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**Research Paper:**

**“The Situation of Child Labour in Cambodia”**

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**Contents**

[**Chapter I: Introduction 3**](#_Toc83331779)

[**1. Background 3**](#_Toc83331780)

[**2. Research Questions 4**](#_Toc83331781)

[**3. Research Methodology 4**](#_Toc83331782)

[**3.1 Study Design 4**](#_Toc83331783)

[**3.2 Data Collection 4**](#_Toc83331784)

[**3.3 Data Analysis 5**](#_Toc83331785)

[**3.4 Limitation 5**](#_Toc83331786)

[**Chapter II: Literature Review 6**](#_Toc83331787)

[**Chapter III: Finding and Discussion 8**](#_Toc83331788)

[**1. Causes 8**](#_Toc83331789)

[**2. Consequences 10**](#_Toc83331790)

[**3. Solutions 11**](#_Toc83331791)

[**A. International Legal Frameworks 11**](#_Toc83331792)

[**B. National Legal Frameworks 12**](#_Toc83331793)

[**4. Recommendation 16**](#_Toc83331794)

[**Chapter IV: Conclusion 17**](#_Toc83331795)

# **Chapter I: Introduction**

## **Background**

The issue concerning the child abuse in Cambodia was not taken into serious concern due to the political instability during the late of 1990s. However, as time goes by and Cambodian political situation was getting better, social welfare was taken into consideration as one of the main agenda for the government to carry out.[[1]](#footnote-1) Accordingly, based on the National Institute of Statistics of Cambodia and International Labour Organization (ILO), Child Labor was one of the key social issue that happen, only 4.6 percent of them had completed lower secondary school which means most of the employed children had either completed primary school or had some primary level education.[[2]](#footnote-2) Moreover, child abuse has been seen in a variety of sectors such as forestry, agriculture, industry and service sector.[[3]](#footnote-3) Several small studies reveal the extent to which children are being trafficked for sexual exploitation. For example, 41 percent of the 165 cases of trafficking for sexual purposes reported by nongovernmental organizations in 2007– 2008 were found to be children, the youngest aged just 8 years old. Girls and women aged 13–25 were most often trafficked.

In this far, there was a comprehensive report published in 2020 on child labor explain about the causes along with the data analyzed to be well-prepare for the better policies and programs formulations which aim to address child labor in Cambodia, the reason those children drop their school instead go to work at the early age.[[4]](#footnote-4) In this point, children in Cambodia are engaged in child labor in field of sectors such as agriculture, commercial sexual exploitation, sugarcane sector and other family order. Compare to other ASEAN countries, Cambodia does not have a compulsory education requirement that leaves children vulnerable to the worst forms of child labor. Up to the present, the Government has initiated policies targeting the elimination of the worst forms of child labour, the reduction of child labour and the incidence of trafficking in children and women.[[5]](#footnote-5) This includes promoting children’s education, improving the living conditions of Cambodian families and adopting laws and regulations to eliminate the exploitive forms of child labour in general and the worst forms in particular. In addition, the Government has been involved in international activities to combat the worst forms of child labour.[[6]](#footnote-6) Nevertheless, even with the effort taking by the government, until now the percentage regarding to child abuse still increase from years to years.

The primary objective of the research paper was to collect comprehensive data on all economically active children and child labourers which would enable the Government, international organizations, non-government organizations, researchers to work effectively to more efficiently provide targeted interventions.

## **Research Questions**

The research study is designed to answer two main research questions:

What are the causes and consequence of child labor in Cambodia?

How does the government tackle down the abuse of child labor in Cambodia?

## **Research Methodology**

### **Study Design**

The research paper will be conducted in a Qualitative Method. Thus, with the goal is to understand why Cambodia is struggling to solve child labour, retroporspective method will be deployed for the study.

### **Data Collection**

* + 1. Primary data collection

The primary data will be used in the study for the interviewing of two ELBBL Lecturers who have expertise in public policies and labour law. The interview consent paper will be given to the interviewers. The interview model will be in the semi-interview structure because the model allows interviewees to be flexible in asking follow-up questions as well as for in-depth questions. Interviewees will seek permission from the interviewers to record their voices during the interview. The interview will be conducted in between 15 to 20 minutes.

* + 1. Secondary data collection

The study will also be based on Secondary Data, which includes official reports, articles, news, journals and publications from recognized and accredited organizations and authors. The journal and publications will be extracted from RefWorld(UNHCR), International Labour Organization, UNICEF and other well-known institutions specializing in the Labour force studies. Moreover, news will be taken out from both local and international news agencies such as Phnom Penh Posts, VOA News, KhmerTimes, the ASEANPosts and other news agencies which are accountable and credible with the matter.

### **Data Analysis**

Since the study is designed in a qualitative method, the content will be analyzed based on document content and interview. With regards to the interview, interviewees will transcribe it to answer the research questions. On the other hand, the secondary data such as articles, journals, news and publications, which are accredited and accountable, will be used to answer the research questions.

### **Limitation**

There might be two limitation for our research study. Firstly, due to time constraint and availability of our interviewees, the collection of data through primary source will not be available. As a result, the research study will be based exclusively on secondary source. Secondly, the source we use in secondary data collection are mostly written in English, somehow bias towards the regional government.

# **Chapter II: Literature Review**

1. **Good Practice to tackling child labour in Cambodia**

According to the working paper published by International Labour Organization (ILO) on “Good Practice to tackling child labour in Cambodia”[[7]](#footnote-7) emphasized methods mechanisms to eliminate the child labour in Cambodia. The elimination would not come to existence without a strong collaboration between the Royal Government of Cambodia and the ILO funded by the U.S. Department of Labour approximately nine hundred and six million dollars. The program was significant and produced a fruitful outcome. Firstly, the government has initiated a national plan, laws and other mechanisms to eliminate child labour. Secondly, laws alone, would not be enough; so, both parties introduced procedures to pull children out from labour, as well as, monitoring the missions so that the outcome would be satisfied. Third, the program has expanded to understanding about root causes and the negative impacts of child labour and proposed solutions to solve the problem. By this, the government would not only help to eliminate but also, spread knowledge throughout the country to reduce the heavy child labour force such as in Salt industry. Last but not least, the initiative has become a focal point to eliminate child labour from various of players ranging from government sector to private to NGOs to Civil Societies, and to Religious Groups. Moreover, the expansion of the program has shown that the most effective way to provide another chance for children to go to school was to help their parents. There are several ways to help them such as offering training to conduct small business, literature on finance, vocational training, offer saving account to gain interest, loan with the lowest interest, and loan with no interest just for necessary only. As a result of this good practice, approximately thirty-one thousand kids have gone through either normal education or vocational training. In short, they were not subjected to child labour. Furthermore, about six thousand and four hundred parents have saved, loaned, and studied new skills to gain incomes instead of the traditional method.

1. **Child Workers in Brick Factories: Causes and Consequences**

Similarly, LICADHO and World Vision Cambodia have joined a collaboration to study “Child Workers in Brick Factories: Causes and Consequences”[[8]](#footnote-8). The study has shaded some lights in which we understand the reasons behind child labour in brick factories, the working conditions over there and the impacts of child development. Essentially the study was conducted in a qualitative method with an interview model and transcribed the model in a descriptive characteristic into the study. Plus, the study has selected every site that is located in Battambang and Sang Ke district and the surrounding Battambang provincial city to collect data. According to the study, there are three main reasons behind child labour such as family economic hardship, being forces by parents and personal needs. The study also showed that the response from children on the first and second reasons are consistent, meaning that children are dragged into this intense labour force because their families live there or their parents are sick and need replacement, family traditions, or their family is facing economic hardship. Moreover, the study also reflects that children sometimes need to obtain their personal needs such as clothes, shoes, snacks and so on; so, an easy way to those needs is to work especially in brick factories because no experience is required, easy money and close proximity. Since the study was conducted in questionnaire based, the managers/owners were interviewed as well, they give three reasons why they chose to hire children such as punctuality, hard-work and fast, and easily managed. However, working at a brick factory is a heavy and dangerous job, in which the factories do not provide enough safety for them, and in return, the children suffer both physical and mental health. This suffering has a huge impact on child development. With regards the former, they can easily get injured such as watery eyes, difficult breathing, backache, skin rashes, headache, and other potential issues. Regarding the latter, the children are easily attached to school drop-out, skip classes, school tardiness, and irregular school attendances.

# **Chapter III: Finding and Discussion**

## **Causes**

Children in Cambodia are involved in child labor due to many significant reasons. Obviously, one of the most important reasons is poverty.[[9]](#footnote-9) In rural areas, 90 percent of families are poor by farming depending on the climates. When crops fail, families must earn cash to buy food. And if parents cannot earn enough, they ask their children to work too.[[10]](#footnote-10) In addition to poverty from families in rural areas, poverty of migrant families also indicated the issue. Having low income, especially families in seasonal migration that have frequent practices to cope with the situation by having children involve in child labor activities. Those activities are the high demand for labor in production such as, plantation, small industries such as brick-making, salt farms, fishing and fish products processing, wood-carving, where children tend to work. Additionally, children also work in domestic labor such as restaurants, tourism establishments and construction…, etc.[[11]](#footnote-11) Hence, it is the poverty reason that pushes the children into work, helping their parents to improve their earnings.

Another reason that trigger the child labor happens is the lack of compulsory policy and legal provision to the age of children for completion of schooling. Education is free, also an effective and sustainable way to eliminate poverty. However, it is not compulsory. Article 32 of the Educational Law of Cambodia, the minimum age for the school enrollment is set at the age of six.[[12]](#footnote-12) Even though the minimum age of the enrollment is set, the compulsory minimum age for children to finish their schooling is not clearly defined. As a result, it increases the tendency of the involvement of the children whose age is under legal minimum age entering into the labor force.[[13]](#footnote-13)In addition to the aforementioned issue, the family economic hardship pointed out to be the leading reason for the children to work. Poor families who lack financial resources and education are likely to send their children to work.[[14]](#footnote-14) They have little alternative but to send their kids to work to support the whole family. Participant in the child labor survey who only managed to study at school for two year said that, “Working here helps my mother provide for the family, otherwise she can’t earn enough. It also helps to support my siblings”.[[15]](#footnote-15)

Another reason that contribute the child labor still exist among the children in Cambodia is the limitation of Labor Inspectors. Labor inspectors have long been recognized as a key partner to combat child labor.[[16]](#footnote-16)In accordance with the Article 344 of Cambodia Labor Law, the labor inspectors’ main duties are to ensure the enforcement of the Labor Law and other regulations, give information and advice to employers and employees on how to comply with the labor law, and to bring the attention of the competent authority to any violation of law.[[17]](#footnote-17) With respect to the child labor, the inspectors are empowered to oversee whether or not the works are beyond the capacity of the children.[[18]](#footnote-18) They also have the authority and discretion to withdraw those children from their jobs if necessary.[[19]](#footnote-19) However, the capability of the labor inspectors to perform their roles is still limited. The National Committee on Countering Child Labor employs only one child labor inspector in each of Cambodia’s 25 provinces.[[20]](#footnote-20) Due to scare resources, the child labor inspections are not made in actively in the country. While the considerable number of children is often employed in the official registered businesses, the inspections are concentrated only in the Phnom Penh and formal sectors such as textiles and garments.[[21]](#footnote-21)Meanwhile, the inspection in the rural areas and informal sector where the child labor frequently occur rarely take place.[[22]](#footnote-22) Furthermore, it was reported that the labor inspectorate did not conduct inspections after business hours or at night times where the children under the minimum age are illegally employed.[[23]](#footnote-23)

## **Consequences**

Human capital is an essential component to any country’s development, so does Cambodia. But what stands between development and human capital is the struggle of lacking human resources. Education is the most common and effective tool in training, shaping and developing humans to be ready in the future, especially children. Additionally, there is an existing study conducted by the National Institute of Statistics with collaboration of International Labor Organization, stating that approximately three million of children at the age of 5 to 17 years old dropped out of school due to numerous reasons in 2012[[24]](#footnote-24). As a result, there were estimate 14 thousand children of all households unable to afford schooling. In other words, their family economics was not active enough, which left them with no choice to help with family economic chores. On the one hand, children want to pay gratitude to help their family. On the other hand, children are bearing the consequences in the image of child exploitation and child development. Regardless of the good deeds, they have to put up with four unpleasant outcomes.

Firstly, children working at hazardous jobs will definitely suffer both physical and mental health, which affects child development.[[25]](#footnote-25) Those sufferings are back problems, arthritis, reduced strength, stamina, and so on. Those children, who are working at the brick factories, are subject to injuries and illness easily, such as cuts, wounds, punctures, burns, sprains, loss, bruises and others. Not to mention about the chemicals that the kid’s breath in or the heavy operation work carrying bricks under the sun, which result in damaging the physical and psychological of the children. In addition, attaching to the Article 175 of the Cambodian Labour Law, allow 16 years old age and over to work in several industries such as iron and steel factories, glass factories, paper factories, sugar factories and gold one refineries[[26]](#footnote-26). However, we have seen children under 16 years old working at brick factories which the law does not allow and the employer ignores the law.

Secondly, even though kids register for education, as circumstances have come, like family economic hardship or family replacement, they are prone to give up their education and go to work.[[27]](#footnote-27) For this reason, children lose the opportunity to obtain academic achievement or gain a better job with better salary through education. As the country is facing a lack of human resources because kids are applying for unskilled labor, factory owners or construction workers see it as an opportunity to exploit them with low payment. Even so, there is a provision, specifically Article 177 from the Cambodian Labor Law, that allows minors at the age of 15 years old to start working[[28]](#footnote-28). But we still see kids under 15 years old getting paid with a minimum wage because the family's economy is not active enough to support the family. For this reason, factory’s owners exploit the improper law enforcement and seek to provide children chances to leverage their family hardship[[29]](#footnote-29). Therefore, it is up to the children whether they want to contribute economically to their family or not. The result is likely obvious, which they will.

Last but not least, the domino effect of one child in the family going to work, will more or less influence other siblings to go as well.[[30]](#footnote-30) Sad but true, the concept of spill-over or domino effects will exist because of their low education and less maturity, which lead other children inside the family to go to work alongside their brother or sister. They think they can help the family, but the benefits go to the owner of the factory or work place that exploits them.

## **Solutions**

In response to the Child Abuse, Cambodia made an advance in moderate efforts to decrease the child labor cases. There are two forms of legal frameworks, such as International level (1) and the National level (2).

### **International Legal Frameworks**

In term of International Legal Framework, Cambodia has ratified all key international conventions concerning child labor including The United Nations Convention on the Rights of the Child (UNCRC), UN CRC Optional Protocol on Armed Conflict, UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography Palermo Protocol on Trafficking in Persons, International Labour Organization on Minimum Age, and International Labour Organization on Worst Forms of Child Labor.[[31]](#footnote-31) Besides, Cambodia has taken an actions not just a signatory State but also ratification on the ILO Minimum Age Convention, 1973 in 1999 and the ILO Worst Forms of Child Labour Convention, 1999 in 2005.[[32]](#footnote-32) Article 48 of the Constitution of Cambodia, guarantee child rights in accordance with the UN Convention on the Rights of the Child, specifically the rights “to life, education, protection during wartime, and from economic and sexual exploitation”.[[33]](#footnote-33) Cambodia’s Labour Law sets the allowable minimum age for wage employment at 15 years. Provision under article 177 of the law specifies 18 years as the minimum allowable age for any kind of employment or work that by its nature could be hazardous to the health, safety or morals of an adolescent.

### **National Legal Frameworks**

Under the National Level, Child Labour related laws and binding regulations adopted by the Parliament, Royal Government of Cambodia, and Agencies Responsible for Child Labor Law Enforcement. In term of National level, the government join effort with the inter-ministries to fasten the speed in released the Action Plan to prevent and respond to Child Abuse. For instance, the Ministry of Education provides trafficking-in-person awareness training for education teachers and officials in relevant fields. Besides, the Ministry of Social Affairs, Veterans and Youth repatriated conduct training to law enforcement officials on figure the human trafficking victims, including children.

* **Adopt by the Government**

The Royal Government of Cambodia (RGC) has taken various measures to reduce and eliminate child labor. RGC has established institutional mechanisms for the enforcement of the laws and regulations of child labor as well as many national policy frameworks.

In 2016, the government issued the Royal Decree on the establishment of National Committee on Countering Child Labor (NCCL) as the government established National Committee countering Child Labor where this committee has function to corporate and give advice to Royal Government on emergency activities for the revocation of serious form of child labor.[[34]](#footnote-34) This committee has obligations to issue the policy, national plan and any regulations related to revocation of serious form of child labor at the national level including monitoring, examining and evaluating on its implementation (2) ensure the national plans and projects conform with regulations and coordinate all government ministries, institutions, international NGOs, and other government partners in promoting and protecting children’s rights.[[35]](#footnote-35) In addition, in 2018, the government issued a sub-decree on the organization and functioning of General Secretariat of Committee against the child labor, this sub decree determine about the organization and functioning of General Secretariat of Committee against the child labor.[[36]](#footnote-36) In addition, Cambodia also initiated the Department of Child Labor within the Ministry of Labor and Vocational Training (MOLVT) to further enforce the effort in child-related provisions in relations to Labor Law and train Commune Committees for Children and women. Basically, The Department of Child Labor is responsible in reported new regulation with regard to the recruitment of young workers. Meanwhile, the MOLVT has other regulations regarding acceptable work for children in fishing, agriculture, tobacco, and sugarcane production.[[37]](#footnote-37)

* **Additional National Plan**

RGC adopted the 4th, 5th, 6th national report on the implementation of conventions on the rights of the child in Cambodia.[[38]](#footnote-38) In addition, RGC adopted the National Plan of Action on the Reduction of Child Labor and Elimination of the Worst Forms of Child Labor (2016–2025).[[39]](#footnote-39) In 2019, the authorities of the Child Labor Department at the Ministry of Labour and Vocational Training visited around 100 facilities in Phnom Penh, Kandal Kampng Cham, Tbong Khmum, Kratie and Prey Veny provinces and the authorities inspected that there were 10 to 20 locations in each province which it was not fully complied with the law and the authority found out that there was on the brick kiln factory in Kandal province where it was fined five million riels ($1,250) for using child labor[[40]](#footnote-40). Beside in the brick factory, the government also has taken an action in the fisheries field as the government has created the action for the elimination of child labour where having seen that the main outcomes of the 5 years of child labour in the 5 years from 2016-2020, Child labour of the fisheries families are reduced, prevented and protected through implementation of sustainable livelihood approaches and activities.[[41]](#footnote-41)

* **Agencies Responsible for Child Labor Law Enforcement**

There are many Agencies Responsible for Child Labor Law Enforcement in Cambodia, first is Cambodian National Police Anti-Human Trafficking and Juvenile Protection Department, this law mainly focus on the enforcement toward the human trafficking and commercial sexual exploitation of children, consort with provincial and municipal anti-human trafficking and juvenile protection offices.[[42]](#footnote-42) Second, Ministry of Social Affairs, Veterans, and Youth Rehabilitation-accompany the police on investigations, and refer victims of child labor to NGOs for services. Third, Department of Child Labor, Ministry of Labor and Vocational Training (MOLVT) Enforce child-related provisions of the Labor Law, and train Commune Committees for Women and Children that oversee local child labor monitoring systems.[[43]](#footnote-43)

* **Other relevant organizations**

Beside the RGC, there are also the other relevant organizations who work closely with RGC. Cambodian Federation of Employers and Business Association (CAMFEBA) is a professional organization of employers in Cambodia who has launched an launched a Plan of Action on the Elimination of Child Labor in Cambodia 2012-2016 in Cambodia[[44]](#footnote-44).

* **Recent case of two Cambodian children, Chana and Ley**

Despite there are many both international and national law source impose by the government, however; beyond the period of disruption due to the COVID-19 pandemic, most of the child age ranging from six to fourteen year old are facing the risks of drop their education. Thereby, based on International Labor Organization (ILO) and UNICEF,[[45]](#footnote-45) COVID-19 could lead millions more children to work and so it led to a significant increase in child labor as families’ livelihoods decline in middle and low-income countries.

This is already the case in Cambodia, two Cambodian children, Chana and Ley aged 12 and 9,[[46]](#footnote-46) and they decided to drop their school in order to have time for working to help their family survive. They work since the early age to contribute to the income of their families while school continue to close down. Even based on the recent update, many schools will be reopened in September, children in this area were supposed to attending only approximately one hour a day due to classroom size restrictions imposed by Covid-19 prevention measures. On the other hand, since early November, schools in the country’s capital are still closed and continue to teach online. Thus, the hope of Chana and Ley to pursue an education is less emphasize and less determine for them to commit.[[47]](#footnote-47)

By that, through "Unequal Effects of Covid-19 pandemic in Cambodia", Children were not only able to sharpen our skills, but it was also a great opportunity to discover the sad reality of education gap for children in indigenous and rural community without having enough access to digital devices/internet to pursue their remote education.

Under International support from, “The Cambodian Consortium for Out of School Children, in partnership with Educate a Child”, a global programme of the Education, they continue to support children like Chana and Ley to access education and aim to enroll over 118,000 out of school children in school over the next following years.

## **Recommendation**

As seeing the problem that child labor cannot solve base on the effort of the government alone, this paper recommends that all relevant stakeholders—include but not limit to employer and parent that is the main factor contribute to child labor—shall work together with the government and follow the law and action plan adopted by the government in order to solve as well as eliminate illegal child labor in Cambodia. In this regard, the government, either work independently or collaborate with other state actors, should create an educational program to spread as well as to improve the understanding of the regulations related to illegal child labor to those who unaware of these provisions. This educational also should include further about the effect and consequence of child labor This educational program can be in form of on-site teaching through the direct meeting with citizens or through broadcasting on internet or television channel, which mostly target the parents and employers because they play important role in the existent of child labor. Additionally, the government also need to enact a separate law governing child labor since there is no specific law govern this issue, though there are some provisions under few laws and regulations that stated about this matter but not to the detail point like other matters that have their separate laws to govern them. The specific law for this matter will be able to cover a bigger scope unlike the provisions under other laws and regulation that only cover in the scope of its design sector. Beside from scope and detail of the law, this specific law shall include the penalty sections for the violator of the law. This penalty section will be more detail and unify than the penalty of illegal child labor provision under other laws and regulations.

# **Chapter IV: Conclusion**

This research paper emphasis on the situation of child labor in Cambodia by focusing on the cause of child labor and the solution adopted by the government to tackle this problem. Overall, the causes of child labor in Cambodia came from the poverty that even children have to work, either willingly or unwillingly, for the survival of themselves and their poor families; the lack of access to education that make parents seeing education as a waste of time and deciding to stop their children from wasting their time going to school, so that the children can work to earn income for the families; the norm that making children work for economic of the families as normal activities; and the cheap cost of child labor that attract the employers to violate the law and employ the children to work. On the other hand, the consequences of child labor consist of mental health, children drop out of school, and domino effect on their sibling. In response to this problem, the government of Cambodia has been working diligently to come up with solutions to tackle the problem. As a member to all keys convention related to child labor include United Nations Convention on the Rights of the Child (UNCRC), UNCRC Optional Protocol on Armed Conflict, UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography Palermo Protocol on Trafficking in Persons, Convention on Minimum Age, and Convention on Worst Forms of Child Labor; Cambodia government with related ministry has come up with many action plans and solutions such as formation of child labor committee, agencies for child labor law enforcement, corporate closely with relevant organizations, and creating national plans in order to prevent and response to child labor happened inside territory of Cambodia. With knowing the causes that result from the demand of related parties to existence of child labor, the government of Cambodia spend much effort in coming up solution to reduce and prevent child labor in Cambodia; however, child labor still exist as its causes still unable to be eliminated completely and the government effort alone cannot solve the problem effectively in current situations.

The limitation of this research paper is it mainly depends on secondary sources, but the finding of this paper can serve as the basis for future research. This research paper focus on the cause of child labor and the solution adopted by the government to tackle this problem; therefore, further investigation on the situation of child labor in Cambodia should be on the laws and regulations of child labor, as well as the comparison of child labor in rural and urban area, and the institution responsible for child labor dispute and its mechanism.

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