



## CHAPTER V

### CONCLUSION AND RECOMMENDATION

In this study, it found three main factors that make us could not know the real magnitude of trafficking and face the difficulties in taking any effective measurement against it. Firstly, the definition of trafficking is not clear and does not have good mechanism to encourage the state members to enforce their law against trafficking but causes the confusion among the concerned agencies. As it is known already that the definition of trafficking set the criteria that any person can be considered as the victim of trafficking only if he or she is transported or procured by the deception, force, or threat for the purpose of sex or force work. However, we know that many people move to other place or country voluntarily rather than any forces or threat but their life in the destination place or country face the same hardship as the trafficking victims do. However, because of the aforementioned criteria, they can not be deemed as the trafficking victims but the undocumented immigrants. Rather than receiving the support, they are arrested, convicted, and deported. To do this, sooner or later, they are put into more vulnerable situation and prey of the traffickers. For instance, in the case of many Cambodian migrants who voluntarily find jobs in Thailand, they face the same thing as aforementioned. Many people suffer from the exploitation but are misidentified and deported. Indeed, if look at the annual numbers of Cambodian trafficking victims reported by IOM, the average number is only around 150. This number is not proportional to the number of the undocumented migrants deported annually from Thailand. According to Andre Olivie (2008), Cambodian undocumented migrants deported each year from Thailand are around 130000. Therefore, there should be the misidentification of a lot of trafficking victims. As witnessed in the research of the same author, among the 50 deportees, he found 29 persons (52%) are the victim of trafficking. All of these problems also raised in many reports of NGOs; however, what is interesting is even NGOs themselves also have the problem with the definition of trafficking. In Cambodia, while some NGOs consider both voluntary and involuntary sex workers as the victim of trafficking, other NGOs just deem the forced sex workers as the trafficked victims and

support the right of being sex workers. This issue causes the controversy among the NGOs and it can be observed obviously in the debate if the prostitution should be legalized or not and in the concert of MTVEXIT which supported the new Anti-trafficking law and the government's raid to the brothels. For those who oppose against the prostitution, they believe that brothels are the shelter of traffickers and trafficking activities, while the pro-sex workers' rights believe that the raid of all brothels can push prostitution underground and cause the sex workers more vulnerable.

Interestingly, while NGOs in Cambodia have the disagreement on how to identify the trafficking victim among the sex workers, in Thailand, even prostitution is outlawed, it is believed that sex industry is prosperous in this country. According to Philip Guest et al (2007) this phenomenal can happen is because of the two contradict laws, the Code of Prohibition of Prostitution 1996 and the Code of Entertainment Sectors 1999. While one of them illegalizes the prostitution, another legalizes the owner of the entertainment establishment manipulate the sex workers. So such contradiction not only put the sex workers into some kind of exploitation but also causes some difficulties to the coordination between the Cambodian and Thai NGOs or Government Agencies because while some NGOs in Cambodia believe that all sex workers are the victims of trafficking they are the wrong-doers in Thailand. And while some NGOs in Cambodia promote the rights of sex works, sex workers can not work legally in Thailand.

Not only there is the problem with the definition of sex exploitation, but also the definition of forced labour. In Cambodia or Thailand, the victims mostly are children rather than the adults. It is believed that because of the problem of the definition that set more complicated criteria for the adults than the children. Usually, children can be identifies as the victims of trafficking if they are exploited or planed to be exploited, while the adults have to have the three aforementioned criteria before considering as the victims. Moreover, since they very often voluntarily come to Thailand to find job, and since the culture of these two countries accept some kind of physical assault from the boss, they are most likely not to be identified as trafficking victims. So that's why, according to the U.S. TIP, while many criminals of the sexual trafficking were arrested, a

few criminal of labour trafficking are arrested. As shown in the below figure, only 7 perpetrators were convicted in the labor trafficking crime.

Figure 8: Number of Prosecutions in East Asia and Pacific

YEAR	PROSECUTIONS	CONVICTIONS	NEW OR AMENDED LEGISLATION
2003	1,727	583	1
2004	438	348	3
2005	2,580	2,347	5
2006	1,321	763	3
2007	1,074 (7)	651 (7)	4

**Tier Placements**

Tier 1    
 Tier 2    
 Tier 2 Watch List    
 Tier 3    
 Special Cases

*The numbers in parentheses are those of labor trafficking prosecutions and convictions.*

Source: U.S. TIP (2008)

Secondly, there is the problem with statistics. Indeed, the problem of statistics results from the problem of definition which cause the complexity to identify who should be the victims of trafficking. Some NGOs, with their own interpretation, identify those that fit their own criteria. Such identification sometime is different from the others. So that 's why, as in ECPAT statistics, with its own criteria, can found only 179 of 518 women and girls who reported by their members as the trafficking victim. This reflects that there are differences in using the definition to identify the victims. Moreover, the problem is bigger when each NGO releases their annual report. Their reports cause the disagreement among themselves. For instance, while some NGOs said that trafficking declines based on the cases they received, other say trafficking increases. In addition, the disagreement not only happen among NGOs, but also with the Government agencies. Recently, there also the controversy between NGOs and government on the statistics each of them claim. While government believes that their raid to the brothels reduce the scope of trafficking, some NGOs reject and explain that those raids push trafficking more underground and increased. So, such disagreement causes the negative impact on the cooperation or creates the mistrust among those concerned agencies. To do this, it is more difficult to measure and takes any measurement against trafficking.

Third, there is the problem with fund. In the developing country, not only NGOs but also some government agencies depend on the foreign fund. However, while fund is still in the limited scope, the concerned NGOs in Cambodia is around 200 cause the high competition. Some NGOs that can receive fund to operate their NGOs have to limit their programs, target places, and staffs. Otherwise, fund will be run out in the middle of the programs. Such limitation sometime make the big gap because some areas some NGOs can not reach but the traffickers can. Therefore many people would be deceived to be trafficked. As Chantavanich, Supang et al. (2007) interviewed some Cambodian migrants in Thailand, they do not know or receive any information about the risk of illegal migration from NGOs. Moreover, fund limitation causes some NGOs choose only convenient target place to conduct their research which sometime cause the repeated result with other NGOs. Moreover, their research does not reach the high quality because their staffs need more trainings. In addition, fund is also the factor that causes the preparation of rehabilitation shelters and courses irrelevant to the demand of the victims and the markets. Some Shelters lack human resources (social workers, interpreters, trainers) and training courses needed in the markets. Only limited and low income courses provided to the victims such as hair dressing, beautification, sewing and weaving, and cloth making. It is believed that those skills can help those victims to return to only their situation before they were trafficked. In another word, they are most likely to be trafficked again. In addition, fund also causes the disagreement. For instance, some NGOs who received the fund from some donor or country that do not support prostitution will not work with those that support the rights of the voluntary sex workers.

So In order to solve the problem of trafficking quicker and more effective, it requires all the NGOs to have the good coordination in which can help solve out the problem of different interpretation of trafficking definition. To do this, it can help them consistently identify the real trafficking victims and also create the reliable database on the victims and their situation, the form and changing of trafficking, the well target places, and the effective program that can help reduce the vulnerability of the trafficking victims and also the people. Furthermore, since fund is also important for the NGOs in the developing country like Cambodia, while having the common definition, well target

places, and well developed programs, it really help to reduce the unnecessary expenditure and produce great achievement.