



Submission by Human Rights Watch to the Committee on the Rights of the Child Concerning Cambodia

84th pre-sessional, 2019

This submission relates to articles 28, 32 and 38 of the Convention on the Rights of the Child and focuses on child labor and the protection of students, teachers, and schools during armed conflict.

The Situation of Child Labor (article 32)

Human Rights Watch research in Cambodia exposed one of the human rights perils of unauthorized subcontracting in the supply chains of global apparel companies. Our research carried out between April 2018 and January 2019, and published in March 2015, documented instances of child labor in violation of local and international labor laws in at least 11 garment factories, most of which were tiny unauthorized subcontractor factories.¹

Child workers reported working excessively long hours. Some children reported being paid less than minimum wage. Factory work came at the expense of children's education. All of these were contrary to Cambodian labor law.

In December 2014, the Garment Manufacturers Association of Cambodia (GMAC) signed an agreement with ILO-Better Factories Cambodia (BFC) to address child labor. Under this agreement, workers under age 15 will be given access to suitable vocational training institutes and paid the equivalent of their average monthly factory pay until

¹ Human Rights Watch, *Cambodia-Work Faster or Get Out: Labor Rights Abuses in Cambodia's Garment Industry*, March 2015.

they reach age 15. GMAC has undertaken to ensure financial support for age confirmation and remediation costs from its member factories.²

Illegal child labor, driven largely by unauthorized subcontracting, is a shifting phenomenon. It is not static and does not constantly present itself in the same factory or even in the same brand's supply chain. In understanding the drivers of illegal child labor, Human Rights Watch's recent research showed how brands' unfair purchasing practices can themselves contribute to the risks of unauthorized subcontractors and the risks of illegal child labor. These include low manufacturing prices, last minute changes to orders, setting unrealistic production times, and hefty and unfair financial penalties for factories that miss production deadlines.³ Any lasting solutions aimed at tackling child labor in global supply chains and in factories should be combined with calls for better human rights due diligence on purchasing practices by brands sourcing from Cambodia. Further, these should be combined with calls to protect workers' freedom of association and collective bargaining, and civil society.

Human Rights Watch recommends that the Committee ask the government of Cambodia:

- What steps has the government undertaken to publicly map its factories list and also indicate which factories have registered unions and collective bargaining agreements?
- What steps has the government taken to indicate the progress from GMAC's intervention to prevent and respond to child labor?

Human Rights Watch recommends to the Committee that it call upon the government of Cambodia to:

- Work with the Ministry of Labor, ILO, GMAC, nongovernmental organizations, and trade unions to publicly map all factories, including subcontractors, and indicate which ones have registered trade unions and collective bargaining agreements.

² "ILO-BFC and GMAC Working hand-in-hand to Eradicate Child Labour in Cambodia's Garment Industry," December 16, 2014, <http://betterfactories.org/wp-content/uploads/2014/12/Joint-Press-Release-ILO-BFC-and-GMAC-Working-hand-inhand-to-Eradicate-Child-Labour-EN.pdf> (accessed June 19, 2019).

³ Human Rights Watch, *Paying for a Bus Ticket and Expecting to Fly How Apparel Brand Purchasing Practices Drive Labor Abuses*, April 23, 2019, <https://www.hrw.org/report/2019/04/23/paying-bus-ticket-and-expecting-fly/how-apparel-brand-purchasing-practices-drive>

- Publicly and periodically report on the impact of its interventions to prevent and respond to illegal child labor in garment factories and other sectors.

Protection of Education During Armed Conflict (articles 28 and 38)

Cambodia, once host to the United Nations Transnational Authority in Cambodia (UNTAC) from 1991 to 1993, has since 2005 contributed itself to UN peacekeeping operations. As of March 2019, Cambodia has sent 5,783 troops, including 277 women, to assist in UN peacekeeping missions and thus is the third largest contributor of UN peacekeeping forces in the ASEAN region behind Indonesia and Malaysia.⁴ Cambodia's peacekeeping troops are deployed in the Central African Republic to support MINURCAT, South Sudan to support UNMISS, Lebanon to support UNIFIL, Syria to support UNSMIS, and Mali to support MINUSMA. South Sudan, Mali and Central African Republic are all countries where attacks on students and schools, and the military use of schools have been documented.⁵ According to Cambodia's "2006 Defense White Paper," Cambodia's rationale for providing UN peacekeepers – to build "prestige in the international arena" for the Royal Cambodian Armed Forces⁶ – should be reflected in its commitment to promote and protect international human rights law and international humanitarian law. Peacekeeping troops are required to comply with the UN Department of Peacekeeping Operations "UN Infantry Battalion Manual" (2012), which includes the provision that "schools shall not be used by the military in their operations."⁷

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict⁸; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed*

⁴ <https://www.phnompenhpost.com/national/government-approves-15m-un-peacekeepers>

⁵ Education Under Attack: 2018, The Global Coalition to Protect Education from Attack, 2018, http://www.protectingeducation.org/sites/default/files/documents/eua_2018_full.pdf

⁶ 2006 Defense White Paper, <https://www.files.ethz.ch/isn/156829/Cambodia-2006.pdf>

⁷ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

⁸ Safe Schools Declaration, May 28, 2015,

https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed November 6, 2018).

*Conflict.*⁹ As of June 2019, 91 countries have endorsed the Safe Schools Declaration. Cambodia has yet to endorse this important declaration.¹⁰

Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes:

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel. Furthermore ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.¹¹

Human Rights Watch recommends that the Committee ask the government of Cambodia:

- Are protections for schools from military use included in the pre-deployment training provided to Cambodian troops participating in peacekeeping missions?
- Do any Cambodian laws, policies, or trainings provide explicit protection for schools and universities from military use during armed conflict?

Human Rights Watch recommends to the Committee that it call upon the government of Cambodia to:

- Endorse and implement the Safe Schools Declaration to deter the military use of schools, including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.

⁹ Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed November 6, 2018).

¹⁰ "Safe School Declaration Endorsements," Global Coalition to Protect Education from Attack, accessed June 29, 2019, <http://www.protectingeducation.org/guidelines/support>

¹¹ UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, "Child Protection in UN Peace Operations (Policy)," June 2017.