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**Inputs to report on contemporary forms of slavery as affecting persons belonging to ethnic, religious and linguistic minority communities**

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**About Cambodian ethnic, religious and linguistic minority communities:** The minority groups in Cambodia include the Chams, Chinese, Vietnamese, and 30 other tribes from the hills.[[1]](#footnote-1) According to the Royal Government of Cambodia (RGC), the hill tribes as ‘Khmer Loeu’, the Chams (Muslim) as ‘Khmer Islam’, and members of the Khmer national minority in the Mekong Delta as ‘Khmer Krom’(many are of Vietnam origins).[[2]](#footnote-2) Cambodia recognized 24 races of indigenous peoples, who live in 15 provinces and at 220,000 strong, represented 1.4 % of the population.[[3]](#footnote-3)

Below is the summary of the responses according to the questions (total 10) provided by UNOCHR as key questions.

1. **Is there evidence of minorities being subjected to contemporary forms of slavery in your country/community?**

There is no concrete evidence which shows that people belonging to ethic minority groups are subjected to contemporary forms of slavery in Cambodia. However, these forms of slavery were very common during the Democratic Kapuchea/ Khmer Rouge (1975-79), often known as genocide regime.

Despite the absence of such concrete evidences, there are some reports which indicates that children from ethnic minority groups in Cambodia are at higher risk for child labour. A report produced by Cambodian Organization for Children and Development (COCD) in 2016, titled “Eliminating Child Labour in Agricultural and Handicraft Sectors in Cambodia” documented that children belonging to ethnic minority in the northern part of Cambodia (Mondorkiri province) are at higher risk of exploitation and child labour due to lack of understanding about human rights by both children and adult in the region. This study also documented a statement by a female entrepreneur who hired children so that their parents’ debt could be paid back (which is illegal under the Cambodian law), and most of those children are from ethnic minority. Also, in 2018, the Phnom Penh Post has published an article “At Least 240 Children Found Working in Enterprises” which includes those who worked in the brick factories. Around 70 children are under 15 years old.[[4]](#footnote-4)

Regarding the child marriage, there had been a serious concern about this amongst the children belonging to ethnic minority, and Ratanakiri province adopted a policy to prevent child marriages. In Cambodia, the legal age for marriage without parental consent is 18 and the legal age for marriage with parental consent is 16 for both genders, however, the traditional practice of marrying off children before they are 18 is still widely practiced especially among ethnic groups and without authorization from the commune.[[5]](#footnote-5) Alarmingly, COVID-19 pandemic could impose more risks for children from ethic minority in Cambodia to child marriages; according to Mr Yi Kimthan, deputy country director and programme manager of Plan International Cambodia, youth who joined Plan’s our online forum reported that there is an increase in child marriages and most of them are from the provinces of Siem Reap, Stung Treng and Ratanakiri.[[6]](#footnote-6)

Although slavery is not reported to occurring in Cambodia, people from ethnic minority group such as Muslim people have been trafficked to Malaysia and UAE to work in construction, agricultural sector, or as the house maid.[[7]](#footnote-7) Regarding such cases, a high-profile government official related to trafficking cases was arrested for trafficking many Cambodian Muslim to Malaysia and UAE for labor exploitation.[[8]](#footnote-8)

1. **What types of personal, situational and structural factors push minorities into contemporary forms of slavery in your country/community?**

**Personal factor:** Not all but many people belonging to ethic minority are excluded from the mainstream Cambodian society due to their way of living, such as they may not speak Khmer language. This can lead to social exclusion and discrimination by Cambodian.

**Situational factor:** One of the biggest push factors is ASEAN integration, which can be both situational and structural factor. For an effective alignment to and upgrade its economy to be in line with other ASEAN member states, more developments such as increasing infrastructure for trades and city urbanization are needed.[[9]](#footnote-9) Therefore, it could lead to mobilize some people from one place to another place with purpose of maximizing their financial support for living standards also within the reason of free flow of labor. Also, Covid-19 epidemic is an emerging factor which pressures many Cambodians to take risks for unsafe migration that include people belonging to ethnic minority groups.[[10]](#footnote-10) However, unsafe migration can more directly link to ASEAN economic integration, and it is difficult to draw a line between those push factors.

**Structural factor:** Structural factor such as cholinic poverty among some families in minority groups, and large scale economic land concession caused the life-threatening problem to many ethnic minority groups. The challenge faced by indigenous communities in Cambodia is the loss of rights to land and natural resources, which has contributed to loss of jobs, impoverished livelihoods and health, loss of opportunity to attend school, and loss of traditional and cultural practices.[[11]](#footnote-11)

Covid-19 epidemic is an emerging factor which pressures many Cambodians to take risks for unsafe migration that include people belonging to ethnic minority groups.[[12]](#footnote-12) However, unsafe migration can more directly link to ASEAN economic integration, and it is difficult to draw a line between those push factors.

1. **Are there wider political, economic, social, religious and cultural factors making persons belonging to minorities vulnerable to these practices?**

**Politically**, there are limited numbers of representatives who can speak of and reflect the needs of ethnic minorities in Cambodia. Most policies and action plans are neutral but not proactively inclusive therefore those politically guiding principles tend to focus on the development for Cambodian people in general rather than supporting minorities.

**Economically**, ethnic minority peoples' livelihood is based on agricultural production, comprising slash- and-burn (swidden) cultivation, wetland rice cultivation, pig and chicken raising, gathering food from the forest, hunting, and fishing and they also undertake a little manufacture and sale of goods and labor work.[[13]](#footnote-13) Therefore, when such livelihood is threatened, and when no alternatives are ready for them, people belonging to ethnic minority may take risk for unsafe migration which lead to exploitation, forced labor or modern forms of slavery.

**Socially**, children from ethnic minority groups are able to access to basic education but less accessible to higher education if compared to majority group of Khmer peoples. Household surveys often show that children from poor households, ethnic minorities or rural areas face a greater risk of not attending or completing lower secondary education.[[14]](#footnote-14) In Cambodia, ethnic minorities have long been impeded from education; the long distance to travel to school was a deterrence, and those who did attend often faced discrimination or lagged behind due to a lack of understanding, as classes were only taught in Khmer by Khmer-speaking teachers.[[15]](#footnote-15) When children lack decent education, and face some shocks such as natural disaster or COVID-19, they will see higher risks to fall in the trap of contemporary slavery.

**Culturally**, although there are no clear evidence, cultures of ethnic minority groups are subjected to discrimination by the majority group. For example, on 6 January 2022, the Phnom Penh Post published an article “Phnong Calls for an End to Discriminatory Images and Words” after Phnong group in Mondulkiri, Stueng Treng, Kratei and Rattanakirir released a statement to show their painfulness from insulting (intentionally or unintentionally) through images and words, which shown racial discrimination from some other groups of Khmer peopl (This happened after Okhna Ty Dana, a well-known online seller, insulted Phnong people in public).[[16]](#footnote-16)

1. **What has your government done at the local, national, or regional levels to protect minorities from being subjected to contemporary forms of slavery in your country?**

The government also has formed the Rectangular Strategy in order to actively respect the principle of liberal multi-party democracy for letting citizens to exercise their equal rights and it is governed by rule of law.[[17]](#footnote-17) And Cambodian has adopted those national laws relevant to

contemporary forms of slavery;

* Cambodian Constitutional Law
* Labor Law 1997
* Law on Suppression of Human Trafficking and Sexual Exploitation (2008)

In relation to policies, Cambodian government has adopted several policies and regulations related to people/children from ethnic minority to be free from exploitation, forced labor or modern slavery, however, gaps are still existed in the regulations to adequately protect them.

1. **What have non-governmental entities, including businesses and educational institutions, done to provide equal access to decent work and quality education in your country?**

Many non-governmental entities are operating in Cambodia working on different filed and objectives. However, in education sector, the Ministry of Education, Youth and Sports (MoEYS) plays a significant role from early childhood education to the higher education, and it is promoting proactive scholarship for children from ethnic minority.

* There are also some other NGOs such as CARE international Cambodia, Children’s Fund (CCF), Khmer NGO for Education (KHEN), Pour un Sourire d’Enfant (PSE), Aide de Action, Plan International Cambodia, Cambodian Community Dream Organization, and People Improvement Organization.
* Care international Cambodia office carried out multilingual education program for the children from ethnic minority groups.[[18]](#footnote-18)
* Aide de Action has been empowering children from ethnic minority through radio programs.[[19]](#footnote-19)
* Plan international Cambodia has been developing the special curriculum for pre-primary children from ethnic minority children to be able to access to decent early childhood education, which is often missing due to their culture and tradition. [[20]](#footnote-20)

For business enterprise, Cambodian labour law and Law on Suppression of Human Trafficking and Sexual Exploitation prohibits forced labour and exploitation. The Ministry of Labour, Vocational Training (MoLVT) has been carrying out a regular inspection to businesses for checking child labours. However, no affirmative action for people from ethnic minority groups to be employed or promoted are found under the Cambodian regulatory framework.

1. **What has been the role of civil society organisations, faith-based organisations, trade unions, and human rights defenders in protecting minorities from being subjected to contemporary forms of slavery?**

Civil society organization are cooperating and supporting the government to ensure the effective protection of minorities, including children from ethnic minority groups. However, due to lack of evidences and reports about the issues of ethnic minority groups being subjected to contemporary forms of slavery in the territory of Cambodia, no concrete examples are found. If more investigations or research studies are carried out, such cases could be found, but so far, there is no systematic review or systematic investigation have been done to assess the situation or prevalence.

1. **What has been the impact of the COVID-19 pandemic on minorities, including the related adopted measures and its social or economic effects with regard to contemporary forms of slavery? What actions has your government taken to protect them?**

According to Food and Agriculture Organization of the United Nations (FAO) Report on the Impact of COVID-19 on informal workers, indigenous peoples and ethnic minorities are disproportionately represented among informal workers, especially in agriculture, and are particularly marginalized. Moreover, many migrant workers are under informal or irregular arrangements, leaving them without to access recovery measures put in place by the governments.[[21]](#footnote-21) Also, COVID-19 is more or less has forced children to quite school especially those who are not able to access to online education, and this is a signed that will lead to child labor in rural areas. There seems to be none of the government action taken toward minorities or indigenous groups.

To mitigate negative impact, the government has taken numerous measures to assist those who affected the most by the pandemic in term of social-economic situations by providing aids in a nation-wide programe to the poor family and those who suffered the most from the spread of the disease in accordance to its capacity.[[22]](#footnote-22)

1. **What are** **persisting obstacles/challenges in preventing minorities from being subjected to contemporary forms of slavery? What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities?**

There are no documentation which links obstacles of minorities and **contemporary forms of slavery** and more researches are needed in this regard. On the other hand, in Cambodia, the government has take significant steps and concrete measures to prevent contemporary forms of slavery as highlighted in the **Law on Suppression of Human Trafficking and Sexual Exploitation (2008) as a guiding main principle which also equips inter-ministerial mechanism called “**National Mechanism “National Committee for Counter Trafficking (NCCT)”. Despite such strong mechanism, some barriers as below could be identified.

* Legal barriers: Despite the strong legal framework in Cambodia, there is no specific law for the protection of ethnic minority groups from any forms of human rights violation. Most laws, including constitution is made in a neutral manner which can be applied to all the Cambodian citizens. There are prohibition of discrimination in the Constitution, criminal law, labor law and other main laws, however those are commonly general and no specific chapter is allocated for the protection of people belonging to ethnic minority. The most important law to combat contemporary forms of modern slavery is Law on Suppression of Human Trafficking and Sexual Exploitation (2008), however, there is no specific provision in this law which address additional risks amongst people belonging to ethnic minority. Even when the case is brought to the justice system, capacities of legal professionals (judges and prosecutions) may need more specific knowledge and understanding about cases engaging in (1) ethic minority and (2) modern forms of slavery, and this may require more training for legal professions, including lawyers and law enforcement officers for gathering and presenting evidence.
* Practical barriers; Barriers to access judice. Such barrier can prevent reporting of cases involving business-related human rights abuse from being addressed due to power relationship, or absence of appropriate labor inspection, especially in isolated and remote areas. Such barriers also include potential “high cost” of bringing claims or high legal fee, lacking resources to hire professional lawyer or legal presentative and lacking of professional experts as well as materials in investigating the abuses of human rights by individual or business enterprises.

Most barriers are originated from lacking financial resources as well as limitation in accessing to information and legal expertise.[[23]](#footnote-23)This shows some challenges in preventing minorities from being subjected to contemporary forms of slavery such as legal, practical and other relevant barriers that could lead to denial of victims accessing to remedy.

1. **What mechanisms exist in your country to report instances of contemporary forms of slavery as affecting members of minorities? How actively are such mechanisms used by members of minorities and to what extent have they been able to access justice and remedies? What are the main obstacles/challenges in this regard?**

Some mechanisms exist in Cambodia in order to help report instances of contemporary forms of slavery as effecting member of minorities are;

* Cambodian courts, in municipal and provincial based, and Appeal court and Supreme Court.
* Cambodian human rights commission, or Cambodian Anti-Corruption Unit in case corruption is also involved.
* International human rights treaty body which equips Communication procedure and that is also ratified by Cambodia, such as CEDAW or CRC.

Additionally, as noted above, the “National Committee for Counter Trafficking (NCCT)” was established[[24]](#footnote-24) to specifically tackle the issues of human trafficking, including contemporary forms of modern slavery. Despite the fact that there is no exact mechanism for the minority group in using NCCT’s mechanism, however, there is no differentiation between the minorities and majority in regard to reporting instances of contemporary forms of slavery.

1. **What recommendations do you wish to propose in order to effectively address these ongoing challenges and protect minorities from contemporary forms of slavery?**

There are some recommendations that we, as students and professor of PUC wish to propose in order to effectively mention about these ongoing challenges and protect minorities from contemporary forms of slavery as below;

International Level:

* Strengthening of International Laws implementation in state parties for the protection of minorities from contemporary forms of slavery, including mandatory reporting of the situation of contemporary forms of slavery and exploitation of people belonging to ethnic minority in the regular reporting system under international human rights law mechanism
* Calling for countries and their commitment to prevent such form of modern slavery within their jurisdictions as well as adopting laws or enforcing the existing laws within the country, by utilizing International Human Rights day, Children Day, Women’s Day and anti-trafficking day by ensuring topics and speeches delivered at such occasions include issues of contemporary forms of slavery and exploitation of people belonging to ethnic minority.
* UN and its specialized agencies as well as other regional organizations or INGOs will establish additional mechanism in existing framework about contemporary forms of slavery and exploitation of people belonging to ethnic minority in order for improved collaborative actions within the different systems.

National Level:

* Adoption of special law to protect minorities from contemporary forms of slavery as well as to enforce the existing laws with additional attention to the protection of minorities from contemporary forms of slavery
* Promote the access to and availability of quality education and decent employment opportunities for all types of ethic minority groups
* Proactively engage people from the ethnic minorities in the country’s socio-economic life without discrimination and rather provide more affirmative actions for them and inform them about such actions.
* Invest in more human resource development amongst ethnic minority people by ensuring equal accessing to quality education for them
* Enable ethnic minority people to effectively participate and enjoy benefits from the 4th industrial revolution, by providing them learning opportunities to expand their life options and improve their livelihood through modern technology, as well as to provide them legal reformation to avoid falling into the traps of modern forms of slavery.
* improvement of investment process on micro and macro investments, human resource development, equal accessing to education for all people and advanced information technology could facilitate Cambodia’s development with good striking the balance with human rights protection especially minorities from being contemporary forms of slavery and related practices. the government also should work on more and more her good governance such as effectiveness, equity, transparency, accountability and participation.

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* The International Convention on the protection of the Rights of All Migrant workers (1990)
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1. **National Law and Regulation**

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* Law on Suppression of Human Trafficking and Sexual Exploitation (2008)
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