

# NATIONAL LEGISLATION ON HAZARDOUS CHILD LABOUR

Minimum Age Convention, 1973 (No. 138)  
and  
Worst Forms of Child Labour Convention, 1999 (No.182)

## CAMBODIA

### RATIFICATIONS

Convention No. 138	23 August 1999
Convention No. 182	14 March 2006

- 1) *Country Overview*
- 2) *Prakas on the Prohibition of Hazardous Child Labour Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation – 28 April 2004*  
  
*Original language:* English – [Full Official Text \(📄 on line\)](#) – ILO Summary.  
Items 1, 2, 4 and 6 establishing **hazardous work prohibited to persons under the age of 18 years.**
- 3) *CEACR, 2011 Observation and Direct Request, Convention No. 182 and CEACR, 2011 Direct Request, Convention No. 138*
- 4) *CRC, Concluding Observations of the Committee on the Rights of the Child, August 2011*

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## Country Overview

International Conventions and selected Laws on child labour and education		Working children by sector, aged 5-14 years
C138, Minimum Age	✓	<p>A pie chart illustrating the distribution of working children aged 5-14 years across different sectors in Cambodia. The largest segment is Agriculture at 84.8%, followed by Services at 7.7%, Other at 4.6%, and Manufacturing at 2.9%.</p>
C182, Worst Forms of Child Labour	✓	
CRC	✓	
General Minimum age for admission to employment (**)	15	
Minimum Age for Hazardous Work	18	
Compulsory Education Age	No	
List of hazardous work (*)	Yes	
Free Public Education	Yes	
<p>(*) The list of hazardous work includes: handling and spraying pesticides and herbicides; work involving exposures to fumes, dust, gas and other substances likely to cause harm to the respiratory system.            (**) Cambodia ratified Convention No. 138 with the minimum age of 14. However the Cambodian Labour Law says 15.</p>		<p><b>Sources:</b>  <b>Primary completion rates:</b> UNESCO Institute for Statistics, 2013. (1)  <b>All other data:</b> Understanding Children's Work Project's analysis of statistics from PNAD Survey, 2011. (2)  <b>Cited in:</b> 2012 Findings on the Worst Forms of Child Labour, United States Department of Labour's Bureau of International Labour Affairs.</p>

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## Prakas on the Prohibition of Hazardous Child Labour - Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation – 28 April 2004.

### Original language

Cambodian

English translation by the Government of Cambodia available at ILO.

### Abstract

**Items 1, 2, 4 and 6 establishing hazardous work prohibited to persons under the age of 18 years.**

### Text of legal provisions

➤ **Item 1**

“Employers of enterprises or establishments referred to in Article 1 of the Labor Law shall prohibit of using a child who has not attained 18 years of age in any types of work referred to in Item 2 of the present Prakas”.

➤ **Item 2**

“Hazardous work is work which by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of a child.

The types of hazardous work referred to in the condition of Item 1 are:

- 1) Smelting, blowing, casting, rolling, stamping or welding metal
- 2) Deep-sea and off-shore fishing
- 3) Diving for marine products such as sponge, pearls, sand and shells
- 4) Logging

- 5) Charcoal burning
- 6) Operating steam boilers, air receivers, gas cylinders, acetylene generators, conveyors and carrying out quarrying operations such drilling, igniting, blasting, crushing and splitting stones
- 7) Operating power-driven woodworking machines
- 8) Operating cranes, hoists, scaffold winches or other lifting machines
- 9) Lifting, carrying, handling and moving of heavy loads as prescribed by another Prakas of MoSALVY
- 10) Fire fighting
- 11) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) transportation equipment such as bulldozers, pile driving equipment, trailers, road rollers, tractor lifting appliances, excavators, loading machines, trucks, buses, and taxis
- 12) Maintenance of heavy machinery
- 13) Work which is carried out underground, underwater, in a cavern, or in a tunnel
- 14) Handling explosives, corrosives, firework or inflammable material, with the exception of work carried out in gas stations servicing motor vehicles
- 15) Work carried out at construction sites, except in specifically designated, safe areas
- 16) Demolition work
- 17) Works carried out on a ladder or scaffold (such as for painting, repairing, or building structures, pruning trees, picking fruits) at a height of over 6 meters
- 18) Work involving exposure to pathogenic agents such as work in laboratories or handling sewage
- 19) Work involving exposure to harmful chemical, physical, electromagnetic or ionizing agents such as:
  - Asbestos
  - Benzene
  - Cadmium

Mercury

Lead/zinc, metallurgy, white lead, lead in paint

Radioactive substances and self-luminous compounds

Infra-red and ultraviolet rays, laser, radio-frequency emissions.

- 20) Work involving exposure to fumes, dust, gas and other ambient substances likely to cause harm to the respiratory system
- 21) Handling and spraying pesticides and herbicides
- 22) Operating power-driven spinning and winding machines
- 23) Bleaching, dyeing and finishing textiles, laundry using chemicals
- 24) Applying electrical fittings, including work as linemen and cable jointers
- 25) Work nearby furnaces or kiln as part of the manufacturing process of glass ceramics or bricks
- 26) Production of alcoholic beverages such as spirits, beer and wine
- 27) Tanning
- 28) Lifeguards in swimming pools and resorts
- 29) Work in a blacksmith's workshop
- 30) Work in abattoirs (slaughterhouses) and meat rendering
- 31) Extracting lard and oil
- 32) Work as security guards
- 33) Work in entertainment such as bartender, masseurs, dancer, and as waiters in nightclubs, and places where alcoholic beverages are served such as cocktail lounges.
- 34) Work in dangerous sports such as jockeys, horse-trainers, and martial arts instructors or at shooting ranges
- 35) Work as embalmers
- 36) Work related to gambling such as dealers, croupiers, bookies and bet takers

37) Work carried out under conditions of excessive heat, cold, vibration, sound and abnormal lighting

38) Work related to the production, processing or transportation of drugs or pharmaceutical products

➤ **Item 4**

“Domestic work shall be considered as the hazardous work, if it is carried out under conditions which are more onerous, and children shall not be admitted to domestic work accordingly. .... A child who has not attained 18 years of age shall not be employed to carry out any domestic work which is likely to harm his or her health, safety or morals, in particular any of activities and processes referred to in Item 2 of the present Prakas. ... Domestic work for paying off the dept shall be extremely prohibited and eliminated”.

➤ **Item 6**

“Notwithstanding Item 3 of the present Prakas, a child who has not attained 18 years of age shall under no condition be employed or worked underground in mines or quarries. ...”

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## COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS (CEACR) - Worst Forms of Child Labour Convention, 1999 (No.182) - Minimum Age Convention, 1973 (No. 138)

### ➤ 2011 Observation, Convention No. 182

- Article 7(2) - Effective and time-bound measures.

Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour and assistance for their removal from these worst forms of child labour and for their rehabilitation and social integration. Trafficking and commercial sexual exploitation.

The Committee previously noted that the Labour Code appears to only apply to those with an employment relationship. In this regard, it noted that the Labour Code does not cover many areas of informal sector work such as family businesses and farms, begging, scavenging, hauling and day labour, where the most serious child labour problems exist. The Committee brought the Government's attention to the fact that the Convention applies not only to work under an employment contract, but to all types of work or employment. It requested the Government to take the necessary measures to ensure that self-employed workers under 18 years of age are protected from hazardous work.

Noting that the Government refers to the draft Law on Juvenile Justice, the Committee requests the Government to indicate whether this draft law provides for the protection of self-employed children from hazardous work, and to communicate a copy of it as soon as it is adopted.

- Article 5 [d] - Children at special risk – Child domestic workers.

Following its previous comments, the Committee notes that one of the sectors of targeted interventions of the **Time-bound Programme (TBP)** is child domestic workers in Phnom Penh.

Moreover, one of the prioritized sectors of intervention of the National Plan of

Action on the Elimination of the Worst Forms of Child Labour (2008–12) (NPA–WFCL) is also that of children in domestic labour.

**The Committee encourages the Government to redouble its efforts in order to protect child domestic workers from hazardous work.** It once again requests the Government to provide information on the number of child domestic workers who were prevented from performing hazardous work, or withdrawn from hazardous work and rehabilitated and socially integrated, as a result of the implementation of the TBP–Phase II and of the NPA–WFCL, in its next report.

○ **Part V of the report form – Application of the Convention in practice**

Following its previous comments, the Committee notes that, in its concluding observations of 20 June 2011, the CRC expresses concern that over 1.5 million children are still economically active in Cambodia and that around 250,000 are engaged in the worst forms of child labour (CRC/C/KHM/CO/2, paragraph 67). The Committee also notes the Government’s statement that it is collaborating with ILO–IPEC to conduct a survey, within the framework of the TBP–Phase II, on the situation of child labour in Cambodia, and especially its worst forms, for 2011.

**The Committee expresses its deep concern at the high number of children involved in the worst forms of child labour, and accordingly urges the Government to redouble its efforts to ensure in practice the protection of children from these worst forms.** The Committee also requests the Government to provide a copy of the results of the survey on child labour in Cambodia, once it is finalized. To the extent possible, all information provided should be disaggregated by age and sex.

➤ **2011 Direct request, Convention No. 182.**

○ **Article 6 - Programmes of action to eliminate the worst forms of child labour.**

The Committee previously noted that the Government had adopted the second phase of the National Plan of Action on the Elimination of the Worst Forms of Child Labour (2008–12) (NPA–WFCL), which aims at reducing the incidence of child labour among children aged 5–17 years from 16.5 per cent in 1999, to 10.6 per cent in 2010, to 8 per cent in 2015, and to end the worst forms of child labour by 2016. The NPA–WFCL contains eight areas of action: research and study; policy and institutional development; legislation and enforcement; advocacy, networking and social mobilization; education; prevention; protection; withdrawal/removal and rehabilitation.



The Committee notes with interest the Government's information that, as of 2010, the NPA–WFCL has resulted in the removal of 8,471 children (4,925 girls) from the worst forms of child labour.

The Committee encourages the Government to pursue its efforts in order to reach the goals stated in the NPA–WFCL and effectively eradicate the worst forms of child labour in Cambodia by 2016. It requests the Government to continue providing information on the progress made in this regard.

○ **Article 7 (2) - Effective and time-bound measures.**

The Committee previously noted that the ILO–IPEC project *Support to the National Plan of Action on the Elimination of the Worst Forms of Child Labour (NPA–WFCL)*, a **Time-bound Programme (TBP)**, was implemented on 30 September 2004. Under the targeted interventions objective, the **TBP** implemented action programmes by sector directly targeting children for withdrawal, prevention and rehabilitation. The ten action programmes dealt with, among others, salt and fishing production in Kampot; fishing production in Sihanoukville; salt production in Kep; rubber plantations in Kampong Cham; the brick industry in Siem Reap and Kampong Cham; child domestic workers in Phnom Penh; and child porters in Banteay Meanchey. The Committee also noted that the second phase of the **TBP (TBP–Phase II)** replicates good practices from Phase I when possible and focuses on the following interventions: creating a child labour-free zone; reducing the incidence of urban child labour; targeting the worst forms of child labour in new areas; preventing trafficking in children; and promoting safe migration for decent work for youth. The **TBP–Phase II**, which commenced on 30 September 2008, is being implemented over a period of 48 months.

Other sectors targeted by the TBP and TBP–Phase II:

The Committee previously noted that the **TBP–Phase II** would be implemented in 15 provinces and will target a total of 12,000 children as direct beneficiaries through the provision of educational and non-educational services. Out of this total, 11,000 children would be targeted for withdrawal and prevention through educational (and skills development) services, while 1,000 would be targeted through non-educational services. Moreover, of the total 12,000 targeted children, 7,200 would be withdrawn and 4,800 would be prevented from the worst forms of child labour.

The Committee notes with **interest** that, according to information available at ILO–IPEC, the **TBP–Phase II** has thus far permitted the withdrawal and prevention

of 2,719 children (1,398 girls) from the worst forms of child labour. Of that number, 740 children (367 girls) have been removed from the worst forms of child labour, and 1,979 children (1,031 girls) who were at risk of joining the worst forms of child labour have been prevented from doing so. These children are all receiving services such as educational or vocational training.

➤ **2011 Direct request, Convention No. 138.**

○ **Article 2 - Scope of the Convention.**

The Committee had previously noted that section 177(1) of the Labour Law of 1997 sets the minimum age of wage employment at 15 years. It had further noted the Government's statement that this provision only applies to wage employment and it was found that with the present state of the Cambodian economy and administration, its enforcement was met with some difficulties.

The Committee notes the Government's information that it has conducted a review of the Labour Law of 1997 in the framework of the *ILO-IPEC Time-bound Programme (TBP-Phase II)* entitled "A Review of the Legislative Framework on Child Labour in Cambodia" (Review). This review aims and has drafted amendments to Cambodian labour law to ensure the application of the minimum age for admission to all types of work outside an employment relationship, including self-employment. The Committee recalls that the Convention applies not only to work under an employment contract but to all types of work or employment.

The Committee requests the Government to indicate how the envisaged amendments to Cambodian labour law will extend the protection of the Convention to children under the minimum age working outside of an employment relationship. It also requests the Government to take measures to ensure that such amendments are adopted in the near future.

○ **Article 2(2), (3) and (5) - Raising the minimum age for admission to employment or work and age of completion of compulsory schooling.**

In its previous comments, the Committee had noted the information provided by the Government that "schooling is compulsory for nine years and primary and secondary schools are free" (article 68 of the Constitution and Royal Decree No. NS/RKT/0796/52 dated 26 July 1996). It observed that if children start school at 6 years of age, they will complete compulsory schooling at 15 years of age. The Committee noted the Government's information that the minimum age for employment as provided for in the Labour Law (15 years), is the same as the age

of completion of compulsory schooling in Cambodia. However, the Committee recalled that, at the time of ratification, the Government specified a minimum age of 14 years for admission to employment or work. The Committee also recalled that under *Article 2(3)* of the Convention, the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling. In view of the Government's indication that the enforcement of the provisions of the Labour Law concerning the minimum age for employment (15 years) is difficult, the Committee asked the Government to consider modifying the legislation to the effect that children who are still undergoing compulsory education may not be admitted to employment regardless of their age.

The Committee notes the Government's information that the minimum age for employment or work in Cambodia is 15 years, and that in all the circulars and documents being issued by the Government, such as in the National Plan of Action on the Elimination of the Worst Forms of Child Labour (NPA), the minimum age of 15 is now accordingly being referred to. The Committee notes with *interest* the Government's indication that it therefore renounces its right to avail itself of the possibility of specifying a minimum age of 14 years, as of 12 June 2011.

*The Committee takes the opportunity to draw the Government's attention to Article 2(2) of the Convention, which provides that any Member having ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a new declaration, that it has raised the minimum age that it had previously specified. The Committee would be grateful if the Government would consider the possibility of sending a declaration of this nature to the Office.*

○ **Article 4 - Exclusion of limited categories of employment or work.**

The Committee had previously noted that, by virtue of section 1(e), the Labour Law does not apply to domestics or household servants who are defined as workers who are engaged to take care of the homeowner or of the owner's property in return for remuneration.

The Committee notes the Government's information that the Review envisages to cover persons under 18 working as domestics and household servants under section 8 of the Labour Law, which concerns child labour.

The Committee requests the Government to indicate whether the amendments to the Labour Law envisaged in the framework of the Review will extend the protection of the Convention to domestic workers and household servants under the minimum age for admission to work.

- **Article 7(2) and (3) - Light work.**

The Committee had previously noted the Government's indication that a draft ministerial order (PRAKAS) to determine the types of light work and to establish the working conditions, particularly the maximum number of hours of work, was in preparation. The Committee had observed that this draft PRAKAS has been discussed in the child labour working group and the national subcommittee on child labour and would be issued after technical advice from the ILO. It noted that, according to the summary outline for the ILO–IPEC action programme “An awareness and advocacy campaign against child labour in Cambodia” of 1 January 2007, the PRAKAS defining light work for children aged 12–14 years was pending approval.

The Committee notes the Government's information that the PRAKAS No. 002 on the determination of types of light work and employment in which children who have attained 12 to 15 years may be hired has been issued on 8 January 2008.

The Committee requests the Government to provide a copy of the PRAKAS relating to light work with its next report.

- **Article 1 and Part V of the report form - Practical application of the Convention.**

In its previous comments, the Committee had noted that, in its concluding observations on the initial report of Cambodia (CRC/C/15/Add. 128, paragraphs 61–62), the Committee on the Rights of the Child (CRC) expressed its concern about the large number of working children, including in the informal sector, in agriculture and in the family context. The Committee noted that Cambodia has the largest proportion of economically active 10 to 14 year-olds in East and South-East Asia. The Committee noted the Government's information that it has taken several national policies and programmes to protect underage children from working. Furthermore, the Government intended to provide access to quality education for all children through its Education for All National Plan (2003–15).

The Committee notes the Government's information on the several measures it continues to undertake to combat child labour. These measures include discussions for the adoption of a second NPA for 2013–16 which aims to reduce overall child labour to 8 per cent by 2015. Moreover, the issue of child labour has been integrated as a key objective of the National Social Protection Strategy and child workers have been identified as a separate vulnerable group in the Education Strategic Plan II of 2009–13. The Government also indicates that employers' and workers' organizations are making separate bipartite and

tripartite efforts to reduce and end child labour in the country. The Committee notes the Government's information that the impact of these initiatives is beginning to be seen. For example, the salt sector will be declared free of child labour in the next year. Similarly, the province of Kep and the porter sector in the municipality of Poipet will be free of child labour by 12 June 2012 and, according to the Government, the on-going work in Phnom Penh and Siem Reap is beginning to show that the touristic parts of these two cities would also be free of child labour by June 2012.

However, the Committee notes that, in its concluding observations of 20 June 2011, the CRC expresses concern that over 1.5 million children are still economically active in Cambodia. Moreover, the Government indicates that exact statistical data will be obtained through the Labour Force and Child Labour Survey, which is being conducted by the National Institute of Statistics of the Ministry of Planning with the support of ILO–IPEC–SIMPOC, within the framework of the *TBP-Phase II*. ***While noting the measures taken by the Government to abolish child labour, the Committee expresses its concern at the number of children who are compelled to work in Cambodia and urges the Government to redouble its efforts to combat child labour. The Committee requests the Government to continue providing information on the impact of its measures on the elimination of child labour. The Committee also requests the Government to provide a copy of the results of the Labour Force and Child Labour Survey, once it is finalized. To the extent possible, all information provided should be disaggregated by age and sex.***

# CAMBODIA

## COMMITTEE ON THE RIGHTS OF THE CHILD Concluding observations 3 Aug. 2011

### ➤ Child rights and the business sector

**26.** The Committee notes that in the context of economic growth and increased domestic and foreign investment, the State party has taken positive measures to regulate the impact of business on child rights in the formal economy, such as the garment industry. The Committee is however concerned that the regulatory framework on the social and environmental responsibility of business corporations, both national and international, is not yet in place to prevent possible negative impact of their activities on children.

### ➤ Education, including vocational training and guidance

**65.** The Committee notes with satisfaction the remarkable progress made by the State party to increase primary and secondary school enrolment, ensure equitable access to education throughout the country and reduce the gender gap. The Committee also welcomes the State party's commitment to implement the Education for All Initiative. However, the Committee expresses concern that education is still not compulsory in the State party, that only 1.9 per cent of GDP is spent on education, and that education expenditure has dropped since 2007. The Committee also expresses concern that:

- (a) Children with disabilities, those from ethnic minorities and indigenous children remain highly discriminated against in their access to education;
- (b) School enrolment indicators are particularly low in certain regions, such as in Ratanakiri and Monduliri provinces where there is a large minority population;
- (c) There is still a lack of school infrastructure in the State party, especially facilities such as toilets and drinking water, as well as materials for pupils, particularly in rural areas;

- (d) Although the State party indicated during the dialogue that the issue of paying additional fees to teachers has been addressed, teacher salaries remain low; the overall level of corruption which exists in the State party, leads to the possibility of teachers taking money to pass pupils taking examinations;
- (e) Drop-out, absenteeism and repetition rates remain high and are on the increase, with girls being much more affected than boys;
- (f) A growing number of private schools operate without regular monitoring by the Ministry of Education;
- (g) The quality of education, appropriateness of curricula and bringing educational services to remote geographical areas remain a challenge;
- (h) Preschool and other early childhood development opportunities remain largely out of reach for most children, especially those outside of urban areas;
- (i) Information on vocational education is lacking in the State party's report.

➤ **Economic exploitation, including child labour**

**67.** While noting the adoption of the National Plan of Action on the Elimination of the Worst Forms of Child Labour and the State party's commitment to reduce the number of working children to eight per cent by 2015 under its Millennium Development Goals and to end all the worst forms of child labour by 2016, the Committee expresses concern that over 1.5 million children are economically active in the State party and that around 250,000 children are engaged in the worst forms of child labour. The Committee is also seriously concerned that thousands of children are domestic workers, mainly in the capital Phnom Penh, in slavery-like conditions.