

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

The Government of Cambodia has been a member of ILO-IPEC since 1997.⁷⁴⁸ The government has adopted national policies on the protection of vulnerable children⁷⁴⁹ and a plan for 2000–2004 on combating the trafficking and sexual exploitation of children.⁷⁵⁰ The National Institute of Statistics has conducted three surveys on child labor, including a 2001 survey exclusively on child labor with sponsorship from ILO-IPEC's SIMPOC.⁷⁵¹

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 2000,⁷⁵² and the government has worked to prevent trafficking in conjunction with numerous NGOs and international organizations. The Ministry of Tourism collaborates with NGOs to combat sex tourism. The Ministry of Interior operates an anti-trafficking hotline.⁷⁵³ MOSALVY works with UNICEF and IOM to return trafficked children to their homes,⁷⁵⁴ and operates two temporary shelters for victims.⁷⁵⁵ The Ministry of Women's and Veteran's Affairs and MOSALVY, in conjunction with UNICEF's Community-Based Child Protection Network, work to teach children and community members about the hazards of trafficking, and train individuals to identify potential victims and take action to protect them.⁷⁵⁶ Cambodia is included in a regional ILO-IPEC anti-trafficking project with funding from the Department for International Development-UK.⁷⁵⁷ On May 31, 2003, the Government of Cambodia signed a MOU with the Government of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women.⁷⁵⁸

⁷⁴⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 3, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁷⁴⁹ National Council for Children, *National Programme of Action for Children in Cambodia, 1998-2000*, Phnom Penh, 17. MOSALVY organized three workshops to draft a second plan of action, intended as a direct follow-on to the first one. See U.S. Embassy- Phnom Penh Labor Attaché, electronic communication to USDOL official, February 19, 2004.

⁷⁵⁰ National Council for Children, *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004*, Phnom Penh, April 2000.

⁷⁵¹ The National Institute of Statistics included a module of questions on child labor in its 1996 and 1999 socioeconomic surveys. See National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, Phnom Penh, September 2002, 2-3. See also National Institute of Statistics, *Report on Child Labor in Cambodia- 1996*, Phnom Penh, 1997; available from <http://www.ilo.org/public/english/standards/ipec/simloc/cambodia/cambodia.pdf>.

⁷⁵² Government of Cambodia, "Cambodia Country Paper" (paper presented at the ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10–12, 2001), 4.

⁷⁵³ U.S. Department of State, *Trafficking in Persons Report- 2003: Cambodia*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#cambodia>. A joint project with the MOI, UNICEF, IOM, World Vision International, the UN Cambodia Office of the High Commission for Human Rights, and Redd Barna (Save the Children Norway) developed training materials and procedures for ongoing MOI police training to combat sexual exploitation and established a hotline to report crimes. See Government of Cambodia, "ILO-Japan Asian Meeting: Cambodia Country Paper".

⁷⁵⁴ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*, September 12, 2000.

⁷⁵⁵ U.S. Department of State, *Trafficking in Persons Report: Cambodia*.

⁷⁵⁶ *Ibid.* 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; available from http://www.unicef.org/publications/pub_profiting_en.pdf.

⁷⁵⁷ 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. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, [online] May 27, 2003 [cited July 3, 2003]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>.

⁷⁵⁸ Ministry of Foreign Affairs and International Cooperation, "Joint Cambodian-Thai Cabinet Retreat," *Information Bulletin* 58 (May 31, 2003); available from <http://www.embassy.org/cambodia/press/052003.pdf>.

The Government of Cambodia, with support from ILO-IPEC, conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts.⁷⁵⁹ 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.⁷⁶⁰

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.⁷⁶¹ 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 6 by 2004.⁷⁶² MOEYS' Priority Action Programs (PAP) operate nationwide and include activities such as the provision of remedial classes for grades 1 through 6, and support to monitoring activities and capacity building.⁷⁶³ Other PAP activities include the elimination of primary school fees in 2001, which reportedly led to a sizeable increase in enrollment, and the provision of textbooks to schools.⁷⁶⁴ 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.⁷⁶⁵

The government works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school.⁷⁶⁶ The ADB is supporting MOEYS' efforts to implement its Education Strategic Plan through support of nationwide policy reforms,⁷⁶⁷ and is supporting an initiative to increase equitable access to education and facilitate management and fiscal decentralization.⁷⁶⁸ Another ADB-supported 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.⁷⁶⁹ Additionally, the World Bank is facilitating MOEYS' development of a participatory approach to improving school

⁷⁵⁹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*.

⁷⁶⁰ 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.

⁷⁶¹ Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Education Strategic Plan 2001-2005*, Phnom Penh, May 2001, Foreword.

⁷⁶² Department of Planning, *Education in Cambodia*, Ministry of Education, Youth and Sport, Phnom Penh, July 1999, 14. In 2002, only 52 percent of public primary schools met that target. See Save the Children UK, *Cambodia 2002*, [previously online] [cited November 12, 2002]; available from http://www.savethechildren.org.uk/functions/indx_search.html [hard copy on file].

⁷⁶³ Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 26-27; available from <http://www.moeys.gov.kh>.

⁷⁶⁴ Delays in the release of PAP funds have been a problem. See Ministry of Education, Youth, and Sport, *Education Sector Review Report - 2002*, Phnom Penh, October 2002, 58-60; available from <http://www.moeys.gov.kh>.

⁷⁶⁵ Director of Non-Formal Education, Ministry of Education, Youth and Sport, interview with USDOL official, October 17, 2000.

⁷⁶⁶ ILO-IPEC assisted the government to create a non-formal education program for former child workers. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*. Organizations with existing programs in Cambodia include World Education, CARE International, Kampuchean Action for Primary Education, and The Asia Foundation. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*, November 6, 2003.

⁷⁶⁷ The ADB is providing USD 20 million to the effort, which is scheduled to end in November 2007. See ADB, *Education Sector Development Program*, (LOAN: CAM 33396-01), [online] December 15, 2001 [cited July 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/333996013.ASP>.

⁷⁶⁸ The ADB is providing USD 9 million, and the local cost is an additional 9 million. The project is scheduled to end in December 2006. See ADB, *Cambodia: Education Sector Development Project*, [online] December 5, 2001 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP>.

⁷⁶⁹ The ADB provided a grant of USD 3 million from the Japan Fund for Poverty Relief; the project is slated to end in October 2005. See ADB, *Cambodia: Targeted Assistance for Education of Poor Girls and Indigenous Children*, [online] December 11, 2002 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP>.

quality and performance, including financing quality improvement grants.⁷⁷⁰ With USDA funding, the WFP works with MOEYS to deliver school feeding programs in order to increase enrollment.⁷⁷¹ A letter of agreement between the Government of Cambodia and USDOL was signed in June 2003 to launch a project improving access to quality education as a means to combat child labor.⁷⁷²

Incidence and Nature of Child Labor

In 2001, the National Institute of Statistics estimated that 44.8 percent of children ages 5 to 14 years in Cambodia were working.⁷⁷³ The majority of working children in Cambodia are engaged in the agriculture sector.⁷⁷⁴ More children work in rural areas than in urban areas.⁷⁷⁵ Children also work in hazardous conditions in brick and plywood factories; on commercial rubber plantations; in salt production; and as fish processors, street vendors, scavengers and garbage pickers.⁷⁷⁶ Street children engage in begging, shoe polishing and other income generating activities.⁷⁷⁷ Children, primarily girls, also work as domestic servants.⁷⁷⁸

Some children are held in debt bondage as commercial sex workers until they work off loans provided to their parents.⁷⁷⁹ Cambodia is reported to be a country of origin and a destination for trafficking in children for the purposes of commercial sexual exploitation and various forms of work, including forced labor and begging. Cambodian children are trafficked to Thailand for the purpose of commercial sexual exploitation or bonded labor,

⁷⁷⁰ The USD 5 million project will end in March 2004. See World Bank, *Education Quality Improvement Project*, in Projects Database, [online] [cited July 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P059971>.

⁷⁷¹ In Takeo province, where the WFP initiative is focused, enrollment improved by 8 percent over a 3-year period. See USDA Global Food for Education Pilot Program, *Cambodia Country Report: World Food Program*, Report to the U.S. Congress, Washington, D.C., 2003, 73-4; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/countryrpts.pdf>.

⁷⁷² Under the Agreement, USDOL will provide USD 3 million for the education initiative. See Ministry of Foreign Affairs and International Cooperation, *Senior Minister HOR Namhong Signs Agreements with US Ambassador*, [online] [cited October 15, 2003]; available from <http://www.mfaic.gov.kh/Ministry/Working%20Act%202003/June/SM%20Signs%20with%20US%20Amb.htm>.

⁷⁷³ National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, 38. The Survey defines “working children” to mean children engaged in an economic activity for at least one hour a day, or in a non-economic activity exceeding a certain number of hours. See National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, 37. The percentage of child labor reported for Cambodia in this year’s report is substantially higher than that included in last year’s Trade and Development Act report because the 2001 government survey cited in this year’s report used a much larger and more comprehensive set of questions on child labor compared to the 1999 government survey cited in last year’s report, which used a more general socio-economic survey format. In addition, families with working children were specifically sought out for the 2001 survey.

⁷⁷⁴ National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, 44.

⁷⁷⁵ *Ibid.*, 40-41.

⁷⁷⁶ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1077*, June 2000. 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>. See also UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33, 39.

⁷⁷⁷ UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report*, 39.

⁷⁷⁸ UNDP and NORAD, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 41. Most of these children are girls between ages 12 and 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*; available from <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁷⁷⁹ UNDP and NORAD, *Cambodia Human Development Report*, 37.

and to Vietnam to work as beggars. Vietnamese girls are trafficked into Cambodia for commercial sexual exploitation. Internal trafficking of children also occurs.⁷⁸⁰ Children are also used in pornography.⁷⁸¹

Article 68 of the Constitution provides for the right to 9 years of free education to all citizens.⁷⁸² However, costs such as uniforms, books, admission fees, and teacher demands for unofficial fees to supplement incomes make schools unaffordable.⁷⁸³ In 2000, the gross primary enrollment rate was 110.2 percent. The net primary enrollment rate was 95.4 percent, with 90.3 percent of girls enrolled as opposed to 100.4 percent of boys.⁷⁸⁴ 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.⁷⁸⁵ 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.⁷⁸⁶

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 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.⁷⁸⁷ The Labor Law prohibits work that is hazardous to the mental and physical development of children under the age of 18, but the law does not define what types of work are considered hazardous.⁷⁸⁸ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector, and unemancipated children⁷⁸⁹ must have the consent of a parent or guardian in order to work.⁷⁹⁰ However, the

⁷⁸⁰ U.S. Department of State, *Trafficking in Persons Report: Cambodia*.

⁷⁸¹ Illegal adoptions, sometimes involving the purchase and sale of babies and children for commercial sexual exploitation, are also a problem. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Cambodia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18238.htm>.

⁷⁸² *The Constitution of the Kingdom of Cambodia*, 2nd Plenary Session (September 21, 1993); available from <http://www.embassy.org/cambodia/cambodia/constitu.htm>. Schools are overcrowded, and often lack the full range of grades. In rural areas, lack of transportation to schools is an impediment to girls' participation in education. See U.S. Department of State, *Country Reports- 2002: Cambodia*, Section 5.

⁷⁸³ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁸⁴ World Bank, *World Development Indicators 2003*, Washington, D.C., 2003. Among the factors frequently cited for lack of access 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 U.N. Commission on Human Rights, Situation of Human Rights in Cambodia, 55th Session, Commission Resolution 1998/60, February 26, 1999, U.N. Document E/CN.4/1999/101, paras. 100-102.

⁷⁸⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁷⁸⁶ Situation of Human Rights in Cambodia, para. 108.

⁷⁸⁷ 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); available from http://www.moc.gov.kh/laws_regulation/rkm_labor_law_97_page1.htm.

⁷⁸⁸ The Minister of Labor and the Labor Advisory Committee are tasked with officially determining hazardous work for minors. See *Ibid.*, Article 177. MOSALVY's preliminary list has not yet been reviewed by the LAC. See U.S. Department of State, *Country Reports- 2002: Cambodia*, Section 6d.

⁷⁸⁹ This legal term is used to refer to children under the control of a parent or guardian. See *Cambodian Labor Law*, Article 181.

⁷⁹⁰ *Ibid.*, 179, 81.

Labor Law applies only to the formal sector.⁷⁹¹

Article 15 of the Labor Law prohibits all forced labor, including in agriculture and domestic work.⁷⁹² The Constitution prohibits prostitution and the trafficking of women,⁷⁹³ and the 1996 Law on the Suppression of Kidnapping and Sale of Human Beings outlaws trafficking. Under the law, brothel owners, operators, and individuals who prostitute others are subject to prison terms of between 10 to 20 years, depending on the age of the victim.⁷⁹⁴

MOSALVY is responsible for enforcing compliance with child labor laws.⁷⁹⁵ Since 2000, questions on child labor have been incorporated into routine labor inspections.⁷⁹⁶ In 2002, the Anti-Human Trafficking and Juvenile Protection Department was created to address trafficking and sexual exploitation of women and children, and currently has police units in seven provinces.⁷⁹⁷ Inadequate resources, insufficient staff, and lack of training hinder enforcement of child labor laws, and counter-trafficking efforts are hampered by official corruption.⁷⁹⁸

The Government of Cambodia ratified ILO Convention 138 on August 23, 1999, but has not ratified ILO Convention 182.⁷⁹⁹

⁷⁹¹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*, December 6, 2001. 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*. In addition, the Labor Law does not cover family business, begging, scavenging, hauling, day labor, the commercial sex industry, or participation in any illegal activities. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁹² Article 16 prohibits hiring people to work to pay debts. See *Cambodian Labor Law*.

⁷⁹³ The Constitution refers to “the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women.” *Constitution*, Article 46.

⁷⁹⁴ 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. The government states that 75 convictions have been handed down under the law. U.S. Department of State, *Trafficking in Persons Report: Cambodia*.

⁷⁹⁵ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*.

⁷⁹⁶ *Ibid.*

⁷⁹⁷ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁹⁸ In 2002, a number of Vietnamese girls were rescued by the Ministry of Interior from brothels; some were found guilty of illegal immigration and served jail terms. As a result, the government came under criticism from civil society groups. See U.S. Department of State, *Country Reports-2002: Cambodia*, Sections 6d and f. 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.

⁷⁹⁹ ILO, *Ratifications by Country*, in IOLEX, [database online] [cited June 6, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.