

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 1997.⁵⁹⁸ The government has adopted national action plans on the protection of vulnerable children⁵⁹⁹ and on combating the trafficking and sexual exploitation of children.⁶⁰⁰ The National Institute of Statistics (NIS), with technical assistance from ILO-IPEC's SIMPOC, included a module of questions on child labor in its 1996 and 1999 socioeconomic surveys, and a survey exclusively on child labor was conducted in 2001 with sponsorship from ILO-IPEC.⁶⁰¹

The Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) authorized the establishment of a Sub-Committee on Combating Trafficking and Sexual Exploitation of Children in December 2000,⁶⁰² and the government created a "Child Safe Tourism Commission" that trains relevant officials and employers to prevent the sexual exploitation of children.⁶⁰³ The Ministry of the Interior (MOI) established a special anti-trafficking unit to train police on investigative techniques and victim rights and to facilitate court proceedings.⁶⁰⁴ A joint project with the MOI, UNICEF, IOM, World Vision International, 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 and established a hotline to report crimes.⁶⁰⁵ MOSALVY works with UNICEF and IOM to return trafficked children to their homes.⁶⁰⁶ ILO-IPEC is implementing an anti-trafficking project with funding from the United Kingdom's Department for International Development,⁶⁰⁷ and UNICEF has

⁵⁹⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited September 12, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁵⁹⁹ National Council for Children, *National Programme of Action for Children in Cambodia, 1998-2000*, Phnom Penh, 17.

⁶⁰⁰ National Council for Children, *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004*, Phnom Penh, April 2000.

⁶⁰¹ National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, Phnom Penh, September 2002. See also National Institute of Statistics- Cambodia, *Report on Child Labor in Cambodia- 1996*, Phnom Penh, 1997, [cited August 27, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/cambodia/cambodia.pdf>.

⁶⁰² "Cambodia Country Paper" (paper presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001), 3.

⁶⁰³ Zhang Ruiling Lei Bosong, "Cambodia Says 'No' to Sex Tourism," *Xinhua* (Phnom Penh), August 31, 2002.

⁶⁰⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: Cambodia*, Washington, D.C., June 5, 2002, 36 [cited August 2, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁶⁰⁵ "Cambodia Country Paper", 6. See also Laurence Gray, World Vision's CEDC Program Manager, interview with USDOL official, October 17, 2000.

⁶⁰⁶ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*, September 12, 2000.

⁶⁰⁷ The project focuses on the trafficking of women and children. See ILO, *ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, pamphlet, Bangkok.

established a Community-Based Child Protection Network that teaches children and community members about the hazards of trafficking, and trains individuals to identify potential victims and take action to protect them.⁶⁰⁸

The Government of Cambodia, with support from ILO-IPEC, conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts.⁶⁰⁹ In 2001, USDOL funded an ILO-IPEC project in Cambodia to eliminate hazardous child labor in salt production, commercial rubber plantations, and the fish and shrimp-processing sector.⁶¹⁰

The government published its Education Strategic Plan 2001-2005 in May 2001, establishing priorities to expand access to quality education opportunities, and to increase the institutional capacity of local schools and communities for involvement in educational decision-making.⁶¹¹ In 1999, the Ministry of Education, Youth and Sport (MOEYS) set a goal for 75 percent of all primary schools to have a complete range of classes through grade six by 2004.⁶¹² Currently, only 52 percent of public primary schools meet that target.⁶¹³ MOEYS began a Priority Action Program (PAP) in ten provincial towns in 1999, charging no school fees and providing books on loan.⁶¹⁴ Additional funds have been allocated to PAP programming, and the PAP target area has since expanded nationwide to include lower secondary schools, and also to support monitoring activities and remedial classes for grades 1-6.⁶¹⁵

In addition, MOEYS abolished start-of-year entry fees at the primary level in 2001, which reportedly led to a large increase in gross and net enrollment rates.⁶¹⁶ A Non-Formal Education Department within MOEYS focuses on delivering tailored education services to meet the needs of people of all ages, including working children.⁶¹⁷

⁶⁰⁸ Villages in the network also establish “village social funds” that provide vulnerable children with funds to attend school. UNICEF, *Profiting from Abuse: An Investigation into the Sexual Exploitation of Our Children*, New York, 2001, 24, 26.

⁶⁰⁹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*.

⁶¹⁰ ILO-IPEC, *Combating Child Labor in Hazardous Work in Salt Production, Rubber Plantations, and Fish/Shrimp Processing Centers in Cambodia*, project document, CMB/01/P51/USA, Geneva, 2001.

⁶¹¹ Royal Government of Cambodia’s Ministry of Education, Youth, and Sport, *Education Strategic Plan 2001-2005*, Phnom Penh, May 2001, Foreword, 2.

⁶¹² Department of Planning, *Education in Cambodia*, Ministry of Education, Youth and Sport, Phnom Penh, July 1999, 14.

⁶¹³ Save the Children UK, *Cambodia 2002*, [online] [cited November 12, 2002]; available from http://www.savethechildren.org.uk/functions/indx_search.html.

⁶¹⁴ Students must still provide materials such as paper and pens. Director of Non-Formal Education, interview with USDOL official, October 17, 2000.

⁶¹⁵ Delays in releasing PAP funds have been a problem. See Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 25-26.

⁶¹⁶ *Ibid.*, 7.

⁶¹⁷ Director of Non-Formal Education, interview, October 17, 2000.

The government works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school. ILO-IPEC assisted the government to create a non-formal education program for former child workers.⁶¹⁸ The Asian Development Bank (ADB) is assisting the government in developing a comprehensive, long-term strategy for education development,⁶¹⁹ and is supporting MOEYS' efforts to increase equitable access to education, improve the efficiency of the system,⁶²⁰ facilitate management and fiscal decentralization, and construct schools in underserved areas.⁶²¹ 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. The World Bank also provided assistance for the construction of schools in rural areas in 1999.⁶²² The Australian Government is assisting the Government of Cambodia to develop an effective school examination system.⁶²³ A new ADB project focuses on educational assistance to girls and indigenous populations by raising awareness among stakeholders and promoting the development of scholarship programs for lower secondary schooling.⁶²⁴

Incidence and Nature of Child Labor

In 1999, the NIS estimated that 9.8 percent of children ages 5 to 14 years in Cambodia were working.⁶²⁵ The vast majority of working children in Cambodia are engaged in the agriculture,

⁶¹⁸ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*.

⁶¹⁹ Asian Development Bank, *Country Assistance Plan, 2001-2003: Cambodia*, [online] December 2000 [cited August 18, 2002], Section C, item 77; available from <http://www.adb.org/Documents/CAPs/CAM/0303.asp?p=ctrycam>.

⁶²⁰ Asian Development Bank, *Cambodia: Education Sector Development Project*, online, LOAN-CAM 33396-02, February 23, 2000, [cited August 28, 2002]; available from <http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP>.

⁶²¹ Ibid.

⁶²² World Bank, *The World Bank and Cambodia*, online, May 2000, [cited August 21, 2002]; available from <http://wbln0018.worldbank.org/eap/eap.nsf/236c318fc341033852567%20c9006baf9a/a327463333316f90852567d700792a4c?OpenDocument>.

⁶²³ Australian Agency for International Development (AusAID), *Cambodia*, [online] [cited September 5, 2002], "Country Brief"; available from <http://www.ausaid.gov.au/country/country.cfm?CountryId=34>. The Australian Government also funds an NGO to train community teachers and establish schools in the rural highlands. See Australian Agency for International Development (AusAID), *Cambodia*, "Country Information".

⁶²⁴ Asian Development Bank, *Cambodia: Targeted Assistance for Education of Poor Girls and Indigenous Children in Cambodia*, online, Grant-CAM36152-01, April 19, 2002, [cited August 28, 2002]; available from <http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP>.

⁶²⁵ The survey was sponsored by UNDP and the Swedish International Development Cooperation Agency, and executed by the World Bank. The statistic is defined as children who worked "for pay, profit, or family gain." Approximately 32.6 percent of children ages 5-14 helped with household chores. National Institute of Statistics, *Report on the Cambodia Socio-Economic Survey 1999*, Ministry of Planning, Phnom Penh, 2000, 8, 38-40. The NIS conducted a new child labor survey in 2001, and preliminary results posted on the Internet indicate that 49.2 percent of children ages 5-14 worked and/or helped with household chores. Disaggregated statistics on children working for pay, profit, or family gain were not yet available. National Institute of Statistics, *Cambodia Child Labor Survey 2001*, Ministry of Planning, Phnom Penh, 2001, [cited October 3, 2002]; available from <http://www.nis.gov.kh/SURVEYS/CCLS2001/introduction.htm>.

forestry and fishing sectors.⁶²⁶ More children work in rural areas than in urban areas.⁶²⁷ Children also work in 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.⁶²⁸ Street children engage in begging, shoe polishing and other income-generating activities.⁶²⁹ Children, primarily girls, also work as domestic servants.⁶³⁰

A 2000 report indicated that some children are held in debt bondage as commercial sex workers until they work off loans provided to their parents.⁶³¹ 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 work, including bonded labor and begging. Children are trafficked internationally, mostly to Thailand, for the purposes of commercial sexual exploitation or bonded labor. Most victims trafficked into Cambodia come from Vietnam. Internal trafficking of children also occurs.⁶³²

The Constitution provides for nine years of free schooling to all citizens, but education is not compulsory.⁶³³ In 1998, the gross primary enrollment rate was 89.7 percent. The net primary enrollment rate was 78.3 percent, with 74 percent of girls enrolled as opposed to 82.4 percent of

⁶²⁶ UNDP and NORAD, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33-34. Data presented in this report were gathered in 1999. See UNDP and NORAD, *Cambodia Human Development Report*, ii. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Cambodia*, Washington, D.C., March 4, 2002, 841-45, Section 6d [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8283.htm>.

⁶²⁷ National Institute of Statistics, *Cambodia Socio-Economic Survey 1999*, 39-40.

⁶²⁸ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1077*, June 2000. See also United Nations, *Situation of Human Rights in Cambodia: Report of the Secretary-General, 52nd Session of the General Assembly, A/52/489*, Geneva, October 17, 1997, Point 167. See also Chea Pyden, "Garbage Collection Children," *Child Workers in Asia* vol. 16 no. 1 (January-April 2000), [cited July 29, 2002]; available from <http://www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm>.

⁶²⁹ UNDP and NORAD, *Cambodia Human Development Report*, 39.

⁶³⁰ *Ibid.*, 41. Most of these children are girls ages 12 to 15 from remote provinces. Many have never attended school. See Un Chanvirak and Chea Pyden, "Child Labor in Cambodia," *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis*, [cited July 29, 2002]; available from <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁶³¹ UNDP and NORAD, *Cambodia Human Development Report*, 37.

⁶³² U.S. Department of State, *Trafficking in Persons Report: Cambodia*, 36. See also UNDP and NORAD, *Cambodia Human Development Report*, 38. Illegal adoptions, sometimes involving the trafficking of babies, are a problem – in 2001, seven people were arrested and charged under the Trafficking Law for such activities. See U.S. Department of State, *Country Reports- 2001: Cambodia*, 840-41, Section 5.

⁶³³ Director of Non-Formal Education, interview, October 17, 2000. A 1999 MOEYS report noted that only half of Cambodia's primary schools provide a full six years of instruction and 28 districts are without a lower secondary school. Many children, especially girls, do not have access to secondary schools. See Department of Planning, *Education in Cambodia*, 14.

boys.⁶³⁴ Primary school attendance rates are unavailable for Cambodia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁶³⁵ 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.⁶³⁶

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. Under Article 368, employers who violate the law may be fined 31 to 60 days of the base daily wage.⁶³⁷ 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.⁶³⁸ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector, and unemancipated children⁶³⁹ must have the consent of a parent or guardian in order to work.⁶⁴⁰ However, the Labor Law applies only to the formal sector.⁶⁴¹

⁶³⁴ UNESCO, *Education for All 2000 Assessment* [CD-ROM], Paris, 2000. Forty-two percent of girls over age 15 have never attended school, compared with 21 percent of boys. Among the factors frequently cited are long distances to school facilities and resulting safety concerns, lack of sanitary facilities, and the societal expectation for girls to take care of siblings while their parents work. For a discussion on the impact of gender on schooling, please see Thomas Hammarberg, *Situation of Human Rights in Cambodia: Report of the Special Representative of the Secretary-General for Human Rights in Cambodia*, 55th Session of the Commission on Human Rights, Geneva, February 26, 1999, submitted in accordance with Commission resolution 1998/60, U.N. Document E/CN.4/99/101, points 100-102.

⁶³⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁶³⁶ Hammarberg, *Situation of Human Rights in Cambodia*, point 108. MOEYS plans to develop additional strategies in 2003 to address the lack of quality education opportunities in these areas. See Ministry of Education, Youth, and Sport, *ESSP Review 2002*, 21-22.

⁶³⁷ 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." *Cambodian Labor Law*, Section VIII, Article 177, (March 13, 1997), [cited August 5, 2002]; available from http://www.moc.gov.kh/laws_regulation/rkm_labor_law_97_page1.htm.

⁶³⁸ The Minister of Labor and the Labor Advisory Committee are tasked with officially determining hazardous work for minors. *Ibid.*, Article 177. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*, December 6, 2001.

⁶³⁹ This legal term is used to refer to children under the control of a parent or guardian. See *Cambodian Labor Law*, Article 181.

⁶⁴⁰ *Ibid.*, 179, 81.

⁶⁴¹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*. Article One of the Labor Law states that it applies to every enterprise or establishment of industry, mining, commerce, crafts, agriculture, services, and land or water transportation. It states that it does not apply to domestics or household servants, unless otherwise expressly specified elsewhere in the law. See *Cambodian Labor Law*.

Article 15 of the Labor Law prohibits all forced labor, including in agriculture and domestic work.⁶⁴² The Constitution prohibits prostitution and the trafficking of women,⁶⁴³ 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 of prison terms between 10 to 20 years, depending on the age of the victim.⁶⁴⁴

MOSALVY is responsible for enforcing compliance with child labor laws.⁶⁴⁵ Since 2000, questions on child labor have been incorporated into routine labor inspections.⁶⁴⁶ However, the number of labor inspectors outside of Phnom Penh is limited, with no more than four labor inspectors per province.⁶⁴⁷ Although some traffickers have been arrested and prosecuted, enforcement of anti-trafficking laws is reportedly weak due to official corruption, inadequate police training, and insufficient resources.⁶⁴⁸

The Government of Cambodia ratified ILO Convention 138 on August 23, 1999, but has not ratified ILO Convention 182.⁶⁴⁹

⁶⁴² Article 16 prohibits hiring people to work to pay debts. See *Cambodian Labor Law*.

⁶⁴³ The Constitution refers to "the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women." *The Constitution of the Kingdom of Cambodia*, Article 46, [cited August 27, 2002]; available from <http://www.embassy.org/cambodia/cambodia/constitu.htm>.

⁶⁴⁴ 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. See *Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings*, as promulgated by Royal Decree No. 0296/01, Article 3. Circular 13 on "Strengthening and Expanding Activities to Combat Trafficking in Women and Children," issued by the Prime Minister, contains requirements for government ministries to strengthen their interdiction efforts and calls for inclusion of trafficking issues into school curricula. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*.

⁶⁴⁵ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*.

⁶⁴⁶ *Ibid.*

⁶⁴⁷ Mar Sophea, ILO-IPEC National Program Manager, interview with USDOL official, 2000. The lack of labor inspectors has been identified as a critical obstacle to combating child labor. See ILO Governing Body, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Part II - Compilation of Annual Reports by the International Labor Office*, 283rd Session, GB.283/3/2, Geneva, March 2002, 297.

⁶⁴⁸ U.S. Department of State, *Trafficking in Persons Report: Cambodia*, 36. Fourteen Vietnamese women and girls, ages 12 to 20, who claimed to be trafficking victims were found guilty of illegal immigration in a Phnom Penh court. They were sentenced to jail terms of two to three months, and then ordered to be deported. See AP Worldstream, *Cambodia to Deport Alleged Victims of Human Trafficking*, [online] August 5, 2002 [cited August 6, 2002]; available from <http://www.protectionproject.org/main1.htm>.

⁶⁴⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newcountryframeE.htm>.