

# Dissemination Workshop of A Study into Exploitative Labour Brokerage Practices in Cambodia

Cambodiana Hotel  
16 March, 2007



**Koninkrijk  
der Nederlanden**



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**Brief Summary**

Excellency Madam You Ay, Secretary of State for the Ministry of Women’s Affairs and Chairperson of the Cambodia COMMIT Taskforce, opened the workshop and welcomed participants on behalf of the Royal Government of Cambodia. Nearly one hundred members of the anti-trafficking stakeholder community came to participate in the meeting. Participants included Government Officials (many from the Ministry of Labour and Vocational Training), and representatives from UN Agencies, International Organisations, Donors and NGOs (see Annex 1 for list of participants).

Excellency You Ay explained that the *Study into Exploitative Brokering Practices in Cambodia* being disseminated at the workshop was part of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (abbreviated to COMMIT) which was initiated by the Governments of the Greater Mekong Sub-region (GMS) in late 2003. Further explaining the COMMIT process, Excellency You Ay informed the meeting that the GMS countries (Cambodia, China, Laos, Myanmar, Thailand and Vietnam) signed a Memorandum of Understanding between the six countries in Yangon on 29 October 2004 specifically to combat human trafficking. She also explained that the commitments made under this COMMIT MOU were developed into a Sub-Regional Plan of Action (COMMIT SPA).



Excellency You Ay emphasized the Royal Government of Cambodia’s commitment to eliminating human trafficking in Cambodia and the region and outlined their dedication to achieving the goals of the COMMIT SPA. Excellency You Ay explained that the COMMIT SPA comprises 10 areas of intervention (called project proposal concepts) agreed on by the signatory countries and that the *Study into Exploitative Brokering Practices in Cambodia* being disseminated at the workshop directly addresses Project Proposal Concept 8 (PPC8) under the COMMIT SPA. PPC8 outlines the intention of the six Governments to address exploitative brokering practices with the explicit aim of improving “regional cooperation to prevent and suppress illegal and/or exploitative brokerage practices”. Excellency You Ay explained that the study being released is the first pilot study on PPC8 in the region and seeks to provide an example and lay the groundwork for further regional action in this area.



Her remarks were followed by a briefing by Ms Kristy Fleming, Project Advisor to UNIAP Cambodia, on the background of the study and future activities planned. Ms Fleming explained UNIAP’s role as Secretariat to the COMMIT process and how UNIAP commissioned this *Study into Exploitative Brokering Practices in Cambodia* on behalf of the Cambodian National COMMIT

Taskforce and with the financial support of The Embassy of the Kingdom of Netherlands in

Bangkok. Ms Lee Chen Chen was hired as the research consultant to conduct the study. Ms Fleming explained that after the research was completed, the study was then translated and undertook a rigorous review process, spanning 4 months, whereby many high-level government officials read and analysed it. This review process ensured that the report achieved inter-ministerial approval and is now credited as the first COMMIT document in the region.



Ms Fleming also informed the meeting that further activities on PPC8 will be conducted in upcoming months such as a Skills-Sharing Workshop on Labour Recruitment Practices scheduled for 21-22 of March, 2007. Ms Fleming emphasized the importance of providing legal employment opportunities for Cambodians, whether it is in Cambodia or abroad, and ensuring that recruitment into these positions is fair and transparent and that the rights of migrants are protected throughout the entire process. Ms Fleming thanked the Royal Government of Cambodia for taking a lead in

addressing exploitative practices in Cambodia and the region through the COMMIT process.

Mr Matt Friedman, Regional Program Manager for UNIAP, expressed his gratitude to the Royal Cambodian Government for its commitment and achievements in combating human trafficking in Cambodia and the region. He emphasized that activities on each of the project proposal concepts of the COMMIT SPA were taking place in the six countries in the region. However, he credited Cambodia for taking the lead on addressing exploitative brokerage practices and was sure that the Governments in the region could learn from Cambodia's progress on this issue.

Upon conclusion of the introductory speeches, Ms Lee Chen Chen, UNIAP Research Consultant, presented the methodology, findings and recommendations of the *Study into Exploitative Brokering Practices in Cambodia*. Ms Lee explained that the main objective of the research was to examine the factors that lead to the trafficking of Cambodian migrant workers, in the context of legalized international movements, and to propose appropriate intervention measures in the regulatory framework governing private recruitment agencies in Cambodia.

Ms Lee Chen Chen explained that she came across several concerning cases during her research such as: two underaged girls who were sent illegally by a licensed recruiting agency to work as housemaids in Malaysia; an NGO referral of six women who were recruited and sent to work as housemaids in Malaysia by an unlicensed company; an unconfirmed number of some 100 women who are being recruited and trained to work as housemaids in Saudi Arabia by an unlicensed company; four underaged girls who were recruited to work as housemaids in Malaysia by an unknown company but who escaped; a newspaper report of a woman who was sold by a licensed recruiting agency to work in Saudi Arabia; and an unconfirmed number of 50-80 men who were trafficked by a company registered in Thailand to work in Somalia.

After further explaining the cases in detail, Ms Lee explained to the meeting that the main findings of her research were as follows:

- Malpractices and apparent negligence by licensed recruitment agencies
- Unlicensed companies operating illegally to send Cambodians to work overseas
- Abuses by employers in receiving countries are common
- Cambodian migrants face various vulnerabilities at different stages of the migration process
- Extent of problem of trafficking for labour exploitation remains unknown

Ms Lee suggested recommendations for how to improve the situation for Cambodian migrant workers migrating through legal labour brokerage channels. Some of her recommendations were: raising awareness amongst government officials on the Trafficking Protocol and the manifestations of “labour trafficking”; revisions to Sub-Decree 57; informational campaigns on safe migration and other employment opportunities; vocational training to raise the quality of workers; greater inter-ministry cooperation in areas of protection and prosecution as well as government-to-government negotiations on the appropriate treatment of Cambodian migrant workers; involvement of international organisations, NGOs, and employers’ and workers’ associations in policy development and monitoring of exploitative brokerage practices; and further research on the demand-side of labour trafficking. See Annex 2 for Ms Lee’s full powerpoint presentation.

Following Ms Lee’s presentation of the *Study into Exploitative Brokering Practices in Cambodia* a vibrant question and answer session ensued. The discussion revealed many passionate points of view and many concrete suggestions for future action. See Annex 3 for a summarized transcript of the question and answer session of the meeting.



## ANNEX 1

### Participants List

1. HE You Ay, MoWA
2. Matt Friedman, UNIAP
3. Kristy Fleming, UNIAP
4. Ung Vanna, UNIAP
5. Him Phalline, UNIAP
6. Toni Palambi, Friends International
7. Kong Sathia, Mith Samlanh
8. Ouktith Chhoray, Hagar
9. Siv Sokhal, DWAPR
10. Ay Sokhema, MoI
11. Yim Po, CCPCR
12. Mao Pouthyroth, Cambodia ACTs
13. Dr Ea Meng Try, COM/NCPD
14. Soeng Sonat, MoT
15. Ouk Kimpho, CWCC
16. Pen Savat, MoLVT
17. Khak Chanda, US Embassy
18. Inna Gladkova, UNHCR
19. By Sophan, Khan Meanchey
20. Hang Lima, NIS/MOP
21. Nong Ratha, MoInformation
22. You Pasith, CNCW
23. Hor Sarun, MoT
24. Sun Kanha, CRC
25. Men N Sopheak, CRC
26. Monica, CRS
27. Tang Sopheak, DoCL
28. Phang Chanda, ECPAT
29. Nhep Ratha, NYEMO
30. Touch Samon, MoSAVY
31. Tania do Carmo, Chab Dai
32. Yim Phally, DeMoLVT
33. Meas Sovan, National Assembly
34. Khleang Rim, ILO/IPEC
35. Christine Chan, UNFPA
36. Puth Nessay, MoEYS
37. Ven Daravuth, MoLVT
38. Marielle Lindstrom, TAF
39. Yi Yuth Virak, ARTIP
40. Heap Sereyvuth, CSF
41. Vaun Phen, MoCulture
42. Nep Samnang, DOCL-MoLVT
43. Keat Lina, EFCCC
44. Lou Autencio, TAF
45. Chhour Solanh, MDLV
46. Anji Loman Field, BBC
47. Yim Thavy, YMAKARA
48. So Sokbuthet, TAF
49. Va Tong, WHI
50. San Sar, MoI
51. Mary Prum, Oxfam-Quebec
52. Nhem Kimhoy, MoLVT
53. Heng Sithon, MoWA
54. Sun Vanna, MoWA
55. Sam Yon, Governor
56. Keo Chanroa, COSECAM
57. Charles Hamilton, BBC WST
58. Mey ChanVeasna, PJJ
59. Huor Serei, CNCW
60. Khem Vansok
61. Chhay Sokea
62. Thet Samoeun, MoLVT
63. Bruno Maltoni, IOM
64. Anoushka Jeronimous, COSECAM
65. Neth Sophorn, MoLVT
66. Sun Heng, Human Rights Comm.
67. Ouk Samborath, MoLVT
68. Khim SopheaRum, MoLVT
69. Chhaeng Bunchheurn, MoLVT
70. Meas Somphors, MoLVT
71. Khun Pisethara, MoLVT
72. Lor Monirik, WVI
73. Un Kagnchana, TAF
74. Ingrid Martowa, World Education
75. Dy Dinna, BBC WST
76. An Vantha, MoLVT
77. Ouk Ravuth, MoLVT
78. Em Bunthoeun, MoLVT
79. Clare Masson, IOM
80. Sajin Prachasan, FOCUS
81. Shalmali Guttal, FOCUS
82. Navuth Ya, CARAM
83. Pernille Tind Simmons, DCA
84. Som Nimol, MoLVT
85. Prak Sokhany, PTD-BTB
86. Ngin Sokrowal, MoSAVY
87. Khnom Sophoin, EFC
88. Roth Ranine, MoLCT
89. Nget Ken, MPP
90. Them Vuth, MoFA
91. Sheeba Abidi, TAF
92. Ben Frey, Goutte d'Éau
93. Chhay Pidor, CDRI
94. Chan Serey, USAID
95. Sokphally Tuot, CDRI
96. Manfred Horpug, LICADHO

## ANNEX 3

### SUMMARISED TRANSCRIPT OF QUESTION AND ANSWER SESSION

#### Question 1:

Christine Chan, UNFPA: Regarding the enforcement Procedure, I am curious what are current procedures; have you seen any report; what actually happening at this time with recruitment agencies that are not compliant with current Sub-decree 57 or who are really abuses or participating in trafficking?

#### Answer1:

Ms Lee Chen Chen, UNIAP: Actually the representative from MOL should answer this, but during my interview with them some 6 months ago, they told me that no company has had their deposits fund confiscated in punishment yet. So, I would say that at this stage it is unclear what kind of enforcement mechanisms there are on the existing laws and policies. But, I could be wrong. Things change pretty quickly and the labor migration situation and the way things work in the last 6 months may have changed - maybe someone at the MoL could answer this.

Nhem Kimhoy, MoLVT: The fine and punishment be made on companies that are not in compliant with sub-decree 57. In the past, MoLVT paid much attention on this aspect. In particular I would like to inform you in brief that in 2004 after ILO together with other Organizations who sent (back?) almost 10 women workers from Malaysia regarding sexual trafficking and other abuses and offences. This led to the suspense of companies' activities from sending worker to Malaysia for a certain period, so that MoLVT would conduct studies all the raised matters to find out which legal companies not abide by their specific tasks. After the studies, no legal companies were involved in the matters, only those who migrated with the assistance of "Wind Blowers", by themselves, or by illegal companies. I would like to inform you that the referral of women workers to be domestic workers in Malaysia, in general, there are good and bad house masters. The situation in Cambodia is alike. But for those who migrate through legal companies if something happen, the MoLVT and the Cambodian Embassy have no legal measures to protect them. However, we still try our best to assist them through the existing diplomatic channel. This is only for the cases of our awareness. However, in the case of illegal migration, although we are aware of the situation, we don't have any legal stand point to try to address it as we do in the former cases. Up until now the Ministry has sorted out the companies. Previously, we had 42 of them and after having examined their qualifications (capacity and experience), the Ministry decided to drop 30 companies. Now, we have 12 existing legal companies and a new one. So, in total we have 13 legal companies making sure that they comply with the Government's Sub-decree.

Relating to the inquiry of HE Madam You Ay, Secretary of State for MoWA, about why the MoL wanted the report be sent to MoI and MoFIC for further comments/involvement, I can inform you that according to the sub-decree 57, article 2, paragraph 4 clearly emphasizes that MoI undertake its duties on preparing the worker's departure whilst MoFA undertakes the protection and management of workers abroad.

The procedure of issuing visa for workers are that company has to prepare all the workers' papers, ID, address at the destination work place as well as the contact number and send to MoL. MoL then raises request to MoF to process all the agreed procedures and send to the embassy of the destination countries.

The Sub-decree 57 does not stipulate things in detail and it has some gaps. However, it still has many things to abide by. It says about the MoL's duties and the company's duties on workers sending and management.

Ouk Ravuth, MoLVT: Let's compare to the way of sending workers abroad by Vietnamese govt. There workers' parents are required to have their thumb print on their contracts and the workers won't be able to come back home before the expiration of their contracts.

-Propose for another survey to assist government on the best practices of managing/sending workers abroad. What are the difficulties faced by workers before their departures? How to assist those workers to help themselves? And to help companies as well as the workers in the concerned matters. For example about the passport issue, MoL has discussed with ILO about sending workers to Australia and England but we can't guarantee that they won't escape from work.

-Why in Thailand, worker's passport has to be kept because in Thai law if a worker got contract to work for 1 factory and then the person quits to work for another factory, s/he becomes illegal. They will be arrested by Thai police. That is why the passport are withdrawn in Thailand.

-We are organizing to issue boarding pass for workers to Thailand as well as license to legalize our migrant workers in Thailand.

-We have 3 kinds of contracts: contract btw Company and MoL, Company at the sending country and worker and btw worker and the company at the destination country. The contract for domestic workers as well as factory workers in Thailand and Malaysia are being standardized by the Council of Jurists of the Councils of Ministers.

### Question 2

Mr. By Sophorn, Deputy chief of Khan Meanchey: I'd love to respect to Excellency Madam You Ay and praise Miss Lee Chen Chen that it is a very sensitive issue for govt. I think that Cambodia govt. led by PM Samdech Hun Sen who usually pays much attention to the people. It is a dramatic, like the Somalia case the workers quit the fishing boat painfully and miserably. I don't think my govt. knew this ahead.

-I will write my own report to my governor. I, on behalf of my governor, will set up meetings to disseminate the information to all 76 Sangkats. I would like Exc. You Ay to play her important role to prosecute these labor cases. The report should also be sent to MoL and MoI for cooperation to arrest the perpetrators. I would like the cases be filmed in cooperation with Lee Chen Chen to show to Khmer people.

- I meet the case of girls being sent to South Korea, some of them pay bribe up to 3500 USD to be sent. I would like all relevant ministries to pay attention to such a case.

-I praise MoL of dropping or screening the recruitment agencies from 42 to 12+1.

### Question 3

Mr. Ya Navuth, CARAM Cambodia: Thanks Chen Chen's work, regarding CARAM's work with MoL. I'd like to praise MOL who screened recruitment agencies from over 40 down to 12.

-2 of the 12 Recruitment Agencies have not yet cooperated with CARAM in providing training to workers before their departures. We'll seek for more cooperation to get all Recruitment Agencies cooperated.

-I'd like MoL provide CARAM with sample of the contract and ID card that we can disseminate information to workers.

-MoL should pay attention to Schools that teach Korean language. They have now been playing role as recruitment agencies.

#### Question 4

You Prasith, Deputy Secretary General of CNCW: I appraise MoL of working on standardizing the contract. However be well considered the problems happening at the destination place. I conducted a survey on Khmer workers in Malaysia. I found many problems happening. All the 3 contracts MoL mentioned ahead are not quite official or recognized. The workers' documents are usually sent to the Department of Asia 2 of the MoFAIC which is in charge of worker sending to Malaysia. Those documents might not be sent to Cambodian consulate in Malaysia. I found that the Cambodian Embassy in Malaysia had no information about where had those workers been in Malaysia. I talked only about the workers sending by MoL and not the illegal migrants.

-I suggest MoL to use the best practice of the Philippines in which contracts are sent to its Embassy in Malaysia to stamp, so that workers can seek for assistance from the Embassy when meeting troubles. The contract becomes official and the worker can complain against perpetrators to Malaysian court as well as to Cambodian court in case of any extradition covenant developed in the future. These are works that can be done.

- Be well Studied the Malaysian law.

-MoL raised about Khmer workers who escaped from work. I don't think they do that without a reason; they need stable works for income to raise their families. It should not be used as a context to ignore the matters troubled our Khmer workers. The Ministry to work directly on the matter by a single channel.

-No one know about how much worker have to pay for their ID. The labor passport is not as expensive as the ordinary passport, but so far no one know about the cost, it is hidden.

-The ID/document/brokerage fee is reimbursed by workers' wage, though it must not be. In Malaysia, employers cannot withhold more than 50% of worker's wage, but for our cases companies have the first 4 months of worker's wage cut off. Be aware of the issue and look for proper practices.

#### Question 5

Prak Sokhany, Director of PDT in Battambang province: I suggest researcher to develop lesson learnt of what should be prepared or complement for the pre-departure.

-To raise workers' awareness on what is a contract: workers have not well focused on the written contract, but the verbal one.

-In-country migration should also be well considered because people from all the 24 provinces keep migrating to Poi Pet.

#### Response to all questions by MoL

-To organize one more workshops to re-study the finding of practices of legal companies to compare with other countries' practices on legal and illegal workers' vulnerabilities. Moreover, the legal and illegal practices be completely separated.....

-A meeting on survey conducted by CNCW be organized to discuss btw MoWA ( CNCW) and MOL on the laws relating to the protection Khmer workers in Malaysia

-The flow of illegal migration in Poi Pet is a big concern leading to much exploitation and affecting legal companies as well as to MoL's hard work.

-Every one to assist to point out at the perpetrators and disseminate information to Khmer people not to be deceived by illegal ring leaders.

-Emphasizing that sending legal Khmer workers to Thailand has just started and previously it was illegal migration.

-Schools teaching Korean language are not recognized as recruitment agencies. Any Korean speaking applicants are prioritized for selection to be sent to work in Korea.

### **Sum-Up Session by HE Madam You Ay**

Her Excellency Madam You Ay provided a summary of the discussion at the workshop. She exclaimed that, relating to the Chen Chen's presentation including all interventions, there are many different perspectives. Some participants feel that the report reflects more negative than positive aspects of labor migration while some said that the report can be used as a ground for further studies.

- On behalf of MoWA Her Excellency paid her deep thanks and appreciation to MOL for its responses to the questions raised, the concerns and suggestions such as closer supervision of migrant workers, in particular documented ones. She pointed out that the MoLVT had suggested a comparative study in Vietnam and Laos to see where Cambodia case is. She highly appreciated the sentiment expressed by the Deputy Governor of Khan Meanchey and informed the meeting that she has much experience in preventing women and children trafficking together with MoWA and in raising people's awareness not to be deceived by perpetrators. She strongly supports the idea of producing movies for educating Cambodian people of the risks of migration and to draw from lessons learnt through studies conducted by UNIAP and other institutions so we do not repeat the same mistakes and bad practices. She conveyed to MoLVT to listen to the concerns and recommendations of the report and those of the participants and that she had no intention to blame the Ministry in the protection of Cambodian migrant workers and making sure that migrant workers both legal and illegal not being trafficked and sold from one hand to another. She preferred employment to be made in the country, in particular the Special Economic Zones along the borders rather than sending Cambodian to work abroad as domestic workers, especially women who are attractive, but also expressed that it is people's right to go and work abroad. Despite this she reminded the meeting of the Cambodian King's Father's concern of whether Malaysians need Cambodian to do house works. She requested MoLVT to review the Sub-decree 57 and the gaps raised by the report and requested that domestic work be covered by the Labor Law.