

Cambodia

Incidence and Nature of Child Labor

The Cambodian National Institute of Statistics estimated that 44.8 percent of children ages 5 to 14 years in Cambodia were working in 2001.⁷⁵⁵ The majority of working children in Cambodia are engaged in the agriculture sector.⁷⁵⁶ Children also work in hazardous conditions on commercial rubber plantations, in salt production, in fish processing,⁷⁵⁷ and as garbage pickers.⁷⁵⁸ Street children engage in scavenging, begging, shoe polishing, and other income generating activities.⁷⁵⁹ Children, primarily girls, also work as domestic servants.⁷⁶⁰

Cambodia is reported to be a country of origin, transit, and 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 and Malaysia for the purpose of commercial sexual exploitation or bonded labor.⁷⁶¹ The commercial sexual exploitation of children is a serious problem in Cambodia.⁷⁶² Children are also used in pornography.⁷⁶³

Article 68 of the Constitution guarantees the right to 9 years of free education to all citizens.⁷⁶⁴ However, costs such as uniforms, books, admission fees, and teacher demands for unofficial fees to supplement

⁷⁵⁵ The survey also found that 83.2 percent of children ages 15 to 17 were working. See National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, Phnom Penh, September 2002, 38-39. For more information on the definition of working children, see report section Statistical Definitions of Working Children.

⁷⁵⁶ *Ibid.*, 44.

⁷⁵⁷ 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.

⁷⁵⁸ Chea Pyden, "Garbage Collection Children," *Child Workers in Asia* vol. 16 no. 1 (January-April 2000), cited May 28, 2004; available from <http://www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm>. See also Antonio Graceffo, *The Children of the Garbage Fields of Phnom Penh*, [online] no date [cited October 29, 2004]; available from <http://www.cambodia.org/articles/garbagechildren.html>.

⁷⁵⁹ UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33, 39.

⁷⁶⁰ *Ibid.*, 40-41. 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*; available from <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁷⁶¹ U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm>.

⁷⁶² U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Cambodia*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27766.htm>. Some children are held in debt bondage and forced into commercial sexual exploitation until they work off loans provided to their parents. See UNDP and NORAD, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 37.

⁷⁶³ 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- 2003: Cambodia*, Section 5.

⁷⁶⁴ *The Constitution of the Kingdom of Cambodia*, 2nd Plenary Session (September 21, 1993); available from http://www.oefre.unibe.ch/law/icl/cb00000_.html.

incomes make schools unaffordable for many families.⁷⁶⁵ In 2001, the gross primary enrollment rate was 123.4 percent. The net primary enrollment rate was 86.2 percent, with 83.2 percent of girls enrolled as opposed to 89.0 percent of boys. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, the gross primary attendance rate was 106.2 percent and the net primary attendance rate was 65.1 percent.⁷⁶⁶ As of 2000, 70.4 percent of children who started primary school were likely to reach grade 5.⁷⁶⁷ 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 half the national average of 50 percent.⁷⁶⁸ While girls legally have equal access to schooling, many families with limited income choose to send male children rather than females, and the distance some must travel to school is a deterrent for families who fear for the safety of female children.⁷⁶⁹

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years.⁷⁷⁰ However, children ages 12 to 15 years are permitted to perform light work that is not hazardous and does not affect regular school attendance or participation in other training programs.⁷⁷¹ Employers who violate the law may be fined 31 to 60 days of the base daily wage.⁷⁷² Night work is generally prohibited.⁷⁷³ The Labor Law prohibits work that is hazardous to the mental and physical development of children under the age of 18.⁷⁷⁴ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector, and children

⁷⁶⁵ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*, November 6, 2003.

⁷⁶⁶ USAID Development Indicators Service, *Global Education Database*, [online] [cited October 29, 2004]; available from <http://quesdb.cdie.org/ged/index.html>. This report may cite education data for a certain year that is different than data on the same year published in the *U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor*. Such data, drawn from the World Bank's *World Development Indicators*, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data.

⁷⁶⁷ World Bank, *World Development Indicators 2004* Washington, D.C., 2004.

⁷⁶⁸ U.N. Commission on Human Rights, Situation of Human Rights in Cambodia, 55th Session, Commission Resolution 1998/60, February 26, 1999, para. 108.

⁷⁶⁹ U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 5.

⁷⁷⁰ *Cambodian Labor Law*, (March 13, 1997), Article 177(1); available from http://www.bigpond.com.kh/Council_of_Jurists/Travail/trv001g.htm. Although the Labor Law sets the minimum age at 15 years, a ministerial decree following the adoption of Convention 138 declared 14 to be the age for admission to employment.

⁷⁷¹ *Ibid.*, Article 177(4).

⁷⁷² The base daily wage is defined by the law as "the minimum wage set by a joint *Prakas* [declaration] of the Ministry in charge of Labour and the Ministry of Justice." See *Ibid.*, Articles 360, 68.

⁷⁷³ *Ibid.*, Articles 175-76.

⁷⁷⁴ The Labor Advisory Committee, in consultation with the Ministry of Labor and Vocational Training, is tasked with officially determining hazardous work for minors. See *Ibid.*, Art. 177(2). See also U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6d. See also U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

who have parents or guardians must have their consent in order to work.⁷⁷⁵ However, the Labor Law applies only to the formal sector.⁷⁷⁶

The Labor Law prohibits all forced or compulsory labor, including in agriculture and domestic work.⁷⁷⁷ The Constitution prohibits prostitution and the trafficking of human beings.⁷⁷⁸ The 1996 Law on the Suppression of Kidnapping and Sale of Human Beings penalizes brothel owners, operators, and individuals who prostitute others with prison terms of between 10 to 20 years, depending on the age of the victim.⁷⁷⁹

The Ministry of Labor and Vocational Training (MOLVT) is responsible for enforcing child labor laws.⁷⁸⁰ Since 2000, questions on child labor have been incorporated into routine labor inspections.⁷⁸¹ Local police are responsible for enforcing laws against child trafficking and prostitution,⁷⁸² however, the U.S. Department of State reports that counter-trafficking efforts are hampered by official corruption.⁷⁸³

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

The Government of Cambodia is currently implementing a five-year plan against trafficking and sexual exploitation of children, focusing on generating new child protection laws, awareness-raising, training of law enforcement officials, and provision of services to victims.⁷⁸⁴ The Ministry of Women's and Veteran's

⁷⁷⁵ See *Cambodian Labor Law*, Articles 179, 81.

⁷⁷⁶ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*. 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. Department of State, *Country Reports- 2003: Cambodia*, Section 6d.

⁷⁷⁷ The law also prohibits hiring people to work to pay debts. See *Cambodian Labor Law*, Articles 15-16.

⁷⁷⁸ The Constitution refers to "the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women." See *Constitution*, Article 46.

⁷⁷⁹ The Law also stipulates 10 to 15 years imprisonment for traffickers and their accomplices. If the victim is under 15 years, violators face penalties of 15 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.

⁷⁸⁰ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*, August 23, 2004.

⁷⁸¹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*, December 6, 2001.

⁷⁸² U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*.

⁷⁸³ U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*.

⁷⁸⁴ National Council for Children, *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004*, Phnom Penh, April 2000.

Affairs (MWVA) and the Ministry of Tourism, in collaboration with NGOs, work to combat sex tourism.⁷⁸⁵ The Ministry of Interior operates an anti-trafficking hotline.⁷⁸⁶ MOLVT works with UNICEF and IOM to return trafficked children to their homes.⁷⁸⁷ The Government of Cambodia operates two temporary shelters for victims.⁷⁸⁸ MWVA and MOLVT, 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.⁷⁸⁹ MWVA and IOM also collaborate on a public information campaign to raise awareness of trafficking.⁷⁹⁰ Cambodia is included in a regional ILO-IPEC anti-trafficking project with funding from the Department for International Development (DFID)-UK.⁷⁹¹ 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.⁷⁹² In addition to ongoing anti-trafficking funding from the U.S. Embassy in Cambodia, in 2004 the U.S. Presidential Anti-Trafficking in Persons Initiative allocated USD 5.6 million to support programs and NGOs to combat trafficking in Cambodia over the next 2 years.⁷⁹³

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	8/23/1999	✓
Ratified Convention 182		
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

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. This project is due to be completed in November 2004.⁷⁹⁴ In 2002, USDOL funded a USD 3 million project that focuses on providing education opportunities to those children who have been or have the potential to be trafficked.⁷⁹⁵ The Government of Cambodia is implementing its Education Strategic Plan 2001-2005. The Plan establishes priorities to expand access to quality education opportunities, and to increase the institutional

⁷⁸⁵ U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*. See also U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6f.

⁷⁸⁶ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁸⁷ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*.

⁷⁸⁸ U.S. Department of State, *Trafficking in Persons Report- 2004: Cambodia*.

⁷⁸⁹ 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.

⁷⁹⁰ U.S. Department of State, *Country Reports- 2003: Cambodia*, Section 6f.

⁷⁹¹ The project focuses on the trafficking of women and children. 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 May 31, 2004]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>. See also ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women: Project Overview*, [online] [cited October 29, 2004]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/projectoverview-history.htm>.

⁷⁹² 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>.

⁷⁹³ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1288*.

⁷⁹⁴ ILO-IPEC, *Combating Child Labor in Hazardous Work*, project document.

⁷⁹⁵ World Education, *OPTIONS Program in Cambodia, status report*, status report, December, 2003.

capacity of local schools and communities for involvement in educational decision-making.⁷⁹⁶ The Ministry of Education, Youth and Sport (MOEYS) is implementing Priority Action Programs through 2006 that operate nationwide and include activities such as HIV/AIDS education, non-formal education expansion, and program monitoring and capacity building.⁷⁹⁷ 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.⁷⁹⁸

The government also works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school.⁷⁹⁹ The ADB is supporting MOEYS' efforts to implement its Education Strategic Plan 2001-2005 through nationwide policy reforms,⁸⁰⁰ and an initiative to increase equitable access to education and facilitate management and fiscal decentralization.⁸⁰¹ 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.⁸⁰² With U.S. Department of Agriculture funding, the WFP works with MOEYS to deliver school feeding programs in order to increase enrollment.⁸⁰³

⁷⁹⁶ Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Education Strategic Plan 2001-2005*, Phnom Penh, May 2001, Foreword.

⁷⁹⁷ Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 26; available from <http://www.moeys.gov.kh>.

⁷⁹⁸ Ministry of Education, Youth, and Sport, *Departments List*, [online] November 15, 2001 [cited October 29, 2004]; available from http://www.moeys.gov.kh/org_struct/departments_list.htm.

⁷⁹⁹ 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. 1841*.

⁸⁰⁰ 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 May 28, 2004]; available from <http://www.adb.org/Documents/Profiles/LOAN/333996013.ASP>.

⁸⁰¹ 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 May 28, 2004]; available from <http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP>.

⁸⁰² 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 May 28, 2004]; available from <http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP>.

⁸⁰³ 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; available from <http://www.fas.usda.gov/excredits/foodaid/ffe/gfe/congress2003/asia.pdf>.