Kingdom of Cambodia
Nation Religion King

Migration Working Group
Report 2012
FOREWORD

Samdech, Your Excellencies, Lork Chumteav, Ladies and Gentlemen

Migration or cross-border migration is a new phenomenon with many implications both objective and subjectives ones. The issue does not only involve searching for employment or income to improve living condition but also root causes of the change of perceptions to improve way of working, local management procedures, national policies related to investment, economic orientation, politics, education, tradition, social well-being, international relation, etc as well as related to victimization of Cambodian workers, especially women, including human trafficking, labor trafficking and all forms of exploitation, which happen during the migration cycle.

In this regard, the Royal Government of Cambodia with the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children at the core established a Migration Working Group, which serves as the inter-ministerial mechanism to coordinate, resolve problems, study and monitor situation related to migration and find strategies to promote respect for rights and benefit of workers who have increasingly migrated to destination countries for employment purposes.

On behalf of the Migration Working Group, I would like to extend profound thank to the Royal Government, especially Samdech Aka Moha Sena Padei Techo Hun Sen, Prime Minister of the Royal Government of Cambodia, for always providing guidance to resolve all problems and address all obstacles and bring Cambodia towards peace and development forever. I also wish to thank His Excellency Sar Kheng, Deputy Prime Minister, Minister of Interior, for making a wise decision to establish the Migration Working Group in order to gather wisdoms from experts from ministries/agencies and national and international organizations in order to address the common problem of the nation, which is concerning the flow of border-crossing migrant workers in order to maintain and transform potential forces for the development of the nation.

I also wish to thank leadership from all relevant institution for sending senior officials with technical skills and great experiences to work in synergy with the working group in order to successfully resolve problems. My sincere thank also goes to the participation, support and cooperation of both local and international partner organizations especially UN WOMEN and some other organizations for gradually supporting the functioning of the Migration Working Group including Winrock, UNIAP, ILO, IOM, World Vision, etc. as well some other local NGOs and the private sector.

I wish to extend the best of prosperity to Samdech, Your Excellencies, Lork Chumteav, Ladies and Gentlemen in the occasion of the International New Year 2013. I wish you happiness and success in all of your endeavors.

Thank You!

Phnom Penh, Dec 23, 2012
for the Migration Working Group

Chair

Chou Bun Eng
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1. Introduction

Every year, reports of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children show that the flow of Cambodian labor to Thailand and some other countries are getting bigger and increasingly unregulated, causing many complicated problems, especially in informal system and not generating revenue appropriationate with the size of out-flowed labor. Though there is an assurance of the calculation of salary as per employment contract of regular workers, it cannot be ensured that the money reaches the hands of those regular workers and their working condition is good, which is one of the reasons that there are problems and reported abuses on female workers until the Royal Government decided to suspend the selection, training and sending out of domestic workers to Malaysia in October 2011. In addition, such out-flow of labor causes shortage of labor to meet investment needs in industry, agriculture and service sectors in the country.

A closed door meeting of the National Committee on April 26, 2012 identified many issues during the migration of Cambodians, who increasingly take the risks through pursuasion of brokers. The tendency was quite high in early 2012.

2011 report of the National Committee also showed that there were many Cambodians seeking work in Thailand and there were suffering from strict law enforcement of Thai authorities such as being arrested, tortured, imprisoned or repatriated. It is estimated that there are around ten thousands workers repatriated through international checkpoints.

In meetings between authorities of provinces along Cambodia-Thailand border and between Ministry of Labor of the two countries, same problems were discussed to find ways to address vulnerabilities of workers who are trying to cross the border irregularly or work illegally in Thailand and to find measures to assist victims of trafficking, abuses and exploited in Thailand and those who are re-sent through Thailand. Nevertheless, good solutions for addressing and mitigating vulnerabilities of workers have yet to be found beside strengthening cooperation and recognizing pitfalls to be improved in the management system.

The Royal Government of Cambodia and Thailand have so far agreed to provide regular status to workers who migrate to work in Thailand by providing them Cambodian Certificate of Identity(CI) and allowing them to complete formalities in order to receive work permit in Thailand legally within a period of time. In 2004, there were around 185,000 Cambodians working in Thailand illegally among more than one million illegal workers including those from Myanmar and Lao PDR.

Provision of regular status through such means is just a temporary solution to provide regular status to workers in Thailand before the implementation of the Memorandum of Understanding on Sending Workers through legal system.
After CI and legal work permits were given, from 2004-2012, the number of workers having illegal presence in Thailand and not given CI, still does not decrease but instead doubles.

There is still a misperception that having passport means one can work in Thailand legally. However, they are given tourism visa only and are not entitled to work in Thailand. Cambodians throng to work in Thailand, especially when Thailand introduces a policy to increase allowance as they need Cambodian workers in large number to recover the economy after 2011 flooding.

In such manner, the Royal Government of Cambodia is not able to manage and monitor the situation and flow of workers and to address their vulnerabilities and has lost a big amount of revenue regarding to the implementation of formalities and procedures to provide legal employment opportunities to Cambodians for mutual benefits of workers and employers and sending and receiving countries.

**Women Migration**

Because of economic factors, more and more women migrate domestically and abroad in search for job. Migration is not the tradition of Cambodian women. However, currently not only men who migrate far from home for work, more and more women migrate and some of them even cross the border to other countries to meet their daily needs though they do not possess sufficient knowledge, skills and experiences. Many women leave their house and children behind for quite a long time, which creates many challenges for the family and at their work as well as in every stage of migration.

Young women, most of whom are from rural areas, do not have high education but are sent to work far from home to earn living for their family in factories and enterprises in big provinces and cities in the country and abroad since they are young. There are tens of thousand of workers and those work do not have good condition and cannot generate good income but risk them to many kinds of abuses. Women are more vulnerable than men, especially to sexual violence and exploitation. On the other hand, low level of education and knowledge of women, combined with different forms of discrimination, push women in to a vulnerable situation. In addition, gender related solution for migration needs to be strengthened so that workers, especially women can receive adequate services.

Farming work is gradually abandoned and the relations with family and community are disconnected or not so closed, which is a major social problem to be addressed.

**2. Response by the Royal Government of Cambodia and the Establishment of the Migration Working Group**

Recognizing the severity of the problem, the Royal Government of Cambodia has made efforts to address poverty of citizens, increase the national revenue and remain highly committed to ensuring security and safety of people through the Rectangular Strategy for Growth, Employment, Equity and Efficiency by creating employment opportunities both in
the country and abroad including in agriculture, industry, tourism and construction sectors, providing job to millions of people.

In addition, the Royal Government of Cambodia has ratified and enforced a number of relevant international laws and regulations and introduced national laws and policies to reduce poverty including: the Universal Declaration on Human Rights and Rights of the Child, Convention on the Elimination of All Forms of Discrimination Against Women, Optional Protocol and ILO Conventions, etc.

The Royal Government of Cambodia has also put in place national laws and policies in regard to human right respect, counter violence, human trafficking, labor exploitation and sexual exploitation, especially on women and children and many other crimes.

In the meantime, the Royal Government has also established mechanisms for implementing these laws and policies from national to sub-national levels and paid attention on the implementation of village-commune safety policies. These mechanisms are broadly available at all levels in the country and mobilize all resources and all means to protect villages and communes from every crime including human trafficking and sexual exploitation.

The Royal Government of Cambodia recognizes that migration is a priority when it comes to consideration about balance of labor force for development of all sectors. The Royal Government, with the National Committee at the core, organized a meeting on April 26, 2012 under the chairmanship of H.E. Sar Kheng, Deputy Prime Minister, Minister of Interior and Chair of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children and decided to allow the Secretariat to establish a Migration Working Group, which plays important role to coordinate and mobilize cross-sectoral efforts to find ways to address on-going problems as well as to seek strategies to prevent vulnerabilities, promote respect for rights and benefits, ensure safety of workers, especially women and find strategies to regulate and ensure balance of labor flow.

Many people migrate to work in neighboring countries both through legal and illegal systems. Those who go through illegal system are vulnerable to dangers every time, while those who use legal system also encounter problems occasionally. Though these workers have contributed to economic and social development both in sending and receiving countries, they (especially women) are still vulnerable to discrimination, physical, sexual and mental abuse and exploitation in almost every stage of migration.

Support from the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)

Many works have been undertaken by the Royal Government to identify appropriate strategies to address the desire of people to find work in the country and overseas and to ensure that they are safe and receive in return their income properly without any exploitation.

Decision No. 010 dated Sep 18, 2012 on the Organization and Functioning of the Migration Working Group was officially launched in a meeting on Sep 26, 2012, which was presided
over by H.E. Sar Kheng, Deputy Prime Minister, Minister of Interior and Chair of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children. Since then, the Working Group has undertaken their roles actively as planned and achieved many significant outcomes.

The United Nations Entity for Gender Equality and the Empowerment of Women-UN Women has been supporting the Migration Working Group of the National Committee’s Secretariat in formulating its plan successfully.

On the timeframe as indicated per Letter of Agreement between the Secretariat of the National Committee and UN Women specified regular meeting and enforcement of its function.

### 3. Activities and Achievements of the Migration Working Group in 2012

**Activity 1. Consultative Meeting on the Establishment of the Migration Working Group**

Meetings were held with relevant ministries and agencies to prepare a concept note and identify roles for the Migration Working Group under the Secretariat of the National Committee to be in charge of promoting safety of workers, especially women and to expand the roles of the National Committee with focus on migration issues, structure and responsibilities of each member.

H.E. Chou Bun Eng, chaired a meeting with relevant ministries and partners to discuss the concept note on the Migration Working Group at Sunway Hotel on July 17, 2012

Based on the concept note identified, the Secretariat requested support from the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children to establish a Sub-Committee for Migration because
migration is currently linked closely with human trafficking. The meeting of the National Committee on Sep 18, 2012 decided to establish a Migration Working Group under the Secretariat of the National Committee to enhance relationship and cooperation and to strengthen the monitoring of the flow of migrant workers especially women both in formal and informal systems.

Meetings with development partners and implementing partners were organized by the Secretariat of the National Committee to mobilize participation and support and discuss the roles of the Migration Working Group.

The Secretariat continued to discuss, facilitate and request for support from key ministries to get support and ensure that these ministries will send their senior officials and experts to take part in the Migration Working Group including Ministry of Labor and Vocational Training, Ministry of Interior’s Department of Immigration and Department of Anti-Human Trafficking, General Commissariat of National Police, Ministry of Women’s Affairs, Ministry of Justice, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Health, Ministry of Planning, Ministry of Economy and Finance, National Committee for Population and Development of the Council of Ministers, Association of Cambodian Recruitment Agency, UN Women, ILO, IOM, UNODC, Winrock, representatives from civil society and some other local partner organizations.
Finally, relevant ministries and organizations sent their representatives to take part in the Working Group. Their names were included in the Draft Prakas on the Appointment of the Migration Working Group and a Prakas was issued by the National Committee on Sep 18, 2012. After three meetings, the concept note, structure and roles of the Migration Working Group were successfully finalized. Please find the attached concept note in the annex B.

**Activity 2: Official Launch of the Migration Working Group by Deputy Prime Minister SarKheng, Minister of Interior**

Official launch of the Migration Working Group was held on Sep 26, 2012 by the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children presided over by H.E. Sar Kheng, Deputy Prime Minister, Minister of Interior, Chair of the Committee and with attendance of 225 national and international participants. The Working Group was established with support from UN Women and this migration working group serves as a new inter-ministerial coordination mechanism focusing on gender-sensitive migration. The Migration Working Group is headed by Her Excellency Chou Bun Eng, Secretary of State, Ministry of Interior, Head of the National Committee’s Secretariat and is composed by 34 members, who are senior and technical officials from key ministries/institution, UN agencies, local and international NGOs, representatives from Association of Cambodian Recruitment Agency (ACRA), Ministry of Labor and Vocational Training, Ministry of Women’s Affairs, Ministry of Justice and General Commissariat of Nationa Police, Ministry of Interior. UN Women’s representative is the Vice Chair of the Working Group, which reflects potential of inter- and multi-sectoral collaboration.
The main objective of the establishment of this Working Group is to promote and protect safety, rights and benefits of workers, especially women workers by taking into account gender perspectives and using multi-sectoral and multi-disciplinary approaches as means, to which the Royal Government has always adhered, to address the issues of migration.

In the official launch of this new mechanism, Her Excellency Chou Bun Eng, Chair of the Migration Working Group highlighted the recognition of working together by all relevant stakeholders to reach consensus in defining strategies to prevent, control, protect and promote safety, rights and benefit of migrant workers, especially to empower women workers to reduce their vulnerabilities and to implement strategies effectively.

H.E. Sar Kheng, Deputy Prime Minister, Minister of Interior, Chair of the National Committee, stated in his remark that the key roles of the Migration Working Group are vital to address issues associated with migration including human trafficking and labor exploitation. He believed that the Working Group will have enough capacity to coordinate, cooperate and mobilize all stakeholders to address the problem together as well as to define an appropriate strategy to promote safety and protect rights and legal benefits of migrant workers both men, women and children. Please find the attached detail in Annex A&C

Activity 3. Bi-monthly Meetings to Formulate and Review Policies to Monitor the Changes of Migration Situation

After the official launch, the Migration Working Group started carrying out their tasks to monitor issues and data related to migration. The first meeting was aimed at introducing members of the Working Group, preparing preliminary activities for implementation and
monitor situation related to migration and identify priorities to be taken into account. The meeting agreed to prioritize a study tour to Malaysia as one of the urgent activities.

The Migration Working Group, established and officially launched on Sep 26, 2012 is mandated to carry a research to collect information with the purpose to explore the perspectives and policies of the Government of Malaysia in regard to how workers are sent and received, mechanisms and possibilities to protect workers’ rights and to address actual situation, which will provide insights as to how migration can be managed. In addition, Cambodia must introduce MoU between Cambodia and Malaysia on the Sending of Migrant Workers to Malaysia and on the Cooperation in Anti Human Trafficking. The Working Group needs specific information as basis for protecting the rights and benefits of Cambodian Workers and for proposing recommendations to the Royal Government before signing can be made for the implementation.

The meeting identified concept for the study tour and asked for approval from the Royal Government represented by His Excellency Deputy Prime Minister and Chair of the National Committee to make contact with the Government of Malaysia through Cambodian Embassy to Malaysia and asked to visit Cambodian recruitment agencies.
Activity 4. Field visit to Recruitment Agencies

A meeting of the Working Group was held at the Secretariat of the National Committee to organize a study tour to four licensed recruitment agencies including Philimore, Ung Rithy Group, Success and AJC to explore how workers are selected, trained and sent to work overseas and procedures to resolve problems when workers are victimized under coordination of Ministry of Labor and Vocational Training and Association of Cambodian Recruitment Agencies (ACRA). The Working Group agreed on the objectives, checklists, timeframe, means and how to collect the information and decided to undertake the study tour on October 04, 2012.

The Working Group was divided into two groups to understand ways of working of the four companies. Group 1 was led by H.E. Chou Bun Eng, Secretary of State, Ministry of Interior, Chair of the Migration Working Group and Group 2 was led by H.E. Seng Sakda, Director General for Labor and Manpower, Ministry of Labor and Vocational Training and Vice Chair of the Migration Working Group.
As a result, we have noticed that:

- The four companies have different procedures to select, train and send workers and yet have a common standard;
- Monitoring by Ministry of Labor is still limited;
- Responsibilities for workers after they are sent out are limited;
- Training of workers is not standardized.

After the study tour, the Working Group organized a meeting to share what was learned from the study tour and next steps to provide protection to workers.

**Activity 5. Meeting with New president and Members of ACRA**

The Migration Working Group also met with members of the Association of Cambodian Recruitment Agencies to promote the implementation of Sub-decree No. 190 on the Sending of Workers Abroad through Private Agencies. Ms. Ung Sieng Rithy, President of the Association and the Association’s members expressed their commitment to cooperating with the Migration Working Group to promote and protect the rights of workers, especially women workers and to improve procedures, policies and solutions as well as cooperating with the Government to address current problems associated with workers sent by the Association’s members.

**Activity 6. Meetings with Civil Society Organizations to Discuss Problems of Workers in Malaysia**

Civil society organizations dealing with migration met with H.E. Chou Bun Eng to share information concerning women domestic workers in Malaysia who have been abused and complaints they have received and to seek support from the government to resolve these issues.
Her Excellency Chou Bun Eng promised to cooperate with Ministry of Labor and Vocational Training and other stakeholders to address these cases. She thanked and appreciated the cooperation between the government and civil society in provide better protection to migrant workers.

Activity 7. Meeting with the National Assembly of Cambodia on Migration

On Nov 23, 2012, the Migration Working Group met with the National Assembly’s Commission No. 8 on Social Affairs, Women, Youth, Children, Labor, Vocational Training and Health led by H.E. OUK Damry, Vice Chair of the Commission and Commission No. 6 on Legislation led by H.E. Dr. Pen Panha, Chair of the Commission. The objective of the meeting was to get support from the National Assembly on the issues of migration and support for the Migration Working Group, which is a multi-sectoral mechanism to address this issue and to accomplish the mission of the Working Group to promote safety, rights and benefits of migrant workers including men, women and children and to initiate how to manage the flow of migration. The National Assembly of Cambodia expressed pleasure to work with the Migration Working Group on this issue. After the meeting, the National Assembly recognized the issue of migration and the government’s effort to address the issues of workers. The six members of the National Assembly showed their commitment to working together with the Migration Working Group and to promoting and monitoring the implementation of policies and laws and to putting this issue for discussion at bilateral and multi-lateral meetings including AIPA as well as to identifying measures and raising awareness among their constituents.
Activity 8. Meeting with Development Partners to Seek Support for the Study Tour in Malaysia

On Nov 02, 2012, the Migration Working Group under the leadership of H.E. Chou Bun Eng organized a meeting with development partners to seek support for the study tour and to present the objectives of the study tour.
The meeting was participated by representatives from UN Women, Winrock, World Vision, Chap Dai Organization, UNICEF, IOM and APLE to discuss the possibility to provide support. As a result, UN Women supported six members; World Vision supported four members, Winrock supported two members, APLE supported one member; UNIAP supported one member of the delegation. Two representatives of UN Women, one of World Vision and one of APLE took part in the study tour.

Activity 9. Study Tour to Malaysia

Cambodian delegation led by Her Excellency Chou Bun Eng with 22 members visited Malaysia on Dec 2-5, 2012.

The objectives of the study tour include: 1. To strengthen cooperation among the government, recruitment agencies, employers, women migrant workers, relevant NGOs and Cambodian Embassy to Malaysia to provide protection to migrant workers in Malaysia; 2. To explore living condition, employment condition and issues experienced by female workers and to express attention of the Royal Government of Cambodia towards Cambodian workers working overseas. In the study tour, the delegation met with officials from Cambodian Embassy, the Government of Malaysia, Malaysian Association of Recruitment Agencies, Civil Society Organizations, Trade Unions, Employers and Domestic Workers and also visited shelters where services are provided to victims.

The delegation consists of the following members:

- Her Excellency Chou Bun Eng, Secretary of State, Ministry of Interior, Chair of the National Committee’s Secretariat and the Migration Working Group and Chair of the delegation with 21 members (one was absent), who were members of the Migration Working Group
- Ministry of Interior: 2 persons (Deputy Director of Immigration Department and Deputy Director of the Anti Human Trafficking and Juvenile Protection Department)
- Ministry of Justice: 1 person (Director General for Technical Affairs)
- Ministry of Labor and Vocational Training: 1 person (Chief of Placement Bureau)
- Ministry of Women’s Affairs: 2 persons (Secretary of State and Director General)
- Ministry of National Defence: 2 persons (Director of Directoriate of Border Affairs and an Assistant)
- Ministry of Foreign Affairs: 1 person
- Military Police Officer: 1 person
- Officials from the Secretariat of the National Committee: 2 persons
- Respresentative from ACRA: 1 person
- UN Women: 2 persons
- General Secretariat of the National Assembly: 1 person
- Winrock: 1 person
- World Vision: 1 person
- APLE: 1 person
- UNIAP: 1 person. Pls find detailed report in the Annex D.
Meeting with the Government of Malaysia on Dec 3, 2012

Meeting with PIKAP, an Association of Malaysian Recruitment Agencies

Meetings with workers and employers

Meeting with PAPA, an Association of Malaysian Recruitment Agencies
Annual meeting to take stock of 2012 and propose plan for 2013-2014 was held on Dec 21, 2012 with 36 participants including members of the Working Group and partners. The objectives of the meeting included: 1. To take stock of activities of the Migration Working Group in 2012; 2. To take stock of the outcomes of the study tour to Malaysia; 3. To discuss to identify strategies and measures to address issues of migrant workers, especially women in Malaysia and 4. To discuss and identify key activities of the Migration Working Group for 2013-2014. The meeting discussed findings in Malaysia in terms of both positive and negative aspects and solutions as well as accomplishments made by the Working Group since July 2012. The meeting discussed and identified future directions of the Migration Working Group to address current problems.
4. Conclusion

During seven months and a half of the project from May 15 to Dec 31, 2012, and three months after the establishment of the Migration Working Group, the National Committee's Secretariat and the Migration Working Group has implemented activities as planned with satisfactory results. At the same time, information collected from the implementation of the project and research will be used as basis for decision making in order to identify strategies, measures and ways to solve problems to address the desires and actual situation in the society and especially as the foundation for further planning and for the Migration Working Group, which is a coordination mechanism to strengthen monitoring and improving the situation of migration, especially to ensure that women workers are safe and protected legally.

Support and cooperation with relevant agencies and support from development partners are very important to promote and protect safety and rights of migrant workers and to enable the Migration Working Group to perform their functions and roles successfully. Inter-sectoral cooperation will ensure that issues of women migrant workers will be addressed and they will be given protection and respects for their rights and benefits.

To achieve the planned objectives, the Migration Working Group proposed the following focus:

1. Continue to organize regular meetings of the Migration Working Group to strengthen cooperation among ministries, agencies and relevant organizations and to monitor the situation of migrant workers; both women and men migrant workers;

2. Organize a national consultative meeting on migration to identify strategies for managing and promoting rights and benefits of female and male migrant workers;

3. Continue to meet with the National Assembly and the Senate to seek support on relevant policies and laws;

4. Prepare procedures to manage workers and a system with gender-responsive for monitoring at all stages of the migration cycle both in the existing formal systems and in the informal systems, which will be formalized. Encourage Ministry of Labor and Vocational Training and recruitment agencies and relevant agencies to focus on:
   - Reviewing and revising MoU between Cambodia and Malaysia before resending domestic workers;
   - Improving pre-departure training curriculum;
   - Promoting the implementation of Sub-decree No. 190 by engaging in the preparation and reviewing the six Prakas;
   - Preparing procedures for the termination and extension of employment contract;
   - Encouraging the establishment or joining the Association of Recruitment Agencies with standard responding to the needs for sending workers;
   - Reviewing employment contract by including health issues, rights to open private accounts for workers, rest period and time for being visited;
   - Accelerating the set-up of a database to monitor the workers with sex disaggregation;

5. Organize bilateral meetings between the Kingdom of Cambodia and destination countries, especially Malaysia and the Kingdom of Thailand (including ministries, agencies, recruitment agencies, NGOs, embassies...) to monitor the implementation of the memorandum and to identify roles of stakeholders in providing protection to workers, especially women migrant workers;

6. Participate in the development of strategy for human trafficking at the national level and to produce materials on safe migration;
7. Prepare to organize a study tour to Thailand;
8. Organize annual meeting with the Migration Working Group;
9. Raise awareness on policies, laws, procedures and how to migrate safely;
10. Strengthen capacity of relevant authorities to manage workers;
11. Integrate Strategic plan of the Migration Working Group into the five-year strategic plan of the National Committee.
ANNEX
A. Decision on the Organization and Functioning of the Migration Working Group

National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSL)

No: 010 SSR

Decision on The Establishment and Functioning of the Migration Working Group of the Secretariat of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSL)

The National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children

- Referring to the Royal Kram No. NS/RKB/0196/08 dated Jan 24, 1996 promulgating the Law on the Establishment of the Ministry of Interior;
- Referring to the Sub-decree No. 162 ANKr.BK dated Sep 25, 2009 on the Establishment of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSL);
- Referring the Decision No. 92 dated Dec 08, 2009 on the Organization and Functioning of the Secretariat of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSL);
- As per necessity of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSL)

Hereby Decides:

Article 1: Establish a Migration Working Group of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and
Sexual Exploitation of Women and Children (NC/STLS) with the following composition:

1. **H.E Mrs. Chou Bun Eng**  
   Secretary of State, Ministry of Interior  
   Chair

2. **H.E Mr. Seng Sakda**  
   Director General of Labor, Ministry of Labor and Vocational Training (MoLVT)  
   Vice-chair

3. **H.E Mrs. Khieu SereyVuthea**  
   Director General for Social Development, Ministry of Women’s Affairs  
   Vice-chair

4. **H.E Mr. Pen PichSaly**  
   Technical Director General, Ministry of Justice  
   Vice-chair

   Deputy Commission General of the National Police  
   Permanent Vice-chair

6. **Lt. Gen. Siek Socheat**  
   Director of Directorate of Border Affairs, Ministry of National Defense  
   Vice-chair

7. **Mr. Li. Gen. Pin Piseth**  
   Director of Immigration Department, General Commission of the National Police  
   Vice-chair

8. **Mr. Kim Sovanna**  
   Deputy Director of Legislation and Consular Department, Ministry of Foreign Affairs and International Cooperation (MoFAIC)  
   Vice-chair

9. **Mr. Ros Va**  
   National Program Officer, UN Women  
   Vice-chair

10. **H.E Mrs. Tao Sou Mara**  
    Deputy Director General of Local Administration  
    Member

11. **Mr. Soch Sophannara**  
    Director of Penal Prevention, Ministry of Justice  
    Member

12. **Dr. Khuon Eng Mony**  
    Deputy Director of Health Prevention Department, Ministry of Health  
    Member
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<td>13.</td>
<td>Pol. Brid. Gen. Say Mengchheang</td>
<td>Deputy Director of Anti-Human Trafficking, Juvenile Protection Department, General Commission of the National Police</td>
<td>Member</td>
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<td>14.</td>
<td>Brid. Gen. Has Meng Long</td>
<td>Deputy Director of Immigration Department, General Commission of the National Police</td>
<td>Member</td>
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<td>15.</td>
<td>Mr. Chuop Narath</td>
<td>Deputy Director of Employment and Manpower Department, MoLVT</td>
<td>Member</td>
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<td>16.</td>
<td>Mrs. Sun Vanna</td>
<td>Deputy Director of Legal Protection Department, MoWA</td>
<td>Member</td>
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<td>17.</td>
<td>Mr. Khol Yuthly</td>
<td>Deputy Director of Local Administration Department, Ministry of Interior</td>
<td>Member</td>
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<td>18.</td>
<td>Mr. Nhem Kimhoy</td>
<td>Chief of Placement Service Office, MoLVT</td>
<td>Member</td>
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<td>Mr. Pav Vannak</td>
<td>Chief of International Law Affairs office, Ministry of Justice</td>
<td>Member</td>
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<td>20.</td>
<td>Mr. Ung Vantha</td>
<td>Vice Chief Office, Department of Law, Consular, MoFAIC</td>
<td>Member</td>
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<td>21.</td>
<td>Li. Colonel Toch Pidor La</td>
<td>Vice chief of immigration office, General Commission of the National Police</td>
<td>Member</td>
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<td>22.</td>
<td>Dr. Sang Sinavuth</td>
<td>Assistant to Department of Technical Planning and International Affairs, Directorate of Custom and Excise, Ministry of Economics and Finance</td>
<td>Member</td>
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<td>23.</td>
<td>Mr. Trak Sokundara</td>
<td>Vice-Chief of Human Trafficking Prevention office, MoWA</td>
<td>Member</td>
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<td>24.</td>
<td>Lieutenant Colonel Em Sovanna</td>
<td>Deputy Chief Office, Anti-Human Trafficking Office, Royal Gendarmerie of Cambodia</td>
<td>Member</td>
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<td>28</td>
<td>Mr. Ya Navuth</td>
<td>NGO representative</td>
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<td>29</td>
<td>Mr. Ann Bunhak</td>
<td>ACRA</td>
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<td>30</td>
<td>Mr. Klearg Rim</td>
<td>ILO Project Coordinator</td>
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<td>31</td>
<td>Mr. Theng Chovrith</td>
<td>PolicyTechnical Advisor, Winrock</td>
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<td>32</td>
<td>Representative from</td>
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<td>Representative from</td>
<td>IOM</td>
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<td>34</td>
<td>Officials of NC/STLS</td>
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**Article 2:** The Migration Working Group of the NC/STLS has the following roles and responsibilities:

- Accountable to the National committee and secretariat of STLS for coordination multi-sectoral participation from relevant ministries/institutions, civil society organizations and private sector both at national, sub-national and international levels to address migration issues;

- Exchange information and experiences to initiate policies, procedures and appropriate actions for managing and addressing migration issues;

- Conduct studies, monitoring and evaluation and provide recommendations and support for strengthening implementation of laws and policies related to migration, which is gender responsive;

- Provide recommendations on the formulation and implementation of MoUs or agreements with relevant countries;

- Enhance the capacity and responsibilities of all stakeholders at all levels;
° Arrange to establish provincial/municipal migration working groups to be responsible and implement the duties;

° Closely cooperate with other working groups of NC/STSLS and other relevant institutions towards promoting and protecting the safety, benefit and the rights of migrant workers;

° Facilitate, gather, consolidate and monitor data to analyze, evaluate and provide recommendations;

° Develop strategic plan and annual action plan;

° Organize regular meetings with the working group members and other meetings as deemed necessary;

° Support relevant ministries in implementing law, policies and strategies to achieve the goal

° Report to the NC/STSLS and the Royal Government on monthly, quarterly, semester and annual basis;

° Mobilize resources from development partners and stakeholders;

° Disseminate achievements made to stakeholders through the media;

° Strengthen cooperation and relation at national, regional, national and sub-national levels to promote and protect rights and interests of migrant workers of both sexes.

**Article 3:** All members of the Migration Working Group shall participate in bi-monthly meetings as well as other meetings.

**Article 4:** The Chair of the Migration Working Group can invite representatives of agencies and civil society organizations and relevant technical experts who are not members of this working group to participate in meetings as necessary.
**Article 5:** The Chair, Vice Chair and Members of the NC/STSLS at the National and Capital/Provincial levels, Head, Vice Head and Members of the Secretariat of the NC/STSLS at all levels and individuals whose names are listed in Article 1 shall implement this decision in a highly effective manner from the date of the signature.

Phnom Penh, 18 September 2012

**Deputy Prime Minister, Minister of Interior**  
**Chair of NC/STSLS**

**Stamp/Signature**

**Sar Kheng**

**CC:**

- Office of the Council of Ministers
- Cabinet of Samdech Prime Minister
- Cabinet of Deputy Prime Minister, Minister of Interior
- Cabinet of relevant ministries
- Office of Capital-Provincial Hall  
  “For Information”
- As in Article 1  
  “For Implementation”
- Documentation
B. Concept Note

National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children –

Migration Working Group

1. Introduction

Cambodian Migration

Cambodian labor migration has increasingly become an area for concern in the past few years, especially in relation to Cambodian women. Despite their economic and social contribution to source and destination countries, many migrant workers, especially women migrant workers, are subject to exploitative and discriminatory practices, human rights violations and labor rights violations at almost every stage of migration.

Cambodians migrate for many different reasons using many different methods. Some migrant workers seek employment by using lawful means, while the others decide take riskier routes, crossing borders illegally, especially to Thailand.

In addition to labour migration, Cambodian women have also been known to migrate through other means, including marriage or by going on a trip as a tourist and staying in the country of destination illegally. The Ministry of Foreign Affairs and International Cooperation and the Ministry of Interior have jointly implemented Sub-decree 183 ANKr.BK, which requires that marriages require a formal application and that the government of both parties be responsible for scrutinising the marriage’s legitimacy. Nevertheless, there are still brokers and networks of offenders trying to coerce women into these marriages and export them illegally to other countries.

Cambodian children also continue to irregularly migrate overseas with their family, relatives, brokers or through formal and informal adoption processes.

In the 2007/2008 period 5,873 Cambodians migrated to Malaysia for work. In the 2009/2010 period however, the Cambodian Ministry of Labor and Vocational Training (MoLVT) figures showed an increase to 27,995, the majority of these migrant workers were women. This increase in labor migration was a direct result of a 2009 moratorium on sending domestic workers to Malaysia that was issued by the Indonesian government due to a growing number of reports of abuse.

In response to the sudden growth of migrant workers sent overseas, the Cambodian Government developed Cambodia’s Policy on Labor Migration in 2010. The Policy had three main goals: (1) to develop a sound
labormigration policy, legal framework and effective management based on international instruments and social
dialogue; (2) to adopt a rights based approach to the prevention of and protection against abusive migration
practices and the application and enforcement of national law and regulation; and (3) to mainstream migration
into the development agenda so that skills gained from migration are recognised and remittances are effectively
used for community development (MoLVT/ILO, 2010).

One of the first policy initiatives undertaken by the Government in 2011 was the development of a new Sub-
decree (Number 190) on the Management of the Sending of Cambodian Workers Abroad through Private
Recruitment Agencies to promote responsibilities for the recruitment and sending of migrant workers to work
overseas.

The work to strengthen the policy and regulatory framework and effective mechanism in response to the rapid
increase in migration and vulnerability of migrant workers through both formal and informal channels was not,
however, enough. In the two years following Indonesia’s moratorium Cambodia’s recruitment agencies created
employment opportunities, which often led to exploitation and right abuse on migrant workers due to lack of
responsibilities among some agencies in meeting the requirements of the laws and regulations of the Royal
Government.

Unregulated independent brokers, along with some agencies, recruited workers directly from their homes and
communities to sell to recruiters at the highest price. Some of these recruits were vulnerable women and
underage girls. There were also many reports of unscrupulous recruiters acting as if they wanted to help improve
the livelihood of workers, whilst tying the recruits into contracts using debt bondage style clauses.

In the meantime, there were increasing reports in 2011 of abuses in some companies’ training centres. In
addition, the reports were coming back of Cambodian female migrant workers were being forced to work for long
hours at multiple work places, without sufficient or decent food, with little or no rest, improper wages, without
access to their passports, prohibited from communicating with outsiders and their families and, in the worst cases,
enduring severe psychological, physical and sexual abuses.

It was following a rise in these negative reports that the Royal Government of the Kingdom of Cambodia took the
decision in October 2011 to issue a ban on the recruitment, training and sending of Cambodian migrant domestic
workers to Malaysia. This ban is still in place.

Migration, exploitative labour recruitment and human trafficking is multi-sectorally linked with the mandate
of many different ministries/institutions and authorities. As such, in order to make the promotion and protection
of the rights of migrants comprehensive, the approach to it must be multi-sectoral.
National Committee to lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children

The Royal Government of Cambodia has demonstrated a high commitment to the combating of human trafficking in the past decade by establishing mechanisms to prevent this crime and implement the law on suppression of human trafficking and sexual exploitation at all levels including:

- In 1995, the Royal Government of Cambodia issued Sub-decree No. 57 ANKr on the sending of Cambodian migrant workers overseas;

- Ministry of Interior, Ministry of Women’s Affairs, National Military Police, Ministry of Social Affairs, Veterans and Youth Rehabilitation established a unit responsible for countering human trafficking and protecting victims and formulated the Law on Suppression of Human Trafficking and Abduction in 1996;

- In 2003, the Royal Government of Cambodia and the Royal Government of Thailand signed a Memorandum of Understanding (MoU) on Anti-Human Trafficking and MoU on Cooperation in the Use of Labor;

- In 2004, the Royal Government of Cambodia signed MoUs on Anti-Human Trafficking in the Greater Mekong Sub-region;

- In 2005, a National COMMIT Task Force was established to strengthen cooperation on anti-human trafficking in Greater Mekong Sub-region;

- In 2007, a National Task Force for Implementing Bilateral and Multilateral Convention on Anti-Human Trafficking;

- In 2007, a High Level Working Group to lead the suppression of human trafficking and sexual exploitation in women and children was established;

- In 2008, a new Law on Suppression of Human Trafficking and Sexual Exploitation was adopted;

- In 2009, the Royal Government of Cambodia established the National Committee to lead the Suppression of Human Trafficking, Smuggling, Labor Exploitation and Sexual Exploitation in Women and Children (NC/STLS) by connecting all relevant government institutions, private sector, civil society and other relevant stakeholders in the society at national and sub-national levels to pursue a joint effort, in terms of resources and approaches, to prevent, suppress and eliminate trafficking in Cambodia.
- In 2011, The Royal Government of Cambodia issued Anukret 190 on Management of Sending of Cambodian Migrant Workers abroad through private recruitment agencies.

The **NC/STLS** is chaired by H.E. Sar Kheng, Deputy Prime Minister, the Minister of Interior and deputy-chaired by the Minister of Justice, Minister of Social Affairs, Veterans and Youth Rehabilitation, Minister of Labor and Vocational Training, Minister of Women Affairs and the National Police Commissioner. The NC/STLS is comprised of 18 members, the highest senior officials from 14 ministries. The Secretariat is headed by the Secretary of State from the Ministry of Interior, and composed of multiple institutions and six Working Groups, each of which is led by a specific ministry and vice-chaired by a representative of civil society. The NC/STLS also provides a sub-national structure.

Notwithstanding the rising trend of female labor migration from Cambodia, and the inherent issues of abuses, exploitation and trafficking that this brings, there is as yet in Cambodia no specific working group which is tasked to monitor the situation of migrants, evaluate the impact of migration, initiate or promote the implementation of policies and laws or provide a space for facilitating national and international discussion of the issues of migration and gender directly. It is acknowledged also that those recruiting for labor migration are not always just matching recruits up with employment opportunities, some recruitment leads to human trafficking and exploitation, requiring close attention.

Given the broad structure and mandate of the NC/STLS in addressing human trafficking issues effectively, it is considered that it could also be used to effectively address issues related to migration. As such, with technical support from UN Women, the NC/STLS has decided to expand its structure to establish a **Migration Working Group (MWG)**, which is mandated to address these problems, as per the diagram below:
2. Overall Purpose

To promote and protect safety, rights and benefits of migrants in a way that is gender responsive by using a multi-disciplinary and multi-sectoral approach.

3. Roles and Responsibilities

- Coordinate multi-sectoral participation from relevant ministries/institutions, civil society organizations and private sector both at national, sub-national and international levels to address migration issues;

- Exchange information and experiences to initiate policies, procedures and appropriate actions for managing and addressing migration issues;

- Conduct studies, monitoring and evaluation and provide recommendations and support for strengthening implementation of laws and policies related to migration, which is gender responsive;

- Provide recommendations on the formulation and implementation of MoUs or agreements with relevant countries;

- Enhance the capacity and responsibilities of all stakeholders at all levels;

- Arrange to establish provincial/municipal migration working groups to be responsible and implement the duties;

- Closely cooperate with other working groups of NC/STSLS and other relevant institutions towards promoting and protecting the safety, benefit and the rights of migrant workers;

- Facilitate, gather, consolidate and monitor data to analyze, evaluate and provide recommendations;

- Develop strategic plan and annual action plan;

- Organize regular meetings with the working group members and other meetings as deemed necessary;

- Support relevant ministries in implementing law, policies and strategies to achieve the goal

- Report to the NC/STSLS and the Royal Government on monthly, quarterly, semester and annual basis;

- Mobilize resources from development partners and stakeholders;

- Disseminate achievements made to stakeholders through the media;
• Strengthen cooperation and relation at national, regional, national and sub-national levels to promote and protect rights and interests of migrant workers of both sexes

Membership and Structure

This MWG is officially appointed by the NC/STTLS chaired by H.E. Deputy Prime Minister Sarkheng, which is comprised of technical officials from the Royal Government, national and international organizations, representatives of recruitment agencies and other stakeholders as deemed necessary. The MWG has a secretariat under the Secretariat of the NC/STTLS and has a line of network down to the sub-national level to be organized and appointed by NC/STTLS at capital/provincial level in a similar manner as the structure at the national level.

4. Operation

Meeting: Regular meeting is held every two months and ad hoc meetings can be held as necessary.

Venue: The location of the secretariat is in the offices of the Secretariat of NC/STTLS. The meeting venue will be identified on mutual agreement; tentatively the premises of the Secretariat of the NC/STTLS.

Secretariat Support and Resources:

• The MWG will receive support from the NC/STTLS Secretariat. The Secretariat will take the lead on all administrative, logistical, and financial matters. The Secretariat of NC/STTLS will assign staff to work as a secretary of the MWG to provide coordination and support to MWG and all stakeholders towards achieving the objectives of the MWG, which include organizing information collection meeting, report writing and planning schedules, etc.

• Financial support for the meetings and activities of the MWG will be sourced partly from the National Budget. Additional funds could be sourced for specific reasons from international Donors.

Minutes and reporting
The MWG secretariat will be responsible for minute taking and preparing the report of every meeting; and will circulate minutes or reports among the participants, who attend the meeting, in a timely manner.

Information and Publication Dissemination

• The dissemination of information on activities and outcomes must be permitted or approved by the Chairperson of the MWG or the Vice Chairperson which is authorized by the Chairperson.

• All publications produced by the MWG will be disseminated to all relevant members of NC/STTLS.
C. Remarks by H.E. Sar Kheng, Deputy Prime Minister, Minister of Interior and Chair of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (National Committee):

- Your Excellencies, LorkChumteav, Ministers, Secretary of State, Under Secretary of State in the National Committee and Secretariats at national and sub-national levels;
- Your Excellencies, LorkChumteav, Ambassadors or Representatives
- Your Excellences, LorkChumteav, Ladies and Gentlemen, National and International Guests

On behalf of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children, I wish to commend and highly appreciate the efforts made by ministries, agencies, local and international NGOs, recruitment agencies, unions and all social actors for your contribution in implementing the Royal Government’s policy to promote livelihood of citizens, expand both domestic and oversea labor market, increase income and reduce poverty, which is one of main priorities, which the Royal Government is addressing.

Indeed, migration has become an agenda to be taken into account in the framework of national and international policies. It is an issue that countries in the world is facing and addressing effectively, especially in terms of close linkage between sending and receiving countries, i.e. countries with labor supply and countries with labor demand. This linkage is coherent and most complicated as a result of conflict of interest and hides many secrets, allowing offenders to exploit these gaps and conflicts for their benefits at all stages of migration, bringing countless lose, suffering and difficulties to migrant workers including human trafficking, right abuse and all forms of exploitation. These issues also bring about challenges in the implementation of national and international laws and policies, leading to severe loss of potential economic and social resources.

Historically, Cambodians, especially women do not have a habit of leaving their house behind for months and years. Cambodians had been persistent in earning their living in their homeland and practiced their livelihood in a traditional way of life with community spirit, mutual help and good relationship, creating harmony in their family and society.

Now, the situation has changed. The number of Cambodians seeking job opportunities has increased significantly from one year to another due to imbalance between the population growth and labor demand together with local and international economic development. Many other pulling and pushing factors along with geographical locationsfavorable for border crossing make it easy for migration to take place.
Relationship within the family and in the society becomes fragile and the need to survive demands more effort because everyone has to catch with economic, scientific and social evolution. At the same time, the increased number of women migrant workers is also a concern because in families, in which father is not able to generate income for the family or in which there is no father to be responsible for livelihood, mothers are required to make every effort to generate revenue to cover all needs in the family. While domestic employment opportunity is limited, women are forced to leave to seek jobs away from home. They leave behind their children without proper care, education and comfort from the mother. The sending of young women who are not well educated and not experienced in dealing with the society outside their family to work far from home or in other countries also causes many physical, mental, intellectual and sexual risks in an unforeseeable scope.

To address this issue, the Royal Government has increased opportunities for people through expanding domestic livelihood options and labor market in agriculture, industry, tourism service and construction sectors. Nevertheless, there is still a number of citizens who are not able grab these opportunities and resort to using migration to find job overseas, while the Royal Government is seeking appropriate measures to provide protection of rights and benefits of both regular and irregular migrant workers. This requires formulation of a strategic scenario and thorough preparedness to regulate the flow of workers and provide facilitation through formal and appropriate procedures, which are easy to apply and systematic before negotiating for support and cooperation from receiving countries so that clear procedures are put in place to protect the rights and benefits of workers and benefits of employers.

This particular work requires participation from all relevant stakeholders including local authorities and competent institutions who have responsibilities to fulfill in every stage of the migration cycle. We prefer systematic and packaged solutions, which do not cause conflict among authorities but are their respective responsibilities requiring them to cooperate smoothly to provide public services to citizens from before they leave until upon their return. Of course, each ministry has their own mandate and competence, which cannot be interfered; however, these mandates and competence have one common goal, which is for the sake of the country and people. These works are inter-related in a systematic manner between one agency and another and shall follow the same direction. For example, in the area of migration, the government’s responsibilities starts from before people migrate, when they reach the border, during border-crossing, during their employment overseas and upon their return to their origin locations. Competent authorities including local authorities, authorities from bordered provinces, recruitment agencies, Ministry of Labor and Vocational Training, Provincial Department of Labor and Vocational Training, Provincial Department of Women’s Affairs, Department of
Immigration, Department of Passport, standby forces along the border, Ministry of Foreign Affairs, Embassies, relevant organizations, etc. are given different mandates to ensure that Cambodian workers will be treated with dignity and as citizens, they are entitled to service and safety and volunteer to respect the laws inevitably. All stages of service provision shall be coherent and smooth with responsibilities and provide trust to citizens. By doing so, citizens, especially both male and female migrants will be given safety and stay free from exploitation and abuse from opportunists, while administration at all levels will find it easy to manage people especially in-flow and out-flow of people in their respective localities. No matter where they are, Cambodian citizens will be given legal protection.

This is the main reason for establishing the Migration Working Group and I would like to take this opportunity to thank the spirit of responsibilities to His Excellency Deputy Prime Minister, Minister of Foreign Affairs and International Cooperation, His Excellency Minister of Labor and Vocational Training, His Excellency Minister of Justice, Her Excellency Minister of Women's Affairs and leadership of other ministries/ agencies as well as local and international non-governmental organizations and Association of Cambodian Recruitment Agencies for sending your technical officials to join the Migration Working Group. This working group is mainly tasked to coordinate and urge relevant stakeholders to provide multi-lateral solutions to the issues associated with consequences of migration and to ensure a simple and smooth management system, which is responsive to the desires of citizens. Indeed, there must be some changes of habits in providing services of some civil servants and companies, which have made people lose trust on the laws and policies of the Royal Government and create difficulties among citizens.

I would like to take this opportunity to extend my appreciation to the Secretariat of the National Committee for leading this vital piece of research and enable it to move forward as planned. This is a very important stage in resolving challenges surrounding migration. Ministry of Interior has been fully supporting the functioning of the secretariat and would like to thank representatives of national and international partner organizations for their participation and support, especially to Ms. Wenny Kusuma, UN Women Country Director, Cambodia Country office and her colleagues for providing technical and financial supports for the organization and functioning of this working group, to USAID’s Director and Winrock’s Director for providing support to this research as well as a number of activities of the Secretariat, to IOM for providing material support for the Secretariat and to some other organizations for jointly implementing activities with the National Committee. We hope that Your Excellencies, LorkChumteav, Ladies and Gentlemen will continue providing more support so that we can move towards achieving the ultimate goal, which
is to eliminate human trafficking and all forms of exploitation on human being, especially women and children.

Once again, I wish to extend my profound thank to Your Excellencies, LorkChumteav, Ladies and Gentlemen, Ambassadors, Ministers, Secretary of State, Under Secretary of State, Commissioner General, Director General, technical officials from relevant ministries, agencies, capital, provinces, national and international organizations and representatives of recruitment agencies as well as all members who are taking part in this event and I would like to officially declare the functioning of the Migration Working Group from now.

Thank You!
D. REPORT
OF THE STUDY TOUR TO MALAYSIA
DEC 02-05, 2012

ACKNOWLEDGEMENT

On behalf of the Secretariat of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSLS), I wish to extend my profound thank to His Excellency Sar Kheng, Deputy Prime Minister, Minister of Interior and Chair of the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor, and Sexual Exploitation of Women and Children (NC/STSLS), High Representative of Samdech Aka Moha Padei Techo Hun Sen, Prime Minister of the Royal Government of Cambodia, for allowing a Cambodian delegation of 21 persons to visit Malaysia to learn and understand the situation, well-being and challenges encountered by Cambodian women workers in Malaysia and to seek to understand laws, policies, mechanisms and measures being implemented by the Government of Malaysia to protect foreign workers. In addition, the Working Group also sought to understand how to receive and distribute workers and responsibilities toward workers of agencies, employers and association of agencies in Malaysia. The delegation also had the opportunity to explore points of view and visit workers working at residence, workers receiving care at shelter, workers receiving protection from the Embassy, while the legal remedy was being sought and discussed to understand the challenges experienced by diplomatic officers in addressing problems in such challenging situation.

I would like to thank Her Royal Highness Princess Norodom Arun Rasmey, the Royal Ambassador of the Kingdom of Cambodia to Malaysia and all staff members of the Embassy for their warm hospitality and for sharing with us a great deal of information and experiences, which we had never known before as well for their willingness to cooperate with the Working Group and to work tirelessly to resolve problems, especially those of some Cambodian women, who are being assisted.

I would like to express my profound thank to Her Excellency Syuhaida Binti Abdul Wahad Zen and delegation of the Government of Malaysia as well as organizations and agencies for taking part in discussion and providing important experiences to Cambodian delegation and especially providing use the opportunities to visit shelters and visit female wokers rescued. Our sincere thank also goes to the Chair and members of PIKAP and PAPA for facilitating our discussion, study tour and visit to women working as domestic workers.

I would like to convey the best of prosperity and happiness to Your Excellencies, Lork Chumteav, Ladies and Gentlemen and your family in the occasion of New Year 2013.

Thank You!!
1. Purposes of the Study Tour:

A. Goals:

1. To strengthen cooperation between the government, recruitment agencies, employers, workers, relevant NGOs in providing protection to migrant workers in Malaysia;
2. To demonstrate the attention of the Royal Government of Cambodia on Cambodian workers overseas.

B. Objectives:

1. To explore information associated with working conditions and policies of the Government of Malaysia on protection of foreign workers;
2. How workers are received and sent and responsibilities of partner companies and employment contract;
3. Challenges in regulating and resolving issues of workers as experienced by Cambodian Embassy in Malaysia;
4. Visit workers working over there.

2. Expected Outputs:

- Seek appropriate solutions for managing regular migrant workers so that they are safe, are given their interest and enjoy right respect;
- Review and improve worker sending system, the content of Cambodia-Malaysia MOU on the use of labor and the selection, training and sending of workers overseas, especially female workers working as domestic workers in Malaysia.

3. Members of the Delegation:

The delegation was led by Her Excellency Chou Bun Eng, Secretary of State of the Ministry of Interior, Chair of the Secretariat of the National Committee and the Migration Working Group and was composed of 21 members in total, who are also members of the Migration Working Group from:

- Ministry of Interior: 2 persons (Deputy Director of Immigration Department and Deputy Director of the Anti Human Trafficking and Juvenile Protection Department)
- Ministry of Justice: 1 person (Director General for Technical Affairs)
- Ministry of Labor and Vocational Training: 1 person (Chief of Placement Bureau)
- Ministry of Women’s Affairs: 2 persons (Secretary of State and Director General)
- Ministry of National Defence: 2 persons (Director of directorate of Border Affairs Bureau and an Assistant)
- Ministry of Foreign Affairs: 1 person
Annual Report 2012

Migration Working Group

- Military Police Officer: 1 person
- Officials from the Secretariat of the National Committee: 2 persons
- Representative from ACRA: 1 person
- UN Women: 2 persons
- General Secretariat of the National Assembly: 1 person
- Winrock: 1 person
- World Vision: 1 person
- APLE: 1 person
- UNIAP: 1 person

4. Issues So Far:

- Suspension of selection, training and sending of women migrants working as domestic workers in Malaysia;
- Occurrence of a new phenomenon, which using tourism visa for sending workers overseas, which is illegal;
- Some workers who have become victims have been waiting for remedy following legal procedures of the receiving country;
- There have been accusations from the Association of Agencies in Malaysia that such rapid suspension has cost them around Ringits 40 Million (Around USD 7 Million);
- Prepare a Memorandum of Understanding between Ministry of Labor of Cambodia and Ministry of Manpower of Malaysia to regulate workers and send workers again;
- Prepare a procedure and improve formalities and work on responsibilities of the government and private sector of the Cambodian and Malaysia regarding regulation of workers.

Therefore, the Migration Working Group organized this study tour without delay.

5. Main Activities:

a. Dec 02, 2012:

The delegation arrived Malaysia on Dec 02, 2012 afternoon and met with officials at the Embassy in Malaysia to discuss experiences, challenges and suggestions and recommendations of Cambodia’s Embassy in finding solutions for victim workers and solutions to protect legal rights of workers from when they are sent to work in Malaysia until they return.

b. Dec 03, 2012:

On Day 2, there were to main activities. In the morning a meeting was held with the National Council for Anti Human Trafficking, led by Her Excellency Chou Bun Eng and in the afternoon the delegation was divided into two teams, one team led by Her Excellency Chou Bun Eng to meet with PIKAP, which is agency and employer association and another team led by Her Excellency San Arun to meet with PAPA.

i. Meeting in the morning: The National Council for Anti Human Trafficking was led by Minister of the Ministry of Interior. Her Excellency Syuhaida Binti Abdul Wahad Zen,
Second Under Secretary of State, Ministry of Interior, is the Chair of the Secretariat, which is composed of representatives from 6 ministries including: Ministry of Interior, Ministry of Foreign Affairs, Ministry of Human Resources, Ministry of Women’s Affairs, Ministry of Transport and Ministry of Information, Propaganda and Culture. Participants in the meeting included officials from five legal enforcement agencies including: the General Prosecutor, Custom Agency, Department of Immigration, Navy and Ministry of Labor. Representatives from companies, UNOCHCR and NGOs including MKKM and JKMAS also participated in the meeting.

ii. Afternoon:
   a. Discussion with PIKAP Association
   b. Meeting with PAPA

c. Dec 4, 2012:
   i. Morning: The Delegation met with group of NGOs;
   ii. Afternoon: The Delegation was divided into three groups:
      a. Group 1: To take a study tour and visit one female domestic worker in a residence, organized by PIKAP;
      b. Group 2: To take a study tour and visit three female domestic workers in three houses, organized by PAPA;
      c. Group 3: led by H.E. Chou Bun Eng accompanied by H.E. Syuhaida to visit a shelter to meet with 16 female victim workers receiving care from a government’s shelter and continue to meet with Her Royal Highness Princess Norodom Arun Rasmey and to meet with 12 female victim workers receiving legal protection and temporary work by companies and Embassy of Cambodia.

d. Dec 5, 2012:
The delegation returned to the motherland.

6. Results of the Study Tour:

   1. Meeting with Ms. Um Bopha, General Counsel to the Embassy:

      The delegation arrived Malaysia on Dec 02, 2012 afternoon and met with officials at the Embassy in Malaysia to discuss experiences, challenges and suggestions and recommendations of Cambodia’s Embassy in finding solutions for victim workers and solutions to protect legal rights of workers from when they are sent to work in Malaysia until they return. Her Excellency raised many challenges concerning the formalities for selecting and sending workers by companies from Cambodia. Her Excellency complained that the Ministry of Labor still has not yet fully cooperated in sharing information and in monitoring situation of workers in Malaysia. Nevertheless, the Cambodian Embassy in Malaysia has tried their best to resolve these challenges.

      During the suspension of selection, training and sending of workers to Malaysia, there have been many cases of faking tourism for working purpose, which is quite difficult to control.
A number of measures were raised by the Embassy for consideration including opening private bank account for workers to make it easy to monitor workers’ data, employment location and salary payment. The Embassy suggested to have six-month salary of workers deducted at once but deduction be made every month so that workers could see their salary. Some employers still deduct their salary after deducting six-month salary by saying that they would like to keep the salary for her but at the end she was abused and was not given her salary for years until she could no longer tolerate and ran away.

H.E. Chou Bun Eng accepted this idea for consideration and will discuss with the government counterpart and the Association of Malaysian Recruitment Agencies.

2. **Meeting with the National Council for Anti Human Trafficking of Malaysia:**

In this meeting, H.E. Syuhaida extended her appology for the absence of the Minister, who heads the National Council for Anti Human Trafficking because he met with delegation from UK and China and signed MoU with them on anti trans-boundary crime. It was the first time that MoU on anti human trafficking was prepared for signing with Cambodia.

She acknowledged that indeed there were cases of abuses and exploitation on women workers but they were quite few compared to the number of workers benefiting from this work. She blamed the media and NGOs with opposition stance for manipulating and turning the situation around.

She asked representatives from relevant ministries to deliver presentations on legal norms and practical measures to validate that Malaysia indeed has regulations to provide protection and has strict laws in this matter.

H.E. Chou Bun Eng agreed that there had been manipulative publicity. She also thanked her counterpart for recognizing the truth and commended the Government of Malaysia for having good laws to regulate workers and employers; however, there are still pratical challenges, which are reasons why abuses still persist. The Royal Government of Cambodia totally trust the Government of Malaysia; that’s why, we send our workers and hope that there will be protection of mutual interests. At the same time, Cambodia would like to request Malaysia counterpart to address the issues in rescuing Cambodian workers who are experiencing physical, sexual and emotional abuses as well as salary exploitation. She also requested that workers be provided with personal bank accounts to reduce exploitation. Though there are still only hundreds of cases of victimization compared to more than 30,000 workers in Malaysia, which seem to be only few, such cases should not be allowed to happen again. The two governments should work together to take action before the MoU can be signed.

H.E. Syuhaida agreed to discuss Cambodia’s request and promised to tighten the law enforcement and continue to assist in rescuing workers to strengthen the friendship and cooperation between the two countries.

She also highlighted Government to Government (G to G) operation, which Malaysia started with Bangladesh in the industrial crop sector and would sign an MoU with Indonesia to reduce third party, especially companies which involved in human trafficking.
and smuggling. This endeavor just started and they had not been any experiences to share yet.

Representative from Cambodia’s Ministry of Labor and Vocational Training shared his experiences that this particular effort required the government to take sole responsibilities but Cambodia was not capable to do that. Currently, Cambodia has experiences with the Royal Government of Japan and the Government of Korea. The two governments spent a lot of many and accepted only workers with technical skills.

The discussion finished under pleasant and friendly environment.

3. Meeting with PIKAP, Association of Companies and Employers:

The association was established in 1999 with 220 companies as members. It is led by DATO’ RAJA JUL KEPLEY DAHALAN with the mission to support human resource development of the government. The association complained about loss of operation cost for not receiving workers as planned. The loss accounted for Ringits 40 Million or USD 7 Million when the Royal Government of Cambodia imposed rapid suspension of the sending of workers.

The companies shared their concern on the consequences that now there were workers coming to work in Malaysia illegally using tourism visa and put a pressure that who will be responsible for more than 20,000 workers who were still working in the country. Upon completing employment contract, they would extend the contract with employers and who would be responsible when problems arise?

The companies suggest the government to allow the sending of workers as soon as possible in order to address these issues. They recognized that there had been problems as per accusation but the Royal Government of Cambodia should not believe in the reports of NGO group and introduce the suspension so rapidly. Nevertheless, they prepared many measures to address the problems and to protect workers including entering data on original address and employment location of workers, names of employers and their salary and agree to open personal bank accounts. They also agreed to share information with both governments and their partners and to improve many points in employment contracts.

H.E. Chou Bun Eng appreciated the companies for their fast growth from 23 companies to 220 companies, which means that it is quite an interesting business. She thanked the companies for recognizing the problems and for trying to improve working conditions of workers. Nevertheless, she noticed that these companies did not have a common standard.

The Royal Government of Cambodia recognized the loss of the companies but they should also understand the loss of workers and the Government of Cambodia because it did not mean that the Royal Government of Cambodia believed in only reports of NGOs and information in the media. We received many complaints from families of victims on missing workers and workers suffering severe physical, sexual and mental abuses or other types of exploitation such as they were not given their salary until the end of the
contract and were forced to work illegally. These issues required investigation and solutions as the number of cases increased significantly. As the government, we had to force ourselves to resolve the problem and the suspension would be placed forever, if there were no proper solution to these problems.

We would further review the content of the MoU to prevent difficult problems from happening by including the following items: visiting workers at where they are working, giving workers rest time so that they can meet with their friends to reduce stress as some of them had become insane. In addition, thorough consideration should be taken to introduce procedures to select, train and send workers from Cambodia, receive workers, deploy them to their workplace, arrange for the completion of the contract, repatriate and re-integrate workers. How can these be done? Who would take the responsibilities? At which level? We would try to avoid passing the blame and work for the safety, interest and equity between workers and employers and between the two government.

PIKAP accepted these suggestions and requested the Government of Cambodia to provide approval as soon as possible because in Malaysia, there were demand of up to 300,000 domestic workers. They would to try meet the suggestions of the Royal Government of Cambodia and would work with ACRA, which was recognized by the Royal Government of Cambodia, to protect the rights and interests of Cambodian women workers.

4. Meeting with PAPA, the Association of Companies:

The President of the Association of Companies and Employers, PAPA, presented the structure and experiences in many years of the association in receiving and sending workers and highlighted the demand for female domestic workers. This association introduced a database starting with workers from Indonesia, which made it easy to monitor workers’ safety and locations of workers. Workers could call the center and their calls would be received and answered promptly. This association was prepared to cooperate with the two governments and was committed to respect the applicable laws when worker sending is re-allowed and to help with a computer-based database when requested.

It is worth noticed that the two companies seem to compete fiercely with one another, which is good for selecting good partners.

5. Meeting with NGOs: Dec 04, 2012

Morning: The delegation met with CAMSA, Tenaganita and Malaysian Trade Union Association.

In the meetings with these organization, some practical cases were presented including cases, in which Cambodian women workers were withdrawn from employers’ houses and put under protection after they ran away from work. The organizations explained challenges in accessing legal counseling services among women domestic workers and challenges in terms of inter-ministerial cooperation in Malaysia.
Cambodian delegation asked questions about data related to abused women and treatment on those women and received back all the information.

**Afternoon:**

The delegation was divided into three groups:

- Two groups visited a household, where a woman is working. This visit was organized by PIKAP and another group visited two households organized by PAPA;
- Another group visited a shelter to meet with trafficking women, especially Cambodian women, who were there to receive protection. The group also met with the Embassy’s officials and women victims rescued by the Embassy;

During house visit, the delegation talked to the woman. Her condition was quite good and there should not be any worries. We also met with the employer to ask about how they find domestic workers through the company and how to extend employment contract after the current two-year contract expires. We also tried to ask question about working hours and differences between women workers from different ethnicities and proposed suggestions on how to ensure safety for workers and remove concerns from the employer.

**6. Visit to Shelter:**

Cambodian delegation accompanied by H.E. Syuhaida was greeted by Ms. A Janis, Chief of the Fifth Shelter of the Government of Malaysia in Kuala Lumpur under the supervision of Ministry of Social Affairs. Social services and security services are provided 24 hours per day. The shelter is staffed by 23 persons. Currently there are 150 persons suspected as trafficking victims receiving care for three months during the investigation to confirm their victim status.

Services provided include health care, counseling service, free-of-charge phone call for 10 to 15 minutes per month and investigation by the agent. However, no lawyer is provided.

The delegation was allowed to meet 16 Cambodian women workers receiving care in the shelter.

**The interesting and tragic thing was that there were 17 to 18 year old girls, who had been working for two years and were not given any salary at all. One of them was pierced by scissors on many spots on her body and another had her molar broken and parts of her ear cut off as a result of violent act.**

Victims were pleased to meet with Cambodian delegation and hugged, cried and were sad when the delegation left them. They asked the delegation to find their mothers or children.

Her Excellency interviewed them about their story and encouraged them love each other and trust that the government would help solve these problems. She also felt sorry for their hardship. Her Excellency thanked the shelter’s staff for their support and for cooperating with Cambodian Embassy while legal remedy is being sought for these victims.
What was interesting was that since 2008 to Dec 4, 2012, the five shelters (one was closed down and five remained) received 1,835 victims, 22 of whom were Cambodian. As of the visit date, there were only 13 Cambodians remaining (receiving protection department). The rest included 402 Vietnamese cases (285 remaining), 531 Indonesian cases and 85 Chinese cases.

There are seven types of victimization:
- Victimized by sexual exploitation
- Trafficked as migrants
- Sold to brothel
- Syndicate
- Labor abused
- Not given salary
- Forced labor

Agencies standing by in the shelter include:
- Suppression: Police forces from immigration department and navy
- Social service and programs (12 programs including income generation): IOM, NCWO (National Coalition of Women Organization), SUK.

7. Meeting with Her Royal Highness Princess Cambodian Royal Ambassador to Malaysia and Meeting with Victims who were already rescued

Princess Norodom Arun Rasmey, Cambodian Royal Ambassador, left the Royal Palace though the funeral of the Former King Norodom Sihanouk, Hero King Father was still going, in Phnom Penh to meet with the Cambodian delegation and briefed the delegation on many areas concerning regulation of workers and rescuing women workers, who were victimized in Malaysia.

The Princess requested that uncontrollable branches of recruitment agencies should not be allowed to make it easy to monitor the responsibilities of the company.

Cambodian Embassy in Malaysia suggested that:
- Mechanisms allowing back and forth communication should be put in place because there was no specific mechanism yet;
- Request a labor attaché to make easier for doing the work as there are more and more Cambodian workers;
- A computer-based databased should be introduced to make it easy to make contact and check;
- Identify contact person;
- Ministry of Labor and the company should come to get seal on their documents at the Embassy;
- There should a team to evaluate the quality of the trainings before sending workers out;
Include in the contact with the employer a personal bank account and deposit her salary in the account, which is with the bank which has a deal with banks in Cambodia. The embassy will have workers’ data and can monitor;

Workers whose contracts expire can extend the contract to 6 to 7 years and this should be stated clearly in the MoU;

Ministry of Labor and Vocational Training should provide enough information about workers so that the Embassy can easily identify workers who are reported as missing or having problems by their families.

Note: When the delegation was in Malaysia, there was a large scale suppression case on Sentosa Company with more than one hundred workers. Four Cambodians were accused of bringing workers illegally through tourism visa. The Embassy was taking action to bail Cambodian citizens out of the detention.

During the visit, the delegation also met with 12 workers who had been rescued and were waiting for legal remedy with the court under the coordination of Scrimawar Company of Mr. Tommy. Among the victims, one woman had been beaten until her molar was broken. She was receiving good treatment and was given a temporary work by the company under the coordination of the Embassy, while waiting for legal remedy.

The study tour was finished late evening on Dec 4, 2012.

8. Note and Conclusion:

- The study tour provided lots of awareness, which had not been known before and information for the evaluation as well as basis for formulating a strategy to continue sending workers to ensure that there are people responsible for safety, dignity, legal protection, interest protection and honor of the country;

- Though companies lost and some workers were not happy with the suspension of selection, training and sending of workers in Oct 2010, it has provided key for improving labor management system and law enforcement in Malaysia and enabled Cambodia to be better prepared to avoid repeated problems.

9. Recommendations:

1. The MoU, which Ministry of Labor and Vocational Training plans to signed with the Ministry of Labor of Malaysia concerning the regulation and sending of women workers to Malaysia should be discussed again in a more comprehensive manner to complement gaps identified through the past experiences;

2. The Royal Government of Cambodia must improve employment contract management system and there should be regular monitoring;

3. Urge the companies to establish a common standard so that they can be held accountable in front of the Royal Government in the process of selecting, training and sending workers;

4. Attention should be paid simultaneously on:
- Find solutions for women workers whose contracts expire. They must be sent back to Cambodia to end the agency’s responsibility before they can re-apply for work because if they extend the contract on their own, no one will be responsible for them;

- Continue to find missing workers who were re-trafficked and abused. Legal remedy should be sought by cooperating with the Government of Malaysia, organizations and partner companies and repatriated officially;

- Recruitment agencies should prepare lists of workers sent by them by specifying where those workers are sent and send the lists to Cambodian Embassy to make it easy to locate them;

5. Identify responsibilities of the recruitment agencies for selecting and sending by men and women migrant workers, which have been already penalized or suspended or have their licence revoked;

6. Improve formalities and procedures related to employment contract, selection criteria, sending and receiving of workers, working condition, rest time, rights to maintain own documentation (passport, employment contract...), payment of salary upon termination of employment contract, extension of contract.

7. Urge workers to open their personal account in order to receive their salary regularly from employers and make it easy for monitoring;

8. Put in place a monitoring mechanism by strengthening cooperation with partners;

9. Request the Royal Government to consider employment more diplomats to be responsible for managing and monitoring workers (there are only three officials, there are lots of workers and there are many workers);

10. Set the boundaries of responsibilities of relevant stakeholders including local authorities, competent authorities, companies, ministry of labor, provincial department of labor and embassies in neighboring countries and strengthen internal cooperation in the country;

11. Pay attention on workers’ health before and after the migration;

12. Strengthen cooperation and discussion to receive input from the Migration Working Group, which is the National Inter-Ministerial Mechanism established by the National Committee and is the means to collective solve the problem at the national level.

Phnom Penh, Dec 23, 2012
for the Migration Working Group

Chair