

Cambodia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Cambodia has been a member of ILO-IPEC since 1996. The government has adopted national action plans for children's issues³⁹⁸ and for combating the trafficking and sexual exploitation of children.³⁹⁹ The National Institute of Statistics (NIS) conducted the first national child labor survey for Cambodia in 1996 with technical assistance from ILO-IPEC's SIMPOC, and a follow-up survey on child labor is currently taking place under the guidance of NIS and SIMPOC.⁴⁰⁰

ILO-IPEC projects in Cambodia aim to remove children engaged in child labor in the brick making, rubber, salt, and fishing sectors.⁴⁰¹ In 2001, the USDOL funded a project in Cambodia to eliminate hazardous work in salt production, commercial rubber farms, and fish and shrimp processing centers in Cambodia.⁴⁰² The Government of Cambodia, with support from ILO-IPEC, also conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts. Various ministries have conducted training seminars to improve assistance for victims of trafficking and sexual exploitation.⁴⁰³ The Ministry of Social Affairs, Labor Vocational Training and Youth Rehabilitation (MOSALVY) works with UNICEF and IOM to return trafficked children to their homes.⁴⁰⁴ A joint project with the Ministry of Interior (MOI), UNICEF, IOM, World Vision, the United Nations Cambodia Office of the High Commission for Human Rights, and Redd Barna developed training materials and procedures for ongoing MOI police training to combat sexual exploitation.⁴⁰⁵

³⁹⁸ *National Programme of Action for Children in Cambodia, 1998-2000* (Phnom Penh: Cambodian National Council for Children, undated), 17.

³⁹⁹ *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004* (Phnom Penh: Cambodian National Council for Children, April 2000).

⁴⁰⁰ *Report on Child Labor in Cambodia, 1996*, National Institute of Statistics, Phnom Penh, Cambodia, 1997, at <http://www.ilo.org/public/english/standards/ipecc/simnoc/cambodia/cambodia.pdf> on 1/29/02. See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simnoc/countries.htm> on 1/29/02.

⁴⁰¹ U.S. Embassy—Phnom Penh, unclassified telegram no. 1719, September 2000 [hereinafter unclassified telegram 1719].

⁴⁰² ILO-IPEC, *Project Document: Combating Child Labor in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Centers in Cambodia* (Geneva, 2001) [on file].

⁴⁰³ Unclassified telegram 1719.

⁴⁰⁴ Ibid.

⁴⁰⁵ *Cambodia Country Paper*, delivered at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation (Manila, the Philippines, October 10-12, 2001). See also Laurence Gray, World Vision's CEDC Program Manager, interview by USDOL official, October 17, 2000.

The government also works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school. ILO-IPEC is currently working with the government to create a non-formal education program for former child workers.⁴⁰⁶ The Ministry of Education, Youth and Sport (MOEYS) also began a Priority Action Program in ten provincial towns, charging no school fees and providing books on loan.⁴⁰⁷ In 1999, MOEYS set a goal for 75 percent of all primary schools to have a complete range of classes through grade six by 2004. Currently only 48 percent of schools meet this standard.⁴⁰⁸ A Nonformal Education Department within MOEYS focuses on delivering tailored education services to meet the needs of people of all ages.⁴⁰⁹ The Asian Development Bank supported projects to design and print new primary school textbooks,⁴¹⁰ and to assist MOEYS in developing a basic education plan that is responsive to the needs of the poor.⁴¹¹ Additionally, the World Bank is facilitating MOEYS' development of a participatory approach to improving school quality and performance through the effective management of available resources, and provided assistance for the construction of schools in rural areas in 1999.⁴¹²

Incidence and Nature of Child Labor

In 1999, the Cambodian National Institute of Statistics estimated that 9.8 percent of children between the ages of 5 and 14 in Cambodia were working.⁴¹³ Beginning at around the age of 12, the percentage of working girls begins to outnumber that of boys.⁴¹⁴ More children work in rural areas than in urban areas.⁴¹⁵ The vast majority of working children in Cambodia are engaged

⁴⁰⁶ Unclassified telegram 1719.

⁴⁰⁷ Director of Nonformal Education, Department of Ministry of Education, Youth and Sports, interview by USDOL official, October 17, 2000 [hereinafter Director of Nonformal Education interview]. Students must still provide materials such as paper and pens.

⁴⁰⁸ *Education in Cambodia* (Phnom Penh: Ministry of Education, Youth and Sport's Department of Planning, July 1999), 14.

⁴⁰⁹ Director, Nonformal Education Department of MOEYS, interview by USDOL official, October 17, 2000 [hereinafter Director of Nonformal Education interview].

⁴¹⁰ *Asian Development Bank's Country Assistance Plan, 2000-2002: Cambodia* (Asian Development Bank, December 1999), 7.

⁴¹¹ *Cambodia Education Sector Development Plan, PPTA: CAM33396-01*, at <http://www.adb.org/Documents/Profiles/PPTA/33396012.ASP>.

⁴¹² The World Bank and Cambodia at <http://wbln0018.worldbank.org/eap/eap.nsf/236c318fc341033852567c9006baf9a/a32746333316f90852567d700792a4c?OpenDocument>.

⁴¹³ According to the survey, 313,811 children were working. *Report on the Cambodia Socio-Economic Survey 1999* (Phnom Penh: National Institute of Statistics, Ministry of Planning, 2000) [hereinafter *Cambodia Socio-Economic Survey*], 40. In 1999, approximately 65,000 children ages 5 to 13 worked over 25 hours a week and did not attend school. See *Human Development Report* at 57.

⁴¹⁴ *Cambodia Human Development Report 2000: Children and Employment* (Phnom Penh: Ministry of Planning, 2000) [hereinafter *Human Development Report*], 29. Whereas approximately 50 percent of all girls between ages 14 and 17 work, only 33 percent of boys in the same age group work.

⁴¹⁵ *Cambodia Socioeconomic Survey* at 39.

in the agriculture, forestry, and fishing sectors.⁴¹⁶ Children also are exposed to hazardous conditions in brick factories and on commercial rubber farms; in construction and salt production; and as stonecutters, fish processors, porters, street vendors, and garbage pickers.⁴¹⁷ Street children engage in begging, shoe polishing and other income-generating activities.⁴¹⁸ Children, primarily girls, also work as domestic servants.⁴¹⁹

There are reports that some children are held in debt bondage as commercial sex workers until they work off loans provided to their parents.⁴²⁰ Cambodia is reported to be a country of origin, transit and destination for trafficking in persons for the purposes of prostitution and various forms of bonded labor, including begging. Children are trafficked internationally, mostly to Thailand, for the purposes of commercial sexual exploitation or bonded labor. Most victims being trafficked into Cambodia come from Vietnam. Internal trafficking occurs from rural to urban areas for the purposes of sexual exploitation and forced labor.⁴²¹

The Constitution provides for nine years of free schooling to all citizens, but there are no compulsory education laws.⁴²² In 1998, the gross primary enrollment rate was 89.7 percent, and the net primary enrollment rate was 78.3 percent.⁴²³ Primary school attendance rates are unavailable for Cambodia. While enrollment rates indicate a level of commitment to education, they do not

⁴¹⁶ *Human Development Report* at 33, 34. See also *Country Reports on Human Rights Practices for 2000—Cambodia* (Washington, DC: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index>.

⁴¹⁷ U.S. Embassy—Phnom Penh, unclassified telegram no. 1077, June 2000. See also UN, *Situation of Human Rights in Cambodia: Report of the Secretary-General, 52nd Session of the General Assembly, A/52/489* (Geneva, October 17, 1997) [hereinafter *Human Rights in Cambodia*], Point 167. See also Chea Pyden, “Garbage Collection Children,” in *Child Workers in Asia*, newsletter, vol. 16, no. 1, 2000, at <http://www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm>.

⁴¹⁸ *Human Development Report* at 39.

⁴¹⁹ *Ibid.* at 41. Most of these children are girls between ages 12 and 15 from remote provinces. Many have never attended school. See Chea Pyden and Un Chanvirak, “Child Labor in Cambodia,” from the *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis* at <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁴²⁰ Some parents say they are tricked into sending their daughters to the cities. See *Human Development Report* at 37.

⁴²¹ *Human Development Report* at 38. See also U.S. Department of State, *Trafficking in Persons Report, “Victims of Trafficking and Violence Protection Act 2000”* (Washington, D.C., July 2001), 35.

⁴²² Director of Nonformal Education interview. A 1999 MOEYS report noted that only half of Cambodia’s primary schools provide a full 6 years of instruction and 28 districts are without a lower secondary school. Many children, especially girls, do not have access to secondary schools. See *Education in Cambodia* (Phnom Penh: Ministry of Education, Youth and Sport’s Department of Planning, July 1999), 14.

⁴²³ Both gross primary enrollment and net primary enrollment rates are lower for females (84 percent and 74 percent, respectively) than for males (95 percent and 82 percent, respectively). See UNESCO, *Education for All 2000 Assessment* (Paris, 2000) [CD-ROM].

always reflect children's participation in school.⁴²⁴ Education is often inaccessible to minority groups, as classes are conducted only in the Khmer language. Promotion rates to the second grade for children in minority regions are significantly lower than the national average.⁴²⁵

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years, though children between the ages of 12 and 15 are permitted to do light work that is not hazardous and that does not affect regular school attendance or participation in other training programs.⁴²⁶ The Labor Law prohibits work that is hazardous to the mental and physical development of people under the age of 18, but the law does not define what types of work are considered hazardous.⁴²⁷ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector and children must have the consent of a parent or guardian in order to work.⁴²⁸ The Constitution prohibits prostitution and the trafficking of women,⁴²⁹ and the 1996 Law on the Suppression of Kidnapping and Sale of Human Beings outlaws trafficking. Brothel owners, operators, and individuals who prostitute others are all subject to the 1996 law's penalties.⁴³⁰

⁴²⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁴²⁵ *Human Rights in Cambodia* at Point 108.

⁴²⁶ Bruce Levine, USDOL official, U.S. Embassy-Phnom Penh, facsimile on Cambodian Labour Law [hereinafter Cambodian Labour Law], Section VIII, Articles 172–181, to USDOL, June 12, 2000 [hereinafter Levine facsimile]. Employers who violate these laws may be fined 31 to 60 days of the base daily wage. Hazardous work is defined as “hazardous to the health, the safety, or the morality of an adolescent.” Article 360 defines the base daily wage as “the minimum wage set by a joint *Prakas* [declaration] of the Ministry in charge of Labour and the Ministry of Justice.” The Labor Advisory Committee (LAC) is tasked with officially determining hazardous work for minors but has yet to provide a list.

⁴²⁷ The Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MOSALVY) is in the process of drafting regulations to define “light” and “hazardous” work. Until the definitions are established, the MOSALVY labor inspectors cannot effectively enforce the law for child workers under age 18. See Cambodian Labour Law at Section VIII, Articles 172–181, in Levine facsimile. See also U.S. Embassy—Phnom Penh, unclassified telegram no. 1973, December 2001.

⁴²⁸ Cambodian Labour Law at Section VIII, Articles 172–181, in Levine facsimile.

⁴²⁹ Constitution of the Kingdom of Cambodia, Article 46, at <http://www.cambodian-parliament.org/Constitution/constitution.htm>.

⁴³⁰ Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings, as promulgated by Royal Decree No. 0296/01, Article 4. The law stipulates 10 to 15 years of imprisonment for traffickers and their accomplices. Penalties increase if the victim is under age 15: customers of child prostitutes under age 15 face penalties of 10 to 20 years of imprisonment. Penalties of 10 to 20 years of imprisonment are imposed on brothel owners, operators, and individuals who prostitute others.

MOSALVY is responsible for monitoring and enforcing compliance with child labor laws.⁴³¹ However, the number of labor inspectors outside of Phnom Penh is limited, with no more than four labor inspectors per province.⁴³²

Cambodia ratified ILO Convention 138 on August 23, 1999, but has not ratified ILO Convention 182.⁴³³

⁴³¹ Unclassified telegram 1719. Because the majority of Cambodia's workers are in the informal sector, the labor law effectively covers only a small fraction of the country's workers.

⁴³² Mar Sophea, ILO-IPEC National Program Manager, interview by USDOL official, October 17, 2000.

⁴³³ ILO, International Labour Standards and Human Rights Department, ILOLEX database, at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138>.

NOTE: Hard copies of all Web citations are on file.