

Addressing the most vulnerable:

Feminist Transitional Justice as a Counter-Traffic Framework and the case of
Sex Traffic in Cambodia

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Abstract

This thesis explores the intersection of feminist approaches to Transitional Justice and the issue of sex trafficking through the case study of Cambodia, adding to the discussions on the enlargement of Transitional Justice and its counter-trafficking capabilities. By methodologically combining literature review and thematic analysis, the historical context of the traditional (dis)connection between transition and Gender-Based Violence is stressed, capturing the Transitional Justice reasoning within the role of social justice in current peacebuilding initiatives. For that, an essentially feminist articulation on how thematic patterns of Cambodian NGOs, recent drivers of the country's post-conflict reconstruction, is constructed. Therefore, this thesis offers key takeaways for scholars interested in new peacebuilding paradigms, emphasizing the need for a more nuanced approach to redress that addresses the most vulnerable.

Keywords: transitional justice; human trafficking; feminist perspectives; gender violence; Khmer Rouge; thematic analysis

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List of Abbreviations

Abbreviation	Meaning
ADHOC	Cambodian Human Rights and Development Association
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment
CDP	Cambodian Defenders Project
CEDAW	Convention on the Elimination of All Forms of Violence against Women
CP	Civil Party
CPK	Communist Party of Kampuchea
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSHL	Center for the Study of Humanitarian Law
CTDC	Counter-Trafficking Data Collaborative
CWCC	Cambodian Women Crisis Center
ECCC	Extraordinary Chambers in the Courts of Cambodia
GBV	Gender-Based Violence
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICL	International Criminal Law
IDPs	Internally Displaced Populations
ILO	International Labor Organization
IOM	International Organization for Migration
IPV	Intimate Partner Violence
KR	Khmer Rouge

LICADHO	Cambodian League for the Promotion and Defense of Human Rights
RGC	Royal Government of Cambodia
SDG	Sustainable Development Goals
SIREN	Strategic Information Response Network
THB	Traffic of Human Beings
TJ	Transitional Justice
TPO	Transcultural Psychosocial Organization
UN	United Nations
UNGA	United Nations General Assembly
UNODC	United Nations Office on Drugs and Crime
UNTAC	United Nations' Transitional Authority in Cambodia
USAID	United States Agency for International Development
VSS	Victims Support Section
WNU	Women's Network for Unity
WPM	Women Peace Makers

Introduction

As stated by Vera Brittain in her *Testament of Youth*, “no life is really private, isolated, or self-sufficient” (1979, p. 438). Contextualized in the post-First World War, this passage was linked to a societal switch towards collectiveness; after a striking period for the Global North, the individualization of one’s existence reinforced itself to be shortcoming. At an early age, the writer considered the events happening “in the world outside”, somewhat present but personally irrelevant. As she mentions, the world seemed enormous, as its comings and goings felt slow and deliberate (ibid). Unintentionally, the testament of a fieldwork nurse was indicative of a later, intrinsically connected world, where distance and time no longer felt the same as they did to her younger version. The increased connectedness among peoples thus meant the rise of interlinked global challenges, which was, to some extent, also foreseen by Brittain, in arguing that “we are now each of us part of the surge and swell of great economic and political movements, and whatever we do, as individuals or nations, deeply affects everyone else” (ibid).

By loosely reading the excerpts above, one might not think immediately about the topics to be covered in this thesis. However, it hints at the growth of global interrelations researched by Global Studies scholars, particularly in studying globalization’s critical junctures that permeate this thesis. As the management of globalization precluded the rethinking of co-relationships on different spatial levels (Middell and Naumann, 2010), Brittain’s observations are thus instrumental in introducing prominent global issues, such as Transitional Justice (TJ) and the traffic of human beings (THB). By being rooted in international human rights law, TJ is thus considered a globalized project to the extent that individual states are obliged to provide victims of systemic violence with satisfactory reparations (OHCHR, n.d.). Concomitantly, THB is also considered a longstanding global problem, with networks that surpass border limits and therefore ask for a joint response (U.S. Global Leadership Coalition, 2021). With that in mind, this project suggests an overlooked encounter between such topics as byproducts of similar societal struggles, historical trends, and transversal matters of gendered violence. Therefore, THB is hereby acknowledged as a contemporary symptom of Gender-Based Violence (GBV) when encompassing sex traffic.

As singular subjects, both TJ and THB have been addressed by interdisciplinary academics, suggesting a great understanding of their particularities as components of the globalized world and

conflicts. However, such a combining approach has only recently attracted research-worthy attention, as justice-making surpasses the entitlement of nation-states. Assertedly by Szablewska and Bachmann, TJ processes have been continuously challenged as a global issue through newly emerging threats and forms of applicability, complexifying the overall meaning of justice (2015a). Similarly, Louise Arbour has also echoed the expansion of the TJ framework in the Second Annual Transitional Justice Lecture. As a dynamic and cutting-edge field, TJ:

Could serve as a springboard for the systematic anchoring of economic, social, and cultural rights in the political, legal, and social structures of societies in transitions. (...). [It] should thus reach beyond its traditional mechanisms, rooted as they are in criminal law, and pay proper attention to economic, social and cultural rights. By embracing social justice, [TJ] will not only realize its full potential but also challenge the traditional justice agenda to do likewise (Arbour, 2006, p. 26-27).

In this way, I intend to add to the recent contributions to social justice within transition, as the action in the international arena is “no longer restricted to governments” (Middell and Naumann, 2010, p. 3). With civil societies’ organizations as its driver, such growth of TJ can signalize both an opportunity and a warning: by encompassing different realities, new opportunities for action and intervention rise, providing post-conflict societies with “softer” mechanisms to be installed and a less criminally-based understanding of justice (Fineman and Zinsstag, 2013). However, it can also carry a newness discourse based on gendered vulnerabilities that are now mentioned but arguably incorporated in transitional mechanisms (ibid). Thus, this thesis suggests that factors conducive to THB are part of structural challenges that may shape conflict experiences beyond peacemaking periods. As legal vacuums of unfinished transitions and socio-economic problems are instrumental to traffickers in post-conflict areas (Jorge-Birol, 2008), TJ is seen as inapplicable as a counter-trafficking framework since it precedes a society’s post-conflict status. However, given the historical and structural nature of THB, a connection between both topics is hypothesized.

As this analysis will show, the connections between the long-lasting applicabilities of justice in transition and the contemporary rise of human trafficking networks are understudied and not obvious. Within peacebuilding, the overlooked victimization element of THB emerges as a new

analytical frontier, with the approximation of context and phenomenon in recent conflicts (see Rischbieth, 2022; Szablewska and Bradley, 2015a). As TJ normatively develops into a framework of human rights protection, linking its guarantees of non-recurrence with social empowerment and inclusion, traumatic continuums of violence are now tangent of THB's push factors of social instability and normalized GBV. In this way, the main challenge to be tackled by this thesis is the relevance of sex traffic in gendered post-conflict violence research, as a needed expansion of the TJ framework. As women's experiences in conflict are still underrepresented in institutionalized TJ mechanisms, their capabilities of overcoming such contextual lack of agency surpass the redress measures of TJ (Bell and O'Rourke, 2007; Ni Aoláin, 2013). Similarly, the perpetuation of their subordinate status is hypothesized as residual to pre-conflict periods, rendering their socio-economic vulnerabilities susceptible to the coercion of traffickers.

The following usage of gender, however, does not merely encompass what is presented by traditional TJ as "the women question". By focusing on women in trafficking, it is aimed to address its gendered dimensions and how cycles of violence against women can exacerbate their vulnerability in such contexts (ICAT, 2017). Women and girls are typically prone to higher rates of physical and sexual violence when trafficked, which explains the prominence of sex traffic discussions (American Psychological Association, n.d.) In addition, human trafficking as an extreme act of violence thrives through multiple criminal activities, such as coercive sexual exploitation, debt bondage, and labor exploitation, enabled by economic vulnerabilities typical of post-conflict settings (Klopcic, 2004). These issues will be thus tackled as spaces for further renegotiation of strategies, connected to the risen forms of exploitation women suffer in former spaces of violence and the traditional TJ reluctance to address systemic vulnerabilities.

Therefore, the selected TJ approach of this thesis is essentially a feminist one. Typically seen as "male affairs", the negotiations surrounding conflict and peace have gendered roots and gendered outcomes, influencing the definition of "harms" to be addressed in post-conflict periods (Bell, 2007). With that in mind, feminist perspectives on TJ will provide this analysis with a mapping of absence and exclusion; through an overarching lack of women's voices in treaty formulations and prosecutorial strategies, this scholarship signaled gender disparities in all "globalized settings and spaces that facilitated comparative exchange about how successor regimes would 'reckon with the past'" (Fineman and Zinsstag, 2013, p. 47). It is thus seen as a response to traditional attitudes

towards gender roles, which plays a part both in the construction of sex traffic networks and in the usual profiling of THB victims around the world (Jorge-Birol, 2008).

In addition, this analysis would be unfeasible without questioning the temporal component of TJ. As stated by Clark, TJ is inherently defined as temporal and short-term based, representing its shortcomings. Based on overcoming a violent period, its linear understanding of time is linked to the construction of “arbitrary temporal boundaries” having “potentially exclusionary effects” (2022, p. 3). In other words, how one outgrows trauma and can “move forward” is deeply personal and, in this thesis’ understanding, not entirely reachable by traditionally institutionalized TJ mechanisms. Analyzing such temporal component thus has as its main contribution the “bleeding” of past traumas to present contexts, since violent happenings may disrupt a society’s ecology, and therefore its capacity to be resilient in post-conflict periods (ibid, p. 6).

This project does not intend to present TJ as the only path in building a more encompassing counter-traffic culture in transition. However, I argue that its instrumentalization could be useful as a counter-traffic framework, considering its underlying purpose is preventing human rights violations' reoccurrence (Szablewska and Bradley, 2015b). Similarly, since the structural changes proposed by TJ can create momentum, they can also engender disempowerment by trying to re-establish normalcy at any cost (ibid). By focusing on the most vulnerable, the proposed analysis develops TJ discussions into a more comprehensive understanding of justice, being victim-centered and less criminally based, thus placing transitional interventions in a broader perspective. The Cambodian case study, as a country with institutionalized TJ mechanisms and a historical problem with THB, will be a tangible example.

As typical of a post-conflict country, Cambodia suffers from persistent poverty and high levels of unemployment, linked to the rise of its sex industry; moreover, the trafficking of Cambodian women also has roots going back to the Khmer Rouge (KR) period and before. They are historically seen as the backbone of families’ income and are responsible for about 80% of Cambodia’s food production (Sari, 2016). As expected, poverty pressure is thus accompanied by social expectations of women as caretakers and revenue providers. To fulfill such expectations, they accept whichever available job, being at times forced into the sex business (ibid). This context connects to TJ since it now tends to address GBV during armed conflicts, whether formally or informally, in addressing

lingering sexual abuse in former spaces of violence (Szablewska and Bradley, 2014b, p. 239-240). Concerning the country's institutionalized transition, the nature of the Extraordinary Chambers in the Court of Cambodia (ECCC)¹ is instrumental: despite being extremely temporal, ECCC has a victim-centered approach that foresees, even though marginally, the accountability for gender and gender-based crimes (Deestroper, 2018).

In the analysis, such accountability will be used as a measuring rule as to what extent local organizations and survival groups absorbed the ECCC's formalized GBV approach, and how its language is translated in their response to gender violence. This will be done through a thematic analysis of the software MAXQDA, based on ECCC's report *NGOs Baseline Study Results on Gender-Sensitivity in Transitional Justice Processes in Cambodia*, jointly implemented by the Chamber, its Victims Support Section (VSS), and the NGOs Cambodian Defenders Project (CDP) and Transcultural Psychosocial Organization (TPO). In contrast, the literature review will be dedicated to analyzing TJ and THB, setting the pace for the final discussion on Cambodia. Clearly, this subject is prone to extensive elaboration, which explains the initial focus on theoretical literature review in understanding how TJ is used to frame research and meaning-making (Onwuegbuzie and Frels, 2016).

Research Questions

Considering the state of the art, the thesis aims to look at:

1. To what extent can the proposed focus on sex traffic when researching gendered post-conflict violence further expand feminist perspectives of the TJ framework?
2. Applied to the Cambodian context, to what extent has civil society strategically engaged with transitional justice language or concepts to address gender-based harms, such as sex trafficking, which the ECCC did not address?

Through these research questions, I hope to detect pitfalls in its research areas, especially considering a) how social ecologies are affected by GBV in violent happenings; b) how human

¹ The ECCC was created in 2001 by the Cambodian government in partnership with the United Nations (UN), aiming to prosecute crimes committed between 1975 and 1979, when the country was ruled by the Communist Party of Kampuchea (better known as Khmer Rouge). Responsible for law-breaching cases of both international and Cambodian Law, the Court delivered its final judgement in September 22nd, 2022.

traffic – and, particularly, sex traffic – can be understood as residual to unfinished transitional periods, with the perpetuity of structural problems; and c) how temporality plays a part in organization’s understanding of post-conflict violence.

Theory

As previously mentioned, this thesis’ topic is prone to extensive theorization, and the literature reviewed reflects the complexity of the proposed analysis. Regarding traditional approaches to TJ, works like Olsen, Payne, and Reiter’s (2010) and McAuliffe’s (2017) are useful in overviewing the main scholarship this thesis is based on. As aforementioned, such approaches will be stressed by two framework expansions; for temporality, Clark (2022), Aboueldahab (2021), and McAuliffe (2021) are instrumental in understanding how incomplete transitional periods can engender long-lasting inequalities, leading to a permanent context of violence. For gendered and feminist TJ, the works of Fischer (2016), Fineman and Zinsstag (2013), Mibenge (2010), O’Connell (2009), and Lemay Langlois (2017) were selected to connect TJ with gendered features of TBH, not to address women as passive beneficiaries of mechanisms, but to understand how such mechanisms are based on political conceptions that exclude the experiences of women.

The renegotiations of TJ’s social-political assumptions will thus be drawn by works on post-conflict GBV, like Selimovic (2020), Buss (2014), and McWilliams and Ni Aoláin (2013), in understanding gendered silences in post-conflict spaces, and how sexual violence can be instrumentalized against women. Jorge-Birol (2008) and Klopčic (2004) will discuss TBH in post-conflict societies and the role of protection policies in highly vulnerable situations. Additionally, the linkages between TJ and THB will be covered by Husseman et al. (2018) and Anania (2022). The works of Szablewska and Bachmann (2015a and 2015b) will be more than helpful when applying the theorized part of this thesis to the Cambodian context, specifically with the sex traffic and TJ nexus in Southeast Asia. Thus, the analysis of Cambodia’s experience with human traffic, conducted by Takamatsu (2004) and Sari (2016), and with TJ, conducted by Hinton (2014), Destrooper (2018), Studzinsky (2012), Bernath (2016) and Manning (2017), will close the thesis’ experience with secondary sources. Regarding non-academic reports, contributions from the ECCC itself, the US Office to Monitor and

Combat Trafficking in Persons, and UNODC's² Human Trafficking and Migrant Smuggling Section are important contextualization pieces, as well as insights published by the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants.

Global Studies' Perspectives

This thesis builds on a quintessential Global Studies framework, as the subjects under analysis are transnational at their core. As stated by Middell and Naumann (2010), global entanglements are the most tangible in the flows of people, ideas, and goods; with that in mind, I argue that the constant knowledge production of TJ and THB by interdisciplinary academics drive their key findings beyond borders. Although this thesis is focused on a national case study, it provides insights into the crescent role of civil society past the local realm as active agents on regimes of territorialization established past crises and conflicts, with the rise of trafficking rates (Gready and Robins, 2017). Moreover, the proposed discussion on TJ's enlargement reflects on the concept of critical junctures, as regime transitions are traditionally understood as part of an "ongoing maturation of a broader, pre-existing and functional set of statal institutions" (McAuliffe, 2021, p. 825). In that way, reflecting on feminist TJ and gendered crimes in Cambodia – particularly through the role of NGOs in fulfilling victims' needs past the ECCC – blurries the hierarchical power structures that separated national of local matters before the spatial turn. Concomitantly, TJ's development towards non-judicial redress forms in Cambodia reflects post-conflict asymmetries of power relations and the resulting emergence of opposed agents.

Methodology

As stated by qualitative research methods scholars, qualitative data collection is deeply dependent on interpretation, resulting in an overlap of analysis and interpretation in conclusion (Alhojailan, 2012; Thompson, 2022). In dealing with multiple socio-philosophical perspectives, assumptions, and ideologies, qualitative data interpretation tends to be multifaceted, compacting extensive bodies of work into systematic, comprehensive structures of identifiable and comparable data. With that in mind, this thesis analysis proposes a qualitative approach for identifying thematic streams of interpretation, seeking discursive connections between TJ and approaches to gender-based harms in

² United Nations Office on Drugs and Crime.

Cambodian NGOs, particularly concerning sex traffic. As an increasingly popular method that “capture[s] patterns across raw data and structures [them] into meaningful themes” (Thompson, 2022, p. 1410), thematic analysis plays a central role in this thesis’ coding process, following an NGO baseline study carried out by ECCC, VSS, and partner organizations (2011-2014, 2016-2019). Through *Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime* – or simply Project –, a comprehensive gender-sensitive study uniting the ECCC and local NGOs, this thesis’ coding body was developed, following its key lessons aimed at GBV-driven organizations supporting victims of historical violence.

Moreover, the empirical part of this thesis further developed into an abductive thematic analysis. In seeking relevant themes in gendered understandings of violence by the Cambodian civil society, the initial coding body based on the Project expanded, as tangent themes of GBV emerged from the data. As the analysis shows, tackling the connections between TJ and sex trafficking in Cambodia overpasses multiple perspectives of gendered acts of violence, such as the role of stigmatization in survivors’ reintegration processes and social understandings of public and private matters. In that way, the abductive approach to thematic analysis allows for the study of “breakdowns”, when the empirical data differs from what is theoretically expected, thus engaging data and hypothesis in understanding globalized phenomena (Thompson, 2022). This approach was therefore built following thematic categories, which gather complex themes featured in NGO’s languages and their corresponding codes. Contrary to discourse analysis, less-frequent codes are also included in this analysis as part of the “story behind the data” (ibid, p. 1415).

Finally, the selected themes are rather latent than semantic, as they are conductors of theoretical interpretations and not merely descriptive. In that way, I coded and analyzed thirty-six documents, including reports, articles, news articles, strategic plans, and statements, from fifteen Cambodian NGOs focused on post-conflict GBV. With the failure on the ECCC’s part to redress such violence as a starting point, the documents range from more encompassing approaches to gendered violence’s impacts in Cambodia to contexts of added vulnerabilities. Specific crimes, such as sex trafficking, forced marriage, and Intimate Partner Violence (IPV), have an added prominence within some organizations, as different target groups, such as women with disabilities, indigenous women, rural women, and ethnical minorities. Ultimately, such an overarching body of publications seeks to

expose the role taken by organizations in dealing with TJ reparations non-judicially, strategically placing TJ in their translations of gender responsiveness outside the Court's framework. In addition, publications on opportunities for reparations and non-recurrence were also included, bridging transitional measures with specific projects/statements.

Literature Review

Transitional Justice and the effects of gendered violence in post-conflict societies

1. Feminist TJ and the renegotiation of the social-political compact

In the following section, the feminist TJ approach and its current updates will be stressed. But firstly, some needed definitions on the scholarship itself. As primarily known, TJ refers to “the pre-eminent international framework for comprehending and strategizing responses to gross violations of human rights” (McAuliffe, 2017, p. 92). Understood as an international matter after the Second World War – and prominent in referencing post-dictatorial Latin American processes in the 1990s –, TJ has since then encompassed formal mechanisms of peacemaking, such as trials, extraordinary chambers, amnesties, and repatriations, among others. It thus provides societies with a “network of roads” encompassing a multi-level, context-specific range of responses to reestablish peace by overcoming systemic vulnerabilities (International Center for Transitional Justice, n.d.). Therefore, such constant presence in the international political arena has been researched and analyzed, focusing on “weighted effectiveness and measured outcomes” (Olsen, Payne, and Reiner, 2010, p. 38).

In this way, TJ is not meant to have a cookie-cutter approach, as peacemaking is deeply contextual; for instance, the role of civil society in rethinking transitional paradigms through informal TJ has influenced the ways justice and rights are understood in transition (Gready and Robins, 2017). However, one of the scholarship's standard views is the tendency of TJ-based legal processes to be exclusionary to women (Bell and O'Rourke, 2007). According to Ní Aoláin, the gender-based approach to TJ started as politics of presence, placing women “in the frame of transitional justice” and making them and their experiences visible (2013, p. 45). For that, the feminist engagement with transition started by asking “the woman question”, essentially discursive and deconstructive to the “question of universal application” that rarely addressed the distinct experiences of women in conflict (ibid). Before that, women's engagement with TJ was mainly through an activist fashion,

with organizations focused on gendered issues carrying the discussions; which may seem paradoxical, due to common gendered features in political repression. As stated by the Armed Conflict Location and Event Data Project (ACLED):

Women around the world are facing unprecedented levels of targeted political violence. This violence takes a wide range of forms, including conflict-related sexual violence against women and girls in war zones, attacks on women in politics, and backlash against women's advancement within patriarchal power structures (2022, n.p.)

Therefore, a feminist TJ theory usually links peacemaking with returning to previously established injustices against women (Gray and Levin, 2013). By considering pre-transitional abuses, the feminist approach relates TJ's extraordinary fashion, thus addressing context-specific social, cultural, political, and economic wrongdoings with a larger, perpetual inequality system that predates such punctuate events (*ibid*). Additionally, by focusing on such a specific method of warfare, it addresses the usual two-fold paradigm of gendered conflict/post-conflict violence, one patriarchal, and the other ethnic, religious, or racial (Ní Aoláin, 2013). Therefore, we have gendered experiences in conflict placed on a larger nexus of societal ties, which provides women with significant potential as political agents.

In general terms, the shortcomings of TJ towards gender are summarized into five points: a) the exclusion of women from designing reparations programs; b) the definitions of violence deemed as repairable; c) the criteria used in defining beneficiaries; d) the benefits given, and to whom; and e) the implementation of such programs (Bell and O'Rourke, 2007, p. 30). As proposed in this thesis, I consider such shortcomings broader, encompassing economic components necessary for social justice. Outside the traditionally-institutionalized TJ mechanisms, women's experiences in post-conflict are disrupted by poverty and dislocation, with cutbacks in the offering of decent work disrupting women-led communities and their possibilities of survival (see Turshen, 2014). Inserted into shadow economies, vulnerable women commonly find protection that was once not provided by a legitimate nation-state apparatus; despite the 1990s transnational feminist mobilization toward the end of GBV impunity in conflict, I argue that such topics were left behind. Additionally, TJ's understanding of the past – and its “prescriptions” of the future – are also considered problematic

from a feminist point of view due to the aforementioned relation of *restoring* with lingering inequalities (Bell and O'Rourke, 2007).

Therefore, I argue that feminist TJ transformed itself over time, now focusing on improving women's material gains in post-conflict settings than incorporating a "women's agenda" into the scholarship. In this way, it "[moves] beyond overly proceduralized forms of adversarial justice as adjudications of individual guilt toward a more complex account of (...) accountability" (ibid, p. 40). Regarding feminist theory, TJ's feminist scholars do not focus on a specific current but on the stabilization process; however, this analysis draws significantly from intersectional approaches. According to Rooney, intersectional feminist TJ is useful as an analytical tool where the "cartography of conflict" is based on interactions between gender, class, race, and other combinations (2013, p. 112). In addition, intersectional feminism raises essential questions on the reforming capacity of the liberal democratic state to incorporate long-lasting group inequalities.

Finally, this analysis proposes a focus on gendered perspectives of sex traffic to address cycles of violence against women in post-conflict states – particularly in Cambodia. Research on sexual violence in conflict has addressed, in the past decades, important discussions on public/private dichotomies perpetrated by TJ mechanisms (See Zinnstag, 2013; Clark, 2022; Ní Aoláin, 2013; Mibenge, 2010). Therefore, this approach is also based on such understanding and its proposed rationalization of violence. The added challenge is regarding victims of trafficking as dismantlers of dominant positions of gender *and* professional understandings, contiguous on discussions of civil liberties provision, freedom of movement, health rights, statal harassment, and non-recognition of laboral and economic rights (See Szablewska and Bradley, 2015b). To some degree, what is being discussed is women's capability to make choices without having their socioeconomic environment as an inhibitor of opportunities for post-conflict rebuilding. In this way, the notion of "freedom from want" is placed on a larger discussion on the "transformative changes that take place in post-conflict societies" (Szablewska and Bradley, 2015a, p. 265).

2. Moving forward? TJ's understanding of time and the living past

This thesis' understanding of temporality's role within TJ largely resonates with, among authors, McAuliffe's approach in the article *Transitional Justice, Institutions and Temporality: Towards a Dynamic Understanding*. By suggesting a reorientation of the scholarship, tackling the root causes

of conflict and injustice is needed to address a systemic understanding of justice. As stated by the author, TJ's theorists and practitioners have failed mainly in incorporating time meaningfully into their analysis, grounding challenges of "power, elitism, exclusions, preferences, and privilege" in mainstream and critical literature but evacuating their temporality (2021, p. 818). In contemporaneity, TJ expanded past short-term needs in post-authoritarian transitions, thus being transposed to different social ecologies with varying understandings of justice – e.g., transformative, postcolonial, feminist, distributive, etc. (ibid, p. 819). Therefore, although usually placed on the back burner, time is a relevant component in understanding current peacemaking; and, as presented in this section and the next, the traditional TJ concern of "peacebuilding at any cost", thus marginalizing socio-economic challenges, has been insufficient for true justice-making.

In a quintessentially Global Studies fashion, TJ's traditional core of temporal regime transition is seen as "a critical juncture in the ongoing maturation of a broader, pre-existing and functional set of statal institutions" (ibid, p. 825). Similarly, Aboueldahab defines the "transitional present" to be addressed by TJ as a series of "chronically weak institutions inherited from a pre-transitional period" (2021, p. 811). In that way, the marginalization of time and unaddressed historical episodes of injustice relate to the current discussion on time politicization and the "bleeding" of traumas to the present. Through a contemporary, liberal understanding of peacemaking, the division between a newly-built state and its corresponding society is ensured by a focus on "hard" TJ mechanisms, understood as apolitical and technical strives towards reconstruction, as opposed to the role of civil societies in socio-political cohesion and identity-building (McAuliffe, 2017). Which leads to the question: *what part of the past does TJ seek to address, and why?*

In the context of post-conflict reconstruction, every element is considered imperative, making it impossible to identify policies that are not connected to peacebuilding in some way (ibid). But TJ does not even encompass the peacebuilding scholarship entirely, and, faced with more "pressing" matters" – e.g., border surveillance and governance building – can be regarded as delayable³. The

³ OECD, 2008, p. 29: "(...) In broad terms, there is a growing consensus in the literature that three dimensions of policy should be the focus of postwar engagement: political processes that legitimate the state; development of the framework of the rule of law, including for economic governance; and the re-establishment of a framework of security (...) comparative experience suggests that while transitional justice can be delayed for some period, restoration of legitimate governance cannot".

solution, therefore, is to focus on specific forms of redressing, too appalling to be dispensable. As prime examples, authors cast the overarching focus on gross human rights violations and war crimes; in this thesis' understanding, such an argument does not brush off the centrality of such topics. Primarily, they are seen as contestation channels on social transformation, to the extent that are – or not – addressing “the root causes of conflict and repressive rule” (UNGA, 2010). Therefore, I argue that such dichotomy surrounding TJ, considered necessary for post-conflict reconstruction by its practitioners and somewhat dispensable for other peacebuilding areas, partially explains the selectivity on which and whose past is addressed.

In the interest of the following case study, De Falco applies a similar analysis to two case studies. According to the author, the International Criminal Law's (ICL) overwhelming focus on striking forms of violence when dealing with TJ unaddressed long-term processes of mass abuse (2021). Particularly in Cambodia and Myanmar's case, he argues that the temporalization of TJ mechanisms, added to the mentioned ICL focus, engendered an “oversimplified compartmentalization of time periods and harms” rather than addressing them as “connected and continuous” (ibid, p. 905). Therefore, such marginalization of historicity in traditional TJ emerges a) from a willingness constraint on the part of transitioning governments in addressing continuous vulnerabilities; and b) from a resource constraint from the transition bodies – in this case, ECCC –, focusing on visible and temporally-specific forms of violence. I would also cast what Aboueldahab calls the “politicization of time”, a conscious effort from the perpetrator state and allies to isolate time periods (2021, p. 811).

Using temporality as a contestation channel in former spaces of violence, we have the experiences of vulnerable people – commonly women – confined into a reality not overcome by peacemaking, both as individual and collective trauma. As stated by Buss:

(...)The assumptions about “end” of conflict are difficult to unseat. In the post-conflict period, presumptions about “security” or the benefits of “rebuilding” can obscure the ways in which women continue to face violence and insecurity, sometimes because of the very institutions of “security” and “transition” established. (2014, p. 16).

As presented later in this thesis, the discussions on Cambodia's experience with GBV, both during the Khmer Rouge period and before, rose from discussions on forced marriage under Case 002/02⁴ and the focus on closure-oriented solutions to invisibilized harms. Despite being installed more than thirty years after the committed crimes, urgency superseded temporally extended justice projects and contributed to the country's "policy of collective amnesia" (Bernath, 2016, p. 50). Additionally, time as ECCC's central motif directly influences how truth and knowledge are produced in the court, providing the Cambodian society with a "historically compressed version of Khmer Rouge crimes" (Hinton, 2014, p. 10-11). Hinton also hints at the politicization of time in this particular case in the passage:

For if one key objective of a tribunal is to reveal the truth that has been hidden by the politics of memory, then why not explore the structural and historical roots of the genocide and the ways in which it is linked to geopolitics? (ibid)

Relating this stance on Cambodia's transition to the concept of politicization of time, an underlying liberal bias becomes evident, from which a strong emphasis on political transition – meaning, the transition to democracy – is key. Following Aboueldahab's application in the Arab Region after 2011, parallels of historical injustices, grievances, and ongoing crimes can be drawn, hampering temporal connections between what happened *then* and *now*. In addition, the proposed focus on gendered sex traffic in Cambodia also profits from the author's usage of "temporal governance", an important site of contestation. Departing from a false temporal linearity, the passage of time ends up "[diminishing] the prospects for meaningful accountability for atrocities committed" (2021, p. 814). In that way, TJ's interactions with temporality would benefit much more by engaging with past continuities, aligned with education and memorialization processes, rather than time-bound and rigid understandings of criminal justice (see Davidović, 2021).

Beyond the politicization of the time concept, TJ's relation to time also has a psycho-social effect on transitioning societies. It is hereby understood that the "moving forward" motto does not consider how different communities respond to traumas or are affected by them. As the experience of trauma

⁴ See ECCC, Case 002/02. <https://www.eccc.gov.kh/en/case/topic/1298>.

“fractures time” and “projects survivors into divergent temporal realities” (Robinson, 2020, p. 5), truly transformative social change on TJ needs a longer, and probably multigenerational, timeframe for action. Thus, “a comprehensive notion of transitional justice has to be anchored in multiple temporalities in order to grasp the dynamic flow of time and deal with the consequences of violent crimes, which do not fade with the passage of time” (Clark, 2022, p. 12-13, apud Igreja, 2012, p. 409). Other than transitioning *from* a reality *to* a more peaceful one, societies also transition *with* – intertwined experiences of what life used to be, the harms a conflictuous period caused, and what to make of life through and after transition. Clark skillfully uses the “coagulation cascade” metaphor, from which past traumas can “bleed” into the present, despite temporal and spatial boundaries.

Particularly for social ecologies marked by conflict-related sexual violence, TJ has also to provide space for victims to express how their past experiences still bleed to the present transition, e.g., within participatory instances. Therefore, the struggles around remembering and forgetting are also deeply gendered, since the absence and marginalization of women’s voices in post-conflict stances are often a product of gendered power relations from their interactions with previously established patriarchal structures (Selimovic, 2020). Interestingly, temporality feeds the silencing of women’s experiences in conflict through what Selimovic calls “silence as denial”, from which violent happenings are pushed into the back of a society’s memory, despite their infinity, “as if it never happened” (ibid, p. 8). This is an important feature in understanding the role of temporality in gendered harms, since they can exist – and commonly exist – before and after the end of formal recognition of hostilities.

3. Development and human rights: long-lasting transitional initiatives

From the previous section, the temporal component of TJ was stressed in a rather conceptual manner. Conversely, this section will tackle the linkages between TJ and long-lasting transitional initiatives, bringing the element of development into the discussion. Since this analysis will later focus on the instrumentalization of – partly economic – vulnerabilities by human traffickers, contextualizing how TJ interacts with socio-economic problems in transition is much needed. Therefore, I intend to highlight the intricate nature of post-conflict states, placing accountability efforts beyond the legal responsabilization of violent perpetrators, thus truly addressing lingering socioeconomic, administrative, and fiscal problems.

According to Duthie, in introducing the book *Transitional Justice and Development: Making Connections*, the linkages between the topics are threefold: evidently, the majority of conflicts today occur in underdeveloped spaces; poverty and inequality are not necessarily the causes of conflict, but enablers of it; and they tend to follow armed conflict, authoritarianism, humanitarian disasters, and human rights abuses (2009, p. 19). From such an elementary perspective, the 2022 report issued by the UN's Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence becomes clearer. According to it, crises can also provide politically driven opportunities for economic change, since transitioning shifts provide spaces to be creatively instrumentalized in reducing "the justice gap"⁵ (OHCHR, 2022, p. 7). The extent to which such instrumentalization is replicated within TJ is still under analysis, as well as the role of vulnerable agents such as women. Still, it hints at the prominence of transitioning discussions applied to socio-economic particularities.

In its *Transitional Justice in weakly institutionalized post-conflict settings* section, the report addresses the unevenness of TJ measures taken in developing countries with lower degrees of security and development. In such contexts, state institutions do not cover the entire territory, adding to existing legal vacuums and enforcement deficits. Thus, violence tends to be more widespread, hampering reforming programs devoted to, among other topics, development assistance (ibid, p. 10). Previous versions of the report also tackled this issue⁶; notwithstanding, the 2022 version reunites supranational frameworks of development measures to be implemented by states in increasing TJ effectiveness. Particularly on economic, social, and cultural rights, the International Covenant on the matter is mentioned, related to "programs, policies, and techniques to achieve steady economic, social and cultural development", regarding "technical and vocational training and full and productive employment" and "laws providing for the rights of working mothers and the protection of children from 'economic and social exploitation'" (ibid). Further elaboration on post-conflict economies is needed to understand the challenges such measures would partake.

The economic instabilities provoked by civil unrest and conflict – sometimes defined as "war economies" but applied in a larger framework for this thesis' purposes – are, according to Turshen

⁵ Included in the UN's Sustainable Development Goals (SDG) rationale, the justice gap is defined as the difference between legal needs of low-income individuals and the resources available to them.

⁶ See A/68/345, from August 2013.

(2014, p. 29), “neither abnormal nor transitory”. In understanding what produces violence beyond the analyses on hyper-masculinity, female oppression, and vulnerability, scholars are now focusing on the linkages between underdevelopment and the liberalized international market. Following an anti-liberal critique, post-conflict states may never be able to fit into the market structures pressured by developed states adequately, nor to protect themselves from volatile market demands (Peace Building Initiative, n.d.). Legal and criminal economic activities are largely interlocked in post-conflict societies, but the interaction between criminal organizations and legitimate regulating bodies is not given. For that, works like Turshen’s associate the perpetuity of war economies in post-conflict periods with the liberalized international market, with networks of parallel trans-border trade expanded by it (2014, p. 29).

Through such analysis, human trafficking is mentioned amid other criminal activities, such as money laundering and weapons smuggling. This connection will be further analyzed in the next chapter; for now, the basic assumption to build upon is that systemic vulnerabilities – e.g., extreme poverty, lack of formal employment, and the shrinkage of cities – are not indirect consequences of conflict but intended outcomes (ibid). In that regard, violence tends to survive through the frustration of socioeconomic grievances not tackled by states, coupled with lacking redress channels (Laplante, 2008). Therefore, exchange and violence become indivisible, as the aim is “to force a population to support and supply armed groups on a permanent basis, the boundaries between working life and war become blurred” (Turshen, 2014, p. 30). Despite particularly referencing post-war economies, this quote is also instrumental for societies forced to support chronically weak states, with or without the presence of military forces. It is thus argued that poverty, although sometimes seen as a mere contributing factor in conflict, is also a symptom of states’ inability to protect and provide for their citizens (see Laplante, 2008).

An additional, supranational approach is given to (un)development struggles and TJ. According to UNDP⁷, such scholarship could benefit from basing its approaches to development following the recently coined Humanitarian-Development-Peace nexus⁸. As a unique, common standard to

⁷ United Nations Development Programme.

⁸ As stated by the report, TJ follows the principle of “do no harm”, requiring prevention and mitigation of negative impacts from international actors. In that way, the commitments to be made, in a general transitioning period, are rights-based, community-based and survivor-centered, just as in humanitarian interventions (2021, p. 15).

enhance the effectiveness of collective action in fragile and conflict-affected settings, the nexus foresees inclusive financing strategies at the country level to accelerate transitions by investing in national and local capacities (OECD, 2022). In this way, development actors could act as intermediaries between victims and governments, particularly regarding reparation approaches. As innovative as this approach might be, showing development and rights as strands of the same fabric in supranational humanitarianism, development and TJ still demand a more comprehensive, specific analysis. Such an approach does not encompass, for example, the role of “multiple forms of extra-legal trade in legal and illegal goods” in most southern economies and preventers of long-lasting transitional initiatives (Turshen, 2014, p. 28).

What is, then, the role of women in such a dynamic? As broadly researched by feminist and development scholars, the loss of legitimate nation-status apparatuses in conflict can have profound resonance in women’s lives (Turshen, 2014; Mani, 2008; Mayer-Rieckh and Duthie, 2009). The ways in which violence is embedded in global trade systems has been one of the mainstream approaches to such topics; despite not necessarily connected to gender roles, states losing their legitimacy in fostering social justice is. Although much harder to define than TJ is, the recent shifts in understanding development relate, as shown, economic growth with social, institutional, and political factors toward economic well-being (Duthie, 2009). Concomitantly, understanding women as actors in conflict and post-conflict settings now go past formal recognitions of institutionally driven GBV and participation in peace negotiations, claiming their centrality in bolstering economic recovery and community-driven development (Georgetown Institute for Women, Peace and Security, 2020).

Among the attributions of women’s role in such contexts, addressing barriers to entrepreneurship is a frequent example. In connecting poverty reduction to women empowerment, gender-sensitive diagnostic tools are thus essential: they can “track progress and hold decision-makers accountable” through relevant gender-disaggregated data and analysis (ibid, p. 22). By illustrating such importance, the report *Advancing Women’s Participation in Post-Conflict Reconstruction* mentions the *Afghan National Solidarity Program*, which required gender-balanced community development councils to block grants to fund local projects (ibid, p. 25). Allegedly, such initiatives improve female mobility across villages, their perception in the public sphere, and girls’ school attendance (ibid). Case studies are also cast for topics on natural-resource management in fostering climate

resilience⁹; discrimination against women in land ownership¹⁰; and harnessing public-private partnerships for gender targets in procurement and job creation¹¹.

Despite such comprehensive initiatives, the main challenge for most post-conflict countries still lies in understanding the female role in their informal economies. According to UN Women, women still constitute a disproportional percentage of informal workers; in the South Asian case, 80 percent of women in non-agricultural jobs are in informal employment, up to 95 percent of the total employment percentage (UN Women, n.d.). In such contexts, the inexistence of protection of labor laws and social benefits is given; therefore, it hints at the existence of “coping economies” in post-conflict settings, marked with livelihood strategies’ diversification for survival. And although TJ’s independent power has been put to proof in liberating “the socioeconomically oppressed” (McAuliffe, 2017, p. 99), this section advocates for its capacity to shed light on the political and economic conditions shaping society’s, and particularly women’s, access to justice.

The Traffic of Human Beings: symptomatic of a violent past?

1. THB and the post-conflict environment

Let me now focus on THB’s particularities in the global system. Loosely defined as the exploitation of people against their free will, it is regarded as an international phenomenon due to three interdependent factors: the wealth differences between countries and regions; the stricter immigration policies in developed countries; and the relatively ineffective law enforcement worldwide (Jorge Birol, 2008, p. 164). Such factors also influence the heterogeneous presence of THB in different world regions and their capabilities in tackling such a complex problem; at the turn of the twentieth century, an open-ended, regulating instrument was put in place by UNGA’s¹² 55/45 resolution. Through the Palermo Protocol¹³, the ratifying states commit to an overarching criminalization of THB, thus providing appropriate punishment for traffickers and ensuring that

⁹ See Nepal’s initiative in using women’s indigenous skills in natural-resource management, that lessened resource-related conflicts locally (mentioned at p. 25).

¹⁰ See Rwanda’s legal updates on women’s ownership rights, such as the 1999 inheritance law and the 2003 constitutional reform (mentioned at p. 26).

¹¹ See South Africa’s *Independent Power Producer Procurement Program*, that requires 5% of procurement spending to women-owned businesses (mentioned at p. 27).

¹² United Nations General Assembly.

¹³ Short for Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children.

victims are not penalized for their involvement in the matter. As the most significant Protocol to prevent, suppress and punish human trafficking, it defines it as “the recruitment, transportation, transfer, harbouring or receipt of persons”, utilizing threat, force, and other coercive practices, within the purpose of exploitation (Art 3(a), 2000). Henceforth, every modality of THB is typified following the *AMP Model*, kickstarted by the United States' prominence in THB analysis, in the elements of acts, means and purposes required to establish a human trafficking crime¹⁴.

Therefore, the Protocol is a guiding point for multiple regional conventions on THB, such as the Council of Europe’s Convention on Action against Trafficking in Human Beings, adopted in 2005¹⁵, and ASEAN’s Convention Against Trafficking in Persons, Especially Women and Children, adopted in 2015¹⁶. But despite such a comprehensive approach, often interpreted as political willingness, placing THB within states’ own understandings of criminality continues to be challenging. According to Aronowitz (2010), trafficked individuals are sometimes not identified as victims by authorities and confused with irregular migrants or independent sex workers. This confusion may be related to official definitions and understandings of the terms "victim", "exploitation", "consent", and "coercion" (p. 494). Regarding data collection, Jorge-Birol (2008) asserts that statistical analyses on THB depend on a mix of information on smuggling and trafficking¹⁷, such as country profiles, migration trends, and estimations of the individuals engaged in sexual services. THB is almost impossible to be quantitatively measured in that way due to a “lack of common definitions and methods to collect statistics and a great number of cases that go unnoticed” (ibid, p. 165).

Nevertheless, the estimate of human traffic victims currently stands at 27,6 million worldwide, with 17,3 million people being exploited in the private sector, 6,3 million in forced commercial sexual exploitation, and 3,9 million in state-imposed forced labor (ILO, Walk Free and IOM, 2022). As largely known, such organizations consider migrant workers, women and children as general targets for traffickers, but academics also often carry out further profiling. For context, Klopick’s victim

¹⁴ Ultimately, it is the purpose element that depicts different modalities of THB, differentiating the commercial sex purpose – that engenders sex trafficking –, from the labor/services purpose – that engenders labor trafficking.

¹⁵ Available at: <https://rm.coe.int/168008371d>.

¹⁶ Available at: <https://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf>.

¹⁷ Typically, the differentiation between both is made in terms of displacement, since THB can include movement but does not require it, contrary to migrant smuggling.

profiling goes from 14 up to 32 years old, originating from rural or poor urban areas with low educational backgrounds worldwide; additionally, lack of job opportunities, historical family violence, and sexual abuse are often cited as THB's push factors (2004, p. 8). Analyzing such encompassing data is thus valuable for understanding trafficking's scale and common challenges throughout its different modalities.

According to UNODC's *2022 Global Report on Trafficking in Persons*, current counter-traffic measures are insufficient at global, regional, and national levels, by analyzing trafficking cases in 141 countries from 2018 to 2021. Among peak difficulties, the report highlights victims relying on "self-rescue" in 41% of all cases covered, pressuring a proactive investigation from Member States and promoting "community and public health approaches"¹⁸. Secondly, UNODC detected a reduction in the number of convictions during the Covid-19 pandemic¹⁹, concurrent with a decrease in the number of victims²⁰, which points out to limiting opportunities for trafficking amongst the pandemic restrictions and a push of operations further underground, constraining law enforcement capabilities in targeting crimes²¹. Finally, the report states increased impunity in home countries, particularly in Sub-Saharan Africa and South Asia, where fewer traffickers are convicted and fewer victims detected. In contrast, global victims from these regions are being increasingly identified in a broader range of destination countries²².

It is therefore clear that a victim-centered approach to human trafficking was long coming, with discussions surrounding criminal justice systems' role in re-establishing control, and not necessarily protecting crime victims. Jorge-Birol stated that the recent approaches to THB follow such rationale, considering safeguarding fundamental rights and the vital role victims play for policing bodies, especially as information sources. Such assessment is based on practical experiences, as "victims are more or less worth protection or support depending on their contribution to the criminal justice system (...) than as a result of their human condition." (2008, p. 166). Therefore, a victim-centered

¹⁸ See Finding 3.

¹⁹ According to Finding 4, in 2020 a 27% reduction in the number of convictions was recorded globally, compared to the previous year.

²⁰ According to Finding 1, in 2020 an 11% reduction in the number of victims was detected globally, compared to the previous year, but particularly driven by low and medium-income countries.

²¹ See Findings 1 and 4.

²² See Finding 5.

approach is a welcomed catalyst for change, particularly as a means in itself; after all, the goal of proactive counter-traffic enforcement is not the effectiveness of law enforcement *per se*, but the protection of human rights (ibid). Measures such as financial, physical, and psychological monitoring of THB victims would thus support committed states in hampering the depersonalization of trafficking. In my understanding, this approach connects to Parmentier's question, *what explains the attention given to human trafficking?* by addressing both the criminal and humanitarian components that "engage the full responsibility of the state subject to international human rights law and thus obliges a state to mobilize all its resources, not only to punish the offenders but also to provide services to the victims" (2010, p. 98).

Consequently, such approach to THB has parallels in victim-centered measures of post-conflict reconstruction, further approximating phenomenon and context and highlighting the need for a protective framework. According to Caritas International in the press release *Human Trafficking in Armed Conflicts and Post-Conflict Situations*, existing and emerging war conflicts led to a "dramatic development of trafficking" (2023, n.p.). Illustrated by the Russian-Ukrainian war, the organization states that conflict-related instability and confusion are "enabling traffickers to operate more easily and avoid law enforcement", by disrupting victims' support networks and, in the case of displacement, forcing victims to navigate unfamiliar environments (ibid). As later illustrated by the Cambodian experience, such experiences profoundly change a society's ecology past transition, which connects with trafficking patterns present in most post-conflict states. Through its literature review on the matter, USAID²³ states:

In the post-conflict period, the lack of law and order and the large numbers of vulnerable and destitute populations, especially female refugees, internally displaced populations (IDPs), separated children, and war widows, contribute toward the country becoming a source and a transit point for human trafficking for sexual exploitation or forced labor. In this post-conflict climate, women and girls suffer disproportionately from lack of access to resources and education, thereby heightening their vulnerability to various forms of exploitation and human trafficking. In search of

²³ United States Agency for International Development.

opportunities to improve their social, economic, and political situations in more developed cities or countries, yet lacking comprehensive information or access to legitimate migration programs, many of these persons fall victim to human traffickers. This phenomenon occurs not only in the immediate post-conflict period, but often well after the conflict has subsided (2006, p. iii).

2. Addressing the most vulnerable: sex work within the THB framework

As previously stated, 6,3 million people are currently in forced commercial sexual exploitation stemming from sex traffic. Despite strands of the same fabric, such differentiation is made by naming key components of commercial sex acts, including “prostitution, pornography and sexual performance” done in exchange for valuable items, but not necessarily implying the presence of sex traffic (Shared Hope International, 2019). Notwithstanding, this section will approach the exploitation of sexual labor as a fundamental part of sex traffic, presented following a) its general trends and interplays with gendered violence; b) the trafficker’s main forms of coercion, together with risks and consequences; and c) discussions on consent and criminalization. According to the United States *Trafficking Victims Protection Act* of 2000, sex traffic is defined as:

The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age (22 U.S.C. § 7102(11)(A)).

Considering its presentation and definition, such modality of THB is undoubtedly gendered; besides having traditional understandings of gender as one of its push factors, nearly 4 out of 5 sex traffic victims are girls or women (ILO, Walk Free and IOM, 2022). Despite being marked by some geographic variation, the organizational trends of sex traffic are worldwide applicable; according to the previously mentioned report by UNODC, there were multiple cases of collaboration between criminal groups in source countries, specialized in recruitment and brokering women, and

“resellers” in destination countries, adding to the component of “false promises”²⁴ (UNODC, 2022). Moreover, sex trafficking is perhaps the THB modality with the lowest rates of successful victim identification and succeeding prosecutions. According to the latest rates on IOM’s²⁵ Counter-Trafficking Data Collaborative (CTDC), between 2002 and 2019, counter-trafficking actors assisted a higher percentage of victims of labor exploitation than those of sexual exploitation^{26,27}. As the world’s first THB data portal, CTDC also shows a similar trend in the proportion of identified victims, with growing rates of identified women trafficked for labor exploitation concerning those trafficked into sexual exploitation²⁸.

The current focus on sex traffic by academics, policymakers and activists within human rights issues also entails deeper discussions, starting with the disproportional violence against women and girls stranded in THB networks. As summarized by UNODC’s study, female victims at any age are subjected to three times higher rates of physical or extreme violence under the control of traffickers. In contrast, children rate almost twice as much as adults, and girls are 1.3 higher than women (2022b, p. 45). As stated in the study, such findings are self-sustained regardless of regions of origin and type of criminality involved or form of exploitation, which converges to the notoriously hard-to-contain nature of sex traffic’s key points – poverty, gender inequality, social status and cultural values (Szablewska and Bradley, 2015a). On that behalf, UNODC indicates that Member States’ judiciary bodies should tackle THB within the context of the international women’s rights framework, using CEDAW²⁹ as an example. However, the interaction between sex work and THB is still to be recognized in its entirety, as stated by the United Nations *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*:

[P]rostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the

²⁴ Following the common language surrounding THB, “false promises” refers to a trafficker’s tactic to promise untrue job opportunities elsewhere, as a ploy to recruit women into situations of forced commercial sexual exploitation.

²⁵ International Organization for Migration.

²⁶ See item *Victims of trafficking for sexual and labour exploitation over time*.

²⁷ According to its website, CTDC’s Global Dataset includes information of approximately 91,000 THB victims, of 169 nationalities, that experienced trafficking in 172 countries. Clearly, the dataset does not encompass the entirety of THB’s scale, but provides interesting insights in gathering knowledge, helping the response and identification of stakeholders and policy production.

²⁸ See item *Exploitation of female victims of trafficking over time*.

²⁹ Convention on the Elimination of All Forms of Violence against Women.

human person and endanger the welfare of the individual, the family and the community (Preamble, 1949).

Regarding the trafficker's means of control on sex traffic victims, its difference from labor trafficking ones is also worth analyzing. According to CTDC's data collection, victims of sex trafficking are primarily coerced by psychological abuse and other psychological control tactics, such as restriction of movement and threats to themselves and loved ones³⁰. Although THB victims can suffer multiple means of coercion, the rates still differ, since victims of labor exploitation are mostly controlled through taking earnings and false promises, followed closely by psychological abuse and excessive working hours. Additionally, sexual abuse as a form of control also denounces the added vulnerability of sex traffic victims, ranking 6th as the most common form of control in such cases and 14th in cases of labor exploitation. Connecting sex traffic with sexual violence thus relates to their shared long-term consequences, ranging from physical and relational trauma to psychological concerns and negative chronic health (Centers for Disease Control and Prevention, n.d.).

On that behalf, the intended analysis of gender-driven Cambodian NGOs, presented in the next section, will be instrumental. Ultimately, such an overview of women's realities within sex traffic networks reflects their (in)capacity to make informed choices, due to an overarching restriction on their abilities to do so, and the heightened chances of falling into sex traffic networks. Szablewska and Bradley affirm:

The assertion that the existence of rights is a [sic] fallback position for the abused is fictional, as the abused must have not only the opportunity but also the power to exercise their rights. What is needed, therefore, is not formal acknowledgement of the existence of rights but rather empowerment that can translate these rights into reality; that is, to make them [sic] realizable (2015b, p. 256).

³⁰ See items *Means of control used on victims of trafficking for labor exploitation* and *Means of control used on victims of trafficking for sexual exploitation*.

Using empowerment as a debating framework for the victim's experience goes beyond this thesis' scope, as much deliberation is needed to analyze "women empowerment" without disregarding their agency. However, it opens a precedent for questions on consent and criminalization, collateral to this topic. It is important to notice that the distortion of consent is a prerequisite to THB and sex traffic. As stated by Klopic (2004), victims that are promised better livelihoods elsewhere – through false marriages, protection, professional opportunities and so on – are usually left without their identification documents upon arrival, especially in transnational THB. By being placed under the control of traffickers, without their papers or cultural knowledge of their surroundings, victims have "no other choice but to cooperate" (ibid, p.8). In that regard, interviewing trafficked survivors of the Balkan routes, the author concludes that women and children often are helped to cross the borders by seemingly trusted people – e.g., female traffickers/brokers – which adds to the trust placed in traffickers. Therefore, the trust victims have in their initial stages of recruitment, read as consensual to the acts implied in commercial sexual exploitation, is detrimental to understanding the identification struggles for the sex trafficked. As stated by Klopic:

The victims of trafficking should be identified as victims of crime, not as criminals themselves, as they are often perceived by those authorities not aware of the circumstances that push the naïve victims into the hands of trafficking agents (2004, p. 10).

In this way, by later being forced to work as sex workers, it becomes criminally difficult to distinguish sex workers from sex trafficking victims. Therefore, such contention on consent and criminalization adds up to the tangent stigmatization of sex workers, by blaming sex workers for their occupation of choice, disregarding the socio-economic context of their choice, thus leading to "further [sic] marginalization and discrimination" (Szablewska and Bradley, 2015b, p. 249). Among commonly mentioned outcomes, I highlight the promotion of police brutality and the establishment of institutionalized violence and abuse against commonly trafficked women; in sum, such subjective understanding of sex work disregards the action of traffickers and their means of control, hampering victim support and identification by "reinforc[ing] the social stigma toward women and girls" (ibid).

3. Assembling the puzzle: feminist TJ approaches as counter-traffic tools

To conclude this thesis' theoretical framework, let me reflect on feminist TJ's capabilities as a counter-traffic tool. At the time of writing, the general connection between TJ and THB is being further explored in the Ukrainian context, as shown through the article *Can Transitional Justice help in the fight against Human Trafficking Following the conflict in Ukraine?* (Rischbieth, 2022). The article published by KU Leuven's Transitional Justice Blog reflects on rising concerns for THB following the Russian invasion of Ukraine and the mass displacement of vulnerable populations it triggered. In that regard, Rischbieth approaches THB as an under-recognized crime in armed conflicts and transitioning periods; as stated by the author, traffickers in Ukraine are exploiting this vulnerability in a myriad of ways, from offering free transport into neighboring countries to providing accommodation and work for potential victims (ibid). The false promises approach thus finds fostering ground in the Ukrainian context, with parts of the population – commonly women – accepting to hand in their passports to traffickers in exchange for protection (ibid).

In that way, as a counter-traffic angle, TJ is presented both by KU Leuven's blog and by the scholarship reviewed for this thesis. By grasping THB's presence in armed conflicts, approached by Rischbieth as an "overlooked element of victimization", the article provides a glimpse of the long-term national, regional, and transregional consequences of violent periods unaddressed by TJ. THB is thus discursively placed within the understanding of transition as it is part of the wider human rights discourse, therefore affected by factors similar to the TJ framework, notably anti-discrimination and empowerment. As stated by Szablewska and Bradley, a truly effective TJ must be able to curb trafficking in transitional and post-conflict societies, as such causalities are further explored (2015a). On this note, the authors state that:

The link between transitional justice processes and anti-discrimination initiatives and empowerment is vital for the success of transitional justice initiatives in the same way as non-discrimination and empowerment are crucial indicatives for anti-trafficking initiatives. (...) in particular by: (a) examining the patterns underpinning discrimination and exploitation for developing actions preventing trafficking, (b) ensuring that prevention and protection strategies are founded upon empowerment and social inclusion,

and (c) addressing multiple and inter-sectional discrimination as an essential component of women's vulnerability to trafficking (ibid, p. 264).

As the quote suggests, the discursive placement of THB within TJ preconceives a closer look at its gendered dimensions, as THB's push factors exacerbated by conflicts affect women disproportionately. Therefore, TJ as a counter-traffic framework also must hinder state policies that perpetuate, intentionally or not, pre-conflict stereotypes and gender inequalities (ibid). In that regard, Anania's understanding of GBV as a "continuum of violence" retrieve to this discussion the shared structural and ideological factors that underpin women's participation in societies worldwide, "regardless of when, on what scale, or in what form they are carried out" (2022, p. 897). Despite focusing on sexual exploitation and abuse perpetuated by intervenors, I argue that a similar assessment of Anania's can be applied to this analysis; after all, my core argument relies on how traditional TJ's incapability to address such continuums of violence has a direct impact on individual's lives in post-conflict settings. Particularly for gendered inequalities, common in such settings, TJ approaches still fail in being transformative rather than exclusionary, restoring law and order while disregarding traditional stances on societal roles that reinforce gender stereotypes.

The disruption in social ecologies caused by conflict and its branched acts of violence are thus deeply traumatic, not only for the victims themselves but for individuals "whose lives are marked not only by the "extraordinary" violence (...) but also by everyday violations encouraged by inequity" (ibid). Referring to Rischbieth's article, the transformative capabilities of TJ are brought when tackling legacies in rights violations that conflict exposes, with victims in need of accountability and prevention, particularly at the local level. The author argues that "larger community efforts are needed to respond to trafficking by acknowledging harms and preventing recurrence" (2022, n.p.). This is a fascinating lens as it relates counter-trafficking measures with TJ's guarantees of non-repetition, delivering a true sense of justice to communities affected by THB.

In short, the enlargement of TJ's current framework – suggested following a feminist orientation of poverty alleviation, education and advocacy programs, and the social reintegration of women with autonomy – requires a temporal surpass and an alternative form of justice for THB survivors. According to Yu et al., and as shown by the primary data presented in this chapter, such survivors often do not find a satisfactory solution to their exploration through traditional criminal justice

systems (2018). Through the interviews conducted in the research *Alternative Forms of Justice for Human Trafficking Survivors: Considering Procedural, Restorative, and Transitional Justice*, TJ models usually focus on institutional reforms, policy-making, and educational and memorial initiatives, e.g., awareness-raising campaigns (ibid). Despite incipient, with only a portion of the sample's interviewees experiencing TJ as a counter-traffic approach, such approach was considered desirable by most of the survivors³¹. Interestingly enough, the topics raised by interviewed survivors as tackling points to TJ in trafficking contexts repeatedly appeared in this analysis:

Based on their own experiences, many survivors spoke about changes they [would] like to see to immigration, criminal justice, and service provision policies; funding and resources for services; and specific laws and statutes. These changes addressed various causes and harms of human trafficking, including root causes such as poverty and economic climates in their home countries or communities, and harms perpetrated by current immigration, criminal justice, and service provision policies and laws (ibid).

The Cambodian experience

1. Between judicial and non-judicial: Transitional Justice and gender in Cambodia

The traumatic aftermaths of Cambodia's Khmer Rouge period are well-known and well-documented. From 1975 to 1979, the state of Democratic Kampuchea³² was transformed on behalf of a "radical agrarian society" project, designed by the Communist Party of Kampuchea (CPK) to surpass Cambodia's reliance on capitalism within the timeframe of one generation (Bernath, 2016). Under Pol Pot, the entirety of Cambodia's socio-economic life was placed at the service of *Angkar*, a system of terror established through quintessentially autocratic surveillance practices; as stated by Bernath, *Angkar* "was used to justify orders and created a sense of an omnipresent yet impersonalized control over the population" (ibid, p. 49). Complimentary to KR's early practices of societal unease – such as the evacuation of cities, the separation of families in organized collective

³¹ To make TJ a graspable concept for the interviewed survivors, Yu et al present asked them "to reflect on whether certain practices (reforms to institutions and policies to prevent other people from experiencing trafficking, education and public awareness efforts, and participating in survivor-led efforts to create policy and practice change) would help them feel like they had achieved justice" (2018, p. 11).

³² Cambodia's name under the KR period.

labor units, the abolition of money and the transformation of *pagodas*³³ into detention and torture centers –, the regime created a deep indent in Cambodia’s sense of identity and memory building. According to the latest research, such a genocidal policy of arbitrary executions and starvation killed a quarter of the country’s population (Destrooper, 2018).

In this way, it is unsurprising that a Court such as the ECCC was put in place to bring some justice and reparations to the KR’s victims. Also referred to as the Khmer Rouge Tribunal, the ECCC was operationalized in 2006 after intense negotiations between the Royal Government of Cambodia (RGC) and the UN and was swiftly followed by an expansion of the country’s civil society. According to the agreement signed between the two parties, the human rights violations analyzed by its Group of Experts could be grouped into four main categories:

- 1) *Forced population movements*, tackling the evacuations that displaced from 2 to 3 million people to the countryside;
- 2) *Forced labor and inhumane living conditions*, investigating the reliance on KR’s economic system on forced labor, particularly in the growth of rice and other crops and in the construction of large-scale infrastructure projects;
- 3) *Attacks on enemies of the revolution*, including the summary execution of thousands of citizens already in the first months of the regime, the disproportionate targeting of ethnic/religious minorities, and the destruction of cosmopolitanism;
- 4) and *Purges within the CPK*, marked by an institutionalized paranoia that involved the execution of suspected individuals throughout the *Angkar* structure (see United Nations Legal Counsel, 2003).

From the development of its four cases, the ECCC established a distinct framework of victims’ participation: their organization in Civil Parties (CPs) within the Court’s rationale was a common avenue for justice-claiming, with victims reporting never seeking psychosocial help before becoming an active part of the process (TPO, 2015a). Therefore, the Court was the first

³³ A Hindu or Buddhist temple.

internationalized court dealing with mass atrocities allowing victims to become party of the proceedings with the prosecution and defense bodies (ibid). However, ECCC's capabilities of prosecuting sexualized and gendered violence remain under intense scrutiny, as well as CPs abilities to influence the prosecution of such crimes. Despite the instrumentalization of gendered harms between 1975-1979³⁴, tackling GBV was not part of the ECCC's initial prosecutorial strategy, being included only concerning forced marriages after the closing order of Case 002 (ibid). As presented in this thesis analysis, this was an important contention topic between Cambodian NGOs and judicial forms of reparations under the Court.

In that way, resulting from a service gap for female CPs under the ECCC and Case 002, the project on which this analysis is based was created following a tri-partite strategy aiming for gender sensitivity within Cambodia's transition. Through *Promoting Gender Equality and Improving Access to Justice for Female Survivors and Victims of Gender-Based Violence under the Khmer Rouge Regime Project*, ECCC's VSS and the NGOs TPO and CDP aimed to "ensure the engagement of female survivors in the transitional justice process", particularly in their exercise of truth, justice, and reparations (ibid, p. 37). Each of the organizations was thus responsible for a front of the tri-partite strategy, with VSS facilitating the participation of KR victims in the legal proceedings of the ECCC; TPO supporting psychosocial insecurities stemming from sexual violence and GBV crimes; and CDP providing free legal representation for victims, in the promotion of human rights and judiciary governance (ibid).

As mentioned in the introduction, the Project was implemented in two different phases – from 2011 to 2014 and from 2016 to 2019; in its first phase, it was implemented in specific locations in fifteen Cambodian provinces, targeting female and male survivors of GBV, as well as legal professionals at the ECCC and national judiciary bodies, NGO staff, researchers, and the general public (Poluda, 2014). As part of its outcomes and activities, the Project highlights a) improving gender sensitivity in operations and activities of the Court and NGOs through workshops, training sessions, and the implementation of Thematic Gender Working Groups; b) providing GBV survivors with resources and effective case management in and outside the Court; c) improving the mental well-being and

³⁴ Such harms include: the mutilation of sexual organs as gendered punishment, widespread sexual assaults and enslavement, virginity controls, forced marriage of underaged girls, survival sex, forced nudity and rape (TPO, 2015a).

mutual support, in establishing self-help groups and providing psychological and medical treatment; and d) increasing the understanding of GBV under the KR regime, placed as the cause of gendered violence today (ibid).

The necessity of non-judicial alternatives in supporting KR victims is thus extensively present throughout its publications. As a result, an NGO Baseline, *NGOs Baseline study on Gender-Sensitivity in Transitional Justice Processes in Cambodia* was designed to measure “the extent to which gender is mainstream in affiliated NGOs as an indicator of gender sensitivity related to transitional justice issues” (VSS, CDP and TPO, 2012, p.3). In that regard, the TJ language was suggested as an instrument of past and current efforts on gender awareness, ranking the implementation of multiple indicators based on respondents’ knowledge of their organizations³⁵. As its biggest conclusion remark, the Baseline identified an overarching irrelevance of gender issues in the NGOs’ discourse, particularly in human rights organizations, as their beneficiaries were usually female and male. In that way, respondents posed a conflict between the proposed focus on women’s rights and their mandate, designed to promote and protect the rights of all. From that, it stated:

This is likely due to the reality that “gender” as an issue in its own right has not been fully incorporated into human rights discourses. (...) The interviews with the human rights based NGOs suggest that they are unaware of how gender interacts and influences all programs/projects and operations, [and of] the value of being more gender sensitive in their work (...), concerned about the costs of making changes to their practice (ibid, p. 17).

In that way, continuing the Project was deemed necessary, as the lack of gender expertise presented showed NGO’s difficulties in designing gender-oriented TJ activities. The continuous effort of the Project was thus presented in its final evaluation report, *Final Evaluation of the ECCC Non-Judicial*

³⁵ The NGOs participating in the baseline study were: the Cambodian Human Rights and Development Association (ADHOC); Avocats Sans Frontiers (ASF); Asia International Justice Initiative (AIJI); Cambodian Defenders Project (CDP); Cambodian Human Rights Action Committee (CHRAC); Documentation Center of Cambodia (DC-Cam); International Center for Conciliation (ICfC); Ksem Ksan Victims Association; Legal Aid of Cambodia (LAC); Transcultural Psychosocial Organization (TPO); Youth For Peace (YfP); and the Youth Resource for Development Program (YRDP).

*Gender Project*³⁶, now placing its goal on CPs' full enjoyment of their TJ rights by the end of 2018 (TPO and Kdei Karuna, 2019). As the intended outcomes of the first phase were largely kept, this phase was implemented nationwide and focused on 2200 female CPs of Case 002, as well as 240 male CPs, admitted "based on forced marriage and rape inside of forced marriage, [facing] high obstacles in the [TJ] process (VSS and TPO, 2019, p. VIII). Additionally, 633 female and 162 male survivors of GBV not admitted as CPs were also beneficiaries of the Project, as well as representatives, community organizations, educational and legal professionals, governmental and non-governmental staff, and others. A discursive Baseline such as the one published in 2012 has yet to be published; however, the "effective improvement" of ECCC and NGO staff in gender knowledge and sensitivity is already mentioned in the report's first outcome (ibid, p. XII).

The extent to which TJ language influenced NGOs' discourses after the Court will be shortly analyzed; for now, it is prudent to highlight their connections to the TJ enlargements hereby proposed. From the development of Case 002 into the trial judgment of Case 002/02³⁷, there was a general expectation from the Cambodian civil society for the transformative capabilities of TJ, thus placing GBV and its opportunities for reparations on a larger scale than the framework of forced marriage (see Kdei Karuna, 2022). Such expectations stemmed from the submission of evidence by CP representatives, demonstrating instrumentalization patterns of rape by KR perpetrators largely unaddressed by the ECCC (TPO, 2015a). In that way, survivor's testimonies contested the effectiveness of KR's policies against women abuse³⁸ in deterring such types of violence; despite being instrumental in placing forced marriages under Case 002, such body of evidence was ruled out by the ECCC in claiming that sexual violence was prohibited under KR (ibid; Cambodian Defenders Project, 2013).

³⁶ Contrary to the first phase, CDP did not participate as an implemented partner in the second phase. Some reports suggest that the NGO is no longer active in Cambodia.

³⁷ "To speed up the trial, the Trial Chamber ordered the division of Case 002 into a series of smaller trials to be tried and adjudicated separately" CDP, 2013, p. 11). Despite an initial prediction of four subcases, where a larger range of GBV could be investigated under 002/03, the Court's internal capabilities proved to be insufficient, resuming operations after 002/02's last judgment. See Đorđeska, 2022.

³⁸ Largely known as the "Code Number Six" policy, KR's largest policy against "immoral offenses", was typically defined as an "anti-rape" policy that conversely silenced the victims of sexual violence in reinforcing women's lack of agency over their own bodies. See Center for the Study of Humanitarian Law, 2019.

With the winding down of the ECCC's operations in September 2022, particularly after the last substantive judgment in Case 002/02, the Court's residual functions regarding victims represent, according to Kdei Karuna, an opportunity for NGO-driven reparations (2022). Therefore, by seeking redress of different manifestations of GBV, CPs and the Cambodian civil society's demands surpassed the judicial body's capabilities of redress toward non-judicial alternatives. As the most comprehensive ECCC project for survivors and its main GBV initiative, the Project thus suggested a connection between the Court's gap in gendered crimes and the prevalence of gendered harms in Cambodia. Similarly, the long-term physical and psychosocial ailments in survivors' stories have impacted their quality of life, with KR's regime policy having intergenerational consequences on Cambodian families (Kdei Karuna, 2022). Finally, Cambodia's current GBV trends are usually presented alongside the country's experiences with gendered approaches to TJ, exemplifying the sustained reliance of communities in informal reconciliation among KR victims and perpetrators (ibid; Women Peace Makers, 2020c). Such movement thus puts the temporality of the ECCC into perspective, both in terms of incomplete capabilities of KR reparations and the reoccurrence of such crimes in different fashions.

2. THB in Cambodia and the country's sex traffic scene post-1979

The scholarship reviewed in this analysis shows a noticeable shift toward analyzing "a broader scope of exploitation", in which human, child, and women's rights often intersect with sexual abuse and trafficking outbreaks (Chab Dai, 2013, p. 24). That is particularly relevant in the case of sex traffic in Cambodia, as the country's history is considered detrimental to the current THB trends (Rosita Sari, 2010). According to Rosita Sari, societal structures and traditions – e.g., the centrality of the family, gendered norms of subservience, the Buddhist religion, and the respect for elders – have been typically undermined in THB research in the country (ibid). In that fashion, the push factors presented were already seen previously; as Cambodian women are expected to contribute to their families' income, poverty pressure is linked with high rates of school dropouts, thus engendering a severe lack of women's qualifications – particularly if compared to their male counterparts – and mismatches on job creations and labor supply (ibid). Depicted as the primary victims of all trafficking modalities, Cambodian women and girls are thus sold, deceived, or lured into prostitution, feeding the sex trafficking networks (ibid).

Despite being familiar, Cambodia's experience with THB also has particularities. As a sending, receiving and transit country, the operationalization of human trafficking in the country is a heterogeneous phenomenon, ranging from *ad hoc* activities to large-scale operations of brokers (U.S. Department of State, 2023). Resulting of this analysis, the lack of data on trafficking trends during the KR regime is largely present; in that way, THB during conflict is presented by scholars and policymakers with under-documented evidence of forced labor and coercive sexual exchanges, as well as the impact of KR's violence in the social fabric (see SIREN³⁹, 2008). Additionally, the "sexual behavior" of UNTAC⁴⁰ soldiers' post-transition is challenged on a larger strive towards documentation. According to Takamatsu:

While it is true that the sex industry has been expanding since the UNTAC period, it should also be noted that both married and single Cambodian men have frequently visited brothels both before and after the Khmer Rouge. Of course, the sex industry itself cannot be conflated with trafficking, though it is involved. Social norms play a large role as men's sexual activities are accepted by Cambodian society, in contrast to the sexual activities of women (2004, p. 281)

Therefore, normative components of men's sexual activities, UNTAC soldiers and tourists – sometimes connected to *Orientalism* –, support sex trafficking in Cambodia (ibid). On THB networks' characteristics, official statistics are equally inconsistent and unreliable. As presented by the *U.S. Department of Trafficking in Persons 2023 Report*, the Cambodian government does not maintain "a centralized record or database of investigations and judicial proceedings (...) precluding the ability to compare investigations, prosecutions, and convictions from previous years" (2023, n.p.). Indeed, it seems that the matter received more governmental attention in the first decade of the years 2000, with the statement *Prevention of All Forms of Trafficking of Women and Children*, issued by the Ministry of Women's Affairs in 2006; the 2007 *Law on the Suppression of Human*

³⁹ Strategic Information Response Network

⁴⁰ United Nations' Transitional Authority in Cambodia, a peacekeeping operation between 1991-1992 following the 1991 Peace Accords.

Trafficking and Sexual Exploitation; and the publishment of SIREN's Human Trafficking Data Sheet in 2008. Notwithstanding, the profiling of the country's THB networks usually includes:

- 1) The presentation of source and destination locations within the country, with highly populated rural areas close to urban centers – e.g., Kampong Cham, Prey Veng, Kandal, Takeo, and parts of Battambang and Phnom Penh – as source locations, and urban areas – e.g., Phnom Penh, Koh Kong, Siem Reap, and Battambang – as destination locations, particularly for commercial sexual exploitation;
- 2) The depiction of both cross-border and internal trafficking, with Cambodians typically trafficked to the neighboring countries of Thailand, Vietnam, and Malaysia⁴¹. Vietnamese children and women are trafficked to the country for commercial sexual exploitation, along with the aforementioned rural victims and victims from abroad (e.g., Eastern Europe and China) (see SIREN, 2008).

In a nutshell, Cambodia's sex industry experiences a rise in demand due to several factors, including the societal tolerance towards men purchasing sexual services; the limited financial resources of a significant and expanding portion of the Cambodian population; and the boost provided by the tourism sector (Rosita Sari, 2010). In such context, the existing knowledge gap of sex traffic trends also has severe implications for providing services for victims, as NGOs' anti-trafficking programs rely on the individual's experiences to be designed (Chab Dai, 2022). As the cooperation with NGOs lacks efficiency, social services, financial support, and human resources for victims remain under severe shortage, making victims susceptible to being trafficked again (NGO-CEDAW, 2017). Additionally, an overarching disbelief in Cambodia's anti-trafficking laws is described by multiple monitoring tools, as the stigmatization of women

⁴¹ According to SIREN, the modality of THB varies depending on the destination country, as Thailand receives men, women, and children for labor exploitation (begging and fishing), sexual exploitation and domestic work; Vietnam receives children for begging; and Malaysia receives men, women and children for labor exploitation (factory and construction work) and domestic work. Moreover, Cambodians are trafficked further abroad, to countries such as Saudi Arabia, United States and Somalia; and the country also serves as a trafficking route for Vietnamese and Chinese victims being sent abroad.

suspected of engaging in prostitution by local authorities penalizes sex trafficking victims by denying them essential services (see *ibid*; Chab Dai, 2013).

Analysis

Cambodian NGOs and the post-ECCC gendered language

As the concluding part of this analysis, it is now time to tackle the engagement of Cambodia's civil society with the TJ language in addressing gendered harms. As mentioned in the introduction, the chosen method for this thesis is thematic analysis, defined as "a method for identifying, analyzing and reporting patterns (themes) within data" (Vaismoradi et al., 2013, p. 3 *apud* Braun and Clarke, 2006, p. 79). In the strive of "breaking" the analyzed documents into smaller units of data sets, the thematic analysis provides researchers with a deep interpretation of the analyzed subject, combining meaning and context in its systematization (*ibid*). As the literature review showed, the traditional (dis)connection between TJ and THB is historically constructed and culturally specific, thus engendering a complex framework of multiple perspectives. Particularly for TJ, thematic analysis has been used, e.g., to understand how the TJ's approaches to justice interact with security and development, norm contestation, and reconciliation (see Kostovicova and Biquelet, 2018; De Greiff, 2011). For this thesis, observing the NGOs' rationalization of TJ also provides insights into the role of women within TJ, capturing intersections of feminist articulation on how discourse is constructed (Ní Aoláin, 2013).

As previously mentioned, the initial coding strategy was based on the VSS/TPO/CDP Project, particularly regarding the 2012 *Baseline Study* on NGOs' gender sensitivity in TJ processes. This study was chosen as my coding starting point since its core indicators include normative, cultural, and procedural steps to be taken by organizations to accommodate GBV victims' needs in transition better⁴². However, as abductive thematic analysis precludes the development of a coding process with its emerging data, this coding body developed into a larger framework of victims' demands,

⁴² According to the 2012 Report, such steps are: the integration of women's concerns in all policies and projects; implementing specific activities aimed at gendered empowerment; formal remits or mandates including crimes against women as a matter of core concern; removal of practical obstacles women may face in accessing TJ; and elimination of gendered bias in the institutions, as to address societal attitudes about gender discrimination and women's equality (2012, p. 5).

intrinsically linked to historical approaches to gender in Cambodia, their economic support, and the instrumentalization of their suffering. The thematic patterns of this process are thus presented in Thompson's Thematic Network Analysis, comprised of "web-like displays" of interlinked codes of broader thematic categories (2022, p. 1416). The categories' codes are thus highlighted in italic; moreover, frequent wordings/concepts are also highlighted in quotation marks, as they are relevant in understanding how different organizations' discourses converge under certain depictions of Cambodia's society.

1. GBV mapping

When analyzing the organizations' interpretations of gendered harms and their mapping throughout Cambodia, the starting point usually contextualizes the country's *historical approaches to gender*. Understood as the social norms surrounding women's experiences, they were continually hinted at in the literature review; interestingly enough, they are presented by Cambodian NGOs as indeed the root causes of GBV within the country, as suggested by this thesis' feminist approaches to TJ. As stated in CSHL's⁴³ article, normative patriarchal and oppressive notions in Cambodia, added to an encompassing social and cultural injustice, "disempower women and girls", thus limiting their participation in economic, social, and political environments (2019, p. 25). From this understanding, each contextualization is molded in a more refined way; however, the correlation between women's expectations of being "virtuous", "gracious", and "good", with their victimization in continuous cycles of violence, is seen throughout the selected documents.

In that way, Cambodia's "dysfunctional and sexist rule of law" engenders unequal power relations between women and men throughout the social stratum, publicly and privately (see Klaahan Organization, 2022b). However, such differentiation between public and private holds only to a limited extent, as the normalization of gendered violence – particularly within family/kinship ties – triggers a social understanding of GBV as a private matter, contributing to victims' hesitation in truth-sharing and help-seeking (see WPM⁴⁴, 2020b). In addition, Cambodian society is also depicted as a deeply hierarchical one, with understandings of "status" and "honor" as part of one's positioning within a family, and the family's position in the community (see Chab Dai, 2021b). In practical

⁴³ Center for the Study of Humanitarian Law.

⁴⁴ Women Peace Makers.

terms, this reflects the subservience of women since birth, as Cambodian girls are expected to contribute to household chores from a young age, placed above their rights to education. Such disproportionate burden on their capacities for personal development, social engagement, and happiness is thus presented as intrinsic to Cambodian women's realities of being caretakers and revenue providers while displaying demure behaviors in interactions with men (ibid; CSHL, 2019).

Such power unbalance is more starkly defined as the primary factor for gendered violence in cases of IPV and domestic violence; in such contexts, the sexual subordination of women is thoroughly mentioned as reminiscent of the KR period. As mentioned by a GBV survivor interviewed by TPO on her forced marriage experience, "they did not value women as sisters or mothers, and they did not consider women valuable in society" (TPO, 2015b, p. 62). Regarding its relations with gendered harms, *direct links between gender roles and GBV* reflect a "societal norm" of men as initiators of violence, and women as "objects" or "targets" (see WPM, 2020b). For survivors of sexualized acts of violence, this norm is layered onto traditional views of "respectable women" as necessarily non-sexualized creatures. Therefore, if a "true Khmer woman" is not "sexually proper", she ceases not only to be a proper woman but a human being altogether (Chab Dai, 2021b). This is a fundamental view for sex trafficking victims, as the sex work stigma can never be removed from a woman (ibid). As the traditional Khmer saying goes, "Don't bend the *sroleuw* (ស្រឡៃ) tree, don't advise a bad woman" (ibid, p. 17).

Continuing on *post-conflict GBV competencies*, the organizations frequently refer to the long-lasting physical harms Cambodian women face from the instrumentalization of GBV during the KR regime. With reference to consequences of forced pregnancy or abortion, "gynecological and other physical health issues", as well as headaches, pain, and disabilities, are commonly mentioned (see TPO, 2015a; Kdei Karuna, 2022). In deeply stigmatized violence, such as rape and sexual mutilation, the "lasting scars of the abuse" are also related to psychosocial scarring, with victims experiencing reintegration difficulties in their communities (TPO, 2015a). As presented in the following category, such difficulties are intrinsically connected to multiple stigmatization forms. Sexualized harms have added attention throughout the documents, as they "do not stop once the fighting has ceased", with post-conflict states reporting an increasing incidence of criminal and family-based violence (ibid, p. 23). According to TPO's research-focused report, 21,5% of the victims interviewed by the organization reported having experienced sexual violence after the fall of the regime (ibid, p. 41).

Although one of the few representations of hard data in the selected documents, assumptions on “re-victimization” risks are seen throughout the analysis. In that way, NGO’s project design tends to encompass elements of social change, absorbing the task of transformative justice for survivors to their partnership capabilities with Cambodia’s judicial system, not vice versa (see CWCC⁴⁵, 2022).

As victims’ contextualization will be further elaborated in the following categories, *cross-cutting gendered challenges* regarding their profiling is also an intrinsic part of the organization’s depiction of GBV in Cambodia. Women with disabilities, indigenous women, HIV+ women, and other minorities are defined as “left behind” in governmental GBV plans, according to organizations. Despite not qualifying as a thematic pattern, Banteay Srei extends such criticism to NGOs supporting women with disabilities but headered by men, as their “advocacy agendas” raise issues of interest to both sexes, “not adequately captur[ing] the gendered experience of disability, or the unique barriers faced by women with disabilities” (2013, p. 9). In that way, intersectional NGOs affirm their centrality in gendered discourses to understand better the “multiple barriers” women face in Cambodia. Questions of marginalization are thus posed, not only in the multiple “profiles” of GBV victims in the country but also an intrinsic part of NGOs’ cross-cutting fields of evaluation, that constructs themes of gendered violence within pre-existing challenges of displacement, indigeneity, mental health, among others.

Regarding the category’s relations with TJ enlargement, the Cambodian NGOs’ experience with GBV finds identification with the presented feminist critique, thoroughly describing unaddressed power dynamics in the country and its patriarchal practices in the post-conflict period. Connected to ECCC’s work while operational, the organizations’ critiques revolve around three points, being a) the absence of an obligation by the Court to provide reparations for GBV survivors; b) a general lack of women’s representations within the processes; and c) an unfair redistribution of economic compensations to women and men in after the KR regime (CSHL, 2019). When searching for analytical patterns based on disclosed feminist scholarship, only three documents had such a configuration (see *ibid*; Klahaan Organization, 2022c; Chab Dai, 2022). However, I argue that by interacting with traditional structures of gendered vulnerability in contextualizing Cambodia’s

⁴⁵ Cambodian Women Crisis Center.

history with gendered harms, the selected organizations interact not only with the TJ guarantees not met by the ECCC but with its feminist revision.

The temporal component is also evident throughout the organizations' struggles in tackling GBV rates in Cambodia, as an essential part of the country's cultural expectations toward women is rooted in the KR regime, as NGOs strive to redress past and present crimes (TPO, 2015a). At the local level, such differentiation between "past" and "present" seems inherently foggy, as the organizations focus more on GBV's impacts in the Cambodian communities than on redressing channels based on their temporality. In that way, the country's "collectivist culture" is also understood as a potential solution route; as aforementioned, victimized Cambodian women tend to rely significantly on *community rescues* for psychosocial support, doing so until being placed under ECCC's protection as CPs (ibid; Chab Dai, 2021). While essentially similar, approaches to sex workers and sex trafficking victims focus on their rights to safe environments and livelihoods, placed at risk due to their added stigmatization within communities (APHEDA, 2018; NGO-CEDAW, 2017).

The reality of sex trafficking victims to the GBV mapping in Cambodia is thus congruent, although specific. Such gendered harm seems to be secondary in NGO's language over women's placement in Cambodia, perhaps for being too niched, specific, or not usually resolved through mediation at the local level (Klahaan Organization, 2022b). Notwithstanding, THB is understood by the two organizations that presented it in this stage of argument, Klahaan Organization and Chab Dai, as "best understood" through multiple vulnerabilities and inequalities that differentiate it from some isolated forms of GBV (see ibid; Chab Dai, 2022). It can be thus inferred that women from marginalized groups experience a higher degree of impact from human trafficking due to its roots in broader systems of patriarchal power and intersecting forms of oppression (Chab Dai, 2022).

2. Gendered Stigmatization

When reflecting on GBV victims' suffering and the shortcomings of the support provided, local organizations in Cambodia narratively speak about *intersectional stigmatization*. Due to such code's relation with last category's *cross-cutting gendered challenges*, it serves as an entry point for the difficulties tackled by each program/statement, not so much in understanding GBV but responding to it. In this thesis literature review, the proposed theoretical framework has underlying connections with long-term impacts of "discrimination", "stigma" and "shame", mainly when dealing with

victims' reintegration struggles. For instance, Szablewska and Bradley refer to women's limitational role in the social and economic domains considering development issues of GBV victims in Cambodia's emerging social order (2015a). However, it was only through the thematic analysis that women's intersectional stigmatization was directly inferred, as NGOs reflect on the long-term impacts of KR-driven gendered violence. In that way, the intersectionality of stigmatization in Cambodia includes significant risks of abuse depending on victims' profiles and contexts, especially on the crimes committed against them.

Prominent in discussions surrounding the ECCC, forced marriages are a central crime to the organization's depiction of intersectional stigmatization in Cambodia, defined as quintessentially "multigenerational" (TPO, 2015b). Following experiences with forcibly married women during KR, NGOs frequently mentioned their difficulties in being understood, their "worries" about communities' opinions long after the fall of the regime and the report of social exclusion by other family members, such as children and parents (see TPO, 2015a; Kdei Karuna, 2022). Additionally, stigmatization seems to be everlasting regardless of victims' current marital status; from that, three types of forced marriage victims arise, "divorced", "remarried", and women still married to their original partners due to "social pressure". For all of them, stigma is connected to their marriageability; however, Chad Dai states that divorced survivors face a higher frequency of stigma and discrimination, through the positive response of 92% of the divorced victims surveyed by the organization (2021, p. 10). Despite such centrality of forced marriages in NGOs' discussions on stigma, their interactions with the matter are also broader, "encouraging" the elimination of "discrimination", "stigma", and "barriers" that prevent women from seeking justice and reporting all types of gendered crimes (see LICADHO⁴⁶, 2021a; CWCC, 2022).

Additionally, it is possible to notice TPO's influence on other organizations' program design as one of Cambodia's most prominent NGOs after CDP's shutdown. Particularly on stigmatization, the organization's survey on the impact of GBV during KR showed that 99% of victims feel understood only by counterparts of the same suffering (2015a, p. 83). In that way, *stigmatization as a protection hamper* is presented not only regarding law enforcement and legal guarantees for victims but as an essential feature in "eradicating" Cambodia's "victim-blaming culture", hindering accountability

⁴⁶ Cambodian League for the Promotion and Defense of Human Rights.

efforts and causing re-victimization (see Klahaan Organization, 2022a; LICADHO, 2021c). Therefore, NGOs' reflections on victim protection from stigmatization interacts with multi-level institutionalized failures of Cambodia's legal and policing bodies while mentioning "conflicting laws" (Klahaan Organization, 2022a, p.1). Examples of such "conflicting" legal instruments mentioned in most of the documents are interestingly those designed to combat GBV, with the National Action Plans to Prevent Violence Against Women (2014-2018 and 2019-2023)⁴⁷ being the most recurring one (see Ministry of Women's Affairs, 2014 and 2020).

As Cambodian women are both uncovered by the country's legal framework and unsupported by policing bodies, this analysis sums the thematic patterns of gendered stigmatization under two different codes, *communal rejection*, and *self-stigmatization*. While the former refers to the already mentioned discrimination of women, their children, and families in neighborhoods and communities, the latter stems from personal sentiments of "shame", "disesteem," and "guilt". In the case of communal rejection, "hiding the past" is frequently mentioned as a coping mechanism of victims, resembling Selimovic's "silence as denial" concept presented in the literature review. Indeed, I would argue that the presented instrumentalization of shame – by part of the victims, not the perpetrators – has a temporal feature drawn from TJ and temporality. For example, reports state that by being "forced" to ensure their daily survival, Cambodian GBV victims "carry on" by "pushing forward", thus brushing off the past or "keeping it a secret" (see Chab Dai, 2021b; TPO, 2015a; TPO, 2015b). Concomitantly, NGOs report GBV victims having internalized feelings of stigma after reintegration, becoming "shy" and "quiet" in applying "negative stereotypes" to themselves (see Klahaan Organization, 2022b; Chab Dai, 2021b).

As a last feature worth highlighting in NGOs' discourses on gendered stigmatization, I identified a stronger presence of sexual violence and sex trafficking victims in their narrative construction. The taboo surrounding sexual violence and sex outside marriage is more instrumental in this regard – if compared to GBV mappings – as its stigma "exacerbates" their psychological trauma to an even higher degree (see Klahaan Organization, 2022b; NGO-CEDAW, 2017). In that way, sex trafficking is used almost as an illustrative example of stigmatization by contending cultural stigma together with THB stigma. However, the only NGOs directly dealing with sex trafficking through the

stigmatization lens seem to be the Klahaan Organization, Chab Dai, and NGO-CEDAW, with the latter referring more ostensibly to the criminalized fashion sex trafficking victims are treated by government officials and local authorities, thus questioning Cambodia's actual capabilities for reintegration and guarantees of non-victimization.

3. Economic support and reintegration of survivors

Onto the third category of GBV themes in local Cambodia, the analyzed NGOs similarly reflect on economic support and victims' reintegration, with economic stances of gendered acts of violence detected through *intersectional vulnerabilities* or *social-capacity building*. While the former place GBV within a system of racial and socioeconomic vulnerabilities, the latter refers to NGOs' active responses to childcare, transportation, language translation, psychosocial support, legal counseling, and other needs. Therefore, the economic component of the contextualization presented in the thematic categories above was purposefully left on the back burner, as Cambodia's relationship with poverty deserves a thorough evaluation.

As previously discussed, poverty is a cross-cutting issue in Cambodia's livelihoods, which explains its presence in virtually all analyzed documents as a tackling issue for NGOs. In that fashion, its eradication is viewed as an intrinsic part of GBV mitigation, pointing towards an overarching absorption of its impacts in their strategic plans, program design, and joint statements (see CWCC, 2022; Banteay Srei, 2019). Although not particularly elaborated upon, the NGOs seem to agree that marginalized women and girls in Cambodia fall through the cracks of development initiatives, which is the case in post-conflict societies, as presented by Turshen (2004) in the literature review. In that way, the analyzed organizations have taken the responsibility to build women's economic empowerment, relating "economic opportunities" with "gendered equity" or "equitable gender relation" in aspirational narratives towards women's "full potential" (see CWCC, 2022; WPM, 2020). According to the documents, supporting "women empowerment" pervades women's capabilities of political, economic, and psychosocial improvement also in local reasoning, through communities' "mobilization", "advocacy", and "men engagement", among other strategies, discussed further below.

Regarding tangent themes of operation within poverty cycles in Cambodia, the NGOs mention a) rural areas and the meager participation of women in communities' development processes in such

contexts; b) COVID-19 and the effect lockdowns had on women's employment, particularly in the garment industry; c) climate change and the increased numbers of undocumented migration and THB; d) Cambodia's lack of knowledge on reproductive education and its relation to rape rates; e) women with disabilities and their three-fold discrimination on gender, disability, and poverty; and f) economic violence as a mean of control upon poor women. Clearly, the myriad of ramifications of such topic has hindered the establishment of a single thematic pattern on poverty in Cambodia, as each organization pulls the concept to its own mandate. However, it is instrumental in understanding the frequent depiction of poverty as "cross-cutting" and the different outcomes gendered lack of education and decent employment may have in today's Cambodia. As stated by CSHL:

Cambodian women continue to face a disadvantage in attaining secondary and higher education and decently paid job opportunities. According to the Human Development Index (HDI), only 15.1% of adult women have reached at least a secondary level of education. (...) As of 2018, Cambodia's female HDI value was about 0.553, which is below the average female HDI value of the East Asia and Pacific Region. Cambodia has a Gender Inequality Index value of 0.473, ranking it 116 out of 160 countries (2019, p. 14).

In that way, NGOs projects of *social-capacity building* within women's economic poverty have focus areas of "social-capital" building, that promotes access to education as the primary vulnerability preventor (see CWCC, 2022; APHEDA, 2018; LICADHO, 2021b; Banteay Srei, 2019; WPM, 2020b). Moreover, the NGOs' adherence to male-engagement strategies, particularly in "overcoming" victimhood is an interesting feature, as a patriarchal structure would demand their active interest in "non-violent actions" (see CWCC, 2022; LICADHO, 2021c; Banteay Srei, 2019). The portrayal of men as features of "women empowerment" was the first substantial implementation of the Project in the analysis, as it affirms that "gender 'mainstreaming' entails that women's, as well as men's concerns and experiences, are integral to the design, implementation, monitoring, and evaluation of programs and services" (VSS, CDP and TPO, 2012, p. 4). In addition, the Project also has as its core indicators the integration of women's and men's concerns in policies and projects in rectifying power dynamics between genders in Cambodia in a participatory manner.

In addition, community mobilization is placed by the NGOs both in GBV prevention and protection programs, planning outreach activities aimed at “community awareness raising” and “peaceful conflict resolutions” to be implemented on the local level, as well as “recovery services” (CWCC, 2022). As aforementioned, communities are a key component of GBV victims’ reintegration capabilities, representing their first source of support after violent experiences. In that way, the organization’s focus on “self-reliance”, “self-management”, or “self-confidence” – mentioned as expected results from vocational training, legal counseling, language courses, entrepreneurial support, etc. – is accompanied by community interventions (see *ibid*; CWCC, 2018; Banteay Srei, 2019). Overcoming gendered violence through economic support thus surpasses the individualized harm, as victims are commonly their family’s leading source of revenue, and Cambodia’s fragile social welfare system is all-encompassing (Kdei Karuna, 2022). Improved access to standard living conditions, medical care, basic sanitation, food and clothes, and childcare precludes women’s abilities of reintegration and rehabilitation.

4. Instrumentalization of suffering

Having tackled the social and economic contextualization of GBV in Cambodia by NGOs, the instrumentalization of victims’ suffering is the next thematic category of the analyzed documents. With the structural pushes of Cambodian women towards poor jobs, violent settings, and unsafe conditions, their *(in)ability to make choices* is this category’s first prominent theme. As stated by Chab Dai (2013), the concept of “choice” in Cambodia is a deeply complicated issue constrained by the socio-political hierarchy characteristic of Cambodian society. Topics of family obligations, poverty pressure, and gendered (in)justice are thus brought back to the equation, as 57% of Cambodia’s women labor force is under vulnerable conditions (CSHL, 2019). Since this perspective has already been thoroughly explored, applying this thematic approach would be more beneficial when addressing victims of sex trafficking. Such analytical choice surely refers to this thesis’ understanding of sex traffic victims as “the most vulnerable”; however, as the anti-trafficking NGOs portray sex work as intrinsic to higher degrees of desperation, I argue that focusing on THB is by no means shortcoming.

According to WNU's⁴⁸ Strategic Vision, sex work and the “entertainment” industry are usually women's last professional choices in Cambodia, together with sectors such as agri-business plantation and garment factory (n.d.). As one might imagine, the context of sex workers in cities like Phnom Penh and Battambang is portrayed as necessarily dire, with NGOs reports of homelessness, unsafe workspaces, inadequate essential services, and virtually inexistent institutionalized support (see *ibid*; NGO-CEDAW, 2017; Chab Dai, 2013; Chab Dai, 2022). But beyond external constraints in choice-making, sex workers are placed in a larger context of disempowerment, as traffickers and “staff” tend to make decisions on their behalf, “delegitimizing” their voices and “denying” their agency (Chab Dai, 2022; NGO-CEDAW, 2017). When further reflecting on such delegitimization and the victim's common forced detainment, the understudied features of THB in Cambodia resemble the realities presented by this thesis' literature review.

To this extent, women's (in)abilities to make choices in Cambodia result in their *disempowerment and violation of dignity*, particularly regarding power-related humiliations. As examples of such disempowerment provided by the NGOs, I would highlight historical testimonies of forced sexual intercourse by KR cadres and current humiliation episodes by policing bodies and victims' first receivers in arguing that the latter originates stems from the former. In sex trafficking contexts, such violations of dignity are usually presented by connecting the victim's dispossession of documents by traffickers with their “vulnerability” or “susceptibility” to being arrested by prostitution (see ADHOC⁴⁹, 2014; NGO-CEDAW, 2017). Historically criminalized almost to the same extent as their abusers, Cambodian women implicated in prostitution still face manifold institutional discrimination, being placed at risk by untrained authorities (*ibid*). For Kdei Karuna, such behavior is less a matter of lack of training and more of a reminiscent strategy of the KR regime, as sexual liberty was scrutinized to the same extent that sexual violence was instrumentalized as a form of punishment (2022). The disempowerment of the sex trafficked thus seems to result in social disbelief in their violations of dignity and “personhood” (see NGO-CEDAW, 2017; Chab Dai, 2022).

Stemming from this reality, three themes illustrate the instrumentalization of GBV victims' suffering, *feelings of responsibility, debt anxiety, and lack of psychosocial safety*. At this point of

⁴⁸ Women's Network for Unity

⁴⁹ Cambodian Human Rights and Development Association

the analysis, they were presented in a contextual manner but not as instruments of suffering. In *feelings of responsibility*, the guiding narratives are indeed victims' caretaking responsibilities and familiar pressure; notwithstanding, they relate to instrumentalization in the extent that women's feelings of responsibility – regarding their house, children, or financial constraints – can hinder their capabilities to escape violent surroundings (see WPM, 2020b; TPO, 2015b; Klahaan Organization, 2022c). Being trafficking networks, unsafe workspaces, or private spaces that foster IPV instrumentalized feelings of responsibility, placing women's agencies in the function of families' needs and not the individual's (Chab Dai, 2021a).

For *lack of psychosocial safety*, the NGOs focus on the emotional abuse by GBV perpetrators to keep the victims under control (see WPM, 2020c; CSHL, 2019). As fear is a constant part of GBV victims' livelihoods, lack of psychosocial safety is referred to not only in their realities as survivors but in their continuance under cycles of violence; according to the documents analyzed, fear stems from perpetrators and policing bodies equally for THB survivors, in describing episodes of “crackdowns” and “arbitrary imprisonments” of women implicated in prostitution (WNU, n.d.; TPO, 2015a; NGO-CEDAW, 2017). As an interesting theme, *debt anxiety* seems to bring together feelings of responsibility with victims' lack of psychosocial safety, as the constant worry about unpayable debts reflects in their mental health (see Kdei Karuna, 2022; TPO, 2015a; Chab Dai, 2021a). To illustrate, I refer back to the example of THB's coercive methods, debt bondage, as survivors have to stay inserted in trafficking networks to pay for the expenses of their labor, which is “cyclical and ongoing in nature” (Chab Dai, 2021a, p. 8).

As the final theme to be discussed, *fears of backlash and retaliation* greatly connect with the previous focus on TJ and Cambodia's unfinished transition. For GBV victims still seeking redress for crimes committed under KR, the NGOs mentioned long-lasting fears of retaliation by victims, as the Peace Agreements did not hinder KR's influence in some areas of Cambodia until the late 1990s (Kdei Karuna, 2022). With GBV perpetrators free to continue their lives, sometimes in the same neighborhoods as their victims, gendered violence in Cambodia is discursively developed above all as a silent matter (see *ibid*; WPM, 2020c; TPO, 2015b; CDP, 2013). Transposed by THB's current reality, the organizations relate an overarching widespread disbelief in the prosecution of truculent state agents, and authorities generally, a clear impediment to victims' protection and initial support (see NGO-CEDAW, 2017; WPM, 2020b).

NGOs' assimilation of women's concerns

Considering the applicability of the Project's Baseline study in this analysis, its normative features are easier spotted in NGOs' programming description rather than in its contextualization of GBV. As a comprehensive TJ initiative, gender mainstreaming is connected to gender responsiveness in a very hands-on manner, considering the Project's implementation in organizations' programs. For that, NGOs' assimilation of women's concerns revolves around their active engagement but focuses less on the Project's ranking feature and more on what incorporating gendered sensitivities to TJ programming entails. Cambodia's overreliance on local organizations to provide basic services throughout the country is thus the starting point for three contention topics, namely a) the national government's incapacity to ensure gender transformative justice, as its capacity-building plans and national plans against GBV are severely underfunded (see CSHL, 2019; Chab Dai, 2021a; NGO-CEDAW, 2017); b) the lacking legal reforms ensuring concrete definitions of gender discrimination and violence, enhancing victims' reporting capabilities (see Kdei Karuna, 2022; CDP, 2013); and c) the intrinsic linkages between current GBV in Cambodia and the country's disinterested interactions with gendered acts of violence during conflict (see Kdei Karuna, 2021; TPO and Kdei Karuna, 2019; CDP, 2013).

1. Data-driven insights and monitoring tools

According to the study, gender-sensitive conflict mapping provides NGOs with "a full mapping of how men and women experienced the conflict" (VSS, CDP, and TPO, 2012, p. 11). Due to the oversight of women's experiences in conflict situations, the outcomes of project design and implementation are thus hindered by an underestimation of the traumatic effects endured by women. In that way, *monitoring tools for conflict mapping* are placed by the Project as necessary for organizations' engagement with gender and TJ in Cambodia, following "confidentiality standards" and "human research methods" (ibid). While in 2012 the issue of conflict mapping was understood as a competency of the ECCC alone, such a trend seems to be changing in more recent publications. As Cambodian authorities fail to "act" on violence, NGOs' engagement with GBV monitoring tools appears to be twofold, focusing either on data-gathering of gendered acts of violence during the KR regime or in state-driven capacities of "implementation" and "monitoring" of regulatory frameworks in that regard.

Regarding the documentation of historical features of GBV in Cambodia, the overarching approach is the gathering of survivors' testimonies; due to a probable lack of standardized data on the matter, the stories of GBV victims base most of the NGOs' operations and their knowledge production (see Bophana Audiovisual Services, 2020; TPO, 2015b; Klahaan Organization, 2022c). This is an important feature of this thematic category as post-ECCC opportunities for non-judicial reparations rely on victims' experiences with the Court, either as CPs or interested parties, as well as the outcomes of Case 002/02 (TPO, 2022c; WPM, 2020c). In turn, NGOs' monitoring of statal responses to gendered violence surpasses their evaluation responsibilities, as their work also precludes internal monitoring tools. From the analysis, I would infer that external monitoring is now conducted due to organizations' disbelief in Cambodia's reporting capabilities, reflected in the previously-mentioned discourse of the "ineffectiveness" of laws and national plans. Interestingly, the National Action Plans to prevent GBV are frequently mentioned as tools in need of external monitoring, as its opportunities to address gendered violence under KR were frustrated by the Ministry of Women's Affairs' implementation (see CDP, 2013; CWCC, 2022; CWCC, 2020).

As a second feature of data-driven insights, the Project highlights the importance of *gender-disaggregated data* in NGOs' monitoring efforts; despite not highlighting a specific methodology, it understands data-disaggregation as crucial as "provides the staff with information about how women are accessing their programs, [allowing] them to understand the difference between men's and women's experience of their services" (VSS, CDP and TPO, 2012, p. 18). Similar to what was appointed by the Project in 2012, however, gender-disaggregated data is still largely absent from NGOs' descriptions of their works, leading to questions about their capabilities in research and analysis. In that way, this feature is present only in the thematic construction of Banteay Srei's reflection on data-preciseness on women with disabilities in the Asia-Pacific region; and in CDP's stance over needed gender-disaggregated data on RGC's data collection on GBV (Banteay Srei, 2013; CDP, 2013). Thus, the theme is not part of local discussions on GBV, rarely mentioned in the analyzed documents.

2. Gender training and equal representation

As noted throughout this analysis, *clear articulations on gender equality and empowerment* are important to NGOs' work with GBV in Cambodia. For this category in particular, the focus refers

to women's active participation in community activities as part of the organizations' positive impacts. In that fashion, such analytical theme is usually found in the "results" sections and vary according to the NGOs' mandates and targeted initiatives. For instance, for organizations focused on improving victims' legal support, gender equality and empowerment are connected to an increased "confidence" of women as spokespeople in judicial proceedings, supported by representatives but "owners" of their procedural roles (see TPO, 2015a; Kdei Karuna, 2022; CDP, 2013). Conversely, NGOs focused on economic empowerment tackle the matter as "drivers" of more opportunities for income generation, offering victims vocational training, microcredit, and spaces for entrepreneurship (see Banteay Srei, 2013; CWCC, 2018; CWCC, 2022). Evidently, such discourse relates to the theme of the *provision of gendered training*, as capacity-building is presented as inseparable from the support provided to GBV victims in Cambodia (see Kdei Karuna, 2019; TPO, 2015a).

Interestingly, the role of *women as decision-makers* is an important lens to tackle *equal representation within the organizations*, even referring to victims' capabilities. As presented by the Project, the interviewed NGOs reported difficulties finding qualified women for decision-making positions due to the same socio-economic factors presented Cambodia's socio-economic contextualization (VSS, CDP and TPO, 2012). In that way, the two topics are sometimes presented as perspectives of the same problem, and enhancing GBV victims' leadership skills in their communities might have awakened internal gendered disparities of the NGOs (see CWCC, 2018; Kdei Karuna, 2019). Such a thematic strategy is not all-encompassing, but it could indicate a later reflection on Cambodia's patriarchal structures outside the frontiers of program-building. In any case, equal representation within NGOs is now part of their discussions on gender equality, as the documents point out multiple strategies on gendered "leadership-building", gender-driven "hiring programs", and the role of female staff in understanding victims' needs (see WNU, n.d.; CWCC, 2022; Banteay Srei, 2013; TPO and Kdei Karuna, 2019).

3. Advocacy and awareness

As one might imagine, *advocacy and awareness* are relevant themes for NGOs tackling GBV in Cambodia; in that way, such topic was initially conceptualized as a code, following the Project's approach to advocacy as one strategy of normative updating. Later, it was promoted as a category:

on a larger strive towards deconstruction of stereotypes in Cambodia, addressing GBV through targeted workshops, media outlets, and published documents is thus part of the leading thematic patterns. From it, multiple strategies are under development, such as the instrumentalization of “social media”, “public campaigns”, and “filmmaking” for social change, focused either on general manifestations of gendered violence or specific topics – e.g., domestic violence, trafficking, and sexual exploitation, children’s rights (see CWCC, 2022; WPM, 2020; Bophana Audiovisual Resources, 2020; Chab Dai, 2013). Concerning trafficking awareness, filmmaking is highlighted by Chab Dai as a role player in anti-trafficking measures, together with books and news media, related to the national and international alarm on Cambodian THB at the beginning of the century; specifically, the depiction of sexual exploitation of women and girls through such vehicles provoked the attention of the Cambodian society – at least momentarily –, afterward replicated in local media (Chab Dai, 2013).

In addition, awareness-raising is also related by Cambodian NGOs with the dissemination of RGC’s available data on GBV, in establishing statal responsibility on the matter and building communal trust in the measures taken (see LICADHO, 2021a; Banteay Srei, 2019). Finally, inter-organizational network-building is also mentioned within the awareness theme in streamlining best practices among similar NGOs, creating intersectional interaction spaces for victims, and fostering non-judicial truth-telling spaces (see Banteay Srei, 2019; WPM, 2020b; TPO, 2015a). Present in the Project as one of the intended core outcomes of NGOs’ interactions with gender and TJ, it suggests the continuation of such practices also internally, through a) the development and implementation of gendered policies and approaches; b) hiring “gender focal points” that advice staff on gender-sensitive-practices; c) internal trainings on best practices of approaching GBV; and d) supporting staff in external training participation, enhancing gender-sensitive practice (VSS, CDP and TPO, 2012, p. 19).

Finally, organizations focused on historical manifestations of GBV, such as Kdei Karuna, TPO and CDP also mentioned awareness-raising needs of KR crimes. In that regard, the redressing of past crimes is connected to not only disseminating ECCC’s role but also in achieving changing social attitudes through education; for example, TPOs’ suggestion in including GBV crimes under KR in the national school curriculums would “ensure they do not happen in the future”, an added feature to the dissemination of long-lasting effects of conflict violence on gender roles and mental health

support (TPO, 2015a, p. 19). In this thesis' understanding, such an advocacy strategy would be an added step toward an integral TJ process in Cambodia, as it deals with the country's transitional process through a multi-generational lens.

4. Service delivery and International Legal Compliance

Lastly, the discursive themes of *multi-level service delivery* and *observance of international legal standards* close the NGOs' assimilation of women's concerns. Straightforward as it is, the multi-level service delivery theme surpasses all local initiatives based on partnerships in coordination with "stakeholders", "community facilitators", local governments, and similar organizations. Organizations interested in network-building thus defend victims' support on multiple fronts, improving their "reputations" and effectively implementing their objectives (see Banteay Srei, 2019; CDP, 2013). As essentially intersectional, GBV response in Cambodia thus demands coordinated responses on different fronts; as key governmental partners, the organizations frequently mention the Ministry of Women's Affairs (see CWCC, 2022; Banteay Srei, 2019; Kdei Karuna, 2022; Banteay Srei, 2013; TPO and Kdei Karuna, 2019); but also the Ministry of Education (see Kdei Karuna, 2022; TPO and Kdei Karuna, 2019 and Bophana Audiovisual Resources, 2020); the Ministry of Labour and Vocational Training (see ADHOC, 2014 and CWCC, 2018); and the Ministry of Interior (see Chab, 2013). The mentioning of local partners and governments thus tends to be project specific.

Lastly, NGOs' *observance of international legal standards* can be regarded as one of this analysis's most important thematic patterns, present in the majority of the selected documents. According to the Project, its survey on the matter was largely unsuccessful, as the participating organization "rarely [made] reference to international standards and jurisprudence as specific to women's rights, and report they are rarely applied in the Cambodian context" (VSS, CDP and TPO, 2012, p. 10). Thankfully, such trend seems to have changed since the publishing of the study, as organizations now engage with treaties ratified by the Cambodian government for accountability purposes. As presented below, CPs representatives in the ECCC context commonly included the provisions of the

ICC⁵⁰, ICTR⁵¹, ICTY⁵², and other jurisprudences in their interactions with the Court better to accommodate victims' demands in the international framework. In the current post-ECCC framework, the impact of GBV in the country is presented by NGOs following a needed fulfillment of particularly CEDAW's recommendations (see CWCC, 2022; LICADHO, 2021b; LICADHO, 2021c; LICADHO, 2022a; LICADHO, 2023; Klahaan Organization, 2022a; and TPO, 2015a). As most of the mentioned documents are joint statements vehiculated by LICADHO, an overarching demand for accountability following such international standards seems to be a current strategy of GBV-focused organizations in the country.

In that way, the analyzed NGOs now push the RGC to “ensure that domestic legislation includes a definition of discrimination against women, covering direct and indirect discrimination in the public and private spheres, including intersecting forms of discrimination” (Kdei Karuna, 2022, p. 74). Such general position directly references CEDAW's first article, understanding the term “discrimination against women” as “any distinction, exclusion or restriction made on the basis of sex” purposefully “impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field” (UNGA, 1979, Art. 1). For GBV particularly, CEDAW is instrumentalized by the NGOs in a myriad of ways, but usually in reference to CEDAW Committee's Concluding Observation to Cambodia, issued in 2019 (CEDAW, 2019); through it, the aforementioned state sanctioned GBV, and the country's “use of the judiciary” in hindering women's public participation are qualified as unlawful by the NGOs, reminding RGC of its compromise with both the treaty and its recommendations (see LICADHO, 2021c; LICADHO, 2022a; and TPO, 2015a).

Through CEDAW, the NGOs thus place GBV under serious human rights violations not correctly addressed – and at times even promoted – by Cambodia's central government. Notwithstanding, other international frameworks are part of organizations' discourses depending on their mandate, such as the CRC⁵³ for NGOs focused on sexual violence against women and girls (see CWCC, 2022;

⁵⁰ International Criminal Court.

⁵¹ International Criminal Tribunal for Rwanda

⁵² International Criminal Tribunal for the Former Yugoslavia

⁵³ Convention on the Rights of the Child

Kdei Karuna, 2022; NGO-CEDAW, 2017; and Chab Dai, 2013); the CAT⁵⁴ for NGOs focused on gendered memorialization of past crimes (see TPO and Kdei Karuna, 2019; Kdei Karuna, 2022; Klahaan Organization, 2022b; and CSHL, 2019); and the CRPD⁵⁵ for NGOs focused on the rights of women with disabilities (see Banteay Srei, 2013; CWCC, 2020; and CSHL, 2019). Concerning THB, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is the framework to be implemented (see CSHL, 2019; Chab Dai, 2013; and Chab Dai, 2022).

Through the observation of such internationalized discourse, the analyzed NGOs seem to have overcome the “lack of research and in-depth analysis on how to make use of existing international legal frameworks and standards regarding gender discrimination and sexual violence in conflict”, identified by the Baseline project in 2012 (VSS, CDP and TPO, 2012, p. 17). In a larger strive towards gender sensitivity in Cambodia’s transition, the local organizations now seem to engage with international bodies of law strategically, despite their rare application in the Cambodian context. As the primary duty bearer, RGC, and its bodies are reminded of their guarantees of redress and non-repetition in the international arena, as Cambodian laws “lack protective measures for women and girls” (Klahaan Organization, 2022b, p. 14). Facing Cambodia’s overreliance on NGOs to provide essential services for vulnerable groups, establishing an inter-ministerial body to address the multi-dimensional nature of GBV in Cambodia is suggested (see Chab Dai, 2021a; Kdei Karuna, 2022).

5. ECCC’s shortcomings

Following the presented analysis, the main point of contention between Cambodia’s local organizations and the Court was its lack of *observance of sexualized and gendered violence*. As aforementioned, prosecuting GBV was not part of the ECCC’s initial prosecutorial strategy, and the Court severely underinvestigated such types of crime (TPO, 2015a). As a result, the analyzed NGOs report an overarching lack of social awareness and knowledge about GBV during the KR regime and its ramifications in the present; as presented by Banteay Srei, “many Cambodians, including the youth, believe the Khmer Rouge were disciplined and thus could not commit GBV” (2013, p. 37).

⁵⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

⁵⁵ Convention on the Rights of Persons with Disabilities

As the stories of survivors do not penetrate Cambodia's social stratum, and redressing measures for gendered violence survivors are lacking, cultural beliefs hamper the empathy for the victims supported by local organizations (ibid).

In the case of sexualized crimes, CP lawyers point out the lack of evidence that witnesses brought to the Court's eyes were actually interviewed outside the forced marriage context (Kdei Karuna, 2022). Therefore, the exclusion of victims of sexualized violence in charges and convictions is presented by the NGOs as the ECCC's most serious service gap, reflecting in today's stigmatization of women "for which there is limited legal recourse" (see CDP, 2013; Kdei Karuna, 2022; and CSHL, 2019). Additional efforts are thus necessary to prevent the repetition of sexual and gender-based violence against Cambodian women; according to the documents published before the Court's dissolution, their social-political status highlighted the need for addressing the underlying gender disparities within the ECCC, connecting GBV to the Court's *lack of gendered representation* (see CSHL, 2019; and CDP, 2013). However, in the current context, NGOs interested in analyzing judicialized forms of redress defend the establishment of measures against GBV extendable beyond the ECCC (see TPO, 2015a; Kdei Karuna, 2022; and TPO and Kdei Karuna, 2019).

Departing from this disengaging reality, the NGOs assisting populations not contemplated by the Court concentrate their demands on four main topics, namely a) *insufficient reparation or mediation measures*; b) *lacking survivor consultations*; c) *inexistence of collective memorialization and mourning spaces*; and d) *lacking truth-telling spaces and capabilities*. For *insufficient reparation or mediation measures*, the thematic focus is placed on reform programs for prosecuting GBV perpetrators outside the ECCC framework (see CWCC, 2022 and Kdei Karuna, 2021). Such a theme is heavily connected to ECCC's faulty reparation measures under Case 002/02, where monetary compensation was scarce, and reparations had "little connection" with perpetrators (Kdei Karuna, 2022). As most of the ECCC-sanctioned reparations were "focused on awareness-raising", victims' desires for material benefit or symbolic significance were largely absent from the Court's work (ibid; CDP, 2013; and TPO, 2015a). Additionally, the Court had little agency in prosecuting the senior leaders of the KR, and organizations such as Kdei Karuna brought stakeholders' attention to the re-victimization of survivors still living in the same communities as perpetrators of GBV crimes (see 2022, p. 40).

Similarly, the *lack of survivor consultations* crossed the limits of ECCC in becoming a tackling issue by the organizations. In the post-ECCC context, NGOs absorbed reparation programs through “ground preparations”, survivors’ forums, and advocacy plans (see Kdei Karuna, 2021; CWCC, 2022; and Chab Dai, 2022). Once again, cross-cutting challenges are mentioned in addition to the ECCC’s service gap, summarized by Kdei Karuna as the “lack of government interest and political will, lack of established reparation programs, lack of sustainability and doubts as to the reparative nature of the ‘Reparations Projects’ already implemented by the ECCC, lack of survivors’ consultation, among others” (2022, p. 7). As a residual function that the RGC did not absorb, belated strives for consultations on the local level now face the added challenge of social disengagement; as presented by CDP and previously mentioned, many victims prefer not to disclose their experiences, still punished by communities’ stigmatization (2013, p. 37). In addition, many victims of GBV in the KR regime are now elderly, in poor health, and have limited resources, thus being reticent and unable to partake in NGOs’ reparation programs, in fear of being frustrated again (ibid; TPO, 2015a, CSHL, 2019).

Finally, the themes of the *inexistence of collective memorialization and mourning spaces* and *lacking truth-telling spaces and capabilities* relate to initiatives that should be conducted in collaboration with survivors and representatives. As described by the NGOs, opportunities for GBV survivors to share their stories and seek collective memorialization were still scarce decades after the fall of the KR regime (TPO, 2015a). Understood as an intrinsic part of ECCC’s reparation duties, memorialization and acknowledgment seems also to have fallen under the local organization’s umbrella (see Kdei Karuna, 2022; Kdei Karuna, 2021; TPO and Kdei Karuna, 2019; and Banteay Srei, 2013). As part of a “non-recurrence through healing” strive, mourning spaces provide the victims with graspable acknowledgment of their suffering, while truth-telling spaces provide a safe space for sharing (see Banteay Srei, 2013; Chab Dai, 2013; Kdei Karuna, 2022; TPO, 2015a; and Kdei Karuna, 2021). As an example of non-judicial truth-telling spaces, we have CDP’s Women’s Hearings, “address[ing] GBV under KR and document[ing] its existence (2013, p. 40). Created while the Court was still functioning, such project aimed to integrate GBV during KR “in each aspect and step of the ongoing Cambodian transitional justice process” (ibid). Currently, the Court’s service gap adds a layer of necessity in similar projects, as NGO-run reparative projects are

described as the sole bolster of survivors' agency at the memorialization level (see Kdei Karuna, 2022; TPO and Kdei Karuna, 2019).

Conclusions

This analysis started as a strive to approximate two seemingly different symptoms of globalized problems and the contexts they share. It reflected on justice in transition and its understanding of time, sex trafficking as a form of post-conflict gendered violence, and Cambodia's historicity with GBV. As a framework of peacebuilding, TJ seems to be pivoting towards a broader understanding of its applicability and limits, as victim-centered approaches of redress introduce the role of civil society in reconstruction processes. Through analyzing thematic patterns of Cambodian NGOs beyond institutionalized mechanisms of transition, this thesis understands that the enlargement of TJ also precludes the update of its defining features. The presented feminist perspective of the scholarship thus exposes the contentions between traditional TJ and women's experiences in conflict, as the post-conflict environment curtails their upbringing in the Cambodian case study. Ultimately, as Bell and O'Rourke (2007) presented, the feminist approach to TJ provides scholars with the threefold question: *where are women, gender, and feminism in TJ?*

By questioning the absence of women in transitioning mechanisms, the deeper conceptual and social exclusion it entails, and the presented normative critique, such question exposes the enormous challenge this thesis started to unveil. With feminist TJ pointing to unresolved gendered unbalances and their perpetuation after ceasefire, its linkages with innovative approaches to post-conflict GBV research are highlighted. That is, as women's vulnerabilities post-conflict have socioeconomic roots, effective gender-sensitive TJ demands the correct assessment of underlying discriminatory issues that predate conflict. In this case, the analytical lens of sex trafficking was conceptualized based on an understanding of added vulnerability. As a connection starter, the sex trafficking lens thus draws further on the inter-related, multigenerational matters of poverty, gender inequality, and socio-cultural values that permeate women's experiences both in peacebuilding and as trafficking victims. In typical post-conflict conditions and human rights violations TJ is part of, THB thus finds fostering ground; particularly on sex trafficking, the lingering sexual abuse in former spaces of violence has added prominence in the proposed discussions.

Through the literature reviewed in this thesis, THB's analytical frontier to feminist TJ was therefore based on its intersectionality of stigmatization and re-victimization. By focusing on the "most vulnerable", sex trafficking was also presented as a victim-centered approach beneficiary, as counter-traffic measures move away from criminally based prosecutions, deeply reliant on political enforcements' understandings of consent and choice, towards the provision of counseling, medical aid, reproductive health education and other social hampers of re-victimization (NGO CEDAW, 2017). As the connections between human trafficking and TJ were sewn together – the former as an overlooked component of victimization within a conflict, as the latter responds to legacies and rights violations stemming from it –, the added challenge was seeking their approximation beyond the limits of institutionalized transition. For that, the analysis section focused on writing productions of local NGOs in Cambodia and on GBV mitigation to understand if the theoretical approximation of TJ, conflict, and sex trafficking represented a thematic paradigm.

As presented by Chab Dai, Cambodia is "one of the most-served countries by non-governmental organizations in the world" (2021a, p. 11). The country receives an intense contribution from civil society in different tackling fronts, including education, gender equality, economic empowerment, and the prevention of violence, exploitation, and trafficking. Therefore, as reflected in the thematic categories, Cambodia's responsiveness to GBV and its limited progress in mitigating sexualized harms is frequently mentioned, despite the ECCC's partial progress in judging forced marriages. With organizations focusing on long-lasting projects in collaboration with Cambodia's judicial system, we thus have a shifting discourse of "working towards a social change", as NGOs are increasingly implicated in redress measures once duties of the Court. Therefore, this thesis suggests that Cambodian social justice aims to tackle the aftermath of transgressions in times of conflict and the underlying social dynamics that allowed these transgressions to happen (VSS, CDP and TPO, 2012).

The first, most obvious find emerging from the analysis was the cumulating effect the KR period has in Cambodia's social stratum, as the scale of previous human rights abuses still reflects the country's socioeconomic conditions and employment opportunities, hinting towards temporality as a contestation channel. Secondly, through the gendered cutout proposed by the ECCC/VSS/TPO Baseline Study, I identified important advancements of civil society's organizations discussing gender sensitivity in the post-conflict setting, more observant of the importance of, e.g., international

legal frameworks, intersectional strategies of awareness-raising and memory building, and the RGC's duties of redress. Finally, after the ECCC's winding down, the contextualization of GBV in the country pervades the NGOs' overcharge of statal affairs, as national gendered strategies are described as insufficient in guaranteeing non-recurrence of gendered crimes (see CSHL, 2019; Chab Dai, 2021a; NGO-CEDAW, 2017). Added to the insufficient definitions of gendered crimes in Cambodia's legal and normative bodies, the roles absorbed by the analyzed NGOs are wider than their responsive capabilities and lack robustness based on top-down assessments of gendered violence.

Moving on to the linkages between structural harms and sex trafficking, the analysis showed that such form of GBV is not that much of a predominant topic in the NGO's discourse. Initially, this thesis' hypothesized that the organizations would be more attentive to contemporary forms of gendered violence, such as sex trafficking, not addressed by the ECCC and its unfinished assessment of post-conflict dynamics. However, as traditional forms of gendered violence in the country still demand the professionalized attention only provided by NGOs, Cambodia's civil society is perhaps still unable of tackling contemporary forms of GBV. As IPV and forced marriages continue to pull NGOs' programmatic capabilities, due to the number of victims produced during the KR regime, its prominence in the ECCC's discussions on gendered harms, and the systemic inaccessibility of legal redress that followed, they are also intrinsic to Cambodia's understanding of GBV. Conversely, as a niched form of GBV typically not addressed locally – or, at least, that should not be addressed locally –, sex trafficking was thus mentioned in the thematic categories in contexts of added economic vulnerability and stigmatization.

Therefore, as a gendered harm that does not comply with the NGOs' understanding of GBV as a private matter, usually manifested through intimate interactions between victim and perpetrator, sex trafficking is not a formative part of Cambodia's popular approach to GBV. The dissimilarities found between the TJ and THB approach and its reflection on Cambodia's civil society thematic paradigms thus serve as a reflexive angle to further academic investigations. As mentioned earlier, this analysis aimed not to portray TJ as the only comprehensive approach to countering trafficking; instead, its aim was to discuss on persistent structural injustices and the exploitation of unequal post-conflict contexts by modern manifestations of GBV, like sex trafficking. As THB victims are commonly mistreated by policing bodies and further criminalized in their communities, tailored

measures of poverty alleviation and reintegration for sex trafficking survivors are limited, faced with the societal view of sex work and trafficking in Cambodia. In that way, its potential to expand feminist TJ by reflecting on long-lasting forms of gendered harms is still not translated into the realities of protection programs.

By focusing on the NGOs' capabilities of social change, I would cast their already-present engagement with sexual violence as a shared avenue with THB, facilitating the incorporation of sex traffic in their understanding of GBV – and sex trafficking victims in their endeavors. As the centrality of GBV discussions still relies on crimes committed during KR and Cambodia, and as organizations try to fill ECCC's service gap in victims' redress, I argue that the analyzed NGOs will easily be able to bridge the TJ language with contemporary forms of violence through well-known manifestations of harms. Striving to incorporate survivors of trafficking in their discourse and programs, perhaps the organizations should further reckon the violent symptoms of THB present in traditional forms of GBV – e.g., forced sexual services, psychosocial violence, restriction of movement, poor living conditions – than on the lack of available knowledge on trafficking in Cambodia. Such reflection seems to be already underway in regional and international organizations working in the country, as trafficking is commonly presented together with IPV and rape trends (see ADB, 2004; UN Women, 2015).

Shortly, this thesis defends TJ's capabilities of not only creating but re-creating. In understanding past abuses and their connection with the “hegemonic control of law and legal institutions” (Gray and Levin, 2013, p. 76), Global Studies scholars interested in peacebuilding and social justice can spot the instrumentalization of justice in transition periods. In a truly transformative fashion of TJ, the questioning of the social-cultural shift of gendered stereotypes is hereby deemed necessary, as the feminist and temporal enlargement of TJ confronts the “moving forward” notion with “returning to old ways” desires – deeply exclusionary to women and engendering violent imbalances in post-conflict. Showing the seriousness of such implications, the sex trafficking lens demands a comprehensive understanding of socio-economic conditions that make transitioning countries like Cambodia susceptible to internal and cross-border trafficking. In protecting women's rights post-conflict and curbing their re-victimization in contemporary forms of GBV, the opportunities of TJ to effectively address the root causes of conflicts and lingering forms of violence must continue to

be explored. Finally, as a peacebuilding component much larger than its institutionalized mechanisms, embracing social justice is a necessary step toward such direction.

Annexes

Annex 1: Document systematization

Nome	Document	Type of document	Link	Partners (if any)
Banteay Srei	Annual Report 2018	Report	http://banteaysrei.info/wp-content/uploads/2018/12/Banteay-Srei-Annual-Report-2018.pdf	
Banteay Srei	Triple Jeopardy: Gender-based violence and human rights violations experienced by women with disabilities in Cambodia (January 2013)	Report	http://banteaysrei.info/wp-content/uploads/2013/03/Triple-Jeopardy-Working-Paper-FINAL.pdf	Cambodian Disabled People's Organization (CDPO), CBM Australia, International Women's Development Agency (IWDA), and Monash University
Bophana Audiovisual Resource Center	"Amplifying Voices of Indigenous Women and Discriminated Groups" Project, Activity Report of Year 1 (February 2020)	Report	https://bophana.org/wp-content/uploads/2020/01/Activity-Report-in-Year-1-Voice.pdf	Oxfam Cambodia, the Australian Embassy in Cambodia, and Heinrich Boll Stiftung Cambodia.
Cambodian Human Rights and Development	Statement on Human Rights Violations against Cambodian women and girls trafficked under the pretext of marriage (July 2014)	Statement	https://www.adhocCambodia.org/adhoc-statement-on-human-rights-violations-against-cambodian-	

Association (ADHOC)			women-and-girls-trafficked-under-the-pretext-of-marriage/	
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	Women United for Labour Rights in Cambodia: Six Stories of Resistance (November 2022)	Report	https://www.licadho-cambodia.org/reports.php?perm=239	
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	No Path to Safety: Failing to Prevent Intimate Partner Killings in Cambodia (March 2023)	Report	https://www.licadho-cambodia.org/reports.php?perm=241	
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	Take Legal Action on Cases of Domestic Violence, Sexual Harassment and Sexual Violence Against Women (May 2021)	Statement	https://www.licadho-cambodia.org/pressrelease.php?perm=476	
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	Increase Vigilance to Prevent Gender-Based Violence in Quarantine and Areas Under Lockdown (April 2021)	Statement	https://www.licadho-cambodia.org/pressrelease.php?perm=474	
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	Improve Women's Rights in the Workplace (March 2021)	Statement	https://www.licadho-cambodia.org/pressrelease.php?perm=472	

Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	Authorities Must Immediately Stop Using Violence and Arbitrary Application of Laws Against Peaceful Women Strikers (Feb 2022)	Statement	https://www.licadho-cambodia.org/pressrelease.php?perm=492	
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)	Voices from Inside: Women and Girls in Cambodian Prisons (Mar 2021)	News Article	https://www.licadho-cambodia.org/articles/20210308/170/index.html	
Cambodian Prostitutes Union (CPU)	Sex workers seek solidarity	News Article	https://phnompenhpost.com/national/sex-workers-seek-solidarity	The Phnom Penh Post
Cambodian Prostitutes Union (CPU)	People: meet Dyna (Cambodian Prostitutes Union – CPU)	News Article	https://www.apheda.org.au/apheda-people-meet-dyna/	APHEDA
Cambodian Women’s Crisis Centre (CWCC)	Promoting Women’s Dignity: End of Project Evaluation Report (Feb 2020)	Report	http://www.cwcc.org.kh/img/new_research/cwcc_evaluation_report_final.pdf	ADD International
Cambodian Women’s Crisis Centre (CWCC)	CWCC’s Strategic Plan (2022-2027)	Strategic Plan	http://www.cwcc.org.kh/img/st_plan/eng_2022_2027.pdf	
Cambodian Women’s Crisis Centre (CWCC)	The Women in Action (WIN) Project in Phnom Penh - Cambodia (Apr 2018)	Report	http://www.cwcc.org.kh/img/new_research/final_report_win_project_evaluation_aop.pdf	Australian NGO Cooperation Program (ANCP)
Cambodians Defenders Project (CDP)	Gender-Based Violence During the Khmer Rouge: A Forgotten Issue? (June 2013)	Report	http://gbvkr.org/wp-content/uploads/2013/07/IFA-Evaluation_CDPGBV_Final_June-2013.pdf	
Center for the Study of Humanitarian Law (CSHL)	Guarantees of Non-Recurrence of Sexual and Gender-Based Violence against Women after the Khmer Rouge (June 2019)	Report	https://www.jstor.org/stable/resrep20125	Swisspeace

Chab Dai	Journey of Change: A Chab Dai Study on the Trends & Influencing Factors on Counter-Trafficking in Cambodia, 2003-2012 (June 2013)	Report	https://static1.squarespace.com/static/61950638bbff0f3d6139f62c/t/61adf8a0a314e40c8d6cfa45/1638791338157/Chab%2BDai%2BJourney%2Bof%2BChange.pdf	
Chab Dai	Morrison, Todd W.; Vanntheary, Lim; Channtha, Nhanh; Havey, James; and Miles, Glenn M. (2021) "“You Have to Be Strong and Struggle”": Stigmas as a Determinants of Inequality for Female Survivors of Sex Trafficking in Cambodia," Dignity: A Journal of Analysis of Exploitation and Violence: Vol. 6: Iss. 4, Article 4.	Article	https://doi.org/10.23860/dignity.2021.06.04.04	
Chab Dai	Smith-Brake, Julia M.; Vanntheary, Lim; and Channtha, Nhanh (2021) "“Why Am I the Only One Responsible for the Whole Family?”: Expressions of Economic Filial Piety and Financial Anxiety Among Female Survivors of Sex Trafficking in Cambodia," Dignity: A Journal of Analysis of Exploitation and Violence : Vol. 6: Iss. 4, Article 5.	Article	https://doi.org/10.23860/dignity.2021.06.04.05	
Chab Dai	Cordisco Tsai, L., Lim, V., Nhanh, C., & Namy, S. (2021). “They Did Not Pay Attention or Want to Listen When We Spoke”: Women’s Experiences in a Trafficking-Specific Shelter in Cambodia. Journal of Women and Social Work.	Article	https://journals.sagepub.com/doi/full/10.1177/0886109920984839	
Kdei Karuna	Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence (July 2022)	Report	https://static1.squarespace.com/static/578c602bf7e0ab358fd70682/t/63d357ea3a4eb022d5e2bb55/1674795016398/GSFRReporCambodia_ENG_Web.pdf	REDRESS and the Global Survivors Fund
Kdei Karuna	Annual Report 2021	Report	https://drive.google.com/file/d/1I7BwB35zyQF7ymWD-CRxr1nF4AQKQ36E/view	EU in Cambodia and UNOPS Cambodia

Klahaan Organization	Housework: Whose work? An exploration of gender roles, unpaid care work and the mental load in Cambodia (Dec 2022)	Report	https://www.klahaan.org/_files/ugd/1165ef_6a13613fa6d34c019497fa782b4eb684.pdf	RFSU, Heinrich Boll Stiftung, Diakonia
Klahaan Organization	Gender-Based Violence against Indigenous Women in Three Provinces of Cambodia (Jun 2022)	Report	https://www.klahaan.org/_files/ugd/1165ef_9bc74b743ef44021bf5f908a5dc79dab.pdf	Cambodia Office of OHCHR
Klahaan Organization	Cambodian Sexual and Reproductive Health Rights (Oct 2020)	Report	https://www.klahaan.org/_files/ugd/1165ef_4ba707364e8d4b21bea64333cba9afe5.pdf	
Klahaan Organization	CSOs call on the Royal Government of Cambodia to take concrete measures to further implement the CEDAW Committee's recommendations	Report	https://www.klahaan.org/_files/ugd/091c7d_246573b1178742c5bcefb4af1d56c8b3.pdf	
NGO-CEDAW	CEDAW Monitoring Report 2017	Report	https://ngocedaw.org/wp-content/uploads/2022/05/2017-CEDAW-Monitoring-Report-by-NGO-CEDAW-EN-1.pdf	
Transcultural Psychosocial Organization Cambodia (TPO)	A Study about Victims' Participation at the Extraordinary Chambers in the Courts of Cambodia and Gender-Based Violence under the Khmer Rouge Regime (Sept 2015)	Report	http://gbvkr.org/wp-content/uploads/2014/06/TPO_GBV-under-the-Khmer-Rouge_Report_20151.pdf	VSS and TPO
Transcultural Psychosocial Organization Cambodia (TPO)	Like Ghost Changes Body: Interviews on the Impact of Forced Marriage during the Khmer Rouge Regime (Jun 2015)	Report	http://tpocambodia.org/wp-content/uploads/2014/06/TOP-Report-EN-150609-Final-small-size-website.pdf	GIZ
Transcultural Psychosocial Organization Cambodia (TPO)	Healing and Reconciliation for Victims of Torture of the Khmer Rouge Trauma (Nov 2019)	Report	http://tpocambodia.org/wp-content/uploads/2014/06/USAID_Cambodia_TPO_KdK_Evaluation-Report_Poluda_Jan-2020.pdf	Kdei Karuna, USAID

Women Peace Makers (WPM)	Preserving Harmony or Preventing Justice? A study of local dispute resolution practices in cases of domestic and intimate partner violence in Cambodia (October 2020)	Report	https://wpmcambodia.org/wp-content/uploads/2020/12/Preserving-Harmony-or-Preventing-Justice_EN_2020.pdf
Women Peace Makers (WPM)	Annual Report 2020	Report	https://wpmcambodia.org/wp-content/uploads/2022/03/2020-Annual-Report-WEB.pdf
Women Peace Makers (WPM)	Overcoming Victimhood of Violence: Women facing violence in Phnom Penh speak out and look to changing the status quo (2020)	Report	https://wpmcambodia.org/wp-content/uploads/2021/02/Overcoming-victimhood-of-violence.pdf
Women's Network for Unity (WNU)	Strategic Vision: 2014 - 2016	Strategic Plan	https://www.wnu.unitedsisterhood.org/strategic.php

Annex 2: Code book

Demands towards RGC	24
GBV Mapping <ul style="list-style-type: none"> • Historical approaches on gender (42) • GBV and Intimate Partner Violence (19) • Direct link between gender roles and GBV (31) • Post-conflict GBV competences (14) • Cross-cutting gendered challenges (23) • Reliance on self-rescue/community rescue (7) 	136
Gendered stigmatization <ul style="list-style-type: none"> • Intersectional stigmatization (26) • Stigmatization as protection hamper (13) • Communal rejection (9) • Self-stigmatization (4) 	52
Economic support necessary to survivors <ul style="list-style-type: none"> • Intersectional vulnerabilities (47) • Social-capacity building (44) 	91
Instrumentalization of suffering <ul style="list-style-type: none"> • (In)ability to make choices (16) • Disempowerment, violation of dignity (12) 	68

<ul style="list-style-type: none"> • Feelings of responsibility (14) • Debt anxiety (4) • Lack of psychosocial safety (19) • Fears of backlash and retaliation (3) 	
Data-driven insights and monitoring tools <ul style="list-style-type: none"> • Monitoring tools and conflict mapping (18) • Sex-disaggregated data (3) 	21
Gender training and equal representation <ul style="list-style-type: none"> • Clear articulation on gender equality/empowerment (10) • Provision of gender training (3) • Women as decision-makers (9) • Equal representation within the organization (11) 	33
Advocacy and awareness	31
Service-delivery and International Legal Compliance <ul style="list-style-type: none"> • Multi-level service delivery (9) • Observance of international legal frameworks and standards (54) 	63
ECCC's shortcomings <ul style="list-style-type: none"> • Observance of sexualized and gendered violence (16) • Insufficient reparation and mediation measures (17) • (Lack of) survivor consultations (5) • Inexistence of collective memorialization and mourning spaces (5) • Truth-telling capabilities (9) • Lack of gendered representation (3) 	55
TJ Enlargement <ul style="list-style-type: none"> • Feminist links (15) • Temporality as coping mechanism (5) 	20

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