

**CSOs Joint Statement
on Resolutions of 11 Priority Problems
To End Gender-based Violence in the World of Work and to Protect Workers'
Fundamental Freedoms & Rights**

Phnom Penh, December 01, 2019

On the occasion of the **“Sixteen Days Campaign of Activism Against Gender-based Violence”** this year, our civil society working group is marking the occasion by renewing our call to the Royal Government of Cambodia in particular the Ministry of Women's Affairs, the Ministry of Labour and Vocational Training, the Ministry of Health, the Ministry of Interior, the Ministry of Justice, the Ministry of Foreign Affairs and International Cooperation, the Commission for the Prevention of Human Trafficking, the Ministry of Land Management, Urban Planning and Construction, the Office of the Council of Ministers to provide resolutions on **“11 key issues and take actions to respond to our women's needs”** as prescribed in the petition which submitted to them on the occasion of the International Women's Days on March 08 and on the International Labour Day on May 01, 2019. Despite our repeated calls, we did not receive any positive response yet. Hence, we hope, in the near future, the above-mentioned institutions will create opportunities for meaningful consultation and dialogue with unions, civil society organisations and both formal and informal workers on their 11 priority demands.

The intention of this repeating and renewing call from our civil society working group is to bring women's voices and needs into the national development agenda as well as to work with the government to ensure a more responsive solutions to the needs of workers in order to protect worker's rights and their labour market, to eliminate all forms of gender-based violence, sexual exploitation, labour exploitation and modern slavery in enterprises, and to achieve the national policy and national strategic plan on gender equality and poverty reduction in Cambodia.

We would like to recall the 11 (eleven) needs and proposals of workers as below:

1: Establish nurseries in the workplace, and community-based kindergartens in every commune/sangkat.

Current problems:

In the last fifteen years, the Government has focused on increasing availability and quality of nurseries in factories and ensuring their affordability. Article 186 of the Labour Law is clear in requiring employers with more than one hundred female workers to create a nursery in the workplace. In addition to this, in 2010, the Government formulated a national policy on children's care and development and established a National Action Plan on Children's Care and Development 2014-2018 and 2019-2023. However, the implementation of these laws and policies has been limited; we have observed that many enterprises and establishments have not created nurseries. Moreover, a number of nurseries that have been created do not have controlling standards, or enough materials for children, meaning that workers do not have confidence to leave their children there. Childcare services in private nurseries are expensive and disproportionate to workers' monthly wage rates. According to 2019 research, private nurseries cost on average \$250 per month, not including costs for food, clothing, or additional expenses. Based on this, female workers in factories and enterprises or the informal economy with lower -or middle- income status are unable to place their children in private nurseries.

Due to livelihood needs, millions of women look for work in factories and enterprises or sell goods along the street, and they encounter significant problems because of the traditional cultural expectation's Cambodian society places on women to care for children and elderly parents. Many

women workers who migrate overseas are forced to leave their children in the care of elderly relatives in their home districts or must decide to stop working to care for their children. A number of women street-vendors are forced to put their children in pushcarts or carry them as they walk. These are not good options and pose a risk to the safety, health and growth of children, as well as mothers' psychological health, but the alternative is that women lose the opportunity to develop their career and/or income.

2. Establish a one-stop service centre for victims of domestic violence, including the provision of psychological counselling, legal support, physical treatment, a safe shelter and the protection of victims and their children's security; establish a telephone reporting service; and create an education and rehabilitation centre for perpetrators of violence.

Current problems:

Rates of violence perpetrated against women and children are worryingly high, in particular incidents involving the physical and mental health and safety of women and children. According to 2014 research about the experiences and health of women, "one in every five women or girls between the ages of 14 and 64 experienced or were subject to one or more categories of violence from their partner at least once in their life during the period of the study." According to data included by the Government in its Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) report submitted to the Committee for the Supervision and Implementation of the CEDAW Convention in 2019, Cambodia has only six safe shelters for women. These centres are under the management and operation of civil society organisations. This means that when women and children and women workers are facing or are subject to domestic violence or gender-based violence in the workplace, it is extremely difficult to create distance from the perpetrator to protect themselves and perpetrators still have the opportunity to continue inflicting violence and threats upon the victim.

We have observed that there is widespread improper or incomplete implementation of official procedure. There have been a number of cases where local authorities have intervened only to encourage women to understand, tolerate, and give another chance to the perpetrator, requiring women to change their attitude to avoid conflict, rather than bringing the perpetrator to justice.

3. The royal government of Cambodia to ratify and effectively implement the ILO convention 190 on ending violence and harassment in the world of work and require all entertainment service establishments to establish policies for the prevention of harassment, sexual exploitation and all forms of violence against women workers; strengthen the capabilities of labour inspection to guarantee the security of the labour rights and dignity of workers; and require entertainment service establishments to register workers with the National Social Security Fund.

Current problems:

Women workers in the entertainment service sectors, including bar singers, masseuses, beer and casino promoters and guesthouse and hotel cleaners, face physical harassment, exaction and sexual violence from customers. However, management or bosses do not implement solutions, rather, require workers to accept the violence or accept some small compensation. There have been a number of cases where not only is there no resolution, but women victims are terminated from work.

The culture of reconciliation outside of court processes, through the payment of civil compensation to the victim to settle the criminal case, shows the inefficacy of legal implementation and promotes further violence against women.

Management and employers at a number of karaoke entertainment centres or other establishments have required female workers to take tests to find if they are pregnant or not, demanding abortion or dismissal in the case of pregnancy. This practice is never declared as an internal regulation but is implemented unofficially.

Registration with the National Social Security Fund for workplace accidents, treatment and pensions is required by the Labour Law. However, many employers in the entertainment service sector have not implemented this.

4. Reform the methods of transporting workers in the textile, garment and footwear sectors by establishing a policy on transporting workers which determines standards for transport vehicles; guarantee the health, safety and dignity of workers; reduce traffic accidents by strengthening effective implementation of the Traffic Law; and take urgent measures to prevent vehicles from travelling over the speed limit or not conforming to controlling vehicle technical specifications.

Current problems:

Vehicles transporting workers are regularly involved in traffic accidents during journeys, either because the trucks used for transportation lack proper vehicle quality control or because drivers are intoxicated or exceed the speed limit. Additionally, many of the vehicles transporting workers do not have room for passengers to sit down; instead workers stand in open trucks.

According to a National Social Security Fund report, traffic accidents in the textile, garment and footwear sectors occur 50% more frequently than in other sectors. The most common type of accident by percentage is motorbikes, whilst traffic accidents caused by trucks transporting workers accounted for 14% of accidents in 2015 and less than 1% in 2017. However, the number of accidents involving trucks transporting workers was 880 in 2015 and 92 in 2017. Because each truck is transporting many workers, with 30 people at the very least per vehicle, this means that in 2017 2760 workers were victims of traffic accidents. The report also showed that the primary reason for traffic accidents was speeding.

5. Set a minimum wage and strengthen protection mechanisms for domestic workers, including by creating a model contract for protecting labour rights and benefits of workers; urge employers of domestic workers to register domestic workers with the National Social Security Fund; and ratify ILO Convention No.189 on the Protection of Domestic Workers to protect the rights and benefits of domestic workers inside and outside Cambodia.

Current problems:

In Cambodia there are approximately 250,000 domestic workers and many are women. Domestic workers still do not receive protection under the Labour Law. Many employers (house owners) have not implemented Prakas No. 235, dated 29 May 2018 from the Ministry of Labour and Vocational Training, on Working Conditions for Domestic Workers, especially Article 13 which states the duties of employers in registering domestic workers with the National Social Security Fund for workplace accidents, healthcare and pensions.

Prakas No. 235 on Working Conditions for Domestic Workers has a number of shortcomings, including lack of confirmation about minimum wage, employment contracts between the house owner and the worker, maternity leave and national holiday leave.

6. Provide social protection for street vendors and workers in the informal economy by providing them with valid equity cards.

Current problems:

In 2017, during the period before the national elections, a number of street vendors and workers in the informal economy were provided with equity cards. These equity cards had a validity of one year and when they expired, the street vendors-sellers and workers in the informal economy could not request new cards, the reason being that their living standards did not fulfil the conditions of the program. This reason did not reflect the reality of street vendors' lives and does not refer to the results and/or evidence of any investigation.

According to the Prakas on Self-Employed Persons from the Ministry of Labour, the Ministry does not count street vendors as members of the informal economy, in contravention of the contents of ILO Convention No. 204.

7. Strengthen protection mechanisms for migrant workers from labour exploitation, human trafficking and slavery; modernise through ensuring workers' rights to hold personal documents; establish data management systems to document migrant workers, including the number of workers, addresses of workplaces and residences; establish a safety shelter to provide immediate care to workers who experience problems, including provision of food, temporary accommodation and counselling services; organise a meeting with migrant workers every year.

Current problems:

There is no system for reporting or receiving information from migrant workers, let alone rescue or intervention when migrant workers suffer human rights violations, violence, harassment or sexual abuse.

There are no mechanisms and/or systems for supervising the working conditions or health and safety of migrant workers, and there is no provision of social protection to domestic workers overseas. House owners deprive women domestic migrant workers of their right under the law to hold identity documents such as passports, as well as their right to communicate with people over the phone.

8. Set a minimum wage and gratuities for workers in the tourism sector.

Current problems:

Because there is no set monthly minimum wage for workers in the tourism sector, many employers provide low pay and set arbitrary monthly or daily wages. According to information received by trade unions from cleaners in a number of five-star hotels, a number of employers provide a basic wage of approximately \$65 to \$85 per month.

Workers in the tourism sector have lost benefits because of the lack of a specific policy on service charges, with these allowances not provided in every hotel.

A number of employers divide gratuities based on their own understanding and decisions without a transparent mechanism of managing and dividing gratuities to employees. In addition to this, a number of employers have imposed a measure of deducting tips as compensation for damage to hotel property caused by the worker.

9. Set a minimum wage for workers in the construction and forestry sectors; urge employers in those sectors to register all workers with the National Social Security Fund; and promptly issue a Prakas on the protection of workers from workplace accidents.

Current problems:

The construction sector is the second largest in Cambodia after the textile, garment and footwear sectors. In 2018, there were approximately 260,000 workers in the construction and forestry sectors.

However, Cambodia has still not yet set a minimum monthly or daily wage for this sector and the effect is that employers provide low wages to workers in comparison to garment workers.

The Ministry of Land Management, Urban Planning and Construction has produced a manual to guide employers in keeping construction workers safe at work and the Ministry of Labour and Vocational Training is preparing a Prakas to require employers to take measures to provide sufficient protective safety materials to workers. However, both construction and building material workers remain without proper protective safety equipment to protect their physical safety and are often victims of workplace accidents.

Employers have still not fully implemented registration of construction and woodworkers with the National Social Security Fund (NSSF). Therefore, when workers suffer workplace accidents, they do not receive treatment costs and other support.

10. Strengthen implementation of the law and the efficiency of just and transparent resolutions for current land disputes to protect the land rights and security of small farmers; protect the stability of farmers' markets; and sustainability of agriculture.

Current problems:

Small farmers are currently suffering the effects of land disputes with companies that have been granted economic land concessions, development projects and land grabbing from a number of powerful people, causing farmers to fail in cultivation of crops, fall into debt and migrate overseas for work.

Agriculture is still dependent on the fact that crops can only be harvested in the rainy season due to a lack of sufficient reservoirs and irrigation systems, preventing farmers from working in the dry season. Additionally, there is a lack of policy to protect the stability of farmers' markets.

The Royal Government of Cambodia has still not ratified and implemented the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas adopted by the United Nations General Assembly on 18 December 2018.

Enabling a free flow of agricultural chemical substances resulted in great impact on the health of farmers and consumers and ecological system has been destroyed which will impact on sustainability in agriculture in the near future.

11. Increase the respect, protection and promotion of trade union rights through amendments to the Law on Trade Unions following international human rights standards and core ILO conventions, ending the use of short-term contracts; amending the Law on Associations and Non- Governmental Organisations; and ending violence against women and human rights defenders to ensure labour market stability.

Current problems:

Approximately 80% to 85% of factories engage workers on short-term contracts, which means workers lack job security, lose benefits, and are fearful of negotiating working conditions with their employer.

Local, federation and national female trade union activists and leaders in the garment, textile and footwear, tourism, service, etc., sectors have had complaints of defamation and criminal destruction of private property taken out against them, and/or have been convicted by the judicial system or are still under investigation by the court. 98% of 692 land activists have been subject to physical, mental and economic violence and this situation occurs because many local authorities do not focus on creating opportunities for relevant parties to meet to discuss and find appropriate and timely solutions to land disputes, even threatening and using violence against the physical welfare and dignity of women human rights activists with the intention of blocking public marches to demand justice.

The Law on Associations and Non-Governmental Organizations restricts the fundamental freedoms of workers, including the right to establish an organization or association, particularly under Article 6, Article 8, Article 24 and Article 25.

The Law on Trade Unions in its current form restricts the fundamental rights and freedoms of workers and trade unions, imposing mandatory and burdensome registration requirements and broad grounds for the denial of registration, which fail to comply with international standards on Freedom of

Association, particularly under Article 14, Article 10, Article 15, Article 17 and Article 54 and the Prakas and Annexes imposed on unions regarding registering trade unions and representation rights.

This petition endorsed by:

1. ActionAid Cambodia (AAC)
2. American Center for International Labor Solidarity (ACILS)
3. Building and Wood Workers Trade Union of Cambodia (BWTUC)
4. Cambodian Food and Service Workers Federation (CFSWF)
5. Cambodian Alliance of Trade Unions (CATU)
6. Cambodian Youth Network (CYN)
7. Coalition of Cambodian Farmer Community (CCFC)
8. Center for Alliance of Labor and Human Rights (Central)
9. Cambodian Center for Human Rights (CCHR)
10. Cambodian League for the Promotion and Defense of Human Rights (Licadho)
11. Committee for Free and Fair Elections in Cambodia (COMFREL)
12. Cambodia's Independent Civil Servants Association (CICA)
13. Rural Cambodia Technological Support Organization (RCTSO)
14. Independent Democracy of Informal Economy Association (IDEA)
15. Independent Trade Union Federation (INTUFE)
16. Klahaan Organization (Klahaan)
17. National Independent Federation Textile Union of Cambodia (NIFTUC)
18. The Cambodian Human Rights and Development Association (Adhoc)
19. Union of Khmer Employees of Naga World (L.R.S.U)
20. Youth Resources Development Program (YRDP)
21. Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU)

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- Ms. Chhorn Sokha, Organizing Program Coordinator of Center for Alliance of Labor and Human Rights, 093 556 634
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