

Human Sciences Encounters in Phnom-Penh: Events: The Road to Hell is Paved with Good Intentions

The Road to Hell is Paved with Good Intentions

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Dr. Keo will talk about the unintended negative consequences of having a harsh anti-trafficking law that was precipitately introduced in Cambodia in 1996 following successful advocacy and pressure by local and international do-gooders (NGOs, UN agencies, Donors). Based on interviews with 91 detained human traffickers in eight prisons, his study reveals how tough law that was vaguely written to criminalize ancestral practices and precipitately introduced in a dysfunctional Criminal Justice System (CJS) failed to deter human trafficking and became an instrument for further injustice against the powerless and the disadvantaged. The following summarizes his study.

Human trafficking has been likened by the UN, US, other western governments, and many NGOs as “modern day slavery.” It has been presented as a transnational enterprise controlled by organized crime, which enslaves 12.3 million people, generates \$32 billion in profit for human traffickers, and poses a serious threat to national and global security. While these alarming claims have received little support from the scarce empirical literature on human trafficking and the handful of studies on traffickers, the world, and with it Cambodia, has been called to wage a “war on human trafficking.”

This thesis seeks to answer two broad questions: first, why and how, in the absence of supporting empirical evidence, such sensational claims prevailed, and second, why Cambodia suddenly in 1996 enacted an anti-trafficking law that is one of the harshest laws in the country? Using a multi-method and multi-source research design, which includes police and prison records, interviews with police and prison officers, court officials, NGOs, and particularly 91 detained traffickers, the thesis investigates five major themes about traffickers in Cambodia: who are they, how do they operate, how much profit do they make, why are they involved in human trafficking, and how does the Cambodian CJS control their activities?

In the Cambodian context, the thesis does not support the popular claims about the high prevalence, profitability, or role of organized crime in human trafficking. Incarcerated traffickers in Cambodia are poor, uneducated individuals, and 80% are women. Their activities are unsophisticated and conducted by sole operators or small casual networks. Pushed by a lack of legitimate opportunities and pulled by the presence of illegitimate opportunities, to survive they engage in trafficking for very modest gains. Caught in a corrupt CJS, they serve long prison sentences and as many as 60% are probably the victims of miscarriages of justice.

The thesis argues that the hegemonic security, moral, and human rights agendas of the west initiated a security and moral panic about trafficking. Pressured by foreign and local NGOs and the need for foreign aid, Cambodia adopted a repressive legalistic response. In the hands of a dysfunctional CJS, harsh laws did not deter potential traffickers but produced serious unintended consequences that turned the law into an instrument of corruption and injustice against the powerless. To address trafficking in Cambodia what is required is not more law and punishment but legitimate opportunities to survive.