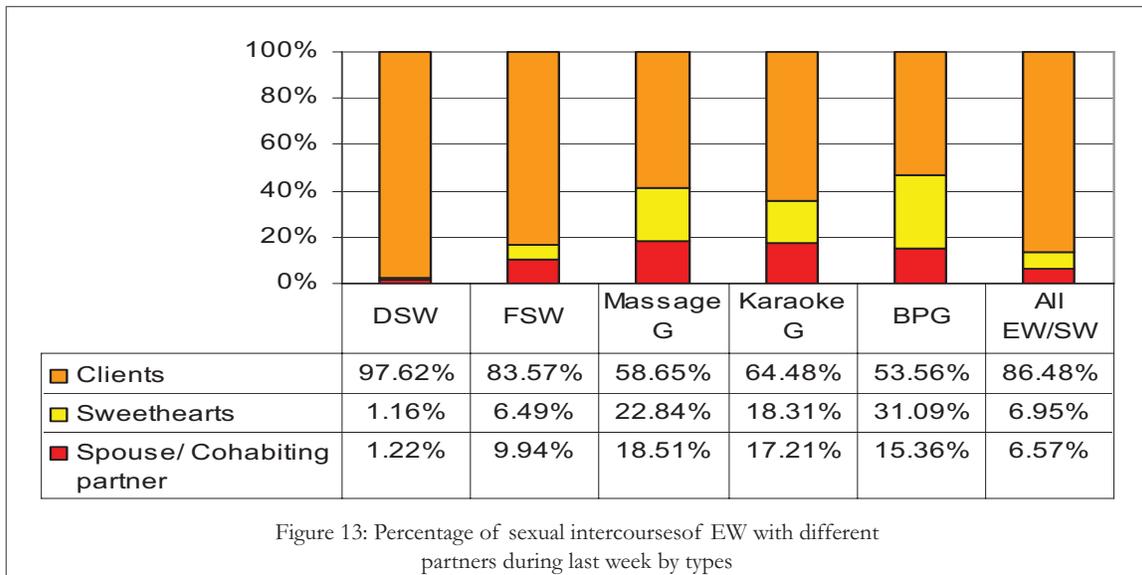
Types of employment	Direct Sex Workers		Indirect Sex Workers			Total
	DSW	FSW	Massage G	Karaoke G	BPG	All EW
Total number of sexual intercourse with Spouse/Living partner	57	118	77	220	41	513
Total number of sexual intercourse with Sweetheart	54	77	95	234	83	543
Paying clients	4552	992	244	824	143	6755
Total number of sexual intercourse with different types of partners in a week	4663	1187	416	1278	267	7811
Total Number of EWs	246	126	123	523	90	1108
Average number of sexual intercourse with different types of partners during last week	18.95	9.42	3.38	2.44	2.96	7.05
Average number of partners during last week	15.72		2.66			7.05

Source: Action Research, November 2008

The average number of sexual intercourse with different types of partners during last week with Direct Sex Workers, Freelance Sex Workers, Massage Girls, Karaoke Girls and Beer Promotion Girls are respectively 18.95, 9.42, 3.38, 2.24 and 2.96. It is worth noticing that the average number of partners of those who are directly involved in sex industry is 15.72 while for those who are indirectly selling sex is only 2.66.

Besides, one should comprehend that:

- For DSW and Freelance Sex Workers respectively 97% of sexual intercourses during last week were with clients
- For Massage Girls, Karaoke Girls and Beer Promotion Girls sex with clients were respectively 58%, 64% and 53%.
- With female EW sex should be considered as a mean for survival since 86% of those acts were with paying clients (with spouse or cohabiting partners only 7% and with sweetheart only 7%).



5. Number of sexual intercourses of MSM/Transgender with different types of partners during last week

During last week 362 MSM (Short Hair) have had 1427 sexual intercourses with mostly Male non paying partner (47%) and Male paying partner (39%). The averages of sexual intercourses with these important partners group are respectively 1.87 and 1.53.

During last week 229 Transgender (Long Hair) have had 1399 sexual intercourses with mostly Male non paying partner (60%) and Male paying partner (27%). The averages of sexual intercourses with these important partners group are respectively 3.67 and 2.24

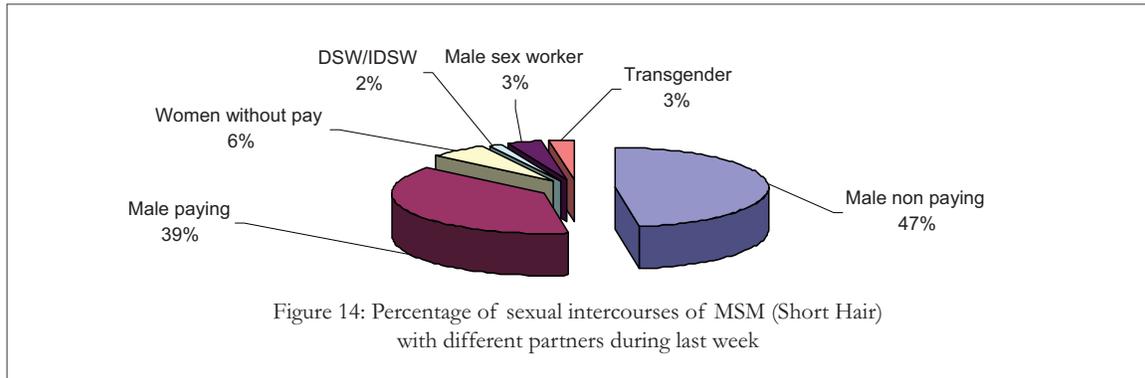
Table 6: Total number of sexual intercourse of MSM and Transgender with different types of partners during last week

	Male non paying	Male paying	Women without pay	DSW / IDSW	Male sex worker	Transgender	Total
Number of sexual intercourses of MSM with different partners during last week	676	554	85	22	49	41	1427
Average number of sexual intercourses of MSM with different partners during last week	1.87	1.53	0.23	0.06	0.14	0.11	3.94
Number of sexual intercourses of Transgender with different partners during last week	840	513	6	2	38	0	1399
Average number of sexual intercourses of Transgender with different partners during last week	3.67	2.24	0.03	0.01	0.17	0.00	6.11

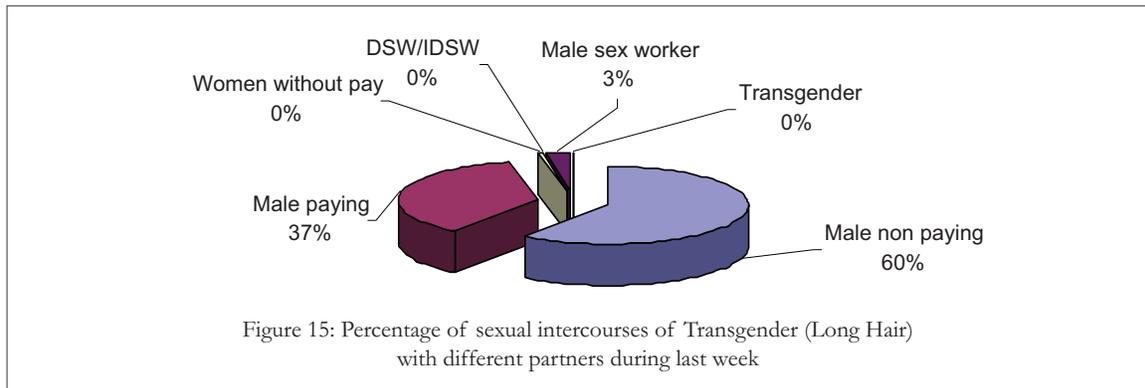
Source: Action Research, November 2008

The averages of sexual intercourses of MSM and Transgender with different partners are respectively 3.94 and 6.11.

Besides, one should comprehend that during a week prior to the interviews, almost half of MSM (Short Hair) have sex with Male non paying partners when 39% of them did sell sex to Male paying partners.



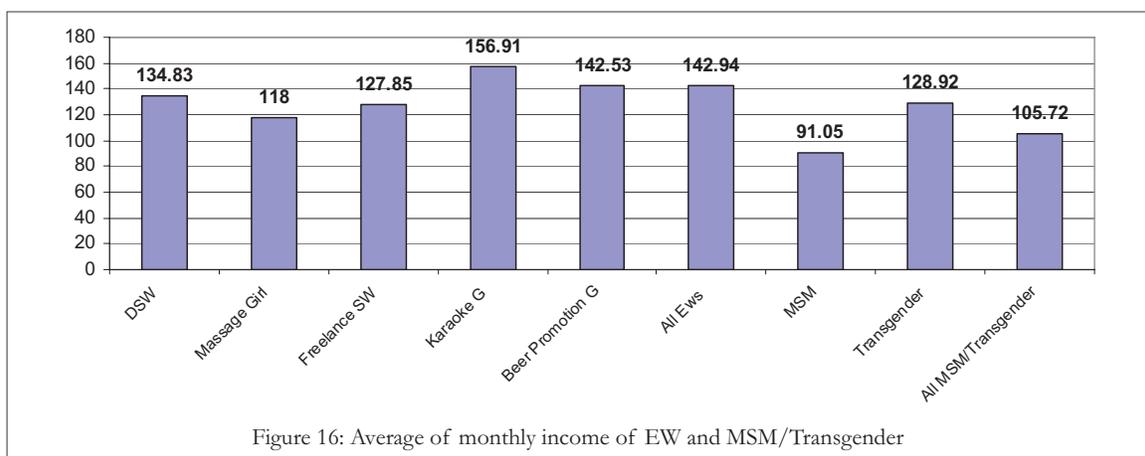
More than half of Transgender (Long Hair) have sex with Male non paying partners when 37% of them did sell sex to Male paying partners.



6. Income

The total income of EW and MSM/Transgender range from 91 USD (for MSM) to 157 USD (for Karaoke Girls).

Among EW Karaoke Girls and Beer Promotion Girls are having better income than their peers (DSWs, Massage Girls and Freelance Sex Workers)



Among MSM/Transgender it is interesting to notify that 66.6% of MSM did acknowledge that they receive money from selling sex while 84.5% of Transgender do so.

Table 7: Percentage of MSM and Transgender who have income from selling sex

	Who do not have income from selling sex		Who have income from selling sex		Total	
	N	%	N	%	N	%
MSM	121	33.43%	241	66.57%	362	100%
Transgender	56	15.47%	173	84.53%	229	100%

Source: Action Research, November 2008

7. Money transaction

Among different types of employment EWs, Massage Girls are having the highest debt (100USD). It is doubtful that the debt bound may be a reason to force Massage Girls to accept clients who are demanding sex services. Freelance Sex Workers, Karaoke Girls and Beer Promotion Girls are having almost similar pattern and amount of money saved, send home and debt. DSWs have lower amount of money for saving and sending home but their debt is lower than other groups

Among MSM/Transgender group, Transgender saved and remitted more than those who were MSM but MSM were far less in debt.

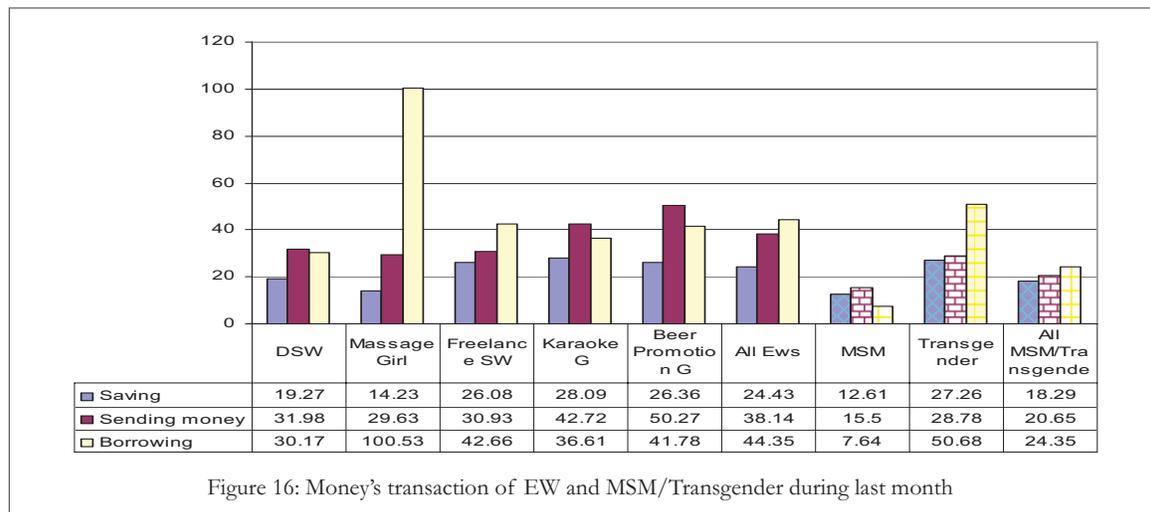


Figure 16: Money's transaction of EW and MSM/Transgender during last month

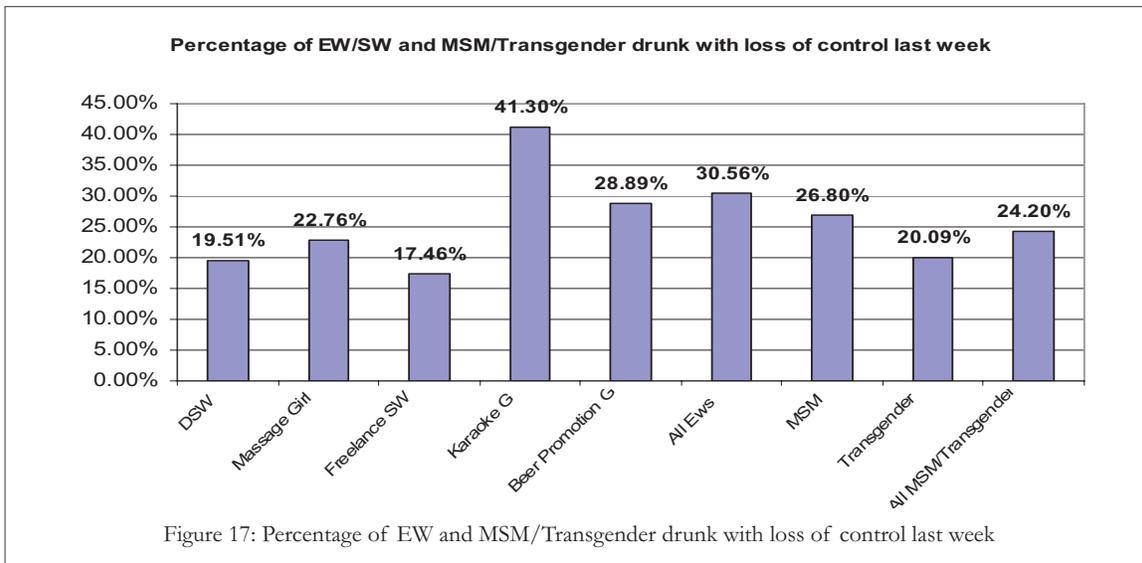
8. Drunkenness with loss of control

The excessive alcohol consumption might leads to an uncontrolled behavior including risky sexual intercourse by not using the condom with partners.

The analysis by types of employment found that Karaoke Girls and Beer Promotion Girls are having the highest incidence of drunkenness with loss of control (respectively 41% and 29%). Direct Sex Workers are found to be less exposed to drunkenness as compared to other groups.

It is interesting to notify that among Beer Promotion Girls, although the workplace policies of the companies have been implementing, clients are still in a better position to insist BPG to drink more beer with them. The risk is even higher with those who work on the commission than their friends who are permanent staff of the companies (e.g. Tiger, Heineken, and Angkor).

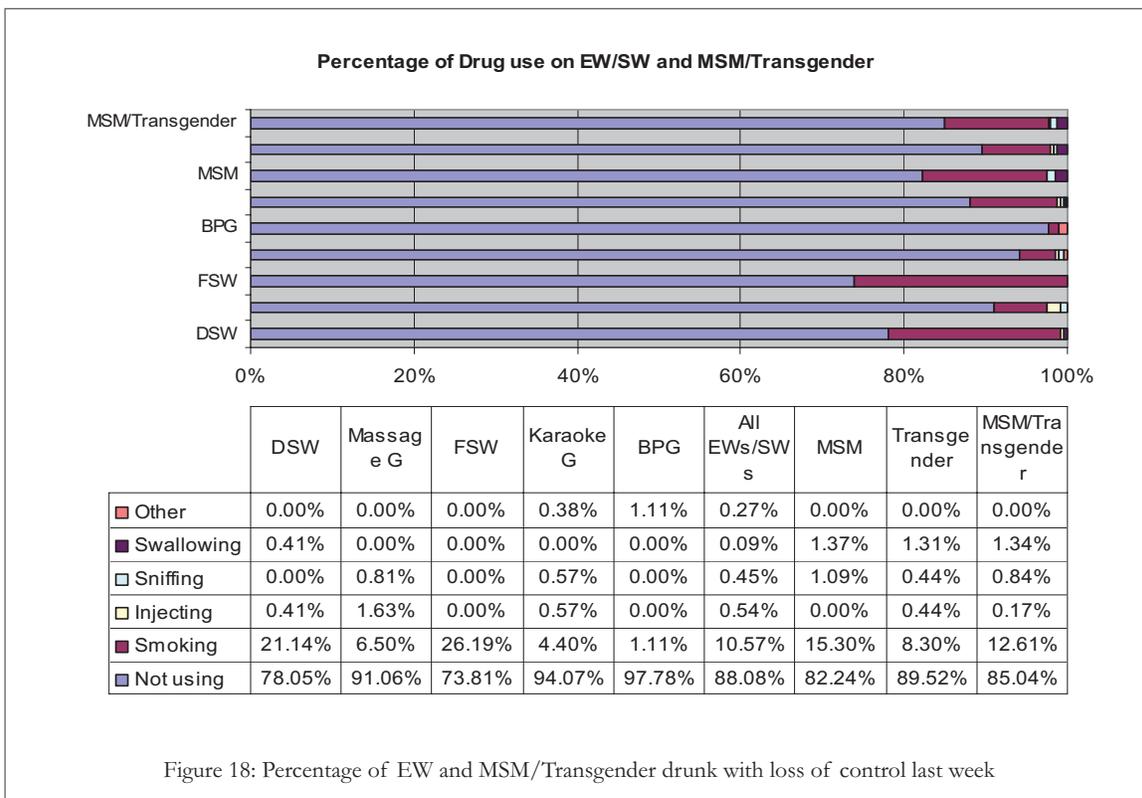
Among male groups, MSM (26.80%) had higher percentage than those who were Transgender (20.1%).



9. Drug use

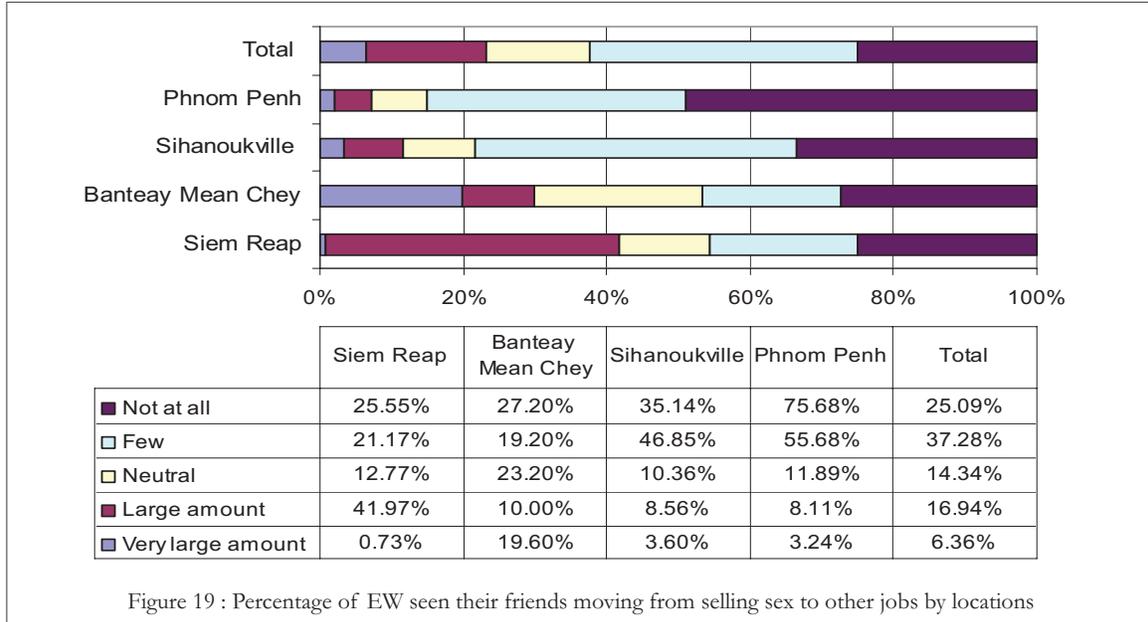
Direct Sex Workers and Freelance Sex Workers are using drug especially through smoking (respectively 21% and 26%). The prevalence of Karaoke and Beer Promotion Girls using smoking drug are respectively 4% and 1%. These rates seem to be higher than those provided by BSS 2007.

Transgender (10.49%) had lower percentage of drug addiction (of all kinds) as compared to MSM (17.76%)

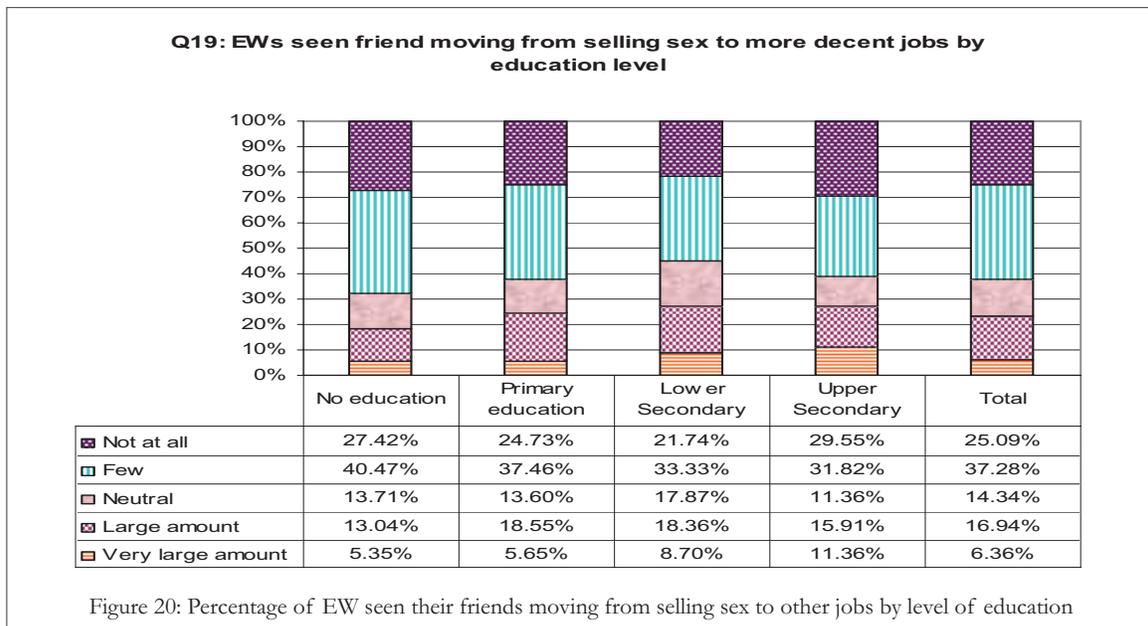


10. EWs seen friends moving from selling sex to other jobs

From the response to the question 19, it is interesting to notify that EWs can move from sex work to the availability of other jobs in the areas where they live. The below figure shows that Siem Reap is the best location as compared to Phnom Penh while Banteay Mean Chey and Sihanouk Ville are in between the two previous locations. As an overall observation about one fourth of EWs asserted that they have not seen their friends moving to other jobs at all.



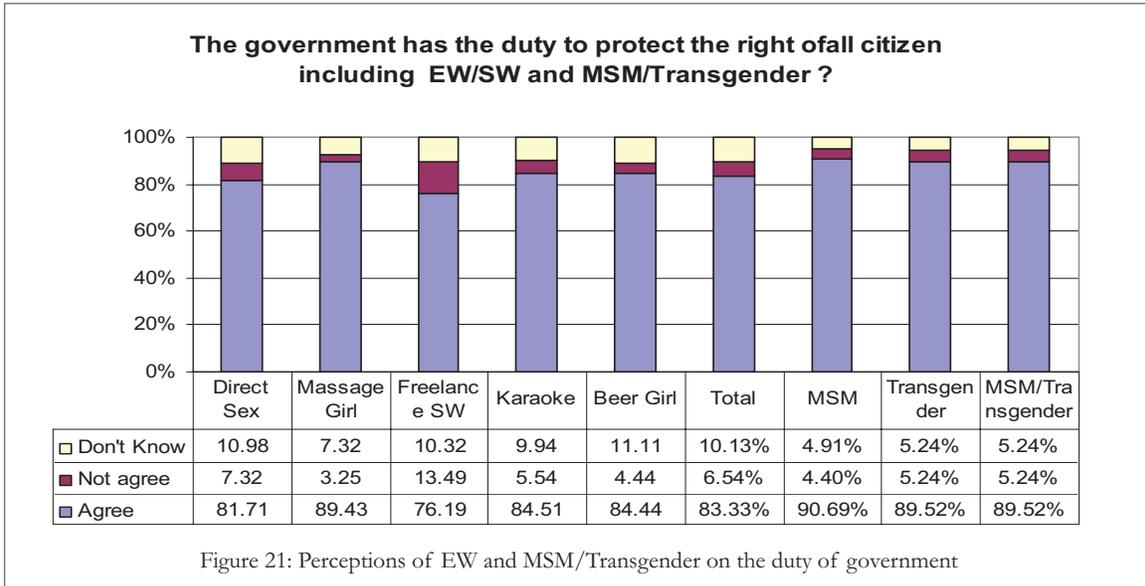
The analysis by level of education reveals that there is no significant difference between those who have no education at all to those who are having primary or secondary education. The response of EWs are almost similar regardless their level of education. From this analysis it is clear that the job opportunities in Siem Reap and Banteay Mean Chey Provinces are part of unskilled which are related to high degree of education.



3. The perception

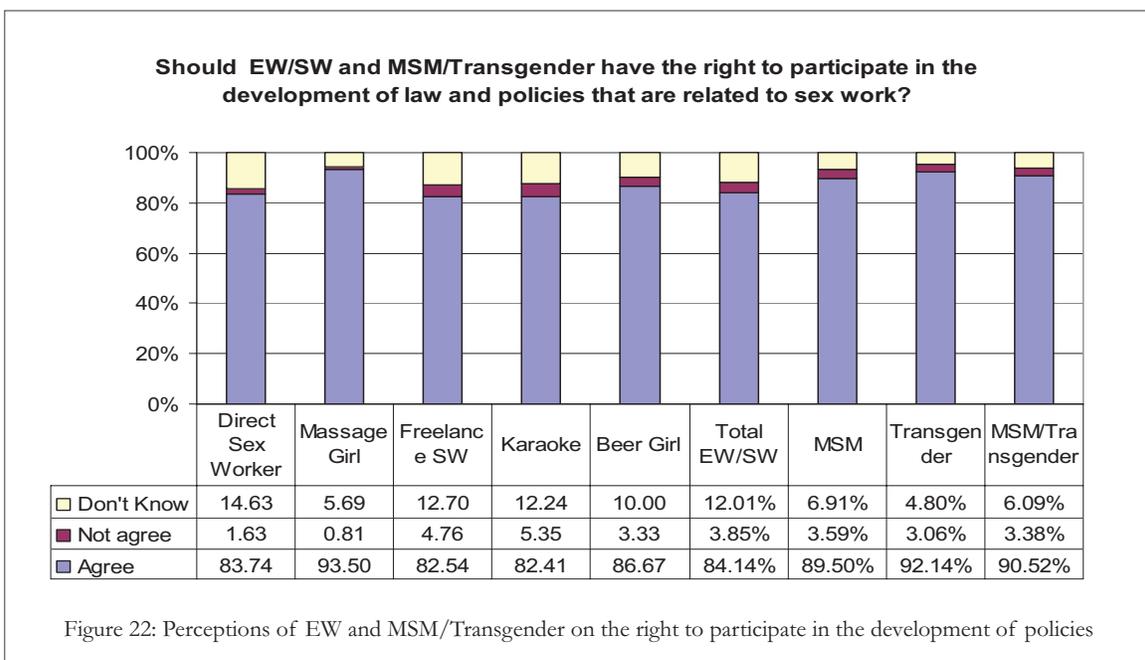
1. Government has the duty to protect right of all citizen including EWs and MSM/Transgender

As an overall observation on the perception of EW, 83% of EWs from all locations agree that the government should protect the rights of all citizen including EWs and MSM/Transgender. The MSM/Transgender respondents shared similar answer which stated that the government has the duty to protect the rights of all citizen including EW and MSM/Transgender. Their voices are even stronger, 91 % for MSM and 89.5% for Transgender.



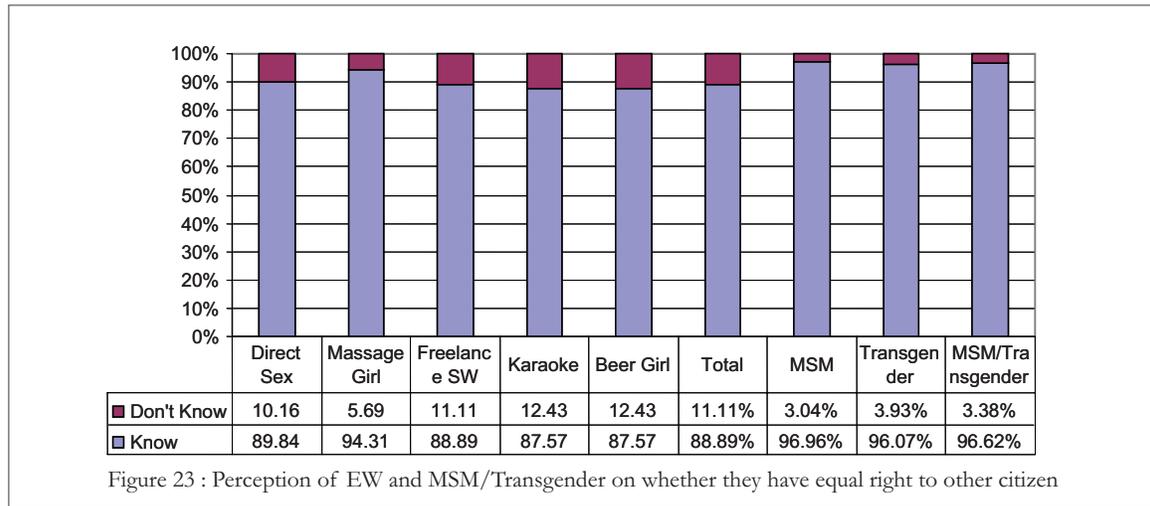
2. Should EW and MSM/Transgender have the right to participate in the development of law and policies that are related to sex work?

As an overall observation, the majority of EW from all types agree that they have right to participate in the development of law and policies that are related to sex work (82% of Karaoke Girls and 93% of Massage Girls). MSM and Transgender share the similar perception with a stronger voice (89% of MSM and 92% of Transgender agree with the statement of the majority of their female peers).



3. Do you know that EW and MSM/Transgender are having the equal right with other citizen?

More than 85% of all types of employment (EW and MSM/Transgender) do know that they have equal right to other citizen. MSM and Transgender do have a stronger understanding as compared to their female peers.



4. Main factors related to right to work

A- EW

From the data collected and the analysis by types of employment, it is found that EWs of all types said that the Dependents needs, Lack of job opportunity, the lack of representatives, the repression of officer in charge, the lack of public forum and unclear policies with conflicting understanding and practices are high to them. The ANOVA test using types of employment as factor found that there is significant difference between the responses provided by EWs on dependent needs and lack of public forum. The other answers are not significant.

Table 8: Main factors related to right to work of EW

Types of EW	Direct Sex Workers		Massage Girls		Freelance Sex Workers		Karaoke Girls		Beer Promotion Girls		ANOVA Sig.
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
Dependent	0.93	H	0.91	H	0.82	H	0.91	H	0.9	H	0.000***
Lack of job opportunity	0.88	H	0.87	H	0.83	H	0.88	H	0.9	H	0.34
Lack of representatives	0.82	H	0.78	H	0.8	H	0.82	H	0.79	H	0.67
Repression of officers in charge	0.91	H	0.87	H	0.89	H	0.86	H	0.85	H	0.1
Lack of public forum	0.82	H	0.71	H	0.75	H	0.80	H	0.74	H	0.01*
Unclear policies with conflicting understanding and practices	0.87	H	0.88	H	0.85	H	0.85	H	0.86	H	0.83

Source: Field Survey, November 2008

Note: Overall Assessment (OA), High (H) = 1.00 - 0.66; Neutral(N) = 0.65 - 0.33; Low (L) = 0.32 - 0.00

b- MSM/Transgender

Similarly to their female peers, the MSM/Transgender stated that the Dependents needs, the lack of job opportunity, the lack of representatives, the repression of officer in charge, the lack of public forum and unclear policies with conflicting understanding and practices are high to them. The ANOVA test using types of employment as factor found that there is no significant difference between the responses provided by MSM and Transgender on all factors related to the right of work.

Table 9 : Main factors related to right to work of MSM/ Transgender

Types of MSM/Transgender	MSM		Transgender		ANOVA Sig.
	WAI	OA	WAI	OA	
Dependent	0.89	H	0.84	H	0.051363
Lack of job opportunity	0.86	H	0.85	H	0.869502
Lack of representatives	0.79	H	0.73	H	0.025902
Repression of officers in charge	0.83	H	0.81	H	0.371795
Lack of public forum	0.83	H	0.78	H	0.027456
Unclear policies with conflicting understanding and practices	0.90	H	0.88	H	0.34674

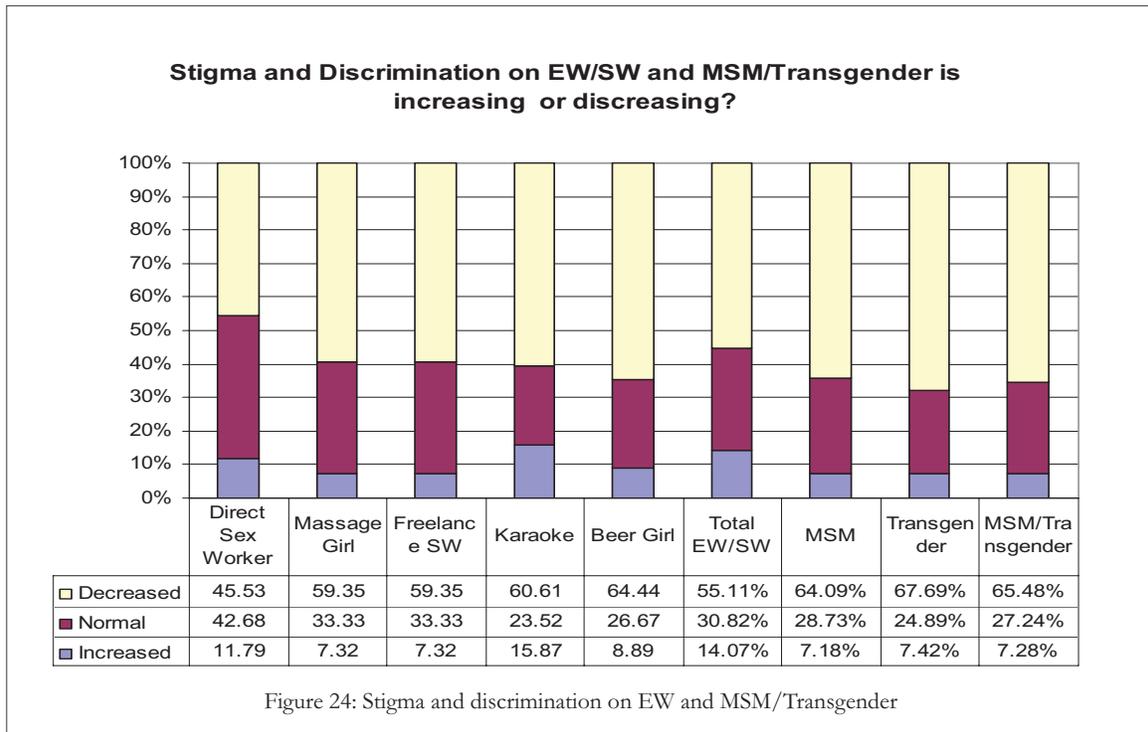
Source: Field Survey, November 2008

4. The application of the law and policies

1. Stigma and discrimination on EW and MSM/Transgender: Increasing or Decreasing?

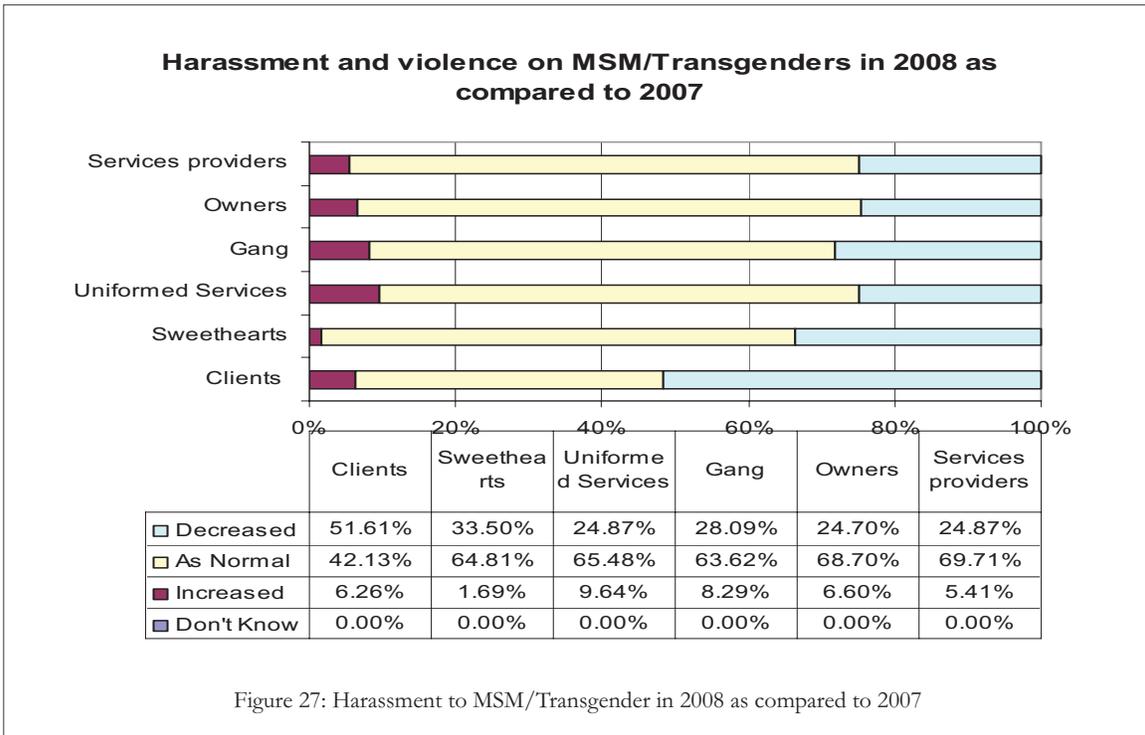
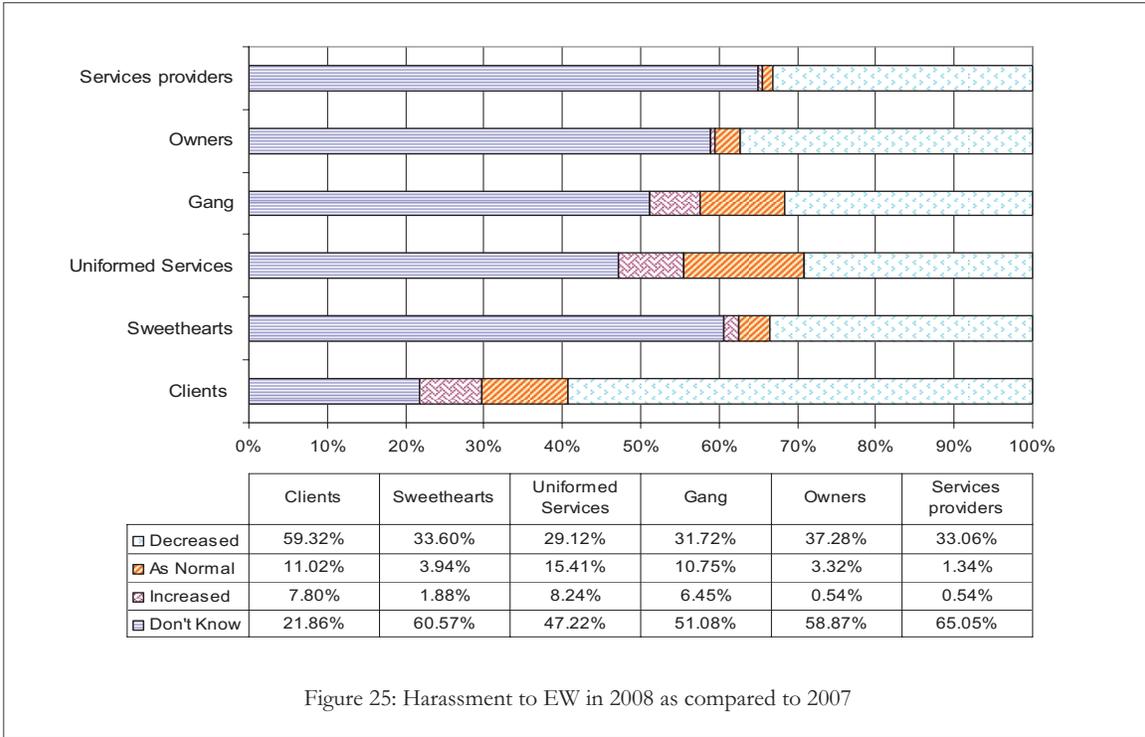
Even on those who are directly selling sex, the percentage of EWs who stated that stigma and discrimination has increased is less than 12%. Among those who are indirectly selling sex, 15% of Karaoke Girls notified an increase of stigma and discrimination.

On MSM/Transgender the situation is better than EW with the 64% to 68% decrease of stigma and discrimination on them.



2. Harassment and violence on EWs in 2008 as compared to 2007

As a general observation, it is observed that there was a significant decrease of harassment and violence from different types of perpetrators on EWs in 2008 as compared to 2007. This result is provided by those who answer from the EW groups and MSM/Transgender Groups to this question.

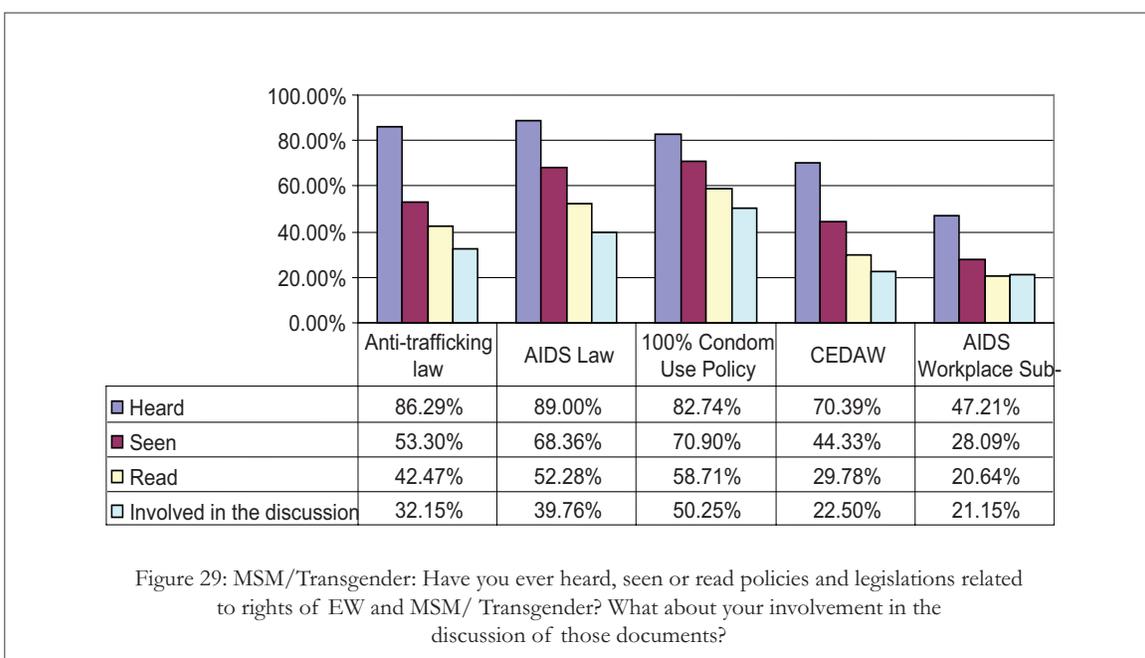
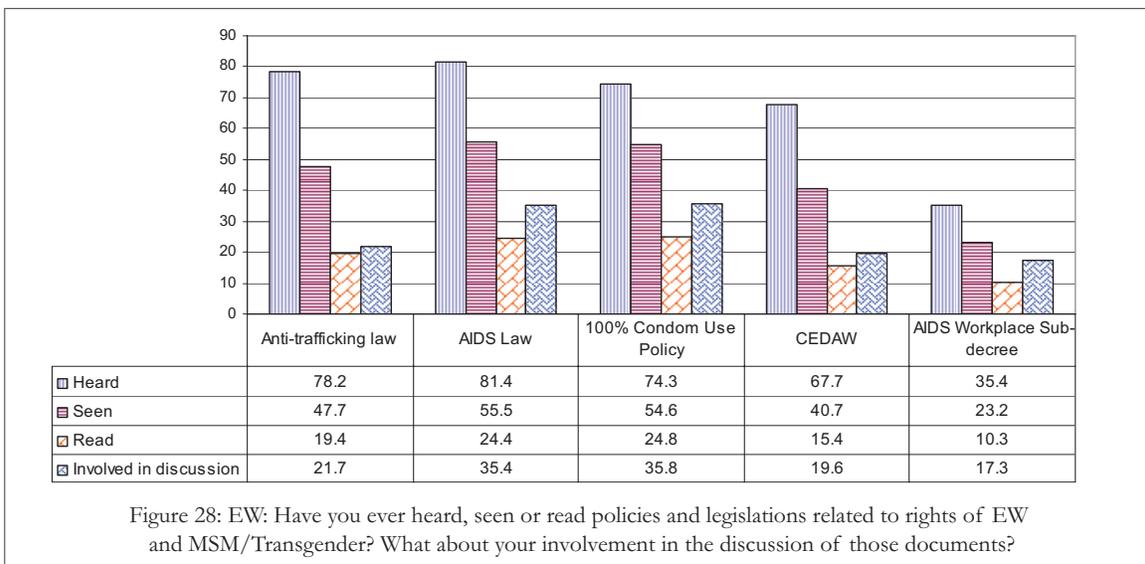


5. The participation

1. Have you ever heard, seen or read policies and legislations related to rights of EW and MSM/Transgender? What about your involvement in the discussion of those documents? Q20:

EW: As an overall observation, HIV and AIDS Law is mostly heard, seen and read by EWs. 100% Condom Use Policy is slightly less heard than HIV and AIDS Law. Anti-Trafficking Law and CEDAW almost share the same pattern. However, CEDAW is slightly less heard, seed and read than the Anti-trafficking Law. AIDS Workplace Sub-decree is the least heard, seen and read than previous law and policies. It is interesting to notify that the rate of involvement is even higher than the percentage of reading.

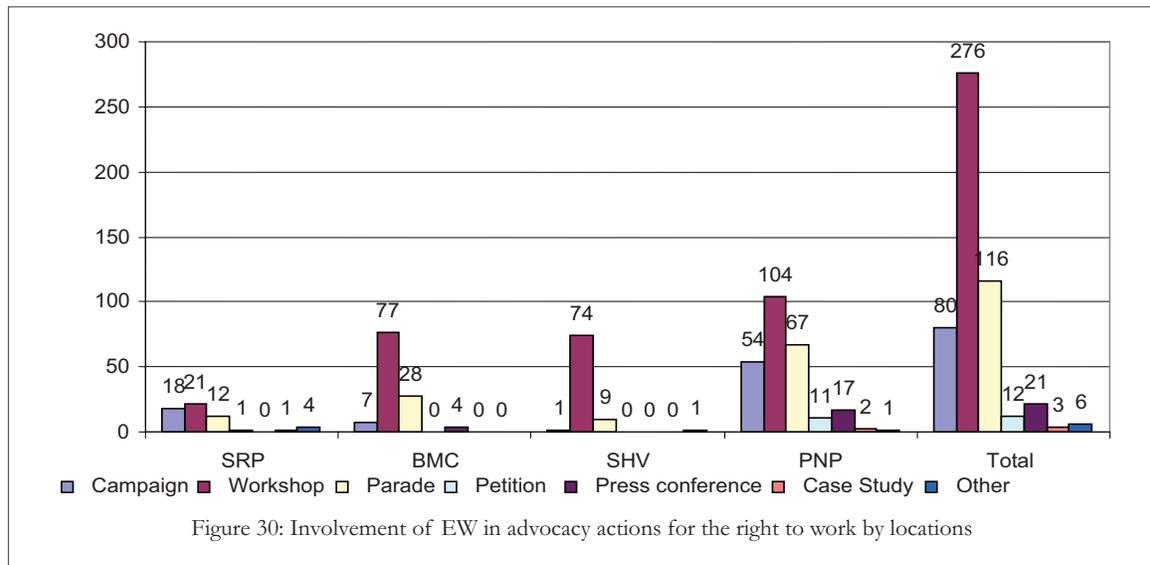
MSM/Transgender follow the same patterns of EW in term of access to information concerning to the policies and legislations related to the rights of EW and MSM/Transgender and their involvement in the discussion with those policies. However, this group has higher percentage in all categories of the response especially HIV/AIDS Law and 100% Condom Use Policy.



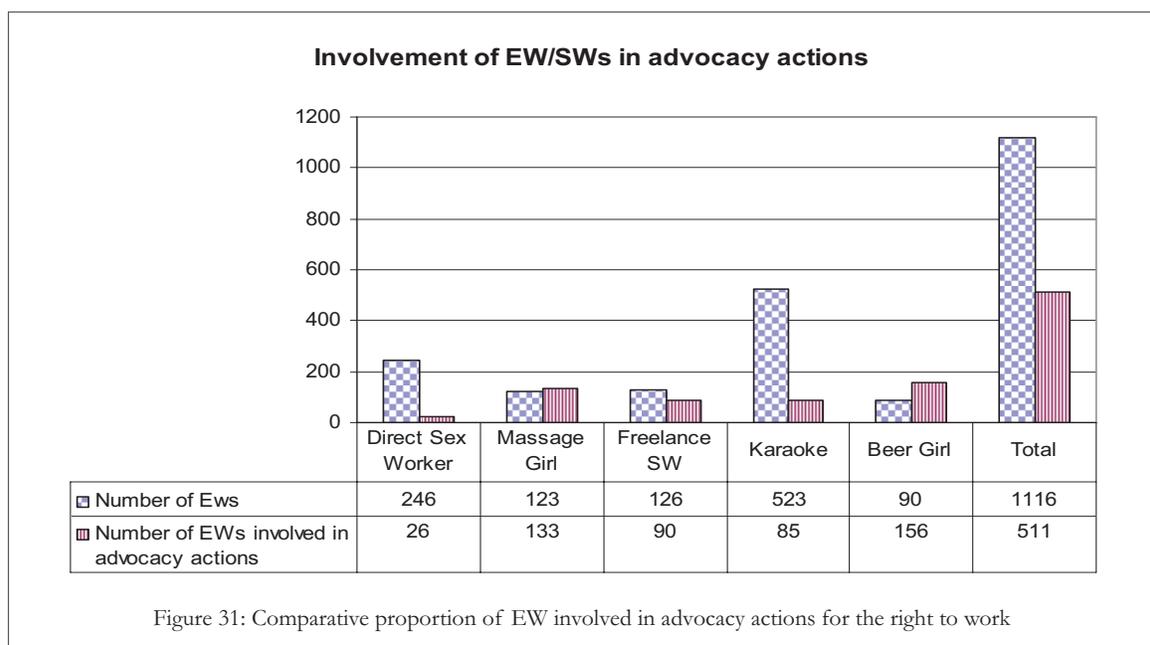
The interviews of this action research were mostly arranged by a Coordinator who is mostly the Provincial representative of EW and MSM/Transgender. Most of the respondents in this action research are somehow connected with their local network for the discussion on policies and legislations related to their work. However, it is understood that there are a large number of EW and MSM/Transgender who have not been connected with local network.

2. Have you ever involved in advocacy actions for the right to work? (Q21)

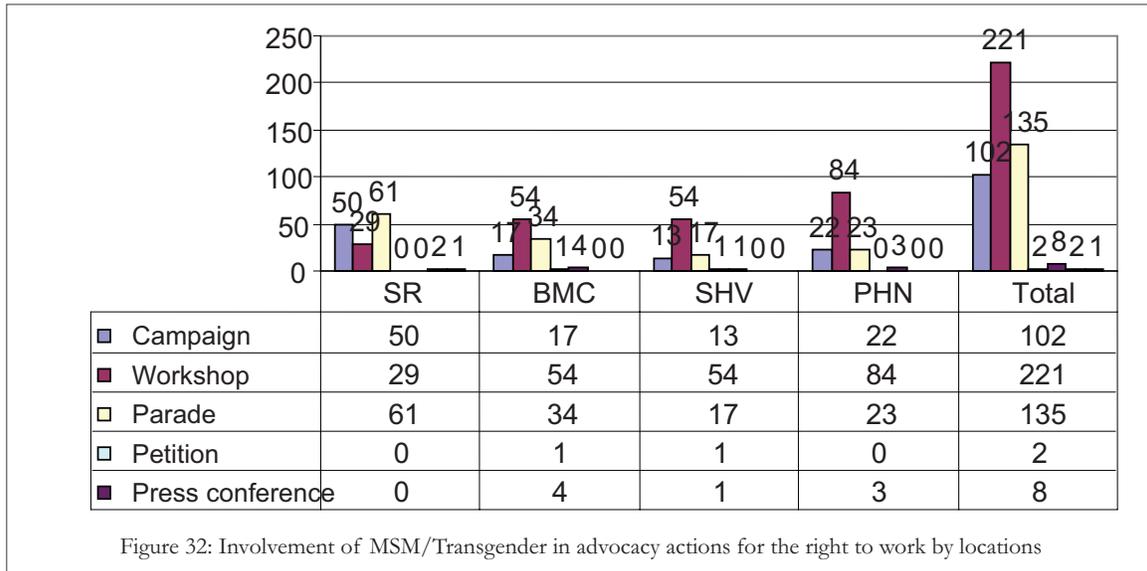
Among EW, almost 50% of the respondents provide answers to this multiple choices question. The below table clearly shows that the workshop is the most frequent way used to gain advocacy support from all the locations followed by parade and campaign. Petition letter and press conference were less popular means for gaining support to advocate for the right to work of EWs.



The analysis by types of employment found that Beer Promotion Girls and massage girls have high proportion of involvement in advocacy actions as compared to other groups. From the interviews with key informant it is know that actions including small and mass media have been taken by Beer Promotion Girls and supporting NGOs to fight against harassment on them. The participation in advocacy actions of Direct Sex Workers and Karaoke are the least significant.

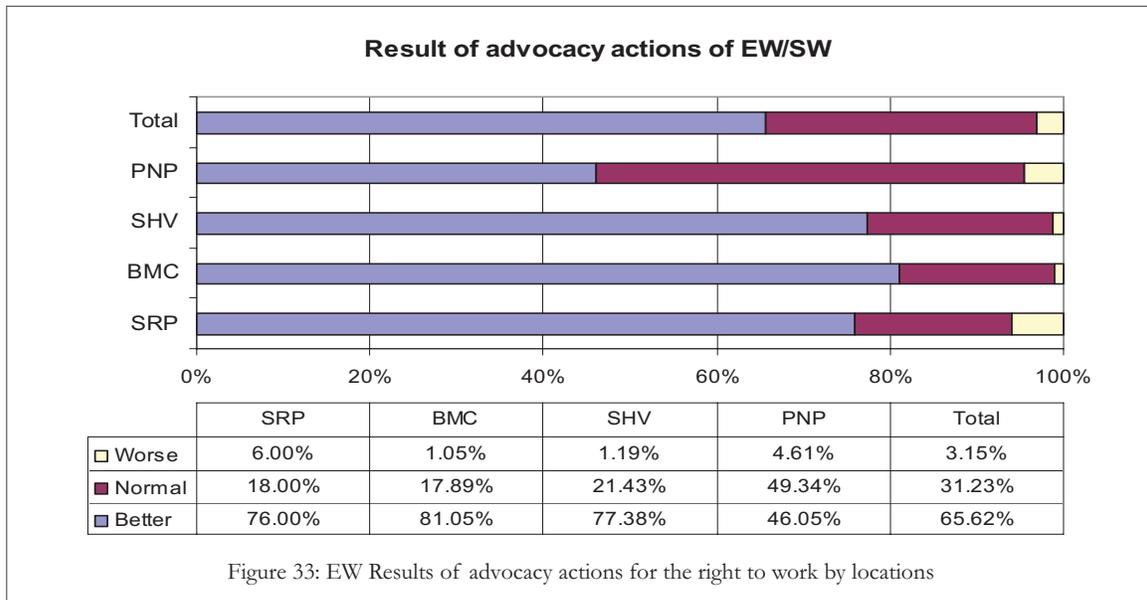


With MSM/Transgender, out of 51% of asserted their involvement in advocacy actions for the right to work; the majority of them participate in the workshop. Respondents in Siem Reap did mention about their involvement in the campaign and parade.

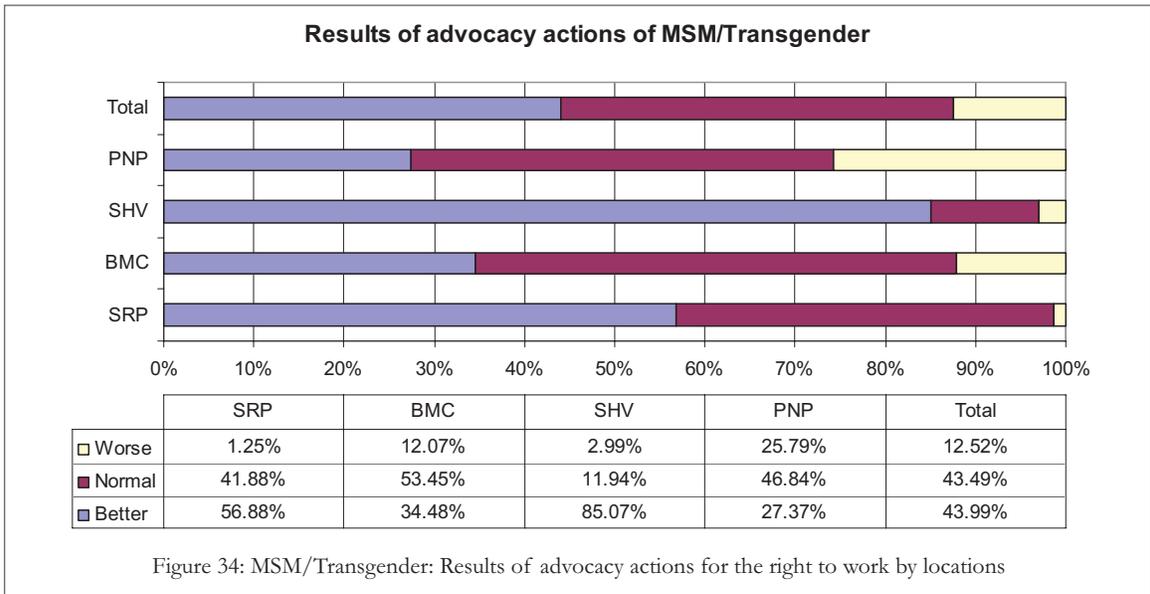


3. Result of advocacy actions

Among EW who provides answers to this question, it is found that the overall result of the advocacy actions has resulted in better situation of work. However, it is worth notifying that in Phnom Penh the situation seems to be unchanged when 49% of the respondents stated that it remains as normal while only 46% of them acknowledged that it is getting better.



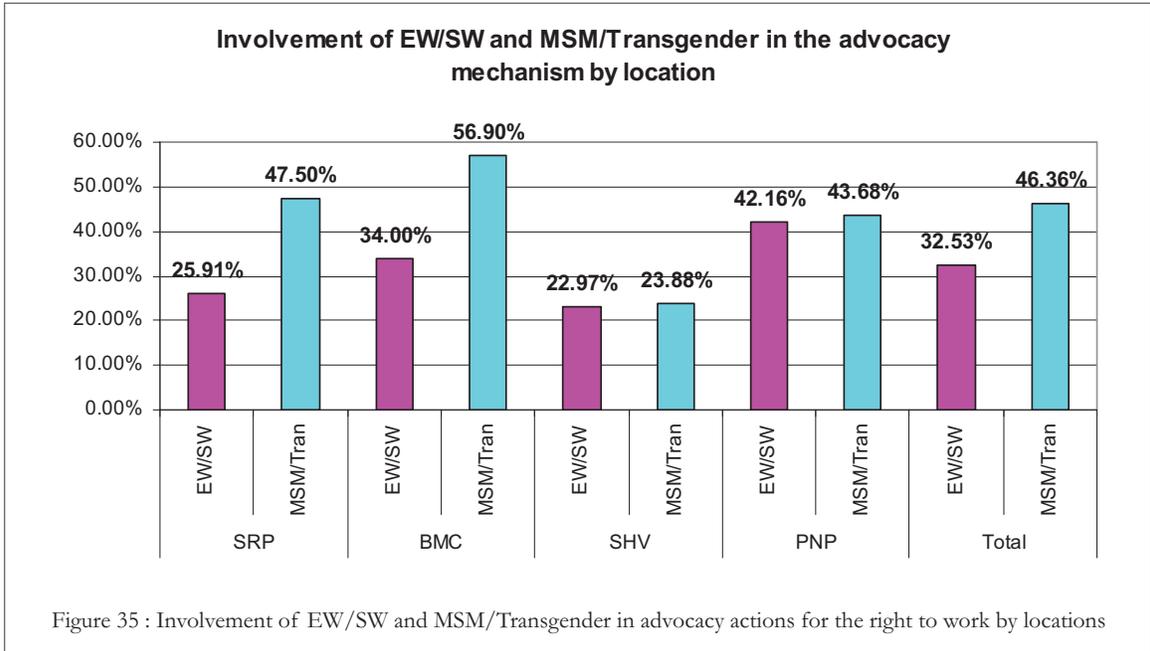
With the answers provided by MSM/Transgender, the overall situation seems to be tougher than their female peers, EW especially with equal percentage of better and normal responses (respectively 43.99% and 43.49%). A closer look to provincial level found that Sihanouk Ville is having a better situation for MSM/Transgender than other provinces. Banteay Mean Chey and Phnom Penh almost share the same pattern with a large percentage of responses saying that the situation remains unchanged (respectively 53% and 47%). Besides, a quarter of the MSM/Transgender respondents in Phnom Penh said that the situation is getting worse.



4. Involvement as a member of advocacy action mechanism (central, provincial, local level) (Q30)

The analysis by locations found that EW of Sihanouk Ville have the lowest percentage of involvement as a member of advocacy action mechanism for the right to work while EW of Phnom Penh have the highest level of involvement (42%).

MSM and Transgender participation in the advocacy mechanism is higher than the EW groups in all locations especially in Siem Reap and Banteay Mean Chey.



Among those who are involved in that mechanism, the majority of them act at local level. At central level, there are 54 EW out of 370 respondents and 32 MSM/Transgender out to 190 respondents in Phnom Penh who stated that they are member of advocacy actions group for defending their right to work as EW and MSM/Transgender.

Involvement of EW/SW and MSM/Transgender in the advocacy mechanism by locations

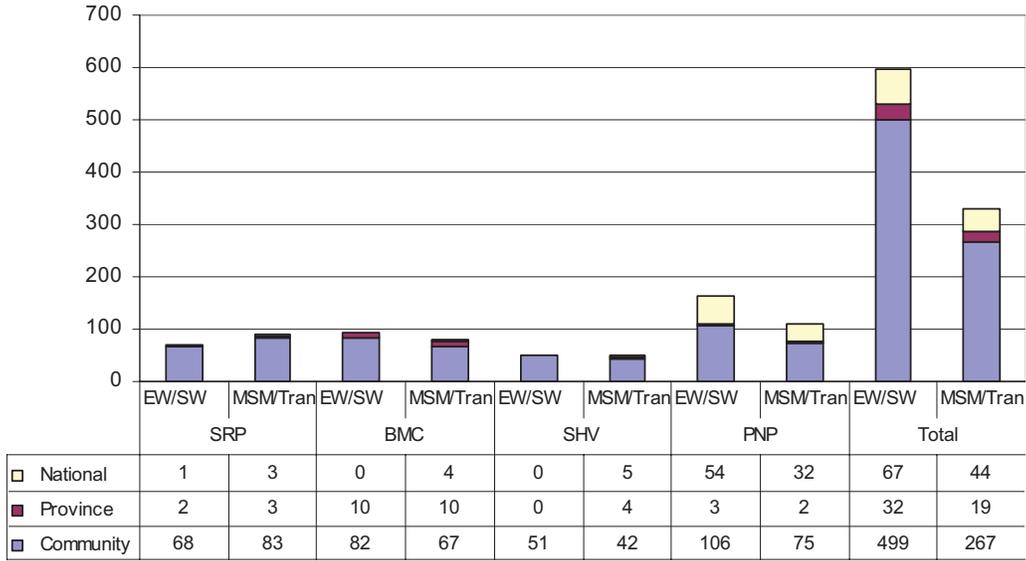


Figure 36: Involvement of EW and MSM/Transgender in advocacy actions for the right to work by locations and by level

It is interesting to notify that there is a higher percentage (from 38% to 43%) of involvement of EWs who are directly selling sex (DSW, Massage Girls and Freelance SW) as compared to those who are indirectly selling sex (Karaoke Girls and Beer Promotion Girls)(from 27% to 30%).

The percentage of the involvement of Transgender is similar to the Indirect Sex Workers Group (i.e. Karaoke Girl, Beer Promotion Girls). However, the participation is exceeding all types of EW and MSM/Transgender.

Involvement of EW/SW and MSM/Transgender in the advocacy mechanism for the right to work

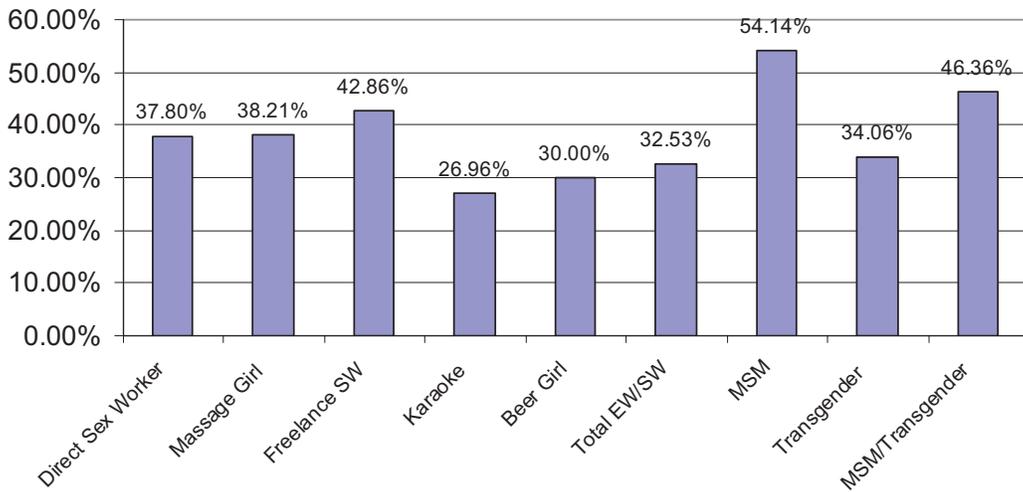


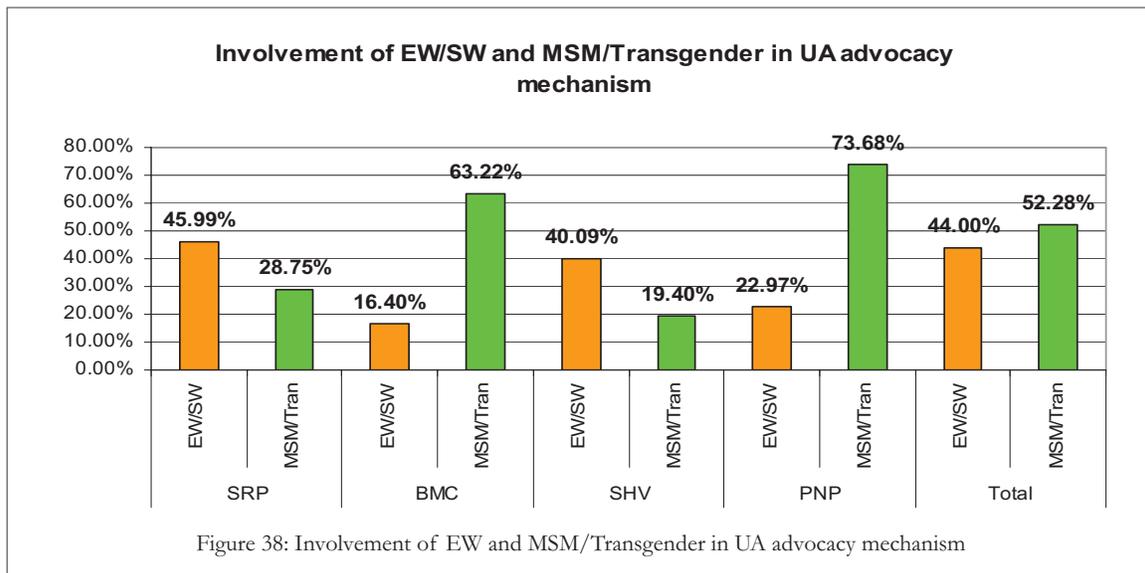
Figure 37: Percentage of involvement of EW and MSM/Transgender in advocacy actions for the right to work

Objective 2: Enabling environment on development and enforcement of existing policies and social norm regarding Universal Access of EWs

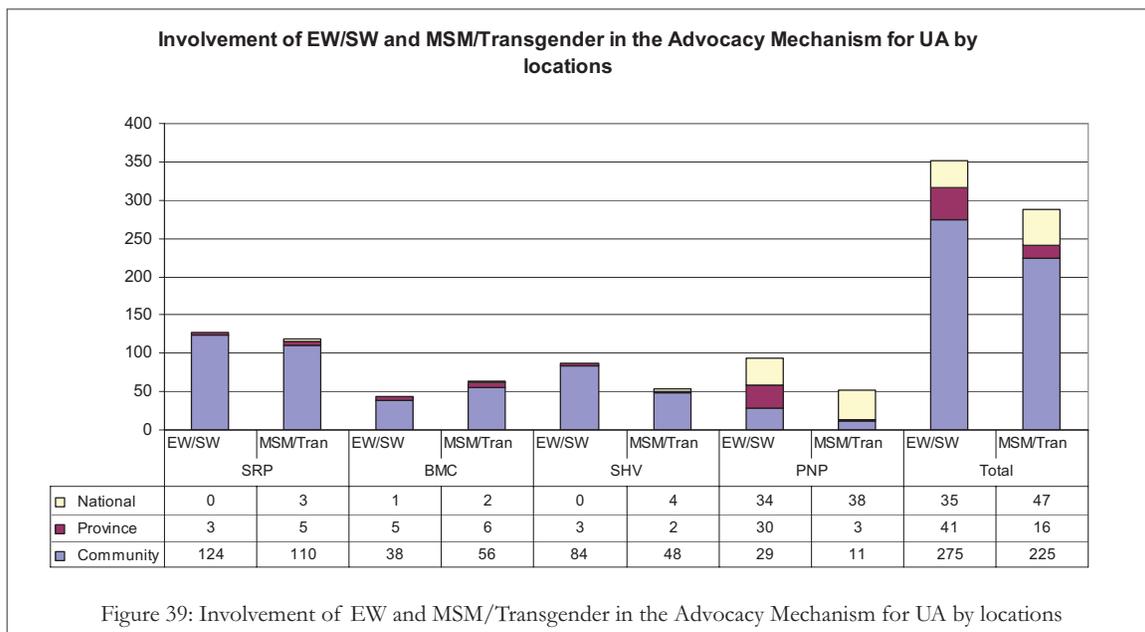
1. Involvement in the Advocacy mechanism for Universal Access (e.g. 100% Condom Use Program, Peer Education Program , Home Based Care...) (Q 31)

The participation of EW in the advocacy mechanism for UA varies from one province to another with high participation in Siem Reap and Sihanouk Ville (respectively 46% and 40%). Banteay Mean Chey and Phnom Penh have low percentage of participation (respectively 16% and 23%).

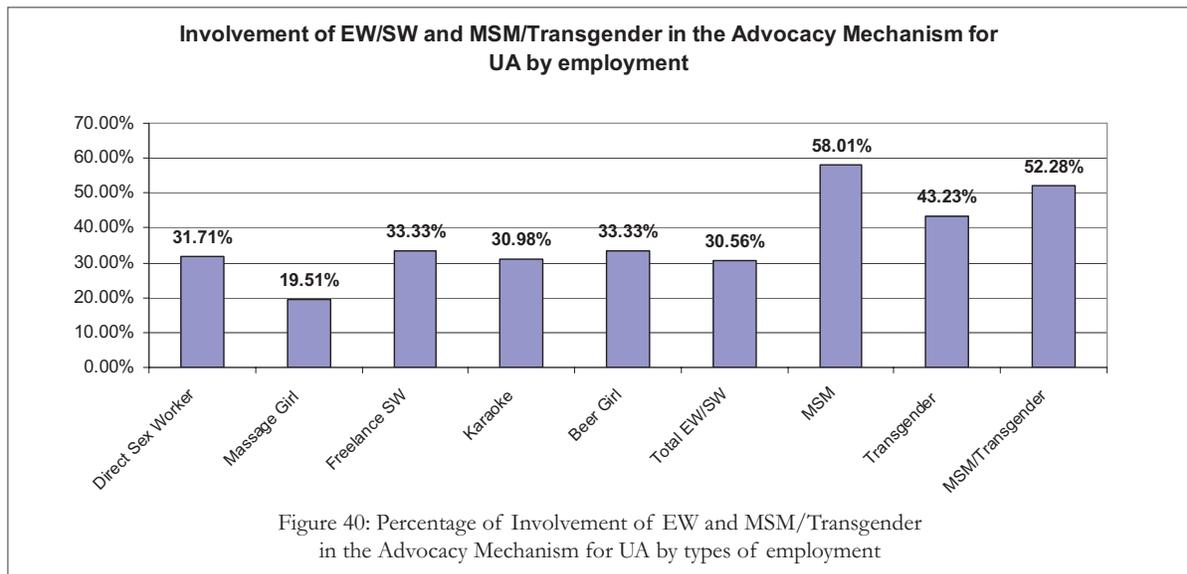
In contrast the participation of MSM and Transgender is remarkably high in Banteay Mean Chey and Phnom Penh (respectively 63% and 74%) and low in Siem Reap and Sihanouk Ville (respectively 29% and 19%).



The analysis of the participation of EW and MSM/Transgender at central level, provincial level and local level across 4 provinces found that there was low connection with one level to another except in Phnom Penh. The participation is mainly biased towards local level.



The percentage of participation of EW in the advocacy mechanism for UA is roughly 30% except with the Massage Girls. Their MSM/Transgender peers have higher level of participation (for 58% with MSM and 43% for Transgender).

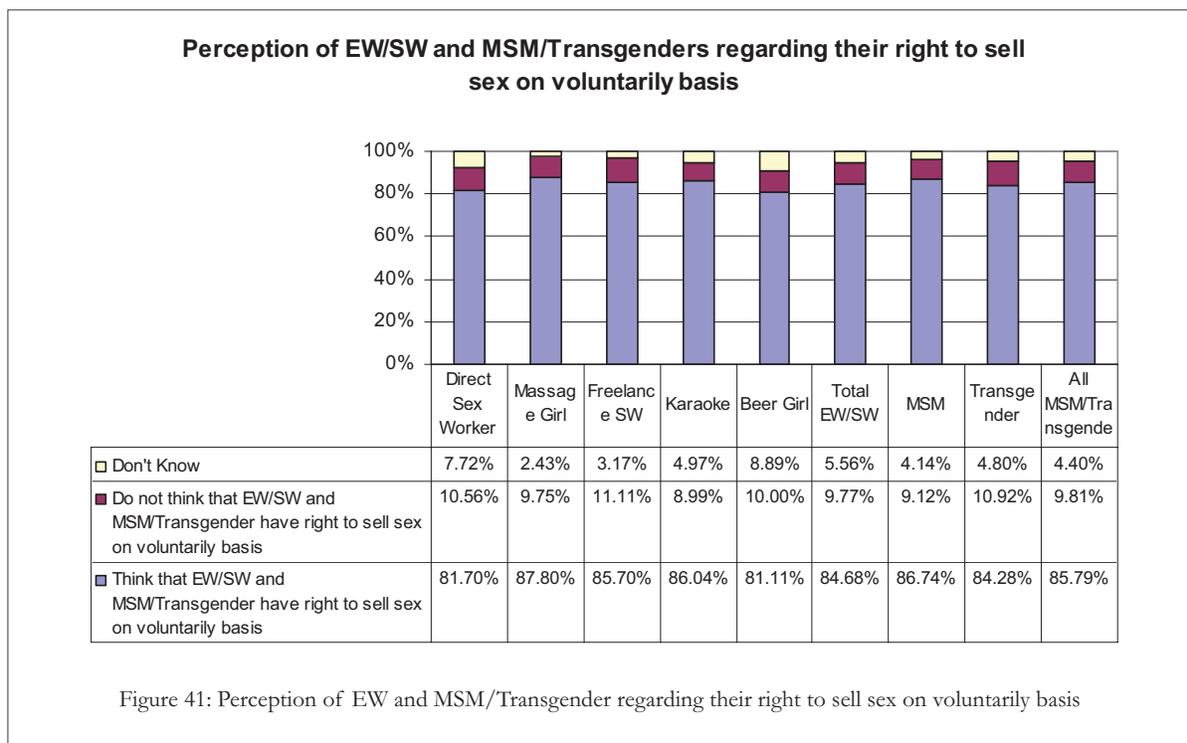


2. The perception

1. Do EWs and MSM/Transgender have right to sell sex on voluntary basis?

The absolute majority of EWs from all types of employment agree that they have right to sell sex on voluntary basis (84%).

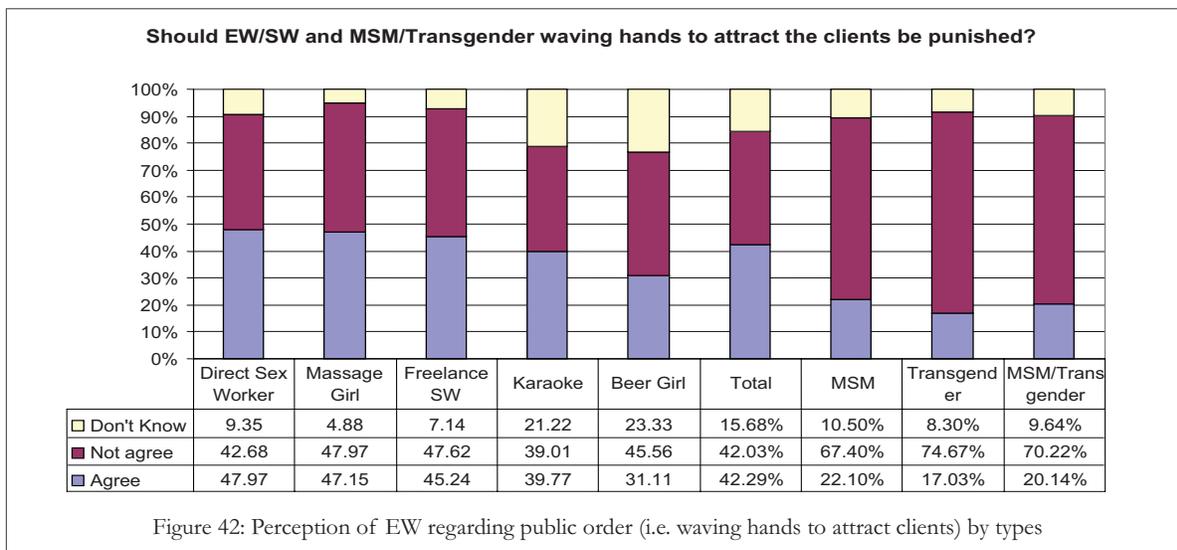
MSM and Transgender provide almost similar answer to this question when 86% of them asserted that they do have right to sell sex on voluntarily basis.



2. Should EWs and MSM/Transgender waving hands to attract the clients be punished?

The article 24 of the New Law on Suppression of Human Trafficking and Sexual Exploitation stated that “ A person who willingly solicits another in public for the purpose of prostituting himself or herself shall be punished with imprisonment for 1 to 6 days and a fine of 3,000 to 10,000 riel ”

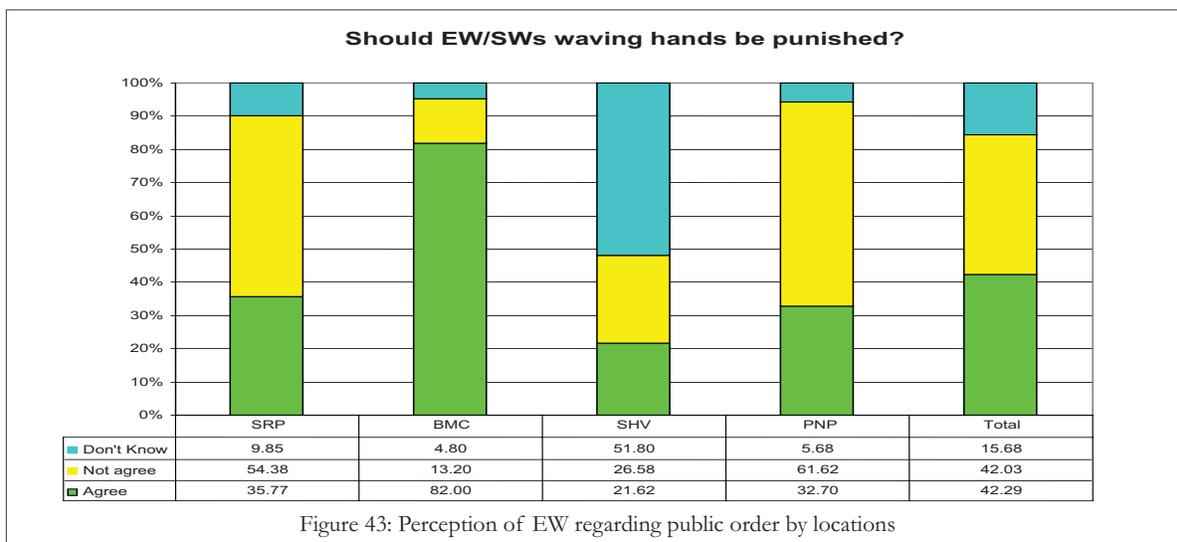
Among EW, the disagreement and agreement to the article 24 of the LSHSE are equal. The analysis by types of employment found that those who are directly selling sex (DSW, Massage Girls and Freelance SW) have almost exactly the same percentage of agreement and disagreement to this statement. Those who are indirectly selling sex (Karaoke and Beer Promotion Girls) agree less than the three previous groups. However, more Beer Promotion Girls disagree than Karaoke Girls.



MSM and Transgender strongly disagree with the statement of the article 24 of the new law on anti-human trafficking (with 67% of MSM and 74% of Transgender).

The analysis by locations of EW

EWs of Phnom Penh and Siem Reap share the same pattern, around one third of them agree that EWs waving hand should be punished while more than half of them disagree to such punishment. 80% of EWs in Banteay Mean Chey agree that they should be punished while only 20% of those in Sihanouk Ville agree. Apparently EWs of Sihanouk Ville were not aware of the implication of the article 24 of the new Law on Suppression of Human Trafficking and Sexual Exploitation since half of them do not know about this.



3. Perception of EW and MSM/Transgender on main factors related to UA (Q50)

From the respondents, the stigma and discrimination on EWs, the lack of their representation in the program development, the lack of coordination of stakeholders

Table 10: Main factors related to UA of EW

Types of EW	Direct Sex Workers		Massage Girls		Freelance Sex Workers		Karaoke Girls		Beer Promotion Girls		ANOVA
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
Stigma and discrimination refrain EW to have access to information and services	0.91	H	0.87	H	0.79	H	0.86	H	0.82	H	0.001
Lack of EW representatives in the process of policies and program development	0.87	H	0.88	H	0.85	H	0.81	H	0.81	H	0.02
Lack of coordination between central and local level	0.86	H	0.87	H	0.81	H	0.82	H	0.81	H	0.11
Lack of participation of Anti-Human Trafficking, Drug control, Human Right networks in 100% CUP	0.9	H	0.87	H	0.81	H	0.85	H	0.87	H	0.06

Source: Field Survey, November 2008

Working with EW between the central and local and the lack of participation of Anti-Human Trafficking, Drug control, Human Right networks in 100% CUP are found to be high factors related to the access to Universal Access. The ANOVA test using the types of employment as factor found that there is a significant difference between the answers provided only on stigma and discrimination. The remaining answers are not so different from one type of employment to another.

With MSM/Transgender group, the answers are all rating high by the respondents to the same questions that have been asked to EW. The ANOVA test using the types of employment as factor found that there is no significant differences between the answers provided MSMs and Transgender

Table 10: Main factors related to UA of EW

Types of MSM/Transgender	MSM		Transgender		ANOVA
	WAI	OA	WAI	OA	Sig.
Stigma and discrimination refrain EW to have access to information and services	0.91	H	0.92	H	0.777
Lack of EW representatives in the process of policies and program development	0.89	H	0.85	H	0.032
Lack of coordination between central and local level	0.88	H	0.84	H	0.016
Lack of participation of Anti-Human Trafficking, Drug control ,Human Right networks in 100% CUP	0.91	H	0.88	H	0.118

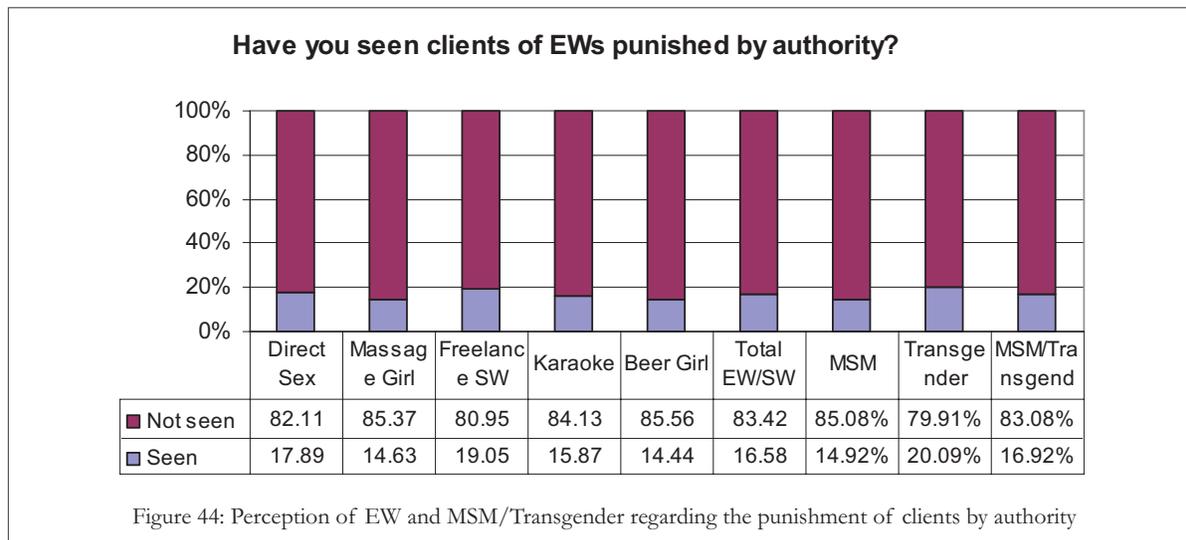
Source: Field Survey, November 2008

Note: Overall Assessment (OA), High (H) = 1.00 - 0.66; Neutral(N) = 0.65 - 0.33; Low (L) = 0.32 - 0.00

3. Actual implementation of the policies

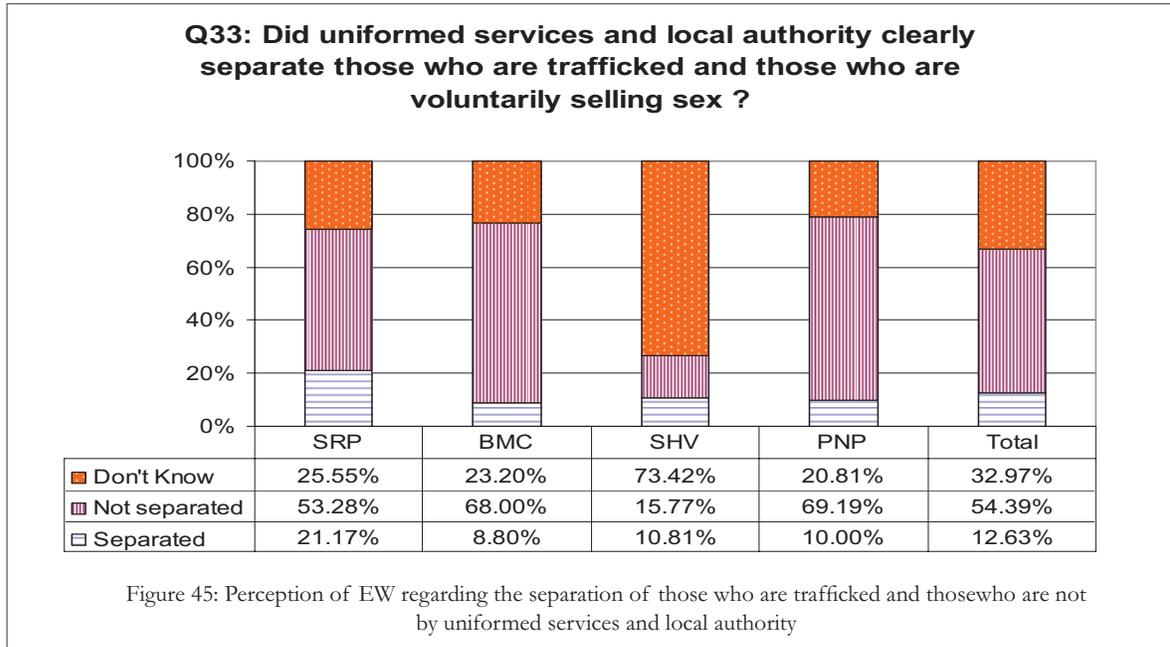
1. Have you seen clients of EW and MSM/Transgender punished by authority?

By types of employment, it is known that more than 80% of all EWs have not seen their clients punished by authority. The percentage of MSM/Transgender not seen clients punished by the authority is similar to their female peers.

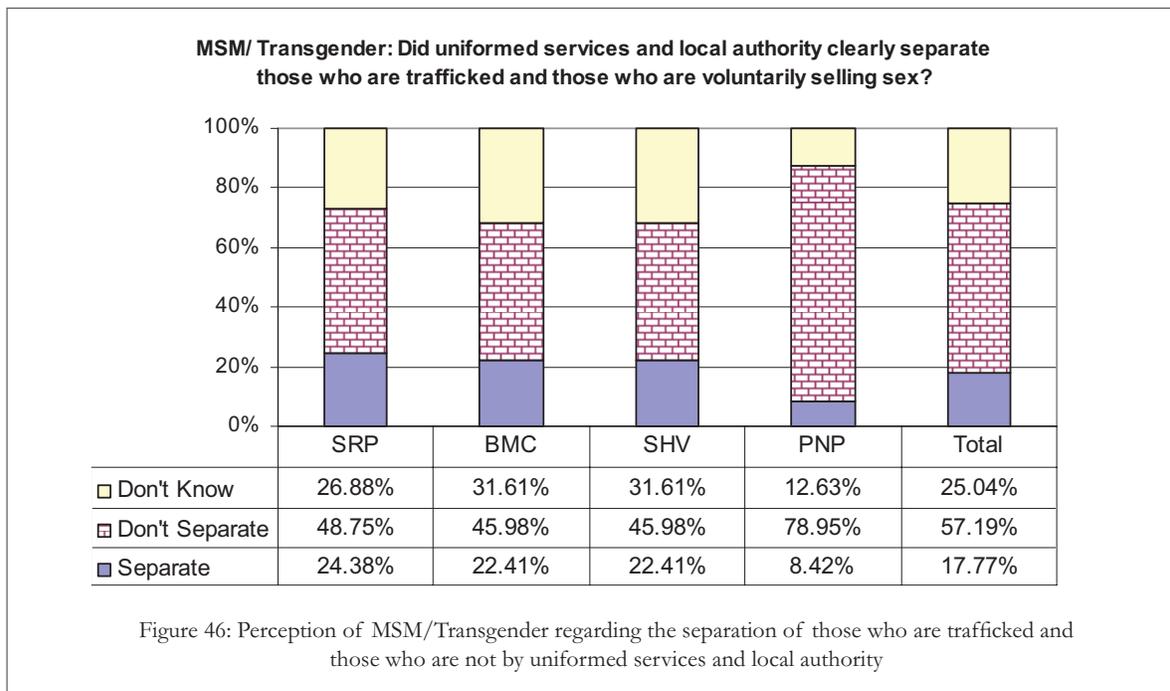


2. Did uniformed services and local authority clearly separate those who are trafficked and those who are voluntarily selling sex?

EW: The analysis by location demonstrates that uniformed services and local authority have not clearly separated those who are trafficked and sexually exploited from those who are voluntarily selling sex. The pattern of the response in Siem Reap, Banteay Mean Chey and Phnom Penh is similar. More than 70% of EWs in Sihanouk Ville did not know but 11% of them asserted that there is no clear separation when the interventions occurred. As an overall observation only 13% agrees that there was a clear separation between those who are sexually exploited and those who operate on their own.



MSM/Transgender: The responses provided by MSM/Transgender in Siem Reap, Banteay Mean Chey and Sihanouk Ville are similar to one another. However, Phnom Penh respondents clearly stated that there was no clear distinction between those who are trafficked and those who are voluntarily selling sex.

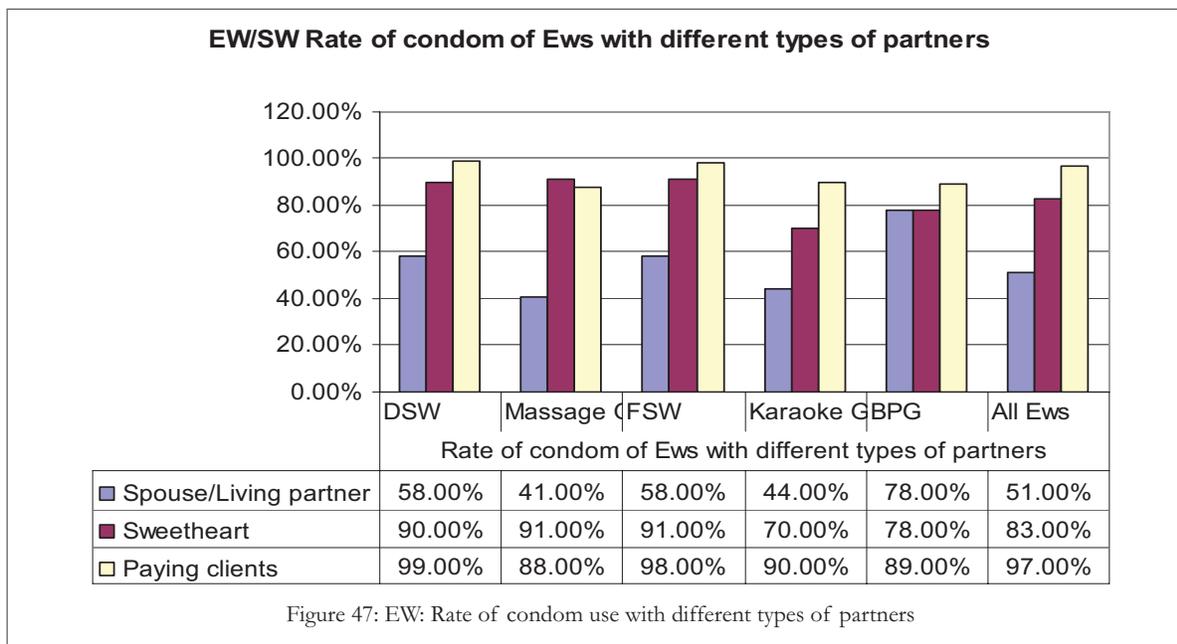


Objective 3: To assess the coverage and quality services regarding Universal Access of EWs

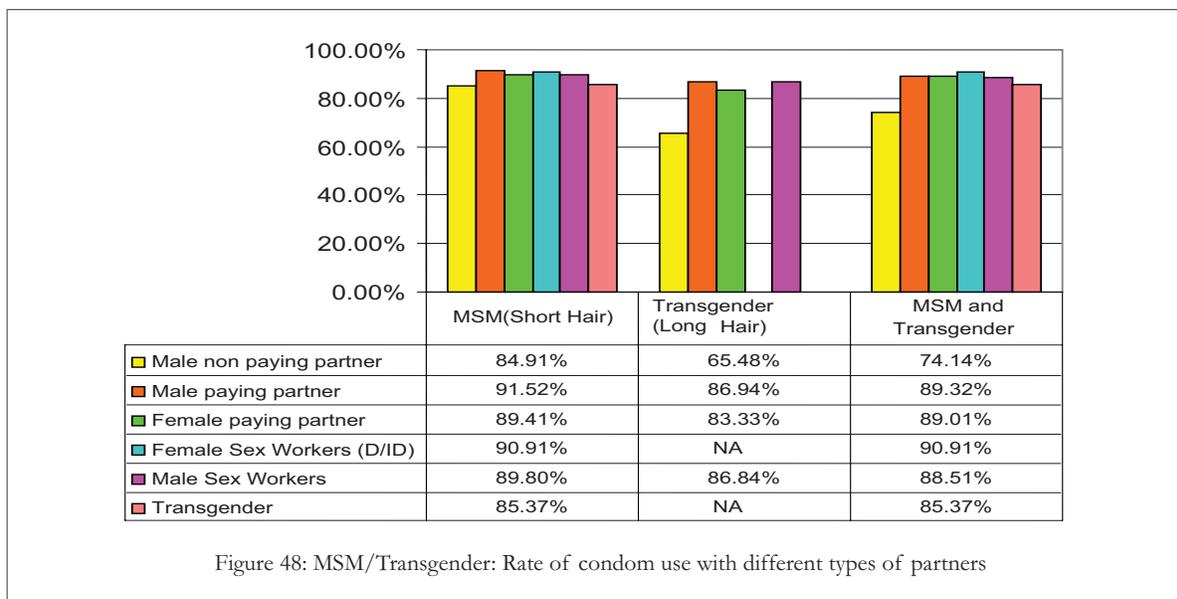
1. Coverage of services

1. Condom Use rate

The following condom use rates have been computed from the answer asking for number of partners in last week and the condom use with respective partners. As an overall observation, the rate of condom use of all types of EW with paying clients from 88% to 99%, with sweethearts from 70% to 91% and with spouse/cohabiting partners from 41% to 78%. The condom use rates of Karaoke Girls and Beer Promotion Girls with sweethearts are respectively 70% and 78%.



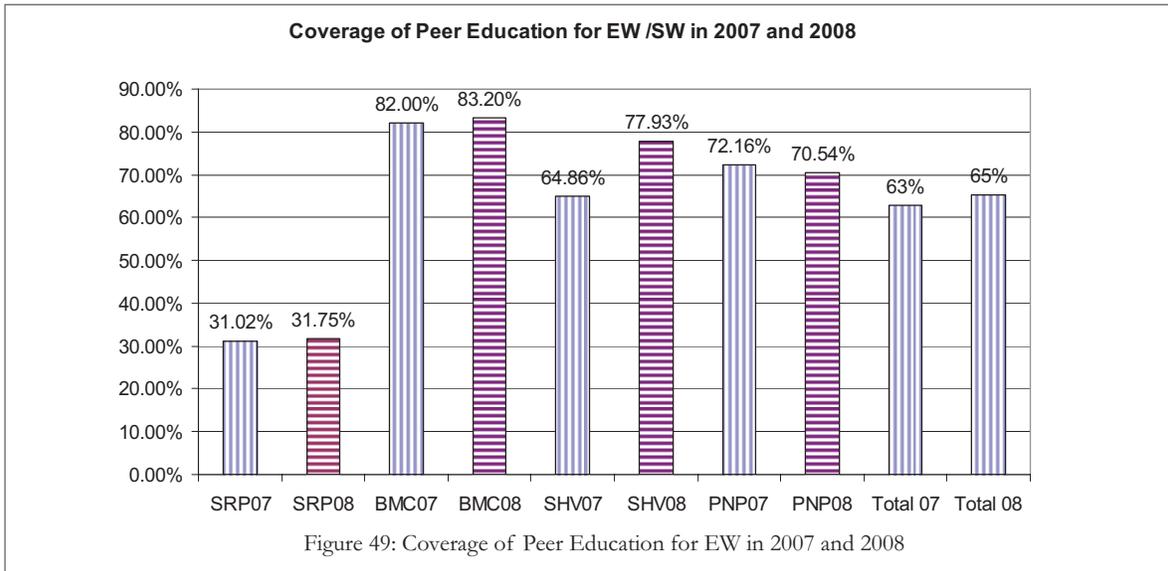
Among MSM (Short Hair) the rate of condom use with different types of partners exceed 80%. The condom use rate of Transgender (Long Hair) with their partners also exceeds 80% except with Male Non Paying Partners where the rate is only 65%.



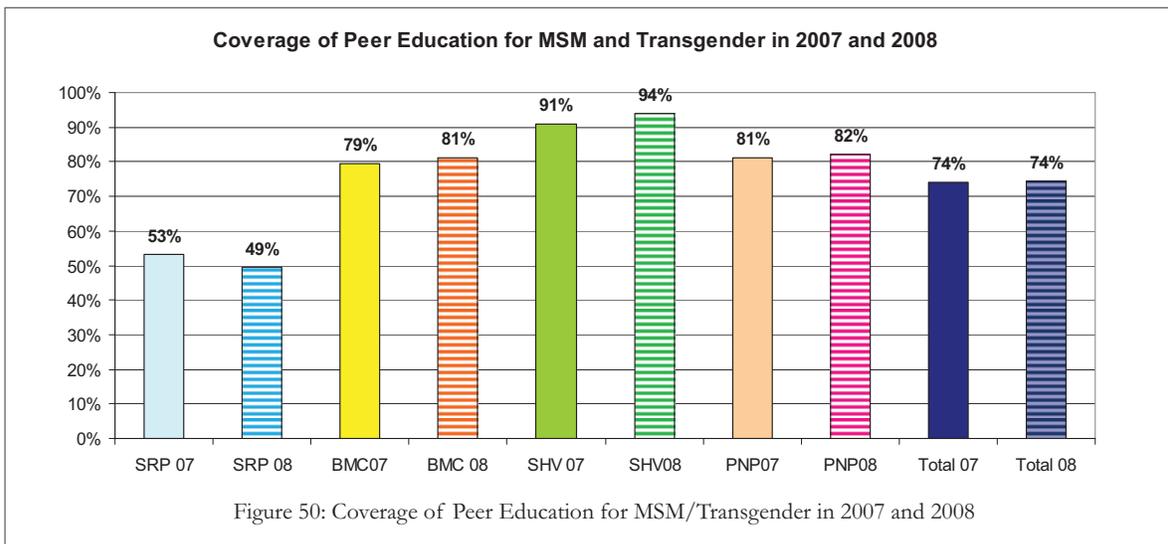
2. Peer Education

a. How often are you reached by Peer Educators Team? (Q40)

Among EW, there were very little progress of the reached by Peer Education team in Siem Reap, in Banteay Mean Chey. While significant increase of the coverage in Sihanouk Ville, it is slightly decrease in Phnom Penh. The overall coverage in 4 provinces increases from 63% in 2007 to 65% in 2008. It is worth noticing that the coverage in Siem Reap in 2007 and 2008 are relatively low by comparison to other locations (only 31% both in 2007 and 2008).



Among MSM/Transgender, the coverage of Peer Education in Siem Reap is also low in 2007 and 2008 (respectively 53% and 49%). For other location the coverage varies from 79% to 94%.



b. Interest in Peer Education Program (Q41)

Entertainment Workers

The analysis by locations found that EW of Banteay Mean Chey, Sihanouk Ville and Phnom Penh are highly interested. Their peers in Siem Reap are interested in Peer Education Program. ANOVA test found that there is significant difference between locations and the interest in Peer Education.

Table 12: Interest of EW in Peer Education by locations

Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		ANOVA
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	Sig.
Interest in Peer Education	0.78	I	0.90	HI	0.83	HI	0.82	HI	0.000**
Source: Field Survey, November 2008									
<i>Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; H (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41 ; Low (L) = 0.40 - 0.21 ; Very Low (VL) = 0.20 - 0.00</i>									

The analysis by types of employment found that Direct Sex Workers, Massage Girls, Karaoke Girls and Beer Promotions Girls are highly interested. Freelances Sex Workers are interested in Peer Education Program. ANOVA test found that there is significant difference between types of employment and the interest in Peer Education.

Table 13: Interest of EW in Peer Education by types of employment

Provinces	Direct Sex Workers		Massage Girls		Freelance Sex Workers		Karaoke Girls		Beer Promotion Girls		ANOVA
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	WAI	OA	OA
Interest in Peer Education	0.83	HI	0.85	HI	0.80	I	0.83	HI	0.85	HI	0.000***
Source: Field Survey, November 2008											
<i>Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; H (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41 ; Low (L) = 0.40 - 0.21 ; Very Low (VL) = 0.20 - 0.00</i>											

MSM/Transgender

The analysis by locations found that MSM and Transgender in all provinces are highly interested in the Peer Education locations except in Phnom Penh where they are interested. The ANOVA Test found that there is significant difference between types of employment and the interest in Peer Education.

Table 14: Interest of MSM/Transgender in Peer Education by locations

Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		ANOVA
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	Sig.
Interest in Peer Education	0.83	HI	0.90	HI	0.82	HI	0.770	I	0.000***
Source: Field Survey, November 2008									
<i>Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; H (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41 ; Low (L) = 0.40 - 0.21 ; Very Low (VL) = 0.20 - 0.00</i>									

The analysis by types of employment found that MSM and Transgender are both highly interested to Peer Education Program. The ANOVA test found that there is significant difference between the sub groups, MSM and Transgender and the interest in Peer Education.

Table 13: Interest of EW in Peer Education by types of employment

Types of MSM/Transgender	MSM		Transgender		ANOVA
	WAI	OA	WAI	OA	Sig.
Interest in Peer Education	0.82	HI	0.84	HI	0.001***

Source: Field Survey, November 2008

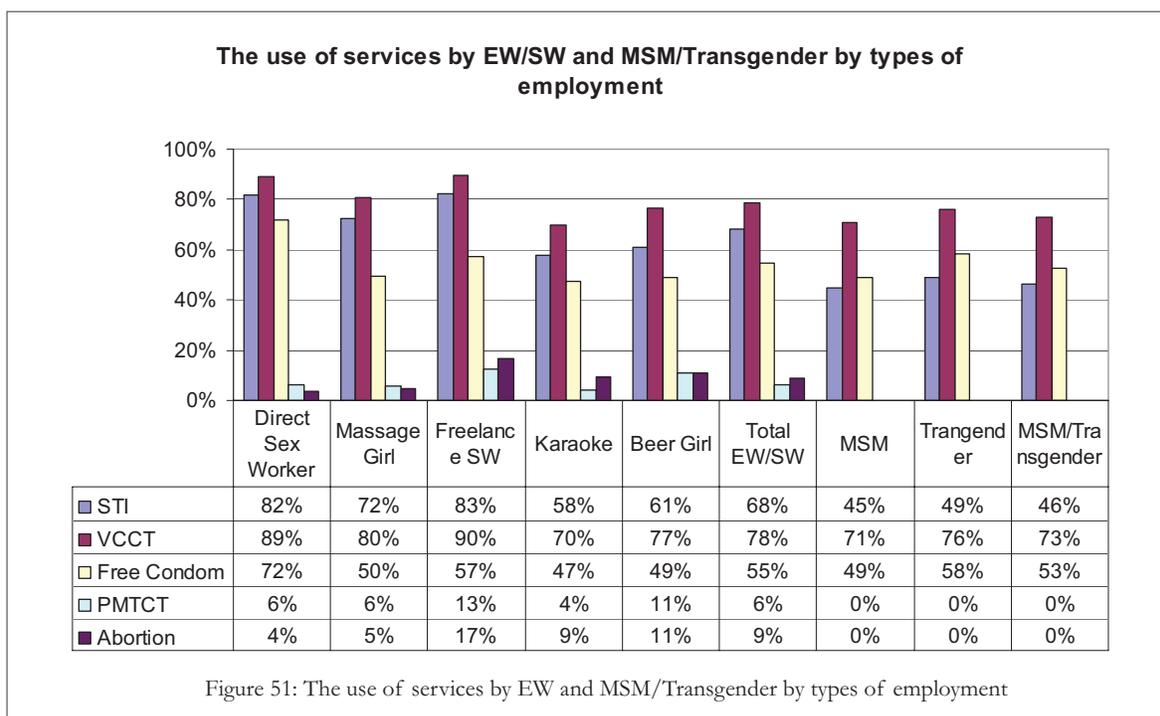
Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; H (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41 ; Low (L) = 0.40 - 0.21 ; Very Low (VL) = 0.20 - 0.00

3. The use of services

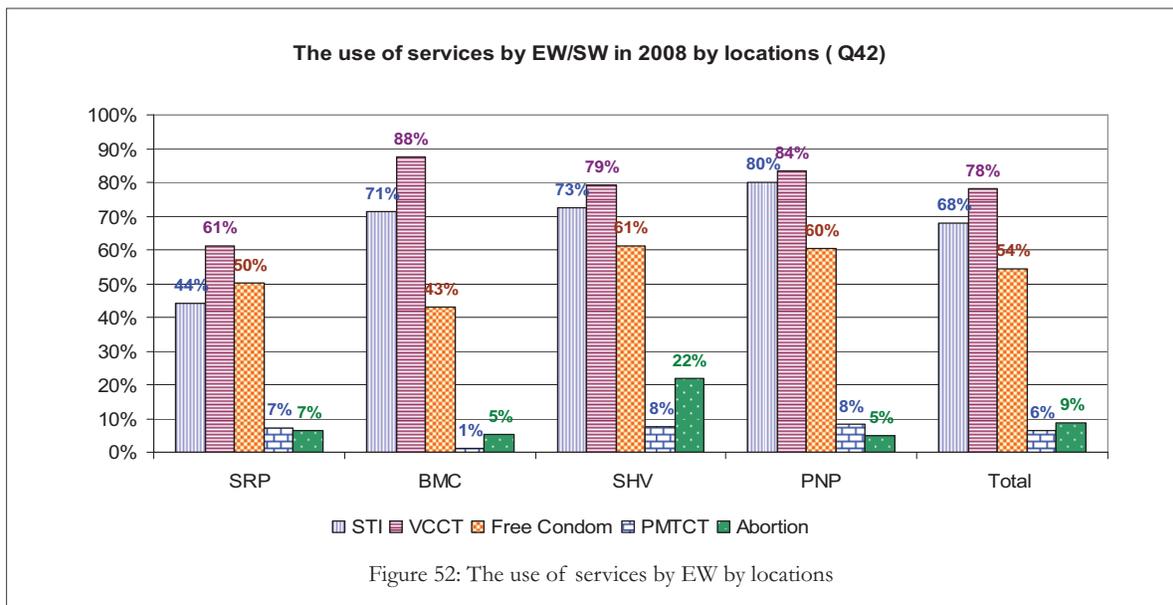
a. The percentage of the use of services by EW and MSM/Transgender (Q42) Among EW

The use of STI services are higher in the DSW, Massage Girls and Freelance Sex Workers (ranging from 72% to 83%) than in the Indirect Sex Workers group (Karaoke: 58% and Beer Promotion Girls: 61%). The use of VCCT services are also the same but with higher percentage in all group (ranging from 70% to 90%). The use of abortion services is high in Freelance Sex Workers and Beer Promotion girls (respectively 17% and 11%).

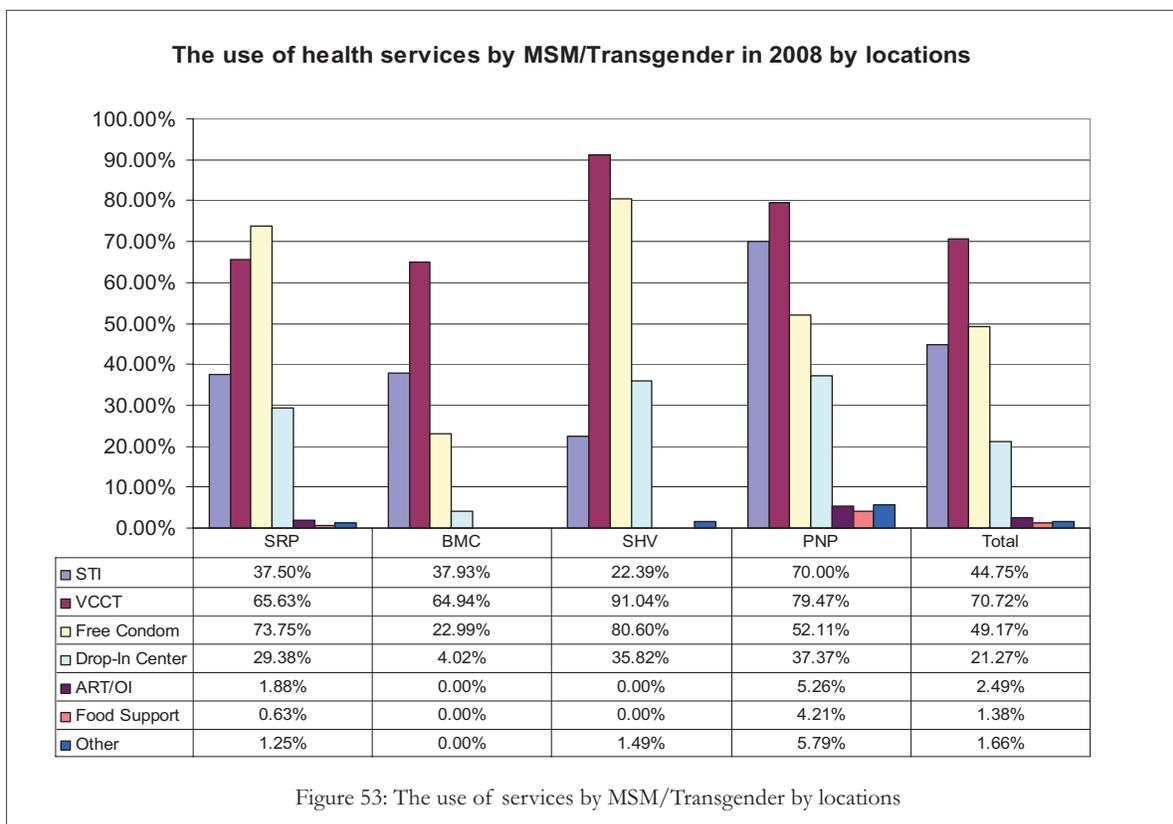
As overall observation, MSM and Transgender use health services is less than their female peers. The use of STI is less than 50% while the use of VCCT is varying from 71% on MSM to 76% on Transgender.



The analysis by location discovers that the use of STI services, VCCT and Free condom of EW is varying from 60% to 88% in Banteay Mean Chey, Sihanouk Ville and Phnom Penh. The use of those services are lower in Siem Reap (from 44% to 61%). It is interesting to notify that the use of abortion services in Sihanouk Ville is the highest (22%).

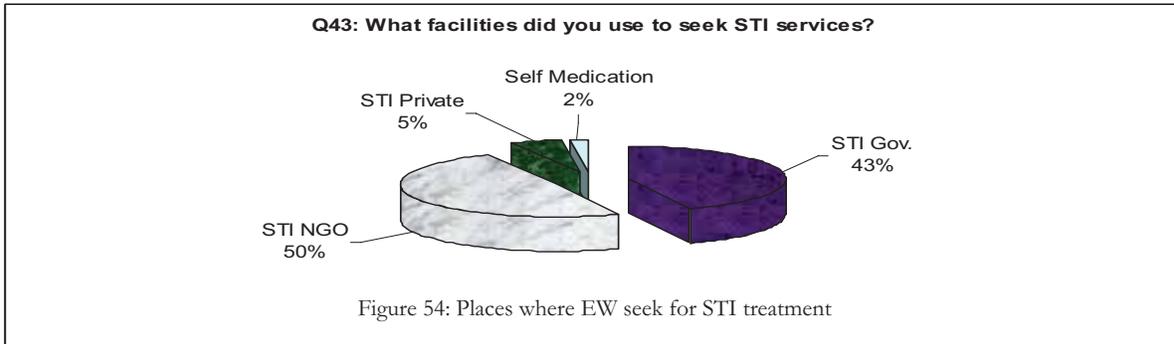


Among MSM and Transgender, the use of all health services is low in Banteay Mean Chey while those from Sihanouk Ville claimed that they have high use of services except STI. Phnom Penh has high use of STI and Drop in Services. However, in all location the use of services is lower than 80%.



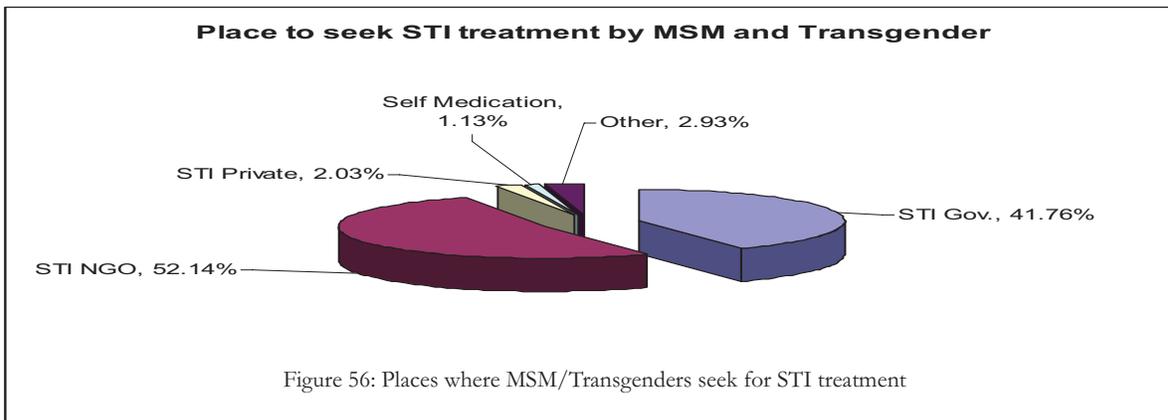
b. The use of facilities providing STI services in 2008? (Q43)

From the cumulative data of 4 provinces, it is found that the EW used mostly STI services from NGOs (50%) followed by governmental STI clinics. Private clinics and self-medication account respectively of 5% and 2% of the total STI services used.



The cross tabulation by types of employment shows that Beer Girls used STI private clinic than other groups (19%). Those who are in Banteay Mean Chey used private clinics than their peers from other provinces.

The use of STI services by MSM and Transgender do not differs from EW Groups, they use more NGO's STI clinic more than Government.



c. The coverage of the use of STI services in 2007 and 2008 (Q43)

Among EW the coverage of STI and VCCT services increases in all provinces except in Phnom Penh. The coverage of those services in Banteay Mean Chey and Sihanouk Ville are similar. However, the EWs in Siem Reap are less covered than their peers of other locations. The combined figure of the 4 provinces shows that the use of STI services increases from 56% in 2007 to 62% in 2008 whereas the use of VCCT services increases from 61% in 2007 to 67% in 2008.

Q44: The use of STI and VCCT services by EW/SW in 2007 and 2008 by provinces

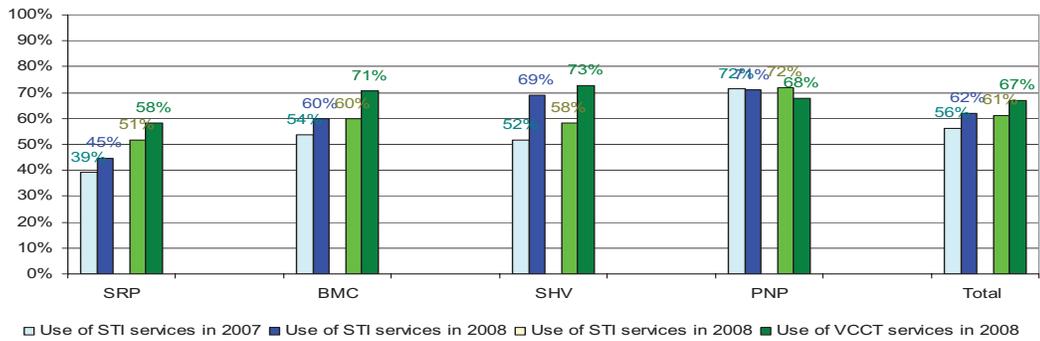


Figure 57: Coverage of the use of STI and VCCT Services by EW in 2007 and 2008 by provinces (Q43)

The analysis by types of employment found that generally there was a slightly increase of coverage of STI and VCCT services for all EWs Groups except on Freelance SWs (decrease of VCCT services) and on Beer Girls (STI services coverage remains unchanged).

Q44: The use of STI and VCCT services by EWs in 2007 and 2008

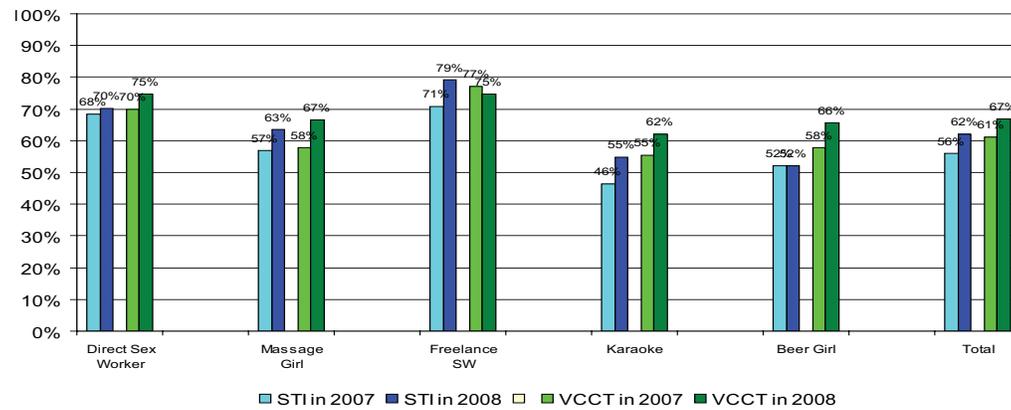


Figure 58: Coverage of the use of STI and VCCT Services by EW in 2007 and 2008 by types of employment (Q43)

For those who attended the STI and VCCT services, the average of use decreases in all 4 provinces except the STI in Phnom Penh.

Q44: Average of the use of STI and VCCT services by locations

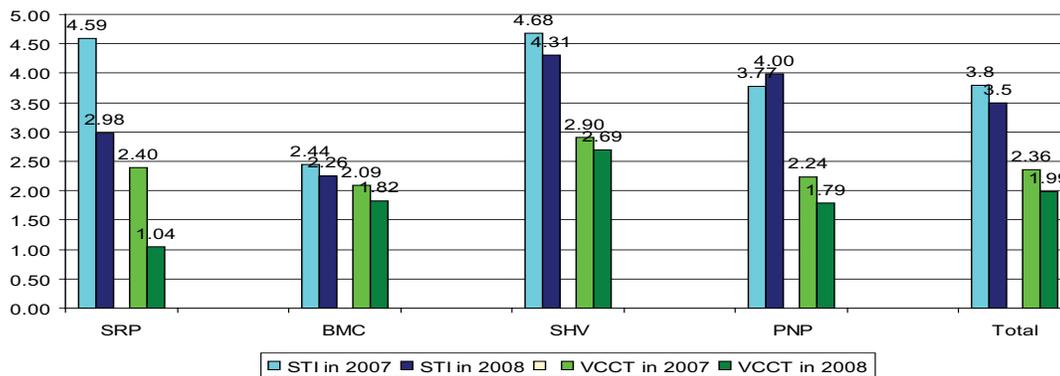
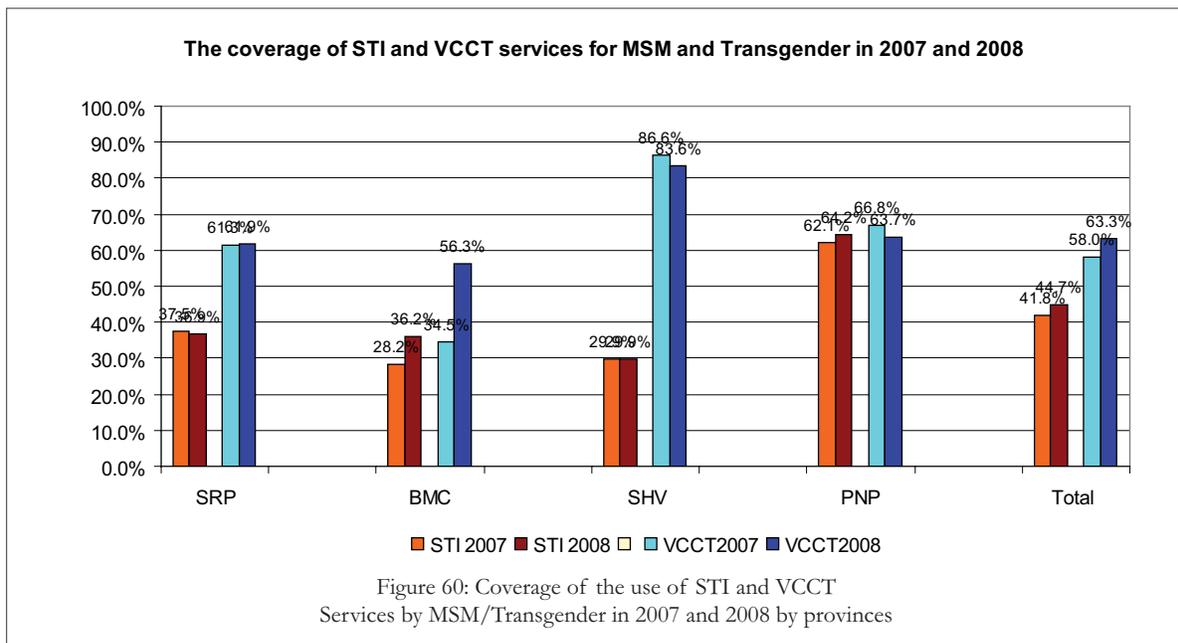
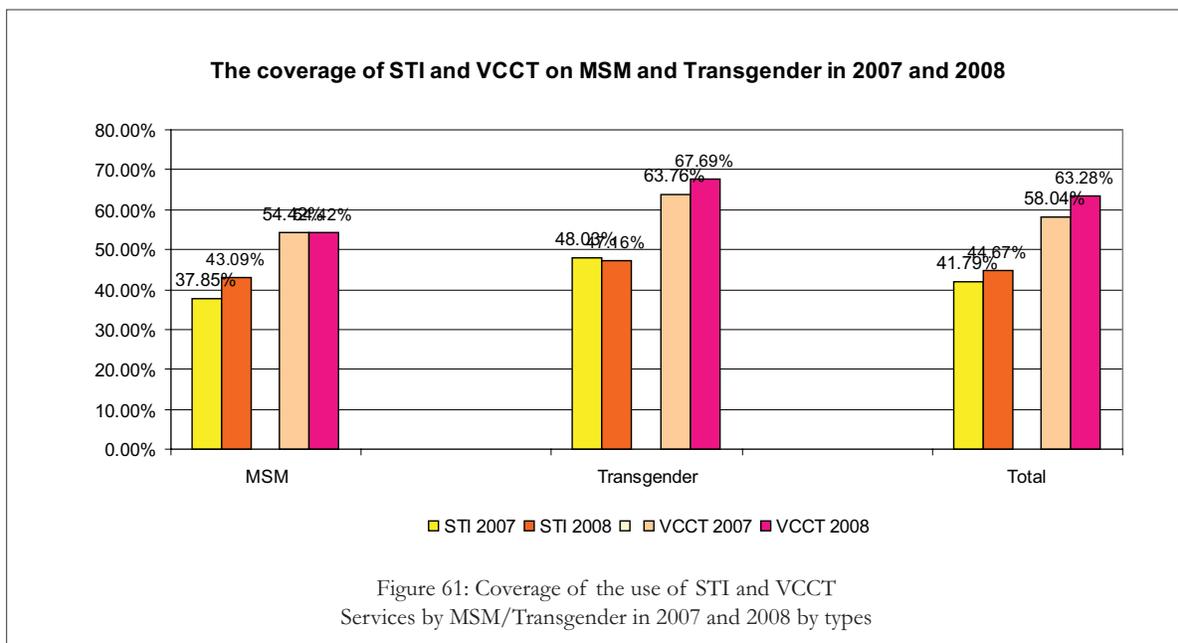


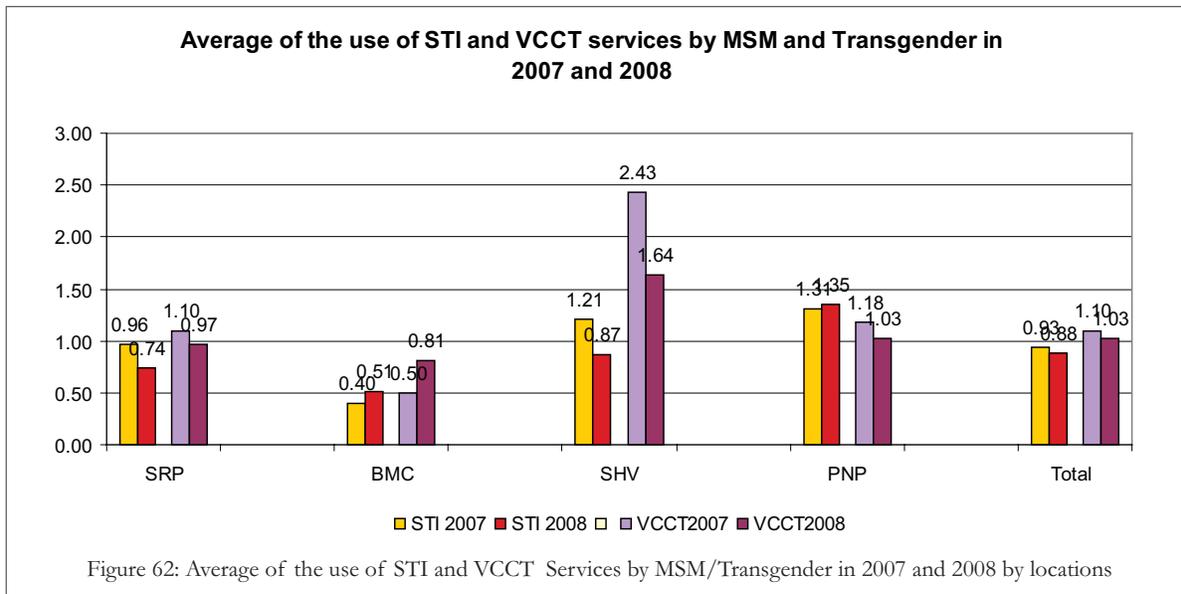
Figure 59: Average of the use of STI and VCCT Services by EW in 2007 and 2008 by locations (Q43)

Among **MSM/Transgender**, although there was a remarkable increase of the use of services in Banteay Mean Chey, the coverage in this province for both STI and VCCT are still low as compared to other provinces. In Siem Reap and Sihanouk Ville the use of those services remains unchanged. There was a slightly increase of the use of STI services and a little decrease of VCT in Phnom Penh. Except the VCCT in Sihanouk Ville all services in all locations are still fewer than 80%.



From the data collected, it is found that there is little increase of coverage of STI services on MSM (from 38% to 43%) and little increase of the coverage of VCCT on Transgender (from 64% to 68%). However the use to all services for both MSM and Transgender are still under 80%.



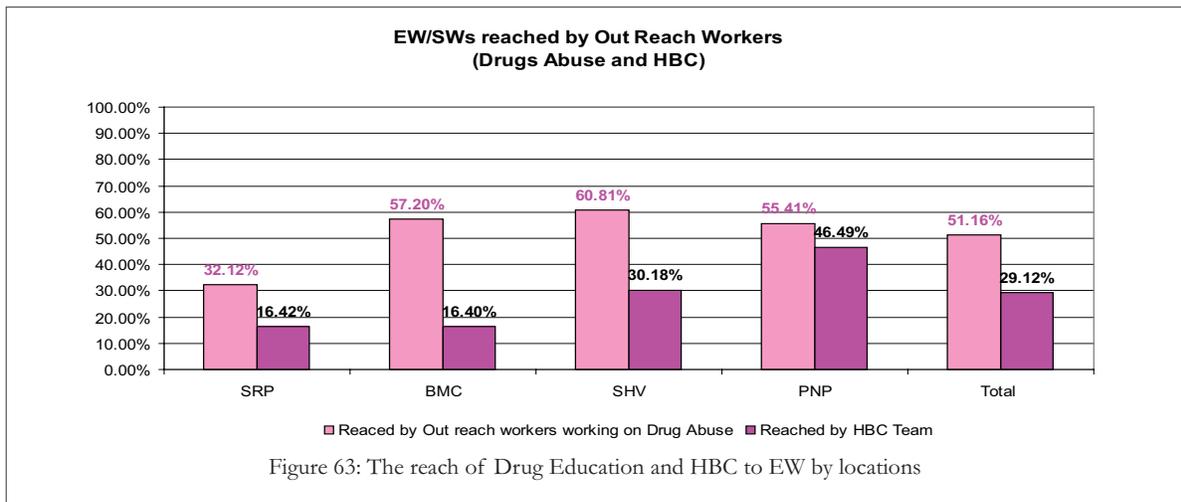


d. The reach to EW and MSM/Transgender by Drug education Program and Home Based Care Team

Among Entertainment Workers

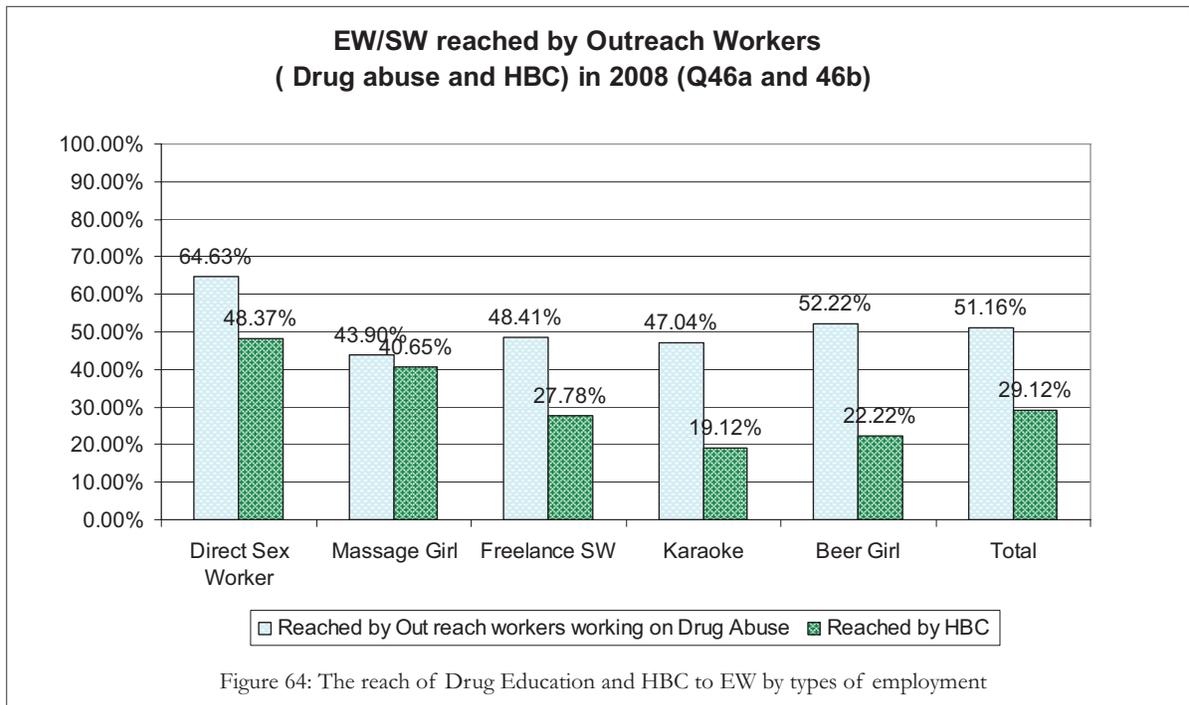
From 55% to 61% of EW in Banteay Mean Chey, Sihanouk Ville and Phnom Penh have been reached by Outreach Workers who work on Drug abuse. However, only 32% of EWs in Siem Reap have been reached.

The reach by HBC (Home Based Care) Team is low in Siem Reap and Banteay Mean Chey (only 16%), medium in Sihanouk Ville (30%) and high in Phnom Penh (46%).

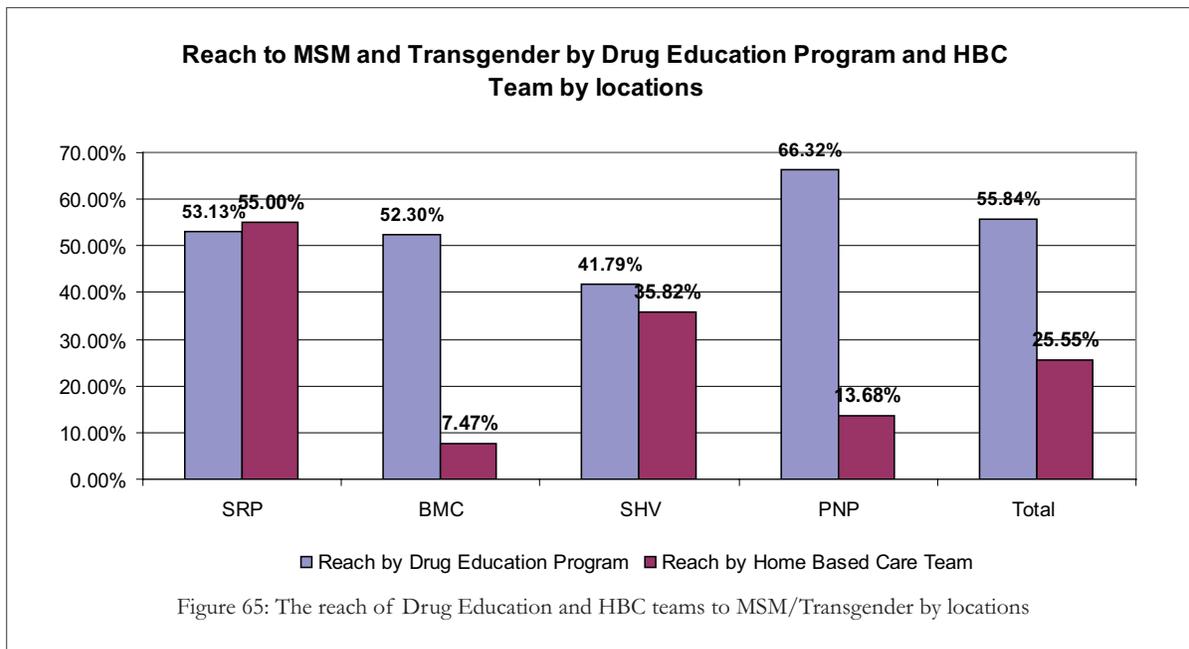


From 44% to 52% of Massage Girls, Freelance SW, Karaoke Girls and Beer Promotion Girls have been reached by Outreach Workers who work on Drug abuse. However, 65% of DSW has been reached.

The reach by HBC (Home Based Care) Team is high with those who directly selling sex (28% to 43%) and low for those who are indirectly selling sex (19% with Karaoke and 22% with Beer Promotion Girls).



Among MSM and Transgender, the reach by Drug Education Program varies from 42% in Sihanouk Ville to 66% in Phnom Penh. The reach by HBC Team has a greater variance with 55% of MSM/Transgender covered by the team while only 7% of their peers in Banteay Mean Chey have been contact by the HBC Team.



The analysis by types of employment found that 54% MSMs have been reach by Drug Education Program while 58% of Transgender have been covered. On care, treatment and support, MSMs have been less contacted than Transgender (respectively 20% and 35%).

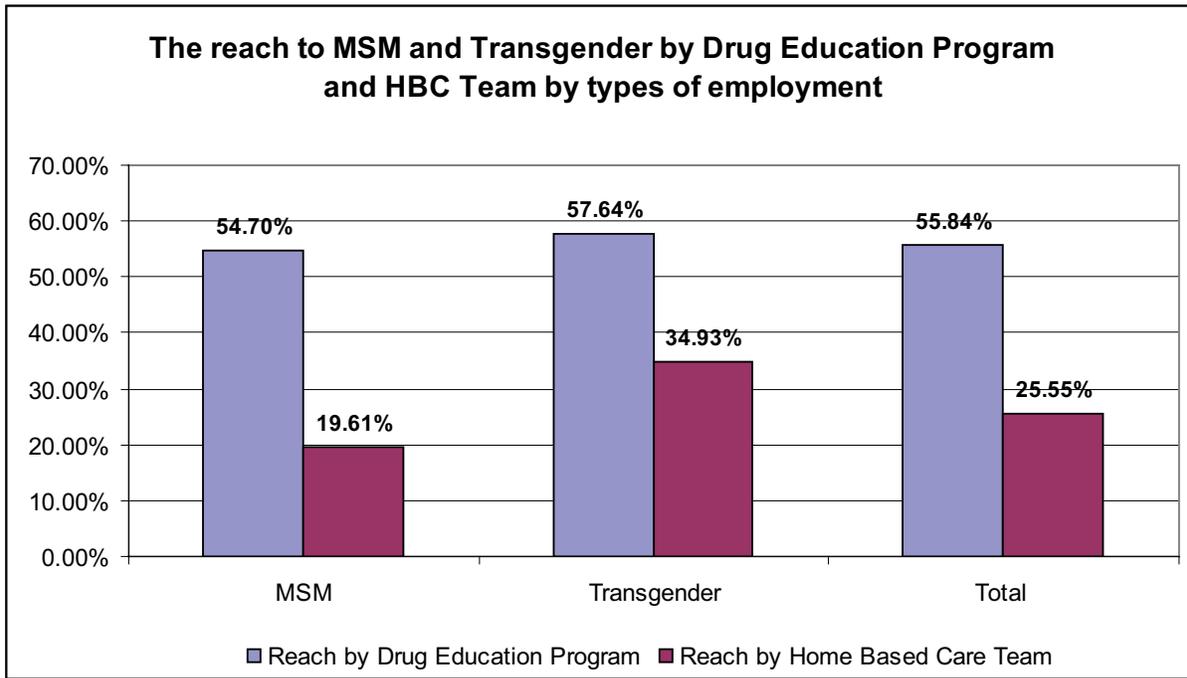


Figure 66: The reach of Drug Education and HBC teams to MSM/Transgender by types

e. Partner referral

In general the percentage of partner's referral by EW varies less than by MSM/Transgender. In Sihanouk Ville the referral of MSM/Transgender partners is remarkably high. The total of partner referral is only 26% for EW and 22% for Transgender.

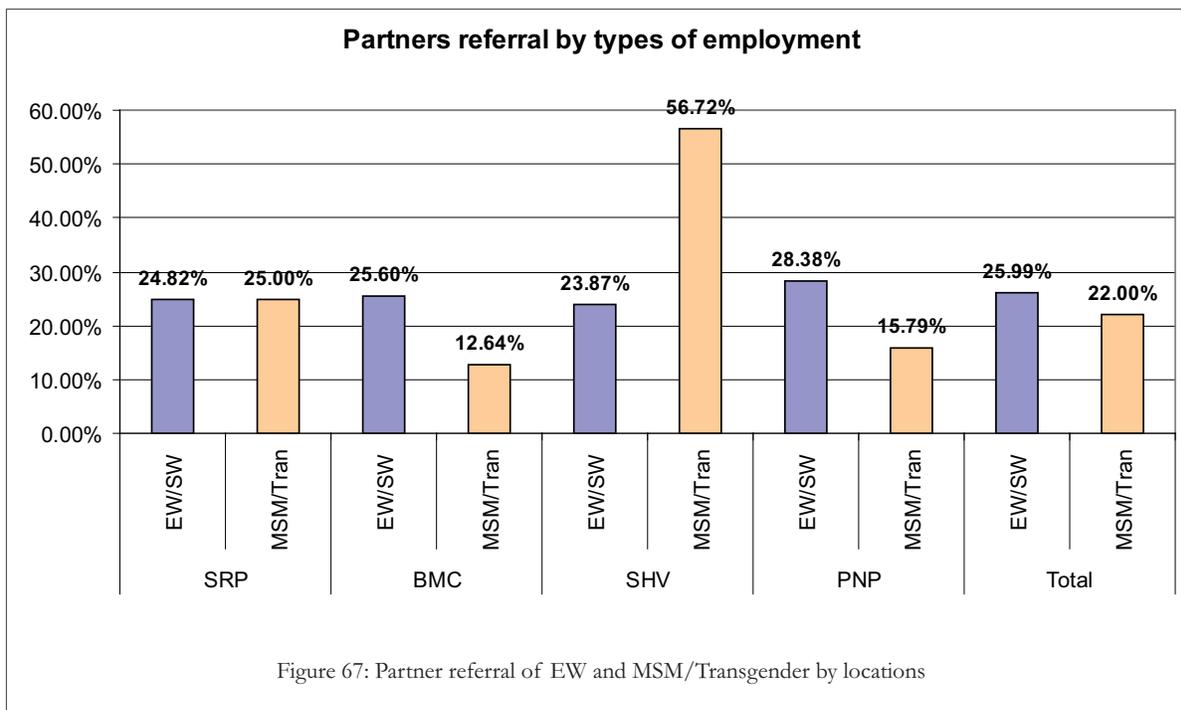


Figure 67: Partner referral of EW and MSM/Transgender by locations

■ Quality of services

1. Friendliness of Health Care Workers at STI Clinics and VCCT center (Q45)

Entertainment Workers

From the data collected and the analysis by locations, it is found that EWs of all provinces said that HCW of STI clinics and VCCT Center are very friendly to them. EWs from Siem Reap found that HCW of both services are friendly. The ANOVA test using locations as factor found that there is a significant difference between the services provided by HCW both in STI clinics and VCCT center.

Table 16: Perceptions of EW to the STI and VCCT services by locations

Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		ANOVA Sig.
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
HCWs in STI clinic	0.72	F	0.87	VF	0.83	VF	0.81	VF	0.000**
HCWs in VCCT	0.74	F	0.86	VF	0.84	VF	0.81	VF	0.000**

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very Friendly (VF) = 1.00 - 0.81; Friendly (F) = 0.80 - 0.61; Neutral (N) = 0.60 - 0.41; Somehow Friendly (SR) = 0.40 - 0.21; Not Friendly (NF) = 0.20 - 0.00

From the data collected and the analysis by types of employment, it is found that all types EWs said that HCW of STI clinics and VCCT Center are very friendly to them. Only Karaoke Girls found that HCW in STI clinics are friendly. The ANOVA test using types of employment as factor found that there is no significant difference between the services provided by HCW both in STI clinics and VCCT center.

Table 17: Perceptions of EW to STI and VCCT services by types of employment

Provinces	Direct Sex Workers		Massage Girls		Freelance Sex Workers		Karaoke Girls		Beer Promotion Girls		ANOVA Sig.
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
HCWs in STI clinic	0.81	VF	0.81	VF	0.81	VF	0.79	F	0.82	VF	0.219
HCWs in VCCT	0.81	VF	0.81	VF	0.81	VF	0.81	VF	0.83	VF	0.437

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very Friendly (VF) = 1.00 - 0.81; Friendly (F) = 0.80 - 0.61; Neutral (N) = 0.60 - 0.41; Somehow Friendly (SR) = 0.40 - 0.21; Not Friendly (NF) = 0.20 - 0.00

MSM/Transgender

The results from the data collected, it is found that MSM/Transgender of all provinces said that HCW of STI clinics and VCCT Center are friendly to them. The scores are therefore less than with EWs. The ANOVA test using locations as factor found that there is a significant difference between the services provided by HCW both in STI clinics and VCCT center.

Table 18: Perceptions of MSM/Transgender to the STI and VCCT services by locations

Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		ANOVA
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
HCWs in STI clinic	0.76	F	0.72	F	0.67	F	0.74	F	0.000***
HCWs in VCCT	0.76	F	0.72	F	0.67	F	0.74	F	0.000***

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very Friendly (VF) = 1.00 - 0.81; Friendly (F) = 0.80 - 0.61; Neutral (N) = 0.60 - 0.41 ; Somebow Friendly (SR) = 0.40 - 0.21 ; Not Friendly (NF) = 0.20 - 0.00

Similarly the analysis with the types of employment also found that there is no difference between MSM and Transgender. All of them stated that STI and VCCT services are friendly to them.

Table 19 : Perceptions of MSM/Transgender to the STI and VCCT services by types

Types of MSM/Transgender	MSM		Transgender		ANOVA
	WAI	OA	WAI	OA	
HCWs in STI clinic	0.73	F	0.74	F	0.807
HCWs in VCCT	0.76	F	0.79	F	0.007**

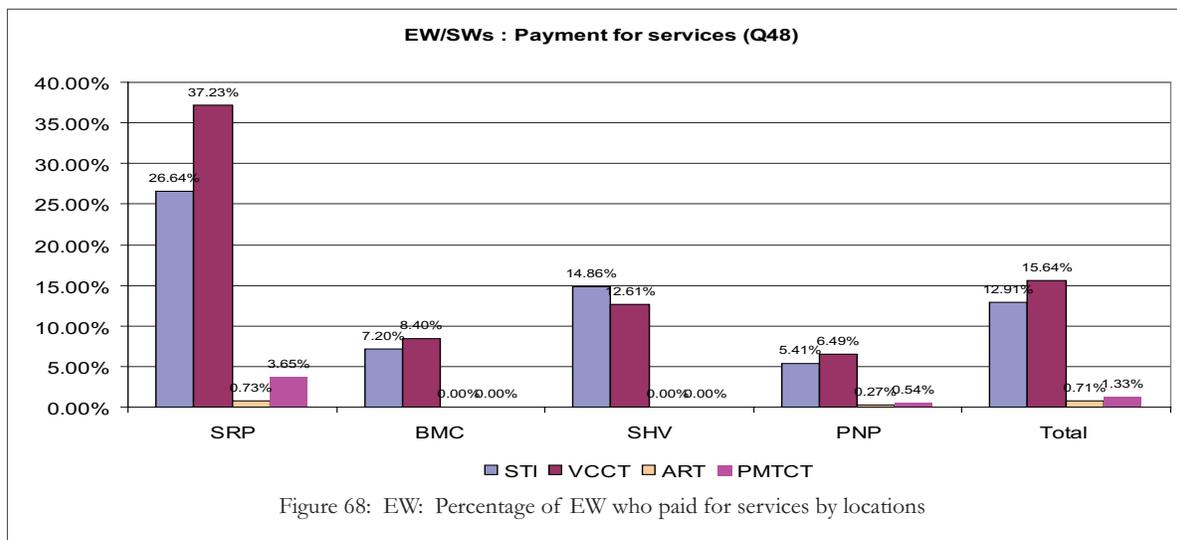
Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very Friendly (VF) = 1.00 - 0.81; Friendly (F) = 0.80 - 0.61; Neutral (N) = 0.60 - 0.41 ; Somebow Friendly (SR) = 0.40 - 0.21 ; Not Friendly (NF) = 0.20 - 0.00

2. Payment for services Q48

Entertainment Workers:

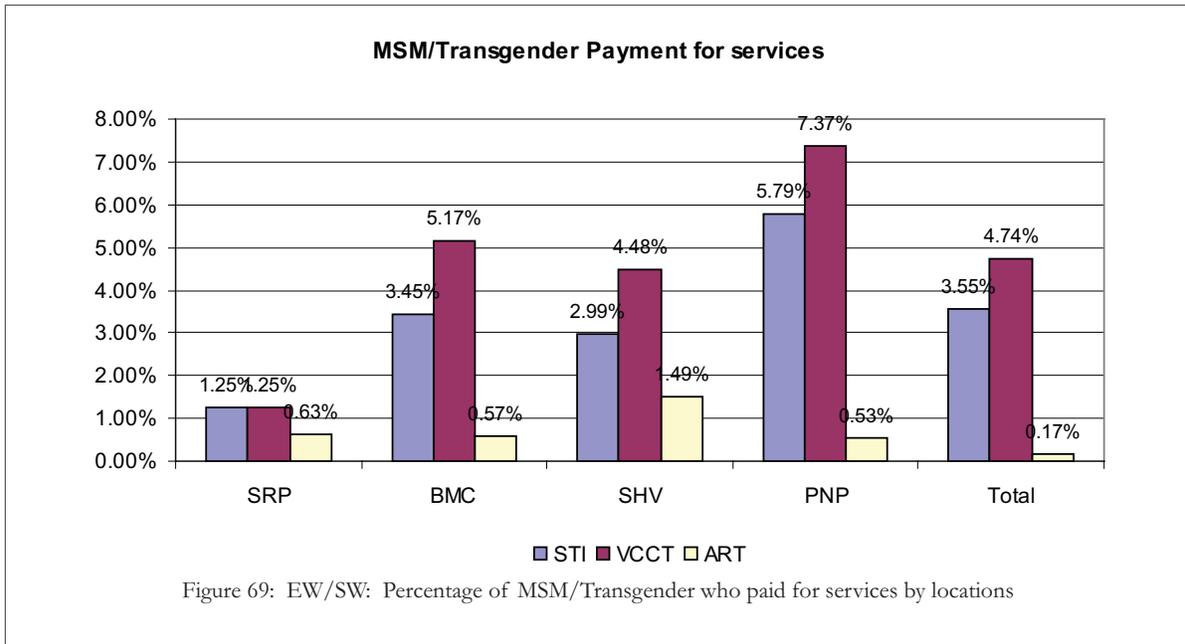
According to the answers of the respondents, the payments on ART and PMTCT are insignificant. However, the proportion of EW in Siem Reap spending money seems to be high for STI and VCCT services (respectively 26.6% and 37.2%). However, those payments are at the lower cost as compared to other locations.



	SRP	BMC	SHV	PNP	Total
STI	1.15	4	1.07	2.31	1.57
VCCT	1.5	3.97	2.7	2.43	2.07
ART	0.5	0	1.25	0	0.87
PMTCT	2.08	0	0	3	2.16

Source: Field Survey, November 2008

As compared to their peers, less MSM/Transgender pays for STI and VCCT services. Their payments for ART are also insignificant.

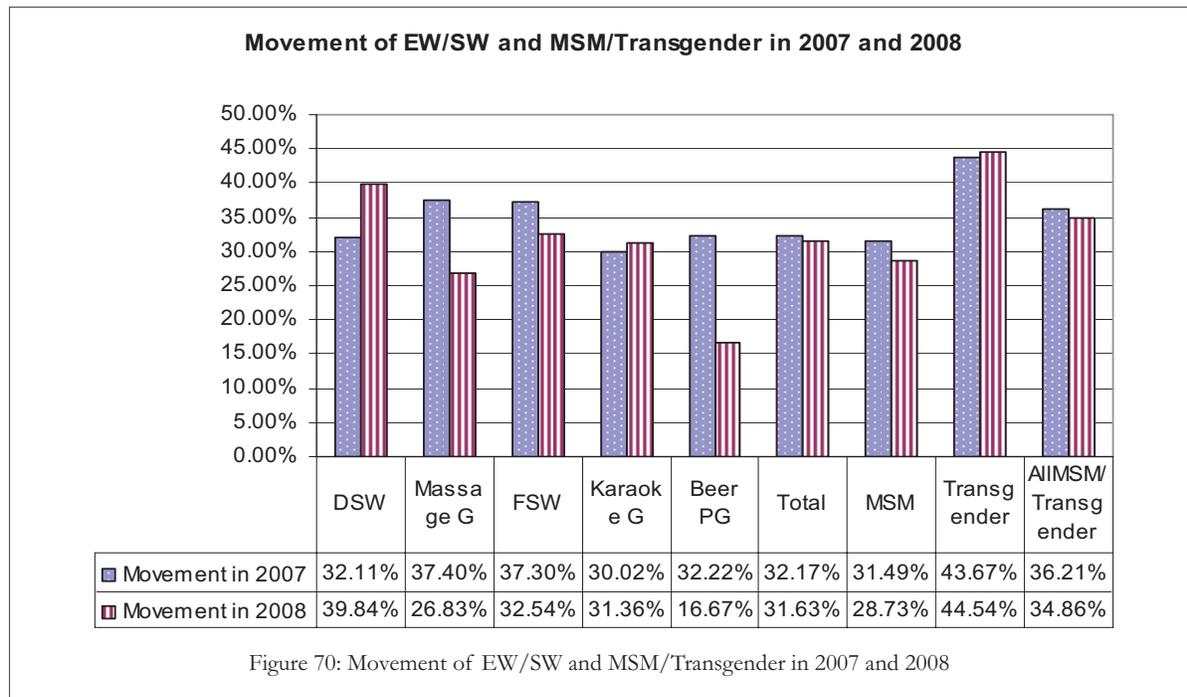


Objective 4: To identify problems (and possible problems) related to the implementation of the new Law on Suppression of Human Trafficking and Sexual Exploitation amongst EWs

1. Possible problems related to the implementation of LSHSE

a. Movement of EW and MSM/Transgender in 2007 and 2008

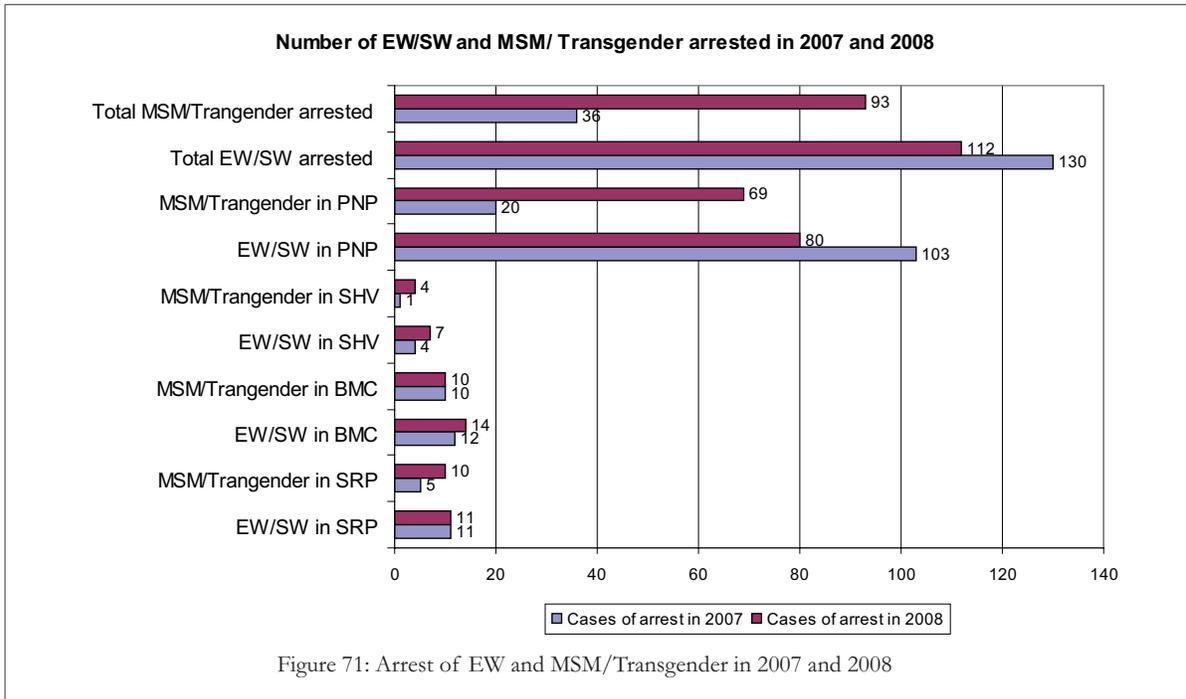
The analysis by types of employment found that Direct Sex Workers have remarkably moved more in 2008 as compared to 2007 while Karaoke Girls have very little increased movement in 2008 as compared to 2007. The movement of other EWs groups has decreased from 2007 to 2008.



Among MSM/Transgender, there was a little increase of movement of Transgender in 2008 as compared to 2007. Less mobility of MSM occurs in 2008 by comparison to 2007.

b. Arrested of EW and MSM/Transgender in 2007 and 2008

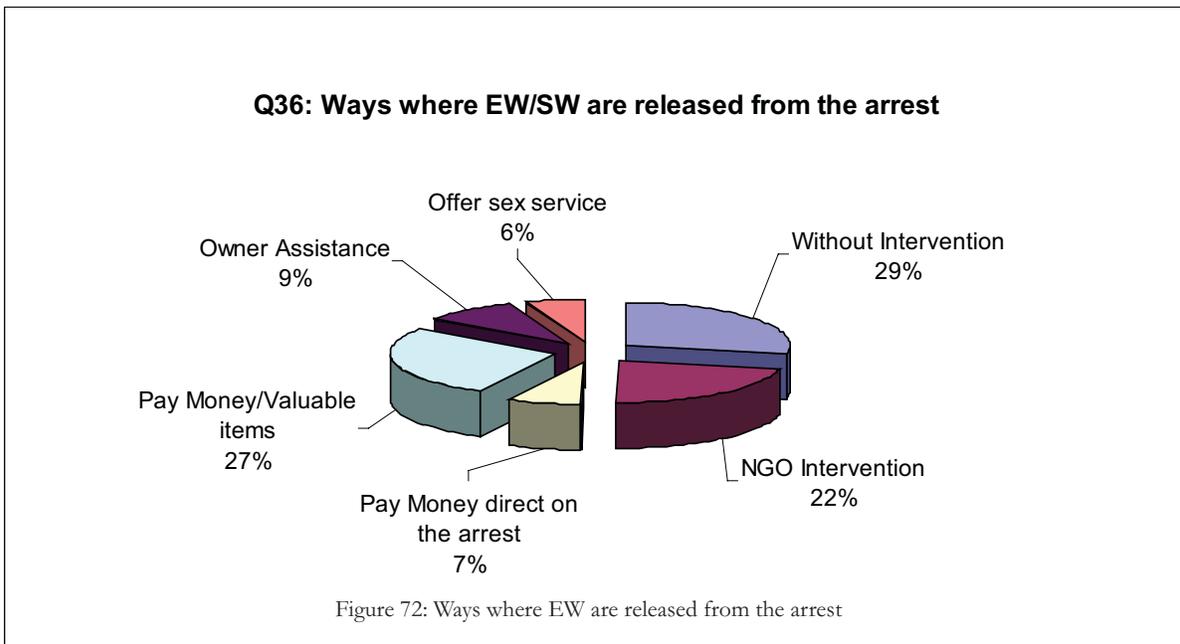
EW: The analysis by location found that in 3 provinces (Siem Reap, Banteay Mean Chey and Sihanouk Ville) less than a dozen of EW have been arrested in 2007 and 2008 (2% to 4%). For EW in Phnom Penh, the number of arrest is 103 (or 19% of the EW in Phnom Penh interviewed) in 2007 and 80 (or 14% of the EW in Phnom Penh interviewed) in 2008. In all locations the tendency of arrest is decreasing from 2007 to 2008 except in Sihanouk Ville.



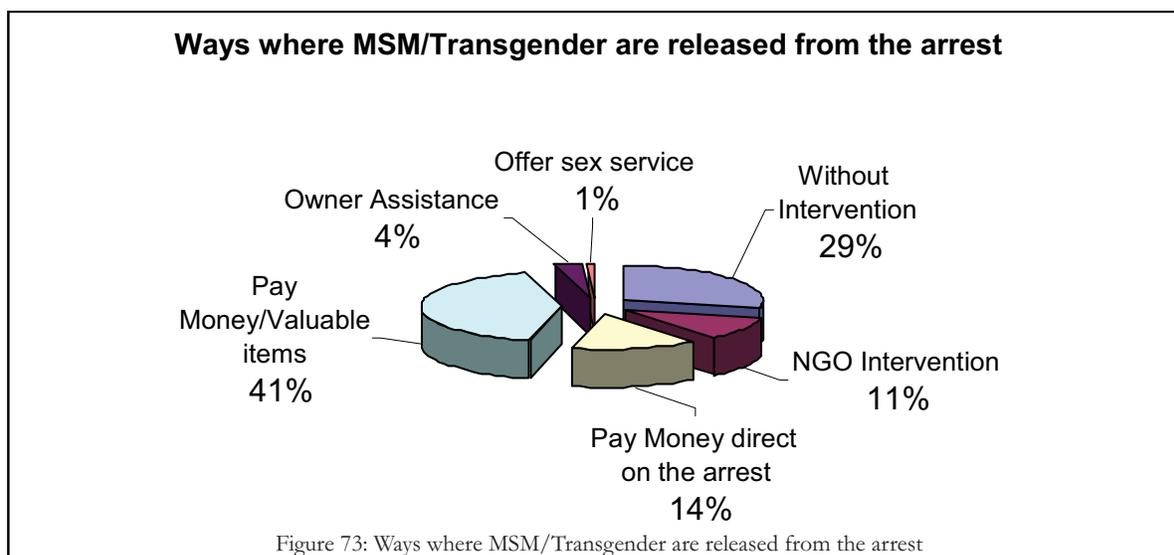
MSM/Transgender: In all 4 locations, there was an increase of arrest of MSM/Transgender except in Banteay Mean Chey. The arrest is severe in Phnom Penh where MSM/Transgender uses to seek for clients in the parks and public places.

c. Release from the arrest

Entertainment: The compiled data from 4 provinces points out that half of the arrested EW have been released without intervention and with intervention from NGOs. Money or valuable items has been used during the arrest or after the arrest (respectively 7% and 27%). Among those who have been under arrest 6% of them stated that they had offered sex as mean of escape.



MSM/Transgender: This group uses similar ways done by Female EW to get out of the arrest with the exception that they are able to provide valuable items or paying direct money on the arrest.



2. The support

1. Perception that someone will assist on spot whenever EWs are violated (Q37) and perception that police and local authority will assist whenever EWs are violated (Q38)

As per the response of EWs, it is found that chance that they are able to gain support from someone as a civilian or as uniformed service/local authority to assist whenever they are violated in Siem Reap and Sihanouk Ville is medium and is low in Banteay Mean Chey and in Phnom Penh. ANOVA test found that there is a significant difference between the 4 provinces for those two questions (Questions 37 and 38).

Table 18: Perceptions of MSM/Transgender to the STI and VCCT services by locations

Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		ANOVA Sig.
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
Think that someone will assist whenever EW are violated	0.45	M	0.37	L	0.52	M	0.37	L	0.000***
Think that police and local authority will assist whenever EW are violated	0.42	M	0.35	L	0.51	M	0.32	L	0.000***

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; High (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41; Low (L) = 0.40 - 0.21; Very Low (VL) = 0.20 - 0.00

The analysis by types of employment found that the chance of having a civilian or uniformed service/ local authority is low for Direct Sex Workers, Massage Girls and Beer Promotion Girls. However, Karaoke Girls asserted that this chance is medium while Freelance Sex Workers is likely to have civilian people for assistance but not likely from uniformed services or local authority. The ANOVA test with the types of employment as factor is not so significant for the two questions (Questions 37 and 38).

Table 22: Perception of EW regarding support in case of violations by types of employment

Provinces	Direct Sex Workers		Massage Girls		Freelance Sex Workers		Karaoke Girls		Beer Promotion Girls		ANOVA Sig.
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
Think that someone will assist whenever EW/SW are violated	0.4	L	0.37	L	0.46	M	0.44	M	0.4	L	0.008
Think that police and local authority will assist whenever EW/SW are violated	0.36	L	0.34	L	0.40	L	0.42	M	0.37	L	0.004

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; High (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41; Low (L) = 0.40 - 0.21; Very Low (VL) = 0.20 - 0.00

MSM/Transgender

As per the response of MSM/Transgender, it is found that chance that they are able to gain support from someone as a civilian or as uniformed service/local authority to assist whenever they are violated are low in all provinces except in Sihanouk Ville where they can be rescued by a citizen. ANOVA test found that there is a significant difference between the 4 provinces for those two questions (Questions 37 and 38).

Table 23: Perception of MSM/Transgender regarding support in case of violations by locations

Provinces	Siem Reap		Banteay Mean Chey		Sihanouk Ville		Phnom Penh		ANOVA Sig.
	WAI	OA	WAI	OA	WAI	OA	WAI	OA	
Think that someone will assist whenever EW/SW are isolated	0.32	L	0.36	L	0.58	M	0.38	L	0.000***
Think that olice and local authority will assist henever EW/SW are isolated	0.28	L	0.34	L	0.34	L	0.40	L	0.000***

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; High (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41; Low (L) = 0.40 - 0.21; Very Low (VL) = 0.20 - 0.00

The analysis by subcategory of MSM/Transgender found that the chance of having a civilian or uniformed service/ local authority is low for both MSM and Transgender. The ANOVA test with the types of employment as factor is only significant for the question 38.

Table 24: Perception of MSM/Transgender regarding support in case of violations by locations

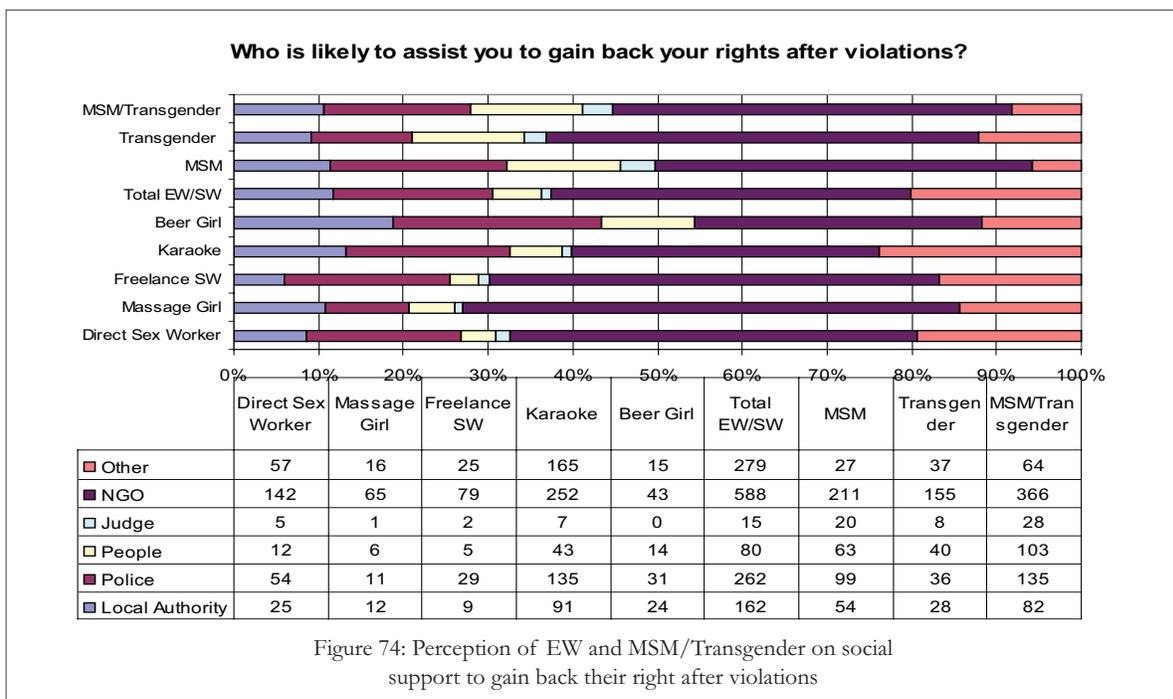
Provinces	MSM		Transgender		ANOVA Sig.
	WAI	OA	WAI	OA	
Think that someone will assist whenever MSM/Transgender are violated	0.3829	L	0.3764	L	0.241
Think that police and local authority will assist whenever MSM/Transgender are violated	0.3552	L	0.3135	L	0.010**

Source: Field Survey, November 2008

Note: Overall Assessment (OA), Very High (VH) = 1.00 - 0.81; H (H) = 0.80 - 0.61; Moderate (M) = 0.60 - 0.41; Low (L) = 0.40 - 0.21; Very Low (VL) = 0.20 - 0.00

3. Who is likely to assist you to gain back your right after violations? (Q39)

Among different sources of assistance after violations, EWs from 4 provinces asserted that the combined support of police and local authority is less than 40%. The majority of them are likely to rely on NGOs and local people for assistance.



The answers from MSM/Transgender group are also similar to their female peers.

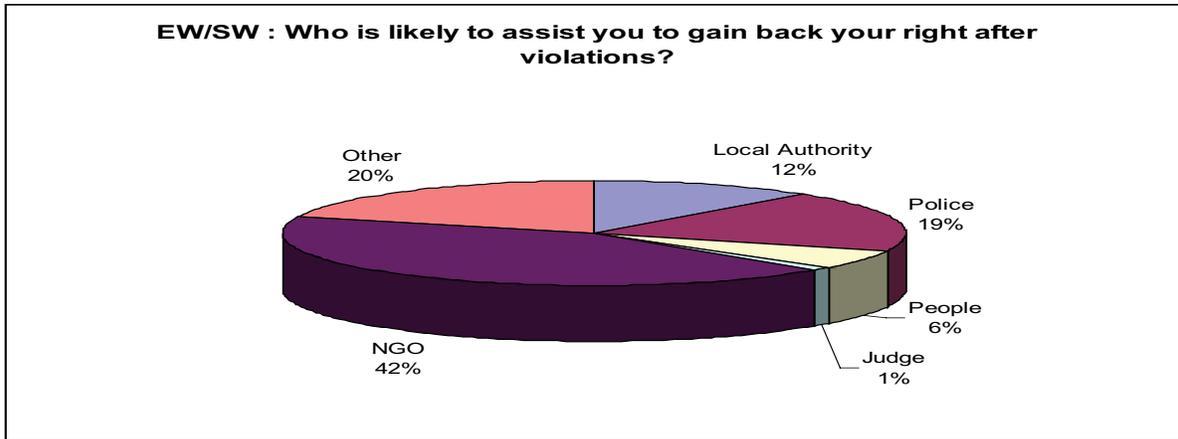


Figure 75: Perception of EW on social support to gain back their right after violations

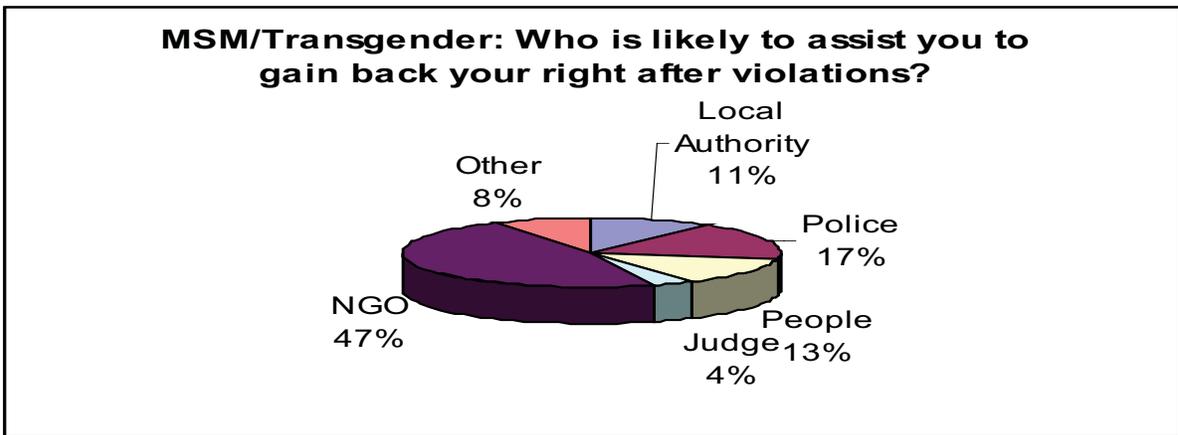


Figure 76: Perception of EW on social support to gain back their right after violations

4. Changes in some key variables between 2007 and 2008

Between 2007 and 2008, there were changes in the mean of some key variables both on EW and on MSM/Transgender.

On Entertainment Workers:

- Significant reduction of the mean of their movements from 0.59 in 2007 to 0.49 in 2008.
- Significant reduction of the mean of VCCT checks up from 1.46 in 2007 to 1.33 in 2008.
- No significant changes of mean of the arrest and STI attendance of EW between 2007 and 2008.

Table 25: Changes of key variables on EW between 2007 and 2008

Pairs of variables	Mean	Std. Deviation	Paired Samples T Test
			Sig.
Number of Movement in 2007	.59	1.256	
Number of Movement in 2008	.49	.900	
Pair Movement in 2007 and Movement in 2008			0.007
Number of Arrest in 2007	.12	.476	
Number of Arrest in 2008	.10	.467	
Pair Arrest in 2007 and Arrest in 2008			0.213
Number of STI attendance in 2007	2.18	3.532	
Number of STI attendance in 2008	2.22	4.119	
Pair STI attendance in 2007 and STI attendance in 2008			0.734
Number of VCCT checks up in 2007	1.46	1.986	
Number of VCCT checks up in 2008	1.33	1.636	
Pair VCCT check up in 2007 and VCCT check up in 2008			0.021

Source: Action Research, November 2008

On MSM/Transgender:

- Significant reduction of the mean of their movements from 1.17 in 2007 to 1.03 in 2008.
- Significant increase of the mean of arrest from 0.071 in 2007 to 0.121 in 2008.
- No significant changes of mean of the uses of STI and VCCT services by MSM/Transgender between 2007 and 2008.

Table 26: Changes of key variables on MSM/Transgender between 2007 and 2008

Pairs of variables	Mean	Std. Deviation	Paired Samples T Test
			Sig.
Number of Movement in 2007	1.1726	2.47715	
Number of Movement in 2008	1.0389	2.49002	
Pair Movement in 2007 and Movement in 2008			0.043
Number of Arrest in 2007	.0711	.29405	
Number of Arrest in 2008	.1218	.48578	
Pair Arrest in 2007 and Arrest in 2008			0.016
Number of STI attendance in 2007	.9340	1.75655	
Number of STI attendance in 2008	.8816	1.53805	
Pair STI attendance in 2007 and STI attendance in 2008			0.375
Number of VCCT checks up in 2007	1.0998	1.43392	
Number of VCCT checks up in 2008	1.0271	1.10589	
Pair VCCT check up in 2007 and VCCT check up in 2008			0.16

Source: Action Research, November 2008

Objective5: The key areas (of training) and skills development of relevant networks and key partners including EWs and MSM/Transgender

1. Capacity Building on Leadership for Results

From the situation analysis, it could be concluded that the scope of work related to Policies Environments regarding Universal Access and the Right to Work of Entertainment Workers is a complex social issue which requires the involvement of many stakeholders. Leadership is the main issue that needs to be addressed.

The Executive Director of UNAIDS, Dr. Peter Piot stated in 2001 that “If we continue as we are, each year losing a little ground, this is where we will stand. A place of pain and sorrow, of unimaginable loss and of collective shame: then together we will have failed to protect the vulnerable, voiceless, powerless, sick and orphaned “.

There was a discrepancy between the concept and the design of response in the area of right of work and the area Universal Access of Entertainment Workers and MSM/Transgender.

- The original concept of the design of 100% condom use program was developed from a deep understanding of underlying root causes of social issues demands an open and frank discussion between policy makers, program implementers and beneficiaries. However, after ten years of the program implementation, the translation of this original concept meets new emerging challenges. .
- From the key informant interviews, it is known that there was a lack of involvement of key stakeholders especially the representatives of Entertainment Workers and MSM/Transgender in the development of the Law on Suppression of Human Trafficking and Sexual Exploitation.

A paradigm shift of HIV/AIDS Response from health approach towards development approach needs to be institutionalized. Marginalized populations should not be considered as a mere beneficiaries of the services. Membership of different mechanism for the response to HIV/AIDS from the central level to local level needs to be revised to include the representatives of MARPs.

Policy makers and program implementers need to be inspired to support this paradigm shift. Key officials from the relevant institutions who are directly or indirectly involved with the work of Entertainment Workers and MSM/Transgender and their access to basic services (e.g. UA, legal services, social services...) should attend the Leadership for Results Capacity Building Session. The participation of representatives from MARPs should be a must. The expected outcome of the Leadership for Results session is to create a powerful and long lasting network from policy makers, program implementers and beneficiaries which can adjust the implementation of policies especially at local level.

Potential Organizer: NAA with support from UNDP

Potential Participants: Officials from Ministry of Interior (Member of Ministerial HIV/AIDS Committee) Ministry of Justice, Ministry of Tourism, NCHADS/Ministry of Health, National AIDS Authority, Commission Number 6 and Number 8 of the National Assembly, Ministry of Labor and Vocational Training, Local Authority and MARPs of the Provinces with hot spots, Private sector (Beer Companies, Restaurant, Karaoke, Casino...), Representative of NGO working with Entertainment Workers and MSM/Transgender and Drug Users, HACC, LICADHO, AFESIP

2. Capacity building in designing and delivering innovative and appropriate strategic BCC program for EW and MSM/Transgender and their clients

From results of this action research it is known that EW and MSM/Transgender are confronting unprecedented conditions and environment. For instance, 41% Karaoke Girls and 29% Beer Promotion, 26.8% of MSM and 20% of Transgender experienced the loss of control due to excessive consumption of alcohol during last week. It is also known that more than 20% of Direct Sex Workers and 26% of Freelance Sex Workers are currently using smoking addictive drugs.

Non Brothel Based Entertainment Workers are facing the conditions where their partners are no longer clients where they cannot remember. They are now becoming sweethearts and they pay a much larger amount of money for sex services. The negotiation skills is the area that need to be very well addressed.

So far, there are initiatives from key stakeholders to address those issues of Behavior Change Communications. KHANA develop Standard Package of Activities for MARPs and FHI comes up with M Style for MSM and Smart Girls for Entertainment Workers.

The capacity building for BCC needs to be linked to Basic Human Rights, Positive Prevention, and Continuum of Care and also to enabling environment. Sweethearts Program need be reviewed, redesigned and expanded with active participation of Entertainment Workers.

Potential Organizers: EW Core Group and TWG on Out Reach Peer Education and 100% Condom Use (OPC TWG)

Potential Participants: Members of OPC TWG, Member of NMSMTWG, Members of DHA TWG, Representatives of WNU, WAC, WHN, CPU...

3. Develop skills of police forces and local authority to act as Community Enablers

To support the rights of Entertainment Workers and MSM/Transgender and increase their access to UA services, technical capacity police forces and local authority in hot spot areas need to be built to create enabling environments for prevention programmes of government institutions and NGOs. To facilitate community support for HIV service provision, the role of community enabler will include:

- police involvement in community education and sensitization, especially reducing stigma and discrimination against MARPs and supporting “Community space” for programs
- police involvement in advocacy for HIV services
- police referral of those in need to support services

The areas for capacity building for community enablers are:

- Human Rights
- Policies and legislations related to sex work such as Law on Suppression of Human Trafficking and Sexual Exploitation, Constitution,
- Policies and legislations related to Universal Access services such as HIV/AIDS Law, 100% Condom Use,
- Policies and legislations related to Illicit Drug Use such as Harm Reduction
- Community Conversations (in the Leadership for Results)

Potential Organizers: National AIDS Authority, Ministry of Interior, FHI, UNAIDS

Potential Participants : Police and local Authority in the Provinces with Hot Spots , Representatives of NGO working with of Entertainment Workers and MSM/Transgender, Representatives of MARPs.

4. Strengthening the organizational and advocacy capacity of Entertainment Workers and MSM Transgender network

The interview with key informants found that the network of EW exists in 9 Provinces:

- Battambang , Kandal , Phnom Penh with WHN
- Banteay Mean Chey , Kampot, Sihanouk Ville and Takeo with WNU
- Siem Reap, Kampong Speu and Kampong Chhnaing with both WHN and WNU

Although this action research reveals that the basic education of EW is very low (average 3.9) and that 27% of them have no education at all, the commitment to build the institutional capacity of EW should be constantly pursued. So far these two networks are facing a number of challenges:

- The understanding and direction for advocacy between these networks have not been unified. WNU is more directed to the right to work when WHU is heading for the access to basic services.
- Both networks have not regular working mechanism with government especially at provincial and national level. Their actions are seen by government and development partners as ad hoc reactions rather than

a regular working mechanism for the pursue of the rights to work and the right to have access to UA services

Among 14 NGO working with MSM/Transgenders, there is overlap between MSM CBOs and CBOs working with MSM in hot spot provinces. Although they have in average high 9 years of schooling, their organizational capacity is still limited since they are relatively created as compared to EW networks.

The expected out puts is to establish a strong network of Entertainment Workers and MSM Transgender which can work in solidarity with GOs and NGOs and can effectively advocate not only with sexual safety but also with broader aspect of human rights including legal and social supports.

Potential Participants on Organizational Capacity Building for Entertainment Workers and MSM Transgender network: WHN, WNU, WAC, CPU, Bandanh Chaktomuk

5. Strengthening the organizational and advocacy capacity of Networks working with Entertainment Workers and MSM Transgender

To address the current situation of EW and MSM/Transgender, it is worth mentioning the following initiatives:

- NCHADS is developing a the new SOP by NCHADS on Continuum on Prevention Care and Support addressing Entertainment Workers,
- NAA has already produced a Strategy Plan to Prevent and Control HIV on Entertainment Workers and Clients. Along with this initiative, NAA is leading the EW Core Group.
- MOLVT has issued in September 2006, the Prakas 086 on Creating HIV/AIDS Committees in Enterprises and Establishments and Managing HIV/AIDS in the Workplace.
- MOI had just finished the development of the Strategic Plan of the response to HIV and AIDS, 2009-2013 by combining actions of important members of MOI AIDS Committee namely NACD, Department of Local Administration/NCDD, Anti-Human Trafficking and Juvenile Protection, and Health Department. This plan suggested the assignment of the Police Commissioner of every province to be the deputy of the Provincial AIDS Committee Chair for effective alignment and harmonization of local actions on Anti-Human Trafficking and 100% Condom Use Program.
- Beyond theses sectoral initiatives, it is to remind that three TWG have been created to orchestrate the response address specific MARPs namely, OPC TWG, NMSMTWG and DHA TWG.

For coordinated actions of these existing mechanism and initiatives, a strong leadership is a critical to ensure the connectivity between different components of this complex machinery.

In this regards, Technical and Organizational Capacity of different elements of the above mentioned mechanism need to be strengthened. Secretariat support needs to be made available to each element of the systems for a smooth to undertake the mandated tasks. Some key elements of the system may need a close mentoring by Short Term Consultancy for a reliable and effective function with improvement of local ownership.

V. ANALYSIS

1. The change of the general features of the sex industry

The analysis on the right to work of EW and MSM/Transgender and their rights to access to UA services should be discussed with the general context of the sex industry. Over the past decade, the general features should be considered:

1. The total number of women involved in this industry had increased by 50% i.e. from 11,311 in 1997 to 17,153 in 2007¹. With global economic and financial crisis a growing number of garment factories workers decided to join Entertainment Establishment to earn their living.
2. A steady move of EWs from Brothel Based to Non Brothel Based settings. In 1997, the number of sex workers in the brothels exceeds those who work outside (53% of total number of EW). Remarkable contrast is seen in 2007 where in brothel based sex workers account only for one fifth of the total number of workers in the sex industry.
3. The relation ship between EW and clients which used to be casual is moving to be like Sweethearts (or Minor wife)
4. The settings which used to be concentrated in hot spot areas in the past ten years are now scattered with a wide range of establishment or without establishment (public places, parks...).
5. The risk of entertainment workers of HIV increases with additional Drug uses and/or Homosexual relations.
6. In the past ten years , the illegality of sex workers has not bee questioned and there was a strong and uniefd support to 100% Condom Use Program. Nowadays, local authority and police are implementing the new law on Suppression of Human Trafficking and Sexual Exploitation. This causes a difficulty for EW to operate their business and for Outreach Workers to work with them. Besides over the past two years , the lack of funding support affects the routine management of 100% CUP in many provinces.

Features	In 1997		In 2007
Size of EWs	Small size 11,311	→	Larger size 17,153
Types of EWs	Mostly brothel based (53% of EWs)	→	Mostly Non Brothel based (80% of EWs)
Types of clients	Casual clients	→	Sweethearts and Tata
Local distribution of the settings	Concentrated in hot spots area	→	Scattered in many types of settings or even without settings
Types of risks	Heterosexual	→	Heterosexual + Homosexual + Drug Use (IDU and Non IDU)
Enabling environment	Brothels can operate their business	→	New Law on the Suppression of Human Trafficking and Sexual Exploitation
	Supporting environment for 100% CUP	→	100% CUP affected by the lack of support and direction

Figure 77: Changes of the general features of the sex industry in Cambodia between 1997 and 2007

¹Passive surveillance and Data management of NCHADS

2. Right to work

The study on Demography Socio Economic of this action research paints the conditions where young women and young men have to be involved in entertainment industry and gain their living buy selling sex. They come from poor and/or broken families. They have low level of education (3.9 for EW and 9 years for MSM/Transgender) and are often unemployed (33% for EW and 21% for MSM/Transgender).

- Most of EW decided to come to entertainment industry because of families' problems. Less than 1% of them have been sold into prostitution. EW need to send money back home from 30 to 50 USD every month to support in average 3.12 dependents.
- Among MSM/Transgender it is interesting to notify that 66.6% of MSM did acknowledge that they receive money from selling sex while 84.5% of Transgender do so. However, this group need to send money back home only 20 USD in average since they have only 2 dependents.

This snapshot provides some evidences on the conditions why EW/SW and MSM/ Transgender decide to work in the sex industry. However, this action research shows that if there is opportunity for other jobs, EW are willing to quit sex industry (43% in Siem Reap and 29% in Banteay Mean Chey).

According to the 2008 Congress of Ministry of Interior, it is know that in 2007, 218 cases of human trafficking and sexual exploitation rescued and reintegrated into the community while most of the 20,000 Entertainment Workers sell sex (directly or indirectly) as mean of survival or extra income on top of other types of works to support their family dependents

The lack of strong leadership for handling sensitive issues such as Human Trafficking and Safe Sex practices that are deeply connected to sex work is somehow lacking. Police and local authority are pulled by two obligations which are not easily aligned with each other.



Source: MOI, NCHADS/ MOH, 2007

Figure 78: Balance between Human Trafficking and Sexual Exploitation and Sex works

3. Discrepancy between the perception and the reality

- 83% of EW and 90% of MSM/Transgender believe that the government has the duty to protect right of all citizen including EW and MSM/Transgender.

The opinion on the Repression of officers in charge as main factors affecting their rights of work are high for all types of EW and MSM/Transgender (Q49 for EW and Q48 for MSM/Transgender)

- 84% of EW/SW and 90% of MSM/Transgender have the right to participate in the development of law and policies that are related to sex work

Although EW and MSM/Transgender asserted that they have been involved in the discussion on law and policies related to sex work such as HIV/AIDS Law, Law on Suppression of Human Trafficking and Sexual Exploitation, CEDAW, 100% Condom Use and HIV/AIDS Workplace policies (Q 20 for EW and

MSM/Transgender) their role have not been fully recognized. In depth interview with key informants found that there was a lack of representatives of EW and MSM/Transgender in the consultation process for the development of those policies. Their assignment in the former OPC SOP was just aimed at having a representatives of the services beneficiaries rather than to play an active to protect broader rights including the right to work and the right to live (No representative of WNU in the OPC TWG at central level and CUCC at provincial level).

From key informant interviews, it is worth mentioning that the development of the Law on Suppression of Human Trafficking and Sexual Exploitation was finalized with consultations with representatives of EW and MSM/Transgender.

Although WNU and WHN are active in 9 provinces, the connection between local level and central level is lacking. The reality at local level could not easily be reported to provincial and /or central level as contribution for policy development or review.

- 89% of EW and 96% of MSM/Transgender are having the same right with other citizen?

Although the illegality of the sex work has not been remarkably addressed in the Law on Suppression of Human Trafficking and Sexual Exploitation, many articles of this law cut off the chance of entertainment workers to earn their living from sex work.

Besides, it should be noted that there are 220,000 men who buy sex in Cambodia (CDHS 2005). The illegality of selling sex should not discuss without actions to address the demand side. However, 83% of EW and also of MSM/Transgender have never seen clients of EW/SW arrested.

4. Right to Universal Access services

The percentage of participation of EW in the advocacy mechanism for UA is roughly 30% except with the Massage Girls. Their MSM/Transgender peers have higher level of participation (for 58% with MSM and 43% for Transgender) (Q31 for EW and MSM/Transgender). However, these participations happen mostly at local level.

Although WNU and WHN are active in 9 provinces, the connection between local level and central level is lacking. A part from their funding agencies, MSM CBO working at local level such as MHC, MHSS, Kanhnha have not been systematically connected with NMSMTWG to report the problems related to the coverage of interventions in their own areas.

NGOs are using different approaches for interventions and different channel of reporting. NMSMTWG and DHA TWG are struggling in defining indicators, in collecting and in compiling the data of services coverage for MSM/Transgender and DU/IDU.

5. Quality of Universal Access services

Since EW and MSM/Transgender have been mostly considered as services beneficiaries, the problems related to the quality of UA services (e.g. friendliness of the services, payment of services in some areas...) have not been most of the time openly discussed.

EW and MSM/Transgender equally rated Stigma and discrimination, the lack of their representatives, the lack of coordination between local and central level, and the lack of participation of representatives of Drug Authority and Anti-Human Trafficking in 100% CUP mechanism as high factor that affect their access to UA services (Q50 for EW and Q49 for MSM/Transgender).

6. Possible problems related to the implementation of the new Law on Suppression of Human Trafficking and Sexual Exploitation

The analysis of the question Q25 (Should EW and MSM/Transgender waving hands to attract the clients be punished?) by locations of EW found that there is a large difference in the interpretation and the implementation of the article 24 of the law. In depth interviews with key informants found that there was a lack a proper training to local police by the use of unified guideline for the implementation of the law.

Although 54% of EW and 57% of MSM/Transgender stated that police forces have not clearly separated from those who are voluntarily selling sex and those who are trafficked, their cases cannot be escaped from the law. Many articles of the law such as solicitor, room rental, and public order ...could be enough for the arrest. In depth interview with those who have been arrested found that most of the time EW and MSM/Transgender have never been told about the reasons of the arrest. For the release 34% of respondents asserted the use bribe as an alternate solution.

In term of support services, their expectation that police and local authority will assist whenever they are violated

- o is low for all types of EW (except for the Karaoke Girls) (Q39)
- o is low for both MSM and Transgender (Q36)

They expect assistance from NGOs more than from Police and local authority to help them regaining back their rights after violations (Q39 for EW and Q37 for MSM/Transgender)

The following table provides the recapitulation of changes in the UA services over the period between 2007 and 2008 and the possible event/actions that could interfere with the preventive interventions.

From the table, as a general observation it is to acknowledge that the increase of the coverage of interventions is not necessarily linked to the frequency of intervention or event/ actions.

For EW the coverage of Peer Education, STI and VCCT are on the rise. However the frequency of attendance to STI and VCCT are decreasing while the attendance to Peer Education is increasing. Although the movement and the arrest of EW are decreasing the use of STI and VCCT are decreasing.

For MSM/Transgender the coverage of Peer Education remains unchanged and the coverage to STI and VCCT are increasing. The tendency of frequency of the attendance to those three services is on decline. However, those declines are not significant. The significant increase of the arrest could be one of the reasons for such reduction of the frequency of the use of services.

Table 27: Changes of the coverage and frequency of attendance to Peer Education, STI and VCCT of EW and MSM/Transgender and their movement and Arrest in 2007 and 2008

Target Population	Type of variable	Peer Education	STI	VCCT	Movement	Arrest
EW	Coverage	Increase	Increase	Increase	Decrease	Decrease
	Mean of attendance or event/action	Significant increase	No significant decrease	Significant decrease	Significant reduction	No significant reduction
MSM/Transgender	Coverage	Unchanged	Increase	Increase	Increase	Increase
	Mean of attendance or event/action	No significant decrease	No significant decrease	No significant decrease	Significant reduction	Significant increase

VI. RECOMMENDATIONS

The following recommendations have been made from the results of the action research and the existing efforts and resources of relevant stakeholders in the areas of the right of EW and MSM/Transgender and their access to UA service. The format provided by the guidance note on HIV and Sex Work of UNAIDS that have been released in February 2009 have been used to frame the recommendations. Three pillars have been described by the guidance note:

- **Pillar 1: Assure universal access to comprehensive HIV prevention, treatment, care and support**
- **Pillar 2: Build supportive environment, strengthen partnerships and expand choices**
- **Pillar 3: Reduce vulnerability and address structural issues**

Each pillar is essential, and the three are mutually interdependent and should be coordinated and implemented simultaneously. All three pillars require immediate short term approaches and longer term measures.

1. Pillar 1: Assure universal access to comprehensive HIV prevention, treatment, care and support

a. Removing structural barriers to universal access

EW and MSM/Transgender CBOs should constantly document issues of stigma, discrimination, violence and abuse on them and bring those problems to be discussed at local level platform for appropriate solutions. The connection of these CBOs with the central level mechanism (e.g. EW Core Group, OPC TWG, NMSM TWG, and DHA TWG) should be improved to facilitate the resolutions of the cases.

b. Behavior Change Communications

- *OPC TWG, NMSMTWG and DHA TWG should review the existing methodologies and approaches which aim at changing the behaviors of MARPs*
- *The standardized package for BCC should be defined for the use of all the members of OPC TWG, NMSMTWG and DHATWG*
- *The standardized reporting format and system should be defined by all members of OPC TWG, NMSMTWG and DHATWG for implementation*

c. Linking and integrating services

- *Provide support for the implementation of the new SOP for Continuum of Prevention to Care and Treatment for Female Entertainment Workers (NCHADS) which open for linkages to other services beyond health (social, legal, economic)*
- *Suggest the integration of MSM/Transgender into the new SOP for Continuum*
- *The standardized reporting format and system should be defined in the new SOP for the use by concerned stakeholders.*

d. Elimination of violence against entertainment workers

- *Provide technical and financial support to the implementation of the Strategic Plan of Ministry of Interior especially on the Capacity Building of Police forces and local authority to become Community Enablers.*
- *Expanded and strengthen the existing efforts to protect EW against to client's misuse of alcohol and drug which is leading to violence against them.*

e. EW and MSM/Transgender living with HIV and AIDS

- *Provide technical and financial support for NGO and CBO which work with EW and MSM/Transgender to (e.g. WHN, WNU, CCW, CNMWD, CPU, WAC, BC...) to address the specific need of those who are living with HIV and AIDS.*

2. Pillar 2 : Build supportive environment, strengthen partnerships and expand choices

a. Supportive environments

- MARPs should be not seen as beneficiaries of the services but their voice should be institutionalized in the response mechanism from policy and implementation levels to the grass root level. They should be encouraged to actively participate in forum and platform to address the issues of discrimination, harassment and violations. MARPs CBO should be empowered to gain their ownership and be able to control of their own endeavors and destinies.
- There should be stronger financial and technical support for capacity building for NGOs, CBO representing or working with MARPs. Their organizational capacity needs also to be supported.

b. Strategic partnership

- Mobilize the resources to organize Leadership for Results to build strategic partnership of MARPs CBO and network with key stakeholders from GOs, NGOs, Private sector from central to local level
- The membership of existing structure such as OPCTWG, NMSMTWG, DHATWG, EW Core Group, National Partnership Forum, and GFATM should be reviewed to include the representatives of MARPs.

c. Stigma and discrimination

- To reduce stigma and avert discriminatory practices, targeted community interventions for social inclusion, and capacity building should focus on women's group, community leaders and religious leaders.
- In order to address this issue, funding should be mobilized to conduct Community Conversations at least for the community surrounding hot spot areas.

d. Expanding choices

- The connection of HIV and AIDS program with the efforts of National Social Safety Net should be explored to look for expanding choices of EW and MSM/Transgender through alternative employment and livelihood opportunities – jobs, cash grants, micro credit and microfinance.

3. Pillar 3 :Reduce vulnerability and address structural issues

HIV prevention efforts will not succeed in the long term unless the underlying drivers of HIV risk and vulnerability are effectively addressed. This pillar addresses issues of poverty and limited economic options, gender inequality, and harmful norms and relations, inadequate access to education, mobility and migration, and situation of humanitarian concern.

a. Promote Education for All

- There should be significant investment in girls' education, supported by Education For All policy where universal primary and secondary education are mandated. These sustained efforts will assure a long term reduction of HIV vulnerability for women and girls.

b. Gender equality, gender norms and relations

- In order to guarantee long term success of HIV/AIDS response , there should be a sustained progress in addressing human rights violations, gender inequality , stigma and discrimination
- To reduce the demand of sex by promiscuous men evidence informed program should be incorporated into existing interventions to forge norms which address men stereotype.

c. Address poverty and limited economic options

- Efforts should be made to increase women's economic independence in order to offer a wide range of job opportunity.

d. Address the needs of migrants populations

- Resource should be mobilized to support the implantation of HIV/AIDS Workplace policy to address segment of migrant populations with proven risks

VII- CONCLUSIONS

From the extensive secondary and primary data collection in the Sihanouk Ville, Banteay Mean Chey, Siem Reap and Phnom Penh and data analysis, the following conclusions are formulated to highlight specific objectives of action research.

1. Understanding the vulnerability of EW and MSM/Transgender and their right to life and to work

This action research illustrates the conditions and the environment that put EW and MSM/Transgender into vulnerable situation. These are socio-economic, the working environment. It also captures their perception regarding the policies related to sex work, the reality of implementation of law and policies in the entertainment settings.

2. Universal Access and quality of services

The coverage of UA services of EW and MSM/Transgender in 2008 can be summarized as follows:

- The coverage of Peer Education Program to EW and MSM/Transgender has not been remarkably increased from 2007 to 2008 (for EW from 63% to 65%; for MSM/Transgender remains stable at 74%)
- The coverage of STI in 2008 is 68% for EW and only 46% for MSM/Transgender
- The coverage of VCCT in 2008 is 78% for EW and 73% for MSM/Transgender
- The average time of attendance to STI and VCCT both by EW and MSM/Transgender is slightly decreased.
- The reach by Drug Education Program and HBC Team in 2008 are respectively 51% and 29% for EW and 55% and 25% for MSM/Transgender
- Partner referral in 2008 is only 26% for EW and 22% for MSM/Transgender

Friendliness of services, the payment for services and other factors that related to the quality of services can be summarized as follows:

- All types of EW stated that they the STI and VCCT services are very friendly to them while MSM/Transgender stated that those services are friendly.
- There are evidences of payments for STI and VCCT services in some provinces. However, the sum of money paid is less than 2 USD.
- All EW and MSM/Transgender rated that Stigma and Discrimination, the lack of their representative , the lack of coordination between the central and local and the lack of participation of Anti-Human Trafficking, Drug control, Human Right networks in 100% CUP are found to be high factors related to the access to Universal Access.

3. Impact of implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation

Impact of the Law on Suppression of Human Trafficking and Sexual Exploitation on universal access regarding programs on the prevention, treatment, care and support, and impact mitigation has also been assessed. It has been found that the increase of the coverage of interventions is not necessarily linked to the frequency of interventions or event/ actions.

- For EW the coverage of Peer Education, STI and VCCT are on the rise. However the frequency of attendance to STI and VCCT are decreasing while the frequency of attendance to Peer Education is increasing. The frequency of the movement and the arrest of EW are decreasing.

- For MSM/Transgender the coverage of Peer Education remains unchanged and the coverage to STI and VCCT are increasing. The tendency of frequency of the attendance to those three services is on decline. However, those declines are not significant. The significant increase of the arrest could be one of the reasons for such reduction of the frequency of the use of services.

One of the important reminding from the action research is that its findings could not be interpreted as an sole impact of the implementation of LSHSE but rather be understood in the broader the general features of the sex industry in Cambodia that have evolved over the last decades. The combined effects of different factors in the sex industry and entertainment establishment over the past decades coupled with the implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation in 2008 are having impact on the access to services for EW and MSM/Transgender. Over the past year, although the coverage of services is increasing the frequency of attendance of EW and MSM/Transgender start to decrease.

If unsupportive environment is prolonging and if the advocacy actions of NGOs and EW and MSM/Transgender could not be heard, the impact on UA services could be higher than the current findings in this report.

From the results of this action research, the potential of HIV infection in the brothels settings should not be undermined since DSW, Massage Girls and Freelance Girls have a high number of partners as compared to their peers (Karaoke and Beer Promotion Girls).

4. Recommendations for further actions

1. Enabling Environment for UA

A good understanding of Local authority and police forces on socio-economic situation of EW and MSM/Transgender will facilitate the participation of EW and MSM/Transgender in the mechanism for the protection of their right to life and to work.

The assignment of EW and MSM/Transgender in any mechanism at any level should not be a token where they act as services beneficiaries but to play an active role to protect broader rights including the right to work and the right to life. There should be an atmosphere where they can voice out their concerns that affect their right to live and their right to have access to UA services. For a positive enabling environment, a strategic partnership between MARPs representatives, policy makers and program implementers should be strengthened.

2. Capacity building

Keys recommendations for capacity building are formulated:

- Mobilize the resources to organize Leadership for Results to build strategic partnership of MARPs CBO and network with key stakeholders from GOs, NGOs, Private sector from central to local level.
- The capacity building for BCC needs to be tailored with the current conditions and environment of EW and MSM/Transgender. These are alcohol and drug use, Basic Human Rights, Positive Prevention, Continuum of Care and enabling environment. Sweethearts Program need be reviewed, redesigned and expanded with active participation of Entertainment Workers.
- To support the rights of Entertainment Workers and MSM/Transgender and increase their access to UA services, technical capacity police forces and local authority in hot spot areas need to be built to create enabling environments for prevention programmes of government institutions and NGOs. There should be technical and financial support for the training of police and local authority to become **community enablers**.
- Strengthening the organizational and advocacy capacity of Networks working with Entertainment Workers and MSM Transgender. In this regard, Technical and Organizational Capacity of different elements of the national mechanism working on MARPs need to be strengthened. Secretariat support needs to be made available to each element of the systems for a smooth to undertake the mandated

tasks. Some key elements of the system may need a close mentoring by Short Term Consultancy for a reliable and effective function with improvement of local ownership.

3. Leadership and Coordinated response

With the imminent emergence of the second wave of HIV infection, a strong leadership is very critical to orchestrate, align and harmonized all the initiatives of different sectors working with EW and MSM/Transgender to address their right and their access to UA services. Each sector and mechanism needs to support the actions recommended in the three pillars. The existing initiatives such as the National Strategy for the prevention on EW and clients (NAA), MOI Strategic Plan for the response to HIV and AIDS 2009-2013 (MOI), the Prakas 086 of MOLVT, the new SOP for the Continuum of Prevention Care and Treatment, Approach for Female Entertainment Workers in Cambodia (NCHADS), the network of EW and MSM/Transgender and the NGO working MARPs should be supported.

Summary of Key Research Findings For

**NAA in collaboration with CACHA,
WNU, CPU, CNMWD, CCW and BC**

**supported by UNFPA, UNAIDS, WAC
ICASO/APNSW and ActionAid**

May 2009

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ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
APNSW	Asia Pacific Network of Sex Work
ART	Antiretroviral Therapy
BCC	Behavior Change Communication
CACHA	Cambodian Alliance for Combating HIV/AIDS
CCW	Cambodian Community of Women Living with HIV/AIDS
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CNMWD	Cambodian Network for Men and Women Development
CUP	Condom Use Programme
CPU	Cambodian Prostitute Union
DHATWG	Drug and HIV Technical Working Group
EW	Entertainment Worker
FHI	Family Health International
HCW	Health Care Worker
HIV	Human Immunodeficiency Virus
ICASO	International Council on AIDS Organisations
IDU	Intravenous Drug Users
KHANA	Khmer HIV/AIDS NGO Alliance
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MOI	Ministry of Interior
MOLVT	Ministry of Labor and Vocational Training
MSM	Men who have Sex with Men
NGOs	Non Government Organisations
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
SOP	Standard Operational Procedure
STI	Sexually Transmitted Infection
TWG	Technical Working Group
UA	Universal Access
UNAIDS	Joint United Nations Programme on HIV/AIDS
VCCT	Voluntary Confidential Counselling and Testing
WHN	Women Health Network
WAC	Womyn's Agenda for Change
WNU	Women Network for Unity

1. Background to the research

Despite the fact that the overall HIV prevalence rate in Cambodia has dropped from 2% (1998) to 0.9% (2006), prevalence among specific groups, in particular entertainment workers (EWs), remains high, it was approximately 12.69% in 2006. During 2008 the right to work of entertainment workers, and therefore their access to HIV prevention and treatment services, were strongly affected by a number of factors including national efforts to combat human trafficking and the introduction of a new Law on Suppression of Human Trafficking and Sexual Exploitation. It was estimated that more than half of the brothels in Cambodia were closed in early 2008 and in some locations entertainment workers (or suspected entertainment workers) were being arrested for carrying condoms. Anti-trafficking measures have contributed to a widespread trend away from brothel based to freelance and indirect sex work, causing disruption to HIV prevention programs.

In response to such problems, Deputy Prime Minister, His Excellency Sok An, on the occasion of the Closing Ceremony of the Third National AIDS Conference on 12th September 2008 at the Chakdomuk Theatre, urged the National AIDS Authority (NAA) and the General Department for Anti-Trafficking of the Ministry of Interior to work closely together to come up with a common understanding and workable approaches to deal with these sensitive issues and to ensure the continued implementation of the 100% Condom Use Policy of the Royal Government of Cambodia. His Excellency acknowledged that the sex industry could not be eliminated in Cambodia or in other countries. Importantly, he reiterated that NAA should collaborate closely with the CSOs which are the active operators and implementers of the HIV prevention and treatment programs across the nation.

In November 2008 a group of HIV and entertainment workers organizations began an action research project looking at the policy environment regarding universal access (to HIV prevention, testing and treatment services) and the right to work of entertainment in Cambodia. The full terms of reference for this research are attached at Attachment 5. Research activities included:

- Survey of 1116 Female sex workers and entertainment workers (EWs), 591 MSM and transgender sex workers. Phnom Penh, Sihanouk Ville, Siem Reap and Banteay Meanchay.
- Case studies (from Phnom Penh) and key informant interviews.
- Research on the workability of the law, impact of the implementation of the law and impact of similar legislation in the region.
- Research on the compatibility of the law with international human rights and other international law.
- Research of other secondary data (literature, NGO reports, newspaper reports).

Research consultants included His Excellency Dr Tia Phalla, Mr Keo Chenda (LLM) and Ms Sally Low (LLM). Professor Bebe Loff from Monash University (Australia) also provided input regarding the law and its human rights impact. This summary of report findings is written by Sally Low and any errors regarding the findings are her responsibility. The recommendations based on the research findings are the responsibility of the organisations that commissioned the research. Full reports of each section of the research are attached to this summary.

The researchers and organisations sponsoring this research welcome and acknowledge that the Royal Government of Cambodia has already taken important steps to address some of the problems with the implementation and interpretation of the anti-trafficking law that are discussed in this report. In particular we acknowledge and welcome the new Strategic Plan of the Ministry of Interior for its intention to implement community policing (community enabler) methods in the implementation of the 100% CUP. On May 5 2009, a National Consultation to follow up the Third National AIDS Conference developed positive strategies to start to address some of the issues regarding the enabling environment. The 2008 Guideline [for police] on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation addresses the misunderstanding that sex workers are criminals. We also understand that several ministries are currently drafting extensive guidelines on the anti-trafficking law for use by judges and prosecutors. Some of the research findings discussed below is already being addressed by these measures.

We hope that the recommendations in section 7 of this report will add to these efforts to find solutions regarding the law, universal access and the right to work of entertainment workers. Our aim in undertaking this research has been to make a positive contribution to policy development. This report summarises the key research findings. More detailed information is available in the individual research papers attached as annexes to this report.

Importance of the right to work

The results of the research reinforce the close link between the right to work for entertainment workers and creating an enabling environment for UA. However, the right to work for entertainment workers is desirable for other reasons also. **Effective recognition of the right to work and empowerment of voluntary sex workers are the most important requirements for preventing sexual exploitation and other forms of exploitation of entertainment workers.** Entertainment workers, like workers in many other marginalised sectors, are vulnerable to violence and exploitation. However, it is important to recognise that not all commercial relationships surrounding sex work are or need be exploitative or violent. Empowerment of entertainment workers helps to combat real exploitation and violence. It also helps to guarantee the very real needs of many EWs to support their families. Also if the right to work is recognized, EWs can play a leading role in prevention of child prostitution, trafficking and other forms of exploitation.

In saying this, we do not promote sex work. We recognise that sex work is not a moral condition but a marginalised form of work. Entertainment workers, like workers in other marginal and unregulated forms of work, are vulnerable to exploitation, sexism and discrimination¹. Recognising the rights of entertainment workers and empowering them to protect those rights is the best way to reduce their vulnerability. We welcome the Royal Government's commitment to education for girls as a way of increasing career choices for vulnerable women. We also welcome efforts to provide viable alternative work choices for those who freely choose to leave sex work. We would also particularly welcome measures to address the needs of older EWs who may no longer be able to earn an income from transactional sex

¹Nandinee Bandyopadhyay, "Streetwalkers show the way: Reframing the global debate on trafficking from sex workers' perspective," p 4.

2. Law on Suppression of Human Trafficking and Sexual Exploitation

The 'Law on Suppression of Human Trafficking and Sexual Exploitation' (Anti-trafficking Law) was promulgated on 15 February 2008. The law supersedes the 1996 Law on Suppression of Kidnapping and Trafficking/Sale of Human Persons and Exploitation of Human Persons².

In enacting the 1996 law, Cambodia led the region in taking legislative action against human trafficking. In the year 2000 the Royal Government also considered highly innovative approaches to combating human trafficking which included the decriminalisation and regulation of commercial sex work³. However, from the late 1990s onwards, human trafficking received intense attention from a number of international agencies and governments, many of whom opposed the right to work of entertainment workers. Under President George Bush, the United States government adopted strong anti-trafficking measures that focused on control of migration and strong opposition to the concept of sex work as work⁴. In 2001, the US State Department began issuing annual trafficking in persons reports (TIP) and categorising countries into tiers⁵. Because of the US government's ability to impose sanctions, they are able to use the TIP reporting process to strongly influence policy development in many countries. This is despite the fact that in 2006 the US' own Government Accountability Office questioned the accuracy and transparency of the TIP process⁶. In 2005 Cambodia was downgraded to tier 3 with the threat of sanctions, and then for two consecutive years (2006-07) Cambodia was placed on the Tier 2 watch-list and urged to take immediate action to avoid again being dropped to tier 3.

As early as 2002, the US TIP report called on Cambodia to draft a new anti-trafficking law. There were reports that a new law was indeed being drafted at that time⁷. Even though the law was not enacted until 2007, neither HIV service NGOs nor entertainment worker groups were able to provide substantive comments on the draft. The National Aids Authority and Ministry of Health, HIV service NGOs and sex worker organisations are also not included in the Royal Government's national anti-trafficking secretariat and working groups whereas many other ministries are included, along with several NGOs⁸. This research found that more than 80% of EWs feel they have the right to provide input into policies that affect them. More extensive meaningful consultation may have prevented many of the misunderstandings and problems regarding the anti-trafficking law.

² Rasmei Kampuchea Khmer Daily Newspaper, 2007, National Assembly Discusses New Anti-Human Trafficking Bill, Year 15th, Issue 4466, Wednesday, 19 December 2007, p. A2.

³ See, "Prostitution gets government OK," by Phelim Kyne, Phnom Penh Post, Friday 10 November, 2000. E:\Trafficking law\report\summary report\ppp articles\The Phnom Penh Post - Prostitution gets Government okay.mht

⁴ Huckerby, Jane "United States of America (USA)," in Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World, Global Alliance Against Trafficking in Women, Bangkok 2007, pp 230-256, p 234.

⁵ There are effectively 4 tiers: 1 being the most favourable ranking, followed by level 2, level 2 watch list and finally level 3.

⁶ Huckerby. Op.cit. note 4, p 235.

⁷ See, e.g. "US threatens sanctions over human trafficking," by Bill Bainbridge, Phnom Penh Post, Friday, 07 June 2002 14:00

⁸ "Decision on the revision of composition and structure of secretariat of the leading task force on anti human trafficking, human smuggling, labor exploitation and sexual exploitation of women and children," No: 007 SSR/BJRPP, signed by H.E. Sar Kheng, Deputy Minister, Minister of Interior, Head of Leading Task Force. 18 January, 2008.

3. Universal Access to HIV services for EWs

a) Findings regarding the enabling environment for universal access

The survey of entertainment workers found there are a number of key issues affecting the enabling environment for universal access. The main findings are summarized below. Please see Attachment 2 for the complete report on the survey findings.

- i. Female, transgender and male entertainment workers feel strongly that the key barriers to universal access are:
 - stigma and discrimination;
 - lack of meaningful participation by entertainment workers in the development and implementation of policies and programs;
 - poor coordination between central and local levels of government;
 - lack of meaningful participation by anti-human trafficking, drug control and human rights networks in the 100% condom use program.
- ii. Eighty four per cent of female and 90% of male and transgender respondents consider they have the right to participate in the development of laws and policies related to sex work.
- iii. This perception and willingness to participate has not reflected the reality. To date participation by entertainment workers in advocacy activities aimed at promoting universal access has been mainly passive, i.e. attending workshops and listening to others speak. In-depth interviews with key informants reinforce this finding. There have been some examples where some NGOs facilitate participatory activities such as parades, workshops and press conferences where entertainment workers have taken the lead. These have been more effective. Up to now the role of entertainment workers in the standard operating procedures of the OPC has been as passive beneficiaries. They have had no active role except to facilitate service delivery. They have not been encouraged to actively participate in policy development.
- iv. Reported rate of condom use for paying clients was between 88% and 99%, with sweethearts 70% to 91% and for spouses/cohabiting partners from 41% to 78%. For transgender entertainment workers the rate of use with non paying partners is as low as 65%.
- v. Except in Siem Reap where there has been relatively little peer education activity around universal access, there is a high level of interest in peer education programs. This reinforces the finding in point i. that participatory programs are most effective.
- vi. Among female sex workers, use of STI services is higher by those working from brothels, massage parlors and on a freelance basis (72-83%) than by those working in karaoke establishments and beer promotion girls (58%-61%). Similar trends exist in the use of VCCT. Male and transgender entertainment workers generally have lower usage, especially of STI services (less than 50%). Coverage for females was lower in Siem Reap and lower for males and transgender in Banteay Meanchay and Siem Reap.
- vii. During 2008 the use of VCCT and STI services by females increased in all provinces except Phnom Penh.
- viii. During 2008 there was a marked increase in movement by direct sex workers which is contrary to the trend for other female entertainment workers and for males. There was also a slight increase in movement by transgender E/SWs.
- ix. Overall the numbers of arrests of entertainment workers fell slightly between 2007 and 2008 except in Sihanouk Ville. In all three locations (not Banteay Mean Chey) there were increased arrests of male and transgender sex workers. The increase in Phnom Penh was particularly significant.
- x. All survey respondents report low levels of support from government and non government sectors when they face violations. The highest rates of support are in Sihanouk Ville. NGOs and local people are more supportive than police or local authorities.

b) Impact of the Anti-trafficking Law on UA

• Brothel closures

Since the law was promulgated there have been increased raids and closures of brothels. These were most intense in early 2008 but have continued in some areas such as Phnom Penh. The raids on brothels and fear about the content of the law appear to have contributed to an already existing trend away from brothel based commercial sex ⁹. PSI reports a 44% increase in the number of beer gardens ¹⁰. FHI partner agencies reported in early 2008 that in some provinces entertainment workers from closed brothels found jobs in karaoke bars, massage parlours and beer gardens ¹¹. FHI partners also reported increased workloads for entertainment workers selling sex in establishments other than brothels ¹².

During the first three months of 2008, FHI partner agencies reported:

- 33 brothels closed, (180 entertainment workers) in 3 districts of Phnom Penh.
- 20 brothel (93 entertainment workers) in three villages of Kompang Cham.
- Raids in Siem Reap in February 2008 led to the disappearance of 65 out of 100 brothel based workers with whom FHI had been in contact.
- 33 brothels in Banteay Meanchay (174 entertainment workers).
- 15 brothels closed in Kampong Chhnang ¹³.

NGOs who provide HIV services to brothel based entertainment workers confirm that these raids have had a negative impact on their ability to promote Universal Access. FHI reported 10-40% reductions in the numbers of entertainment workers reached in 10 key provinces during 2008. Entertainment workers interviewed reported denial of access to ARV treatment. Brothel owners have become less willing to allow HIV services in their establishments.

• Mobility

The survey found that there was increased mobility among direct sex workers. This may be attributed to the law which has increased fear of arrests among direct sex workers. FHI reported that in one area, 7% of ART patients were lost to follow up ¹⁴.

• Fear to access services and to collaborate with service providers

The survey found that among female sex workers 78.2% had heard of the Anti-trafficking law but only 21.7 % had been involved in discussions about it. During the survey it was found that many entertainment workers are now afraid to talk openly about their activities as a result of what they have heard about the law. The survey also found that most entertainment worker groups do not actively participate with other stakeholders, particularly at the local level. Information from NGOs show that many EWs are also afraid to access HIV services. CARE reported that, as a result of the drive to close brothels, visits to STI clinics by entertainment workers in one target area “became even less frequent and for many women, totally stopped.”¹⁵ During the first two quarters of 2008 there was a 26% reduction in the number of women seeking STI diagnosis and treatment at FHI clinics. If it continues, this climate of fear and suspicion will decrease the chances for collaboration among the various stakeholders. Active steps are required to create an enabling environment for entertainment workers to participate at all levels in UA related and other relevant activities.

⁹ PSI, “Evolving Environment for Condoms in Prevention Interventions for HIV,” DFPA Presentation February 2009. Also FHI internal reports.

¹⁰ PSI, “Evolving Environment for Condoms in Prevention Interventions for HIV,” *op.cit.* note 9

¹¹ Internal FHI reports.

¹² Internal FHI reports.

¹³ All this information is taken from internal FHI reports.

¹⁴ FHI reports.

¹⁵ *Gender, Sex and the Power to Survive: The Impact and Implications of Empowering Women at Risk of HIV/AIDS, Strategic Impact Inquiry, CARE, September 2008* p 47.

4. Objectives of Anti-trafficking Law

Article 1 of the law states that its objective is:

*..to suppress the acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, to improve the health and welfare of citizens, to preserve and enhance good national customs, and to implement the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[Palermo Protocol] or other international instruments or agreements with regard to human trafficking that the Kingdom of Cambodia has ratified or signed*¹⁶.

This research found that the anti-trafficking law has actually had a damaging effect on the health, welfare, dignity and rights of a group of most vulnerable human beings, particularly in the way it was first implemented in early 2008. Good national customs are not defined in the law. Enforcement of some national customs can harm others, e.g. if national customs include the right and duty of parents to support their children (as is stated in Article 47 of the Constitution of Cambodia), then taking away the right to work of some citizens who are parents may be considered harmful to national customs. Customs often vary among for different socio-economic and ethnic groups within one nation¹⁷. The research also found that the anti-trafficking law fails to accurately implement the *UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons,*

Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,(Palermo Protocol).

The Law deals with many issues that are not necessarily related, including human trafficking, prostitution, pornography and sexual assault of minors. Placing all these subjects under one law is likely to create confusion. This confusion can be increased due to the lack of definitions of some key terms and overly broad definitions of some others. Some offences are also punished under other laws, e.g. article 298 of the Draft Criminal Code of Cambodia which also punishes soliciting.

There is also one article (Article 24) that deals with public order and has no connection with either human trafficking or sexual exploitation. Public order can cover many things such as disturbing neighbours by making a loud noise, littering, parking cars in inappropriate places, etc. Offences against public order are not usually punished by imprisonment. Article 24 punishes entertainment workers who solicit in public with a fine and/or imprisonment for up to 6 days.

a) Palermo Protocol

The Palermo Protocol, (Art 3 (a)) Defines trafficking as **an act which requires three elements:**

a) the act of recruiting, transporting, harbouring or receiving persons:

with the use of

b) 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

c) exploitation.

The Law contains provisions that criminalise those who trick, kidnap and assault others in the course of prostitution or other forms of labour, adoption etc as required by the Protocol. However, because they lack all three elements of the definition, some of the crimes defined in the law may equally punish individuals and organisations that, for example, provide safe sex training or help adults who do not want to be sent to a rehabilitation centre or made to undergo “rehabilitation.”

¹⁶ Unless otherwise stated, all references to the 2008 anti-trafficking law are to the unofficial English translation by UNICEF.

¹⁷ Ratna Kapur “The Tragedy of Victimisation Rhetoric: Resurrecting the ‘Native’ Subject in International/Post-Colonial Feminist Legal Politics.” (2002) 15 Harvard Human Rights Journal 1.

Conflation of commercial sex work with exploitation

Article 10 of the Trafficking Law defines exploitation to include “exploitation of the prostitution of others, pornography, **commercial sex act**, forced labour or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labour or the removal of organs.

Article 3 (a) of the Palermo Protocol stipulates that: *Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;*

By using the words “commercial sex act” instead of “sexual exploitation,” the anti-trafficking law includes voluntary acts between consenting adults where none of the people involved feel they are exploited. The survey found that consenting adult entertainment workers are the overwhelming majority of entertainment workers and that when arrests are made there is usually no attempt to determine who has been trafficked and who is a voluntary entertainment workers (except in Sihanouk Ville). This also leads some people to equate sex work with human trafficking and creates the mistaken idea that all entertainment workers are criminals.

Other inconsistencies with the Palermo Protocol

Other inconsistencies with the Palermo Protocol include the lack of requirement of intent in the offences defined in Articles 19 & 20 (receipt of persons and receipt of persons with the purpose of assisting the offender). Article 5(1) of the Protocol calls on governments to criminalise trafficking offences when they are committed intentionally. Also the word “enticement” in Article 8 of the Anti-trafficking Law requires further definition because the word “enticement” does not necessarily mean coercive or deceptive behaviour as required under the protocol definition of trafficking.

b) Problems with definitions

Chapter 2 of the law fails to distinguish between voluntary prostitution by adults and forced prostitution/trafficking (Article 10). Some articles in Chapter 4 of the law also fail to distinguish between business relationships freely entered into by voluntary adult entertainment workers, and exploitative relationships.

Definition of Procurement

Articles 25-29 of the Law define and punish offenses related to procurement of prostitution, SAHCARAK KAM. The term SACHARAK KAM is defined so broadly and vaguely that it could facilitate arbitrary and corrupt enforcement. Without further clarification, these provisions may criminalise almost any commercial transaction entered into with voluntary adult entertainment workers, personal and family relationships with voluntary adult entertainment workers and the work of organizations that deliver health and other welfare services to entertainment workers.

Managing Prostitution

The Law further defines management of prostitution so broadly that the only way entertainment workers can legally work is within premises that they own. However it is also illegal to sell premises to entertainment workers or suspected entertainment workers. (See Articles 30 and 31 of the anti-trafficking Law).

If others are found residing with an entertainment workers or in a place of prostitution, they are vulnerable to prosecution under any of articles 26, 27, 28, or 29 depending on the situation and the age of the entertainment worker in question.

Soliciting in public not defined

Article 24 punishes soliciting in public with a fine and/or imprisonment for up to 6 days. There is no definition either of “soliciting” or of “public”. This has led to arrests of people for sending messages on their mobile phones, for carrying condoms or for walking or sitting in a public park. Female outreach workers and women who live near red light areas have been arrested simply for being in a public place at night. The survey found that there is confusion about what constitutes soliciting in public among sex workers and among police in different locations.

c) Guidelines for Police

On 28 October 2008, the Taskforce on Human Trafficking and Smuggling, and Labor and Sexual Exploitation of Women and Children, issued a 'Guideline on the implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation'¹⁸. The Guideline provides four critical instructions for enforcers to follow¹⁹:

The most important point is the clarification that prostitution is not a crime and entertainment workers shall be regarded as victims. This helps to clarify the misconception that prostitution is illegal and thus entertainment workers are criminals. However, as discussed below, defining all entertainment workers as victims means there is no differentiation between voluntary adult entertainment workers and genuine victims of trafficking and exploitation.

5. Impact of the Anti-trafficking Law on EWs

The negative impacts of the anti-trafficking law on EWs can be classified into three main categories: effective abolition of the right to work; human rights abuses; and increased stigmatization.

a) Impact on right to work

In considering the impact of the law on the right to work of entertainment workers, it is necessary to consider both what the law says and the way in which it has been implemented.

Technically, the Trafficking Law does not criminalise entertainment work. However, there are very few if any entertainment workers who can meet the requirements for legal entertainment work as stipulated in the law.

Taking into account the articles of the law dealing with procurement, soliciting and managing prostitution, entertainment work only involves no criminal activity on the part of any person if:

- The EW operates from a premise that she/he owns before starting to work as an entertainment worker.
- No-one else lives or works in that place, including family members.
- The entertainment worker does not advertise or do any other public act to attract clients. And
- The entertainment worker does not support anyone else with her/his income.

There are possibly other circumstances when EWs can work without breaking the law themselves. However, the owner or manager of the premises in which such transactions take place is committing a crime and the premises are liable to be raided by the police, therefore making it practically impossible for the entertainment worker to work.

The Guideline for police attempts to allow some right to work for entertainment workers and entertainment workers in massage and karaoke parlours. However, this part of the Guideline appears to directly contradict the law.

Therefore, while the Trafficking Law does not explicitly criminalise entertainment work, that is its effect for the vast majority of entertainment workers who are poor and have very low education levels (average 3.9 years for females). The law therefore affects the dignity and rights of this highly vulnerable group of the population because it denies them the right to work to support their families (average 3.3 dependents for females).

Right to work and implementation of the law

There also appears to be inconsistency and misunderstanding among police and other enforcement agencies when implementing the law, e.g.

- Arrests of entertainment workers because they are at brothels when raids take place²⁰ :
- Some entertainment workers reported that when they were arrested, police asked them if they worked for a brothel owner or pimp who could pay to have them released.

¹⁸ Kingdom of Cambodia, Taskforce Against Human trafficking and smuggling, and Labor and sexual exploitation of women and children, Guidelines on Enforcing the Law on Human Trafficking and Sexual exploitation, No. 001sNnbCrBP, 28 October 2008.

¹⁹ Excerpt from the Guideline that has been informally translated by UNIAP.

²⁰ See, e.g. Koh Santhapheap newspaper, 19/03/09

Even though the Guideline for police state that prostitution is not a crime, this does not guarantee entertainment workers' right to work. All entertainment workers are regarded as victims (Guideline I (4)). Under Guideline IV (2) all victims can be taken for questioning by the police after which adults have the choice either to go to a rehabilitation centre or to go home. It has been reported that entertainment workers are sometimes not allowed to go home unless they sign a statement saying they will no longer do sex work. Therefore the implementation of the Guideline sometimes further prevents the right to work of consenting adult entertainment workers.

Most adult entertainment workers are not trafficked

Entertainment workers interviewed and surveyed for this research say they have or should have the right to sell sex on a voluntary basis (84% of female and 86% of male and transgender sex workers). The survey indicates that like other areas of work, there can be several reasons leading a person to sell sexual services. Over 50% of females interviewed said they entered the profession voluntarily. A further 40.16% said they chose to work in the industry because of family problems. Other research indicates that these family problems could be anything ranging from poverty, the desire to escape abusive family conditions and the desire for more personal freedom²¹. Similar reasons influence the decision of young women to leave home to work in other sectors such as in factories²². It can therefore be concluded that those who referred to family problems see sex work as a way of escaping from difficult situations and/or improving their lives.

Less than 0.8% of female EWs surveyed said they were sold into prostitution and 6.21% said they were lured. Further investigation would be needed to determine what respondents meant by being lured. However, even if all of those lured were deceived or pressured to sell sex, this would still mean that only 7.1% of respondents were trafficked according to the Palermo Protocol definition. Case studies from this research indicate that, even some who have been trafficked may freely choose to continue to work as entertainment workers.

Therefore, the research shows that sex work is seen as the best available work and life choice for at least 90% of those surveyed. Given the low levels of literacy and the high level of poverty, selling sex may be their only option. Case studies indicate that entertainment workers are overwhelmingly motivated by the need to feed their families. On average female EWs support between 3 and 4 dependents. Sex work is the best available option for them to do this. This is the same reason that many people decide to take up any particular form of work. The research also found that many EWs would move to other work if it was less risky and paid a viable income. However this is not a reason for taking away what is currently their best opportunity to earn a living.

b) Human Rights impact on entertainment workers

Impact of no right to work

The human rights impacts of the effective removal of the right to work for EWs are considerable. They are less able to legally work to support their families.

More vulnerable to extreme violence & less access to health services

Another impact of the Anti-trafficking Law is to increase the danger of sex work. Closure of brothels leads more entertainment workers to work in more dangerous conditions. Their access to HIV/AIDS prevention and treatment programs is lessened.

Illegal arrests and Human rights abuses in detention centres

Data and information from various sources, including media reports, NGOs' reports, surveys, and interviews with entertainment workers, suggested that during the first half of 2008, many entertainment workers suffered human rights abuses as a result of the raids and arrests.

21 See, e.g. Annuska Derks, *Khmer Women on the Move: Exploring Work and Life in Urban Cambodia*, University of Hawaii Press, 2008, p 57.

22 Ibid.

Abuses included:

- Detained without being charged or convicted for any offence and without a definite duration.
- Having to pay a bribes or even provide sex, to be released.
- Rape, beatings, torture, slapping, pinching, forced labor and even death while in custody.
- Men, women, and children were kept in the same cells.
- Food, sanitation, clothing and drinking water were of too low a quality to support human dignity and life.
- Some HIV positive detainees were denied access to ARV treatment.

Arrests and brothel closures continue

The two rehabilitation centres near Phnom Penh are no longer being used to detain EWs. The treatment of EWs in brothels that are raided and other EWs who are arrested by police is inconsistent. There is anecdotal evidence that some entertainment workers are detained by police or Ministry of Social Welfare officials for a few hours of “re-education” and then released. However, others continue to be held in police custody for varying lengths of time. Some are forced to go to shelters against their will because some police do not regard rented rooms as homes.

6. Other impacts of the Anti-trafficking Law

Further marginalisation and stigmatisation of entertainment workers

The media continues to stigmatise entertainment workers when reporting about the implementation of the law, e.g. on 9 March 2009 “Koh Santhepheap” newspaper described entertainment workers who were being arrested by police as animals. An active campaign to raise awareness of the reasons people enter sex work and of the fact that entertainment workers are human beings and are entitled to the same treatment as other citizens, is urgently needed.

Encourages gender discrimination

Although the law aims to protect the dignity and rights of human beings, in some cases it has encouraged gender discrimination. Several women who are not entertainment workers have been arrested simply because they were women who happened to be in the area where police were raiding²³. Senior police officers in Phnom Penh have been quoted as saying that “normal” women should not go out alone at night²⁴. There is also evidence that transgender entertainment workers have suffered further discrimination as a result of the law²⁵.

Does not decrease the amount of entertainment work

Research indicates that similar legislation in other countries, including in the Asian region, invariably fails to lead to a decrease in commercial sex work. Generally the denial of the right to work leads to more underground work and increases the danger of exploitation and violence.

7. Compatibility with international law

Some aspects of the law itself appear to be incompatible with international human rights instruments ratified by the Royal Government of Cambodia and with international guidelines on human rights and trafficking. The key problems include:

Right to Liberty and Security of Person

- Trafficking Law, Article 25:

Article 25 is open to extremely broad interpretation and therefore its application will be difficult to predict with any degree of certainty and it will be open to capricious enforcement, therefore leading to arbitrary arrests and detention.

²³ Residents fear vice patrols, by Mom Kunthear and Chhay Channyda, Phnom Penh Post, Friday 3 April, 2009. E:\Trafficking law\report\summary report\ppp articles\The Phnom Penh Post - Residents fear vice patrols.mht

²⁴ “Residents fear vice patrols,” op.cit. note 23.

²⁵ Michael Hansen, “Letters to the Editor,” Phnom Penh Post, April 9, 2009, p 6.

- Trafficking Law Art 24 Soliciting

Arbitrary arrests have in fact occurred as a result of the lack of definition of public soliciting.

Convention on the Elimination of all Forms of Discrimination Against Women

- **CEDAW Article 6 – and General Comment 19**

CEDAW Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.[emphasis added]

General Comment 19 (15): referring to Article 6 of CEDAW: Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.

The Anti-trafficking Law is contributing to a shift from brothel based transactions towards independent, underground and more dangerous work. So it can be seen that the Law does not comply with the spirit of CEDAW General Recommendation 19 (15) because it leads entertainment workers to place themselves in situations where they are extremely vulnerable to gender based violence. Therefore the Trafficking Law cannot be considered to be an appropriate measure under CEDAW Article 6. There are a range of ways of interpreting CEDAW Article 6 that do not require criminalisation (or effective criminalisation) of sex work.

United Nations Office of the High Commissioner For Human Rights Principles and Guidelines on Human Rights and Trafficking

Guidelines and Principles issued by the UN Office of the High Commissioner for Human Rights in 2002 constitute an authoritative guide as to what is meant by the Palermo Protocol's call for the protection of the human rights of victims of trafficking. (Palermo Protocol Article 2).

Principle 3. Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers. [emphasis added]

As is demonstrated above, the Trafficking Law actually violates important human rights principles and has led to serious abuses against consenting adult entertainment workers and would similarly violate further the rights of victims of trafficking, should they be identified.

UN Guideline 3 (1) calls on states to adopt and consistently apply the “internationally agreed definition of trafficking contained in the Palermo Protocol.” As discussed above, the Trafficking Law does not adopt or consistently apply the definition.

UN Guideline 5 deals with ensuring an adequate law enforcement response. Guideline 5 (5) says that one way to do this is by: ***Guaranteeing that traffickers are and will remain the focus of anti-trafficking strategies and that law enforcement efforts do not place trafficked persons at risk of being punished for offences committed as a consequence of their situation. [emphasis added]***

One of the major problems of the Trafficking Law is that it does not distinguish between consenting adult sex work and trafficking, but treats the two phenomena as if they were the same. Article 24 punishes entertainment workers, it does not punish traffickers. Articles 25-27 focus on punishing procurement of prostitution. Therefore the Trafficking Law does not focus solely (or even primarily) on traffickers.

8. Recommendations

As noted in the introduction to this report, positive steps have already been taken to alleviate some of the negative impacts of the anti-trafficking law and to enhance the enabling environment for UA. The following recommendations build on those initiatives.

The research demonstrates that the most effective way to develop and implement policy regarding marginalised groups such as entertainment workers and those living with HIV is through a rights based approach. There are many interpretations of a rights based approach but it can be summed up simply as an approach that recognises target groups as active rights holders and agents rather than passive receivers of assistance.

The experience of those working with vulnerable groups indicates special measures are required to empower marginalised groups and ensure they play a central role in development and implementation of policies that involve them²⁶. Because they are generally far less powerful than other stakeholders and suffer from discrimination and stigmatisation, there must be a very strong emphasis on building collective voices among marginalised groups.

a) Rights based approaches to 100% condom use programs.

In July 2008 the Centre for Advocacy on Stigma and Marginalisation (CASAM) published a set of guidelines for entertainment worker empowerment and alternatives to 100% condom use programs. The guidelines are based on research into the 100% CUP in several countries in the Asian region including Cambodia and Thailand. The guidelines recommend that to be effective, rights based empowerment condom use programs among entertainment workers must be based on three principles²⁷:

- i. Entertainment worker involvement and leadership in all aspects of the program design and implementation*
- ii. Encourage a sense of community among entertainment workers in order to facilitate collaborative action*
- iii. Eliminate stigma and discrimination against entertainment workers.*

The 100% Condom Use Program demonstrates the strong commitment of the Royal Government to eradicating HIV as well as its commitment to protect entertainment workers against HIV.

The research indicates there are many positive aspects of the program to date. For example, the survey found that the majority of female entertainment workers said that staff of STI and VCCT centres are very friendly although the experience of male and transgender entertainment workers is not quite so good. This indicates a strong improvement since 2003 when it was found that many entertainment workers experienced rude and rough treatment at clinics²⁸.

One issue of concern for entertainment workers is the involvement of police in the monitoring and enforcement of the 100% CUP. Given the restrictions on entertainment workers' rights under the Anti-trafficking Law and the role of police in enforcing that law, there is even more reason for concern. The new Strategic Plan of the Ministry of Interior emphasises community policing. This will hopefully help to reduce the problem by encouraging police to act as community enablers. We recognise the need to continue to take strong measures to combat HIV. Based on the findings of this research, including literature describing the experiences in many countries, we humbly make the following suggestions for the next phase of the Royal Government's condom use program:

- Facilitate entertainment worker involvement in the Joint Government Donor Technical Working on HIV AIDS.
- Initiate through the Ministry of Interior, Police-Community Partnership and Liaison Programmes to ensure a safe, harassment free environment for HIV service delivery to most-at-risk populations including entertainment workers, and ensure monitoring and follow up. Meaningful participation of entertainment workers in national, provincial district and commune level efforts to develop and implement HIV programs among entertainment workers.
- Support entertainment worker dialogue with Members of Parliament through the 6th and the 8th Commissions.
- Inter-Ministerial support for all individuals who wish to carry condoms to be able to do so without the threat of arrest, extortion or harassment from law enforcement officers.
- Inter-Ministerial support for the promotion and sale of affordable condoms and distribution of information on HIV prevention within all entertainment establishments (e.g. karaoke bars, beer gardens,

²⁶ Jennifer Chapman, in collaboration and dialogue with Valerie Miller, Adriano Campolina Soares and John Samuel, "Rights Based Development, the Challenge of Change and Power," Global Poverty Research Group, 2005. <http://www.gprg.org/pubs/workingpapers/pdfs/gprg-wps-027.pdf>, p 5.

²⁷ Rights-Based Sex Worker Empowerment Guidelines: An Alternative HIV/AIDS Intervention Approach to the 100% Condom Use Programme, CASAM, July 2008. p 5.

²⁸ See, David Lowe, "Perceptions of the Cambodian 100% Condom Use Program: Documenting the experience of sex workers," Report to the Policy Project, March 2003.

massage parlors) and hotels/guesthouses without the threat of arrest, extortion or harassment from law enforcement officers.

- Work with entertainment worker groups to empower them to encourage condom use and health checks among their peers. Work to ensure availability of affordable condoms without fear of punishment for carrying or buying condoms.
- Provide or support capacity building for relevant authorities and entertainment workers in development of innovative behaviour change communication (BCC) strategies that incorporate rights based approaches.
- Encourage community policing approaches that view entertainment workers as community partners not criminals.
- Training for relevant officials, including police, in rights based approaches, that includes sessions where entertainment workers are able to present their perspectives.
- Work with entertainment workers to develop balanced approaches that empower entertainment workers to ensure clients and other sexual partners use condoms AND encourage sexual partners to use condoms.
- Recruit entertainment workers to conduct outreach to their peers and encourage solidarity among all entertainment workers by reducing stigma.
- Campaign against discrimination and stigma of all entertainment workers including male and transgender EWs, including in the media.
- Use existing mechanisms like outreach and peer education and condom use technical working group and EW core group to open the forum for discussion among government and NGOs to develop a common vision for empowerment of entertainment workers and where possible employ entertainment workers as outreach workers and peer educators.
- As well as reduction in infection rates, indicators of success of 100% CUP should include reduction of discrimination and violence against entertainment workers, attitudes of health workers, degree of meaningful involvement of entertainment workers at all levels of the program, improved collaboration and understanding between police and entertainment workers.

b) Alternative approaches to combating trafficking and sexual exploitation

Rights based approaches can also be an effective way to combat human trafficking. Research in India and the experiences of many entertainment workers in Cambodia indicate that the causes of trafficking and exploitation are inequality (class and gender, unequal access to information and skills) and lack of rights (lack of labor rights in marginalised forms of labor) ²⁹.

We respectfully suggest to the national anti-trafficking authorities of Cambodia to consider taking a **more comprehensive approach to combating human trafficking** which focuses on the rights and empowerment of marginalised groups, including people who are trafficked (for all forms of labor, adoption etc) and of consenting adult entertainment workers.

The example of Durbar in Calcutta, India, demonstrates that a entertainment worker led and controlled program can play a much more effective role in combating trafficking and sexual exploitation of minors than law enforcement approaches. In the Durbar program, entertainment workers have established self regulatory bodies at district level that also include representatives of local authorities. They aim to make it unviable for establishments where people sell sex to recruit or allow the recruitment of minors or other non-voluntary entertainment workers. This has caused the percentage of underage entertainment workers in the target areas to drop from 25.3% to 3.1% ³⁰. The working conditions of entertainment workers are also supported and entertainment workers are helped to escape from situations where they are exploited by dishonest brothel owners and agents.

A crucial pre-requisite for combating trafficking and sexual exploitation is the recognition of the right to work of consenting adult entertainment workers. By adopting a rights based approach, Cambodia would once again become a regional leader in combating human trafficking. It would also help to promote the dignity, welfare and health of those human beings who are also

²⁹ Nandinee Bandyopadhyay, op. cit. note 1, p 6.

³⁰ Nandinee Bandyopadhyay, op.cit. note 1, pp16-17

entertainment workers. We therefore respectfully make the following suggestions for consideration by the Royal Government of Cambodia in order to combat trafficking into the sex industry.

- Encourage consultation between entertainment worker representatives and anti-human trafficking committees at all levels. Consider establishing a national committee that brings together entertainment workers or their nominated representatives, people who have been trafficked or their nominated representatives.
- Support entertainment worker dialogue with Members of Parliament through the 6th and the 8th Commissions.
- Encourage community policing approaches. Encourage law enforcement officers to focus on those that perpetrate violence and force against victims, not those who enter into consenting commercial relationships with consenting adult entertainment workers.
- Amend the guidelines for police to ensure only victims of trafficking, not consenting adult entertainment workers, are taken for questioning to police stations. Amend guidelines for police to ensure they comply with the UNHCHR guidelines on human rights and trafficking.
- After further consultation with entertainment worker groups and other stakeholders, issue a ministerial sub-decree and amend the draft Criminal Code, to define soliciting in public that:
 - recognises the right of all adults to go into public places without fear of being arrested/detained;
 - Does not include, e.g;
 - o Carrying condoms,
 - o SMS messages,
 - o Replying to requests initiated by clients,
 - o Peaceful negotiations with clients,
 - o Hand movements that are not rude or threatening,
 - o Sitting within the perimeter of a private premise.
- Ensure that guidelines on the Anti-trafficking Law for judges and prosecutors recognise the right to work of consenting adult entertainment workers and their **right to enter freely into commercial relationships connected to that work**. (e.g. no punishment for those who rent or sell premises to consenting adult entertainment workers).
- Work with entertainment worker representatives to develop ministerial sub-decrees to specify and clarify the intent, interpretation and implementation of articles on sexual exploitation in the Law on Suppression of Human Trafficking and Sexual Exploitation, such as articles 24, 25, 30, 31 and 32.
- Ensure that guidelines on the anti-trafficking law for judges and prosecutors comply with all UNCHR guidelines.
- Support national training for police that includes joint sessions with entertainment workers and NGOs to ensure a common understanding of the anti-trafficking law and guidelines and to encourage cooperation and dialogue.
- Leading members of national anti-trafficking structures to undertake study tours, with representatives of entertainment worker organisations, to learn about rights based empowerment programs to combat human trafficking for purposes of sexual exploitation. (e.g. Durbar).
- Ensure that NGOs offering rescue and shelter to trafficked persons do not hold adults without their informed consent (and once given, that consent can be withdrawn at any time).
- Ensure that minors and children in shelters have access to their parents except in extreme circumstances when a court order can be issued to limit such access.
- Work with NGOs that recognise and support the rights of consenting adult entertainment workers to be treated as human beings who have the right and capacity to decide to work in the sex industry.

c) Capacity building for E/SWs

Entertainment workers and their organizations have a crucial role to play in promoting and implementing rights based approaches to HIV prevention and treatment and prevention of trafficking. First and foremost they need to design and undertake informed and effective collective advocacy for their right to work and for recognition of their human rights and dignity.

Further consultation with entertainment workers is required to know the full range of skills and resources they need. However, initial suggestions include:

- Clear and widespread understanding of the anti-trafficking law, their rights and obligations.
- Access to reliable and non-judgmental legal advice and representation and other expert advice when required.
- Strengthened national networking resources and skills.
- Use of technology for networking.
- Increased confidence and ability to negotiate with government officials at all levels.
- Understanding of rights based approaches.
- Affirmative action and training programs by NGOs to recruit and train entertainment workers as outreach workers and peer educators, able to promote genuine rights based approaches.
- Ability to represent members, advocate and liaise with government and other officials.
- Ability to liaise with media and make contact with sympathetic representatives of the media.
- Access to effective adult literacy programs.
- Support for appropriate education programs for children of entertainment workers.

Attachments

1. Case studies/Interviews with entertainment workers
2. Report of Action Research on “Policy Environments regarding Universal Access and the Right to Work of Entertainment Workers,” by His Excellency Dr Tia Phalla.
3. “Hard Life for a Legal Work: The 2008 Anti-trafficking Law and Sex Work,” Mr Keo Chenda.
4. Analysis of the Human Rights Implications of the 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation and implementation Guideline for Police, by Sally Low and Professor Bebe Loff.
5. Terms of Reference for the Research.

