
“Managing Return Migration when Entry or Stay is not Authorized”



Presented by

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Cambodia – Migration

Push and Pull Factors

- **Rural poverty** - 35–40 % of the population live below the poverty line, and 15-20 % live in extreme poverty
 - **Natural disasters** - drought and flooding, land issues
 - **50 % of Cambodians are aged under 20**, resulting in 150,000 to 175,000 people annually joining the labour market, this is expected to grow to 200,000 by 2010.
 - **Other Socio-economic problems** – high levels of debt (often health related), trafficking and gender based violence.
 - **Pull Factors** - Fisheries workers (mostly men) can earn 7 times the wage in Thailand, seasonal and construction workers (significantly women) 2.5 times.
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Domestic Labour Migration

- National institute of Statistics (2004) 4.4m migrants (2.1m men/ 2.3m women). Urban migration accounts for 1.4m, rural areas 3.4m.
 - More than 250,000 women have migrated to work in the Garment Sector, by 2003 garments accounted for 94 % of the growth in industry, 96.5 % of Cambodia's official exports and 6 % of GDP
 - World Bank (2006) 13% of families receive money from their family members. Average amount received \$80 per year.
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Gender Differences and Irregular Migration

- Migrants are generally unskilled and engage in 3D (dirty, dangerous and difficult) jobs.
 - Women living closest to the Thai and Vietnamese border are most likely to migrate for short term (day labour) seasonal work (up to six months)
 - Men generally migrate for longer term work mostly to Thailand (construction, factories, transport workers, fishing and fish processing). Cambodian men have been trafficked on fishing boats to India and Somalia.
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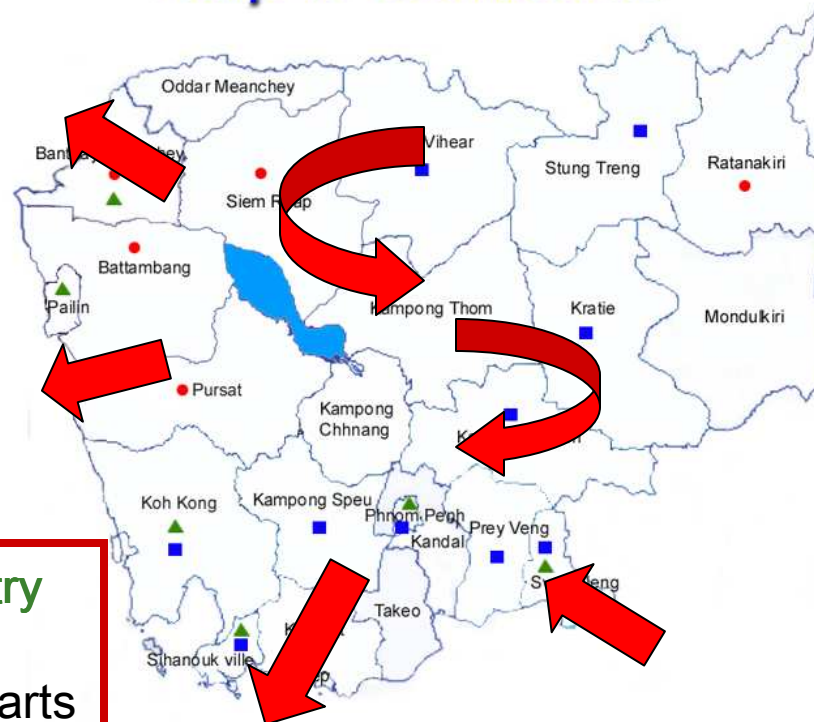
Trafficking – Cambodia is a Sending, Receiving and Transit country

Map of Cambodia

In-country Migration and Trafficking :

- rural to urban
- province to province

as a *sending* country to Thailand and onwards to other parts of Southeast Asia.



As a receiving country, mostly Vietnamese and East Europeans

as a *transit* country for...

Vietnamese, (need for more data)

Regional Return of Irregular Migrants

Country	2005	2006
Vietnam	1201	757
Thailand	<ul style="list-style-type: none">■ In 2005, 2167 convoys returned with a total of 99,430 deportees (of which 67,741 were men, 25,522 were women, 3,540 were boys and 2,627 were girls).■ If all these deportees returned via convoy, on average there are 48 deportees per convoy.	

Regional Return of Irregular Migrants

- In 2006 total of 757 people were returned from Vietnam, of all the returnees, 131 (20%) were identified as victims of trafficking (mostly for begging)
 - In 2006 there were 252 (94.44% were children) returns from Thailand through the Poipet Transit Center – 86 repatriations and 165 deportations.
 - In 2004/05 a total of 45 trafficking cases came from Malaysia. Of these 37 were formal and went through, MOFA, MoWA and or IOM Phnom Penh. The other 7 were informal and were recorded at the Cambodia Women's Crisis Center (CWCC). There were no cases in 2006. A significant number of these cases transited through Thailand
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Cambodia's Migration Policy

- As part of the rectangular strategy the Royal Government of Cambodia (RGC) is seeking to encourage official and legal export of labor in order to enhance well-being, improve skills, reduce unemployment and increase income
 - The RGC has issued a number of sub-decrees through the Ministry of Labour and Vocational Training (MoLVT), notably sub-decrees 57 (20 July 2005) and 70 (25 July 2006)
 - A total of 16 recruitment agencies are recognized by MoLVT for recruiting, sending and managing migrant workers (required to deposit \$100,000 with MoLVT)
 - MoLVT is cooperating with ILO, Federation of Employers and Recruitment Agencies to establish an association for recruiting overseas workers.
 - IOM has developed a Labour Migration Information System (LMIS) to enter all regular migrants into a central database at the MoLVT
 - Cambodia's migration policy hinges on discouraging irregular migration by easing the process of regular migration
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Inter-Ministerial Task Force on Migration (IMTM)

- MoWA has integrated the “promotion and support of a gender responsive migration policy” into its mandate.
 - In 2006 and with the support of UNIFEM an Inter- Ministerial Task Force on Migration (IMTM) was established and will be jointly chaired by the Ministers from the MoWA and the MoLVT. The Terms of Reference for the IMTM allow for the promotion of safe migration through a multi-disciplinary and sectoral approaches.
 - Through bringing together relevant government authorities (from relevant line ministries) and civil society, measures will be taken to organize effective strategies and mechanisms to protect migrant workers, particularly women from trafficking and other forms of exploitation.
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Regular Migration to Thailand

- In May 2003, with assistance from ILO/IPEC and IOM, the Royal Cambodian Government signed a MOU with Thailand on cooperation in the Employment of Workers.
 - The MoU calls for
 - (1) proper procedures for the employment of workers,
 - (2) effective repatriation of workers who have completed their terms and conditions of employment
 - (3) due protection of workers so that there is no loss of rights
 - (4) prevention of and action against illegal border crossings, trafficking of illegal workers and illegal employment of workers
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Regular Migration to Thailand

- As of June 2004, 181, 007 Cambodian migrants registered in Thailand.
 - In January 2005, the RGC issued a decision to establish an inter-ministerial task force to identify and issue Certificates of Identity (CI) to more than 30,000 Cambodian workers.
 - As of April 2007, 2,508 Cambodian migrant workers (708 women) have been sent to Thailand through legal recruitment agencies
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Regular Migration to Malaysia and the Region

- In 1997, the Royal Government of Cambodia signed a labour export agreement and provided its citizens with legal channels to seek employment in Malaysia through legal recruitment agencies.
 - As of April, 2007 Cambodia has sent 8, 969 migrant workers, 7,042 of whom are women
 - A total of 3,399 migrants (469 women) have been sent to Korea
 - MoLVT is opening new channels with Singapore, Hong Kong, Japan
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Regular Migration Challenges

- High fees many migrants choose not to register and wages and conditions can differ from those promised as result many prefer to stay as irregular migrants.
 - Communication problems due to language barriers also remain problematic.
 - Workers can still be subject to abuse in destination countries.
 - At present, the system for sending labour migrants abroad needs to develop further. As a result, large numbers of migrant workers continue to prefer the high risk of illegal labour migration to legal options provided by the Government.
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Towards Managing Irregular Migration

- Cambodia has no specific policy to manage irregular migration, however the following interventions are as a result of a UNIAP sponsored study of migrants and beggars to Thailand that brought together both governments, IOs and NGOs.
 - The interventions are in support of the prevention and protection measures described in the trafficking MoU with Thailand and the BA with Vietnam. They will also add value to the reintegration of trafficking victims from vulnerable communities.
 - The interventions draw on lessons learnt and best practices from the holistic approach to trafficking implemented by MoWA in Svay Rieng Province with the support of IOM
 - The proposed economic interventions also comply with the RGC's National Strategic Development Plan (2006 -10)
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Towards Managing Irregular Migration

Information

- Establishment of one-stop safe migration centers and outreach teams in key high risk areas of Cambodia to provide information on legal avenues of migration, vocational and life skills training opportunities, and local employment/income alternatives/options
 - Close coordination in Cambodia among the safe migration centers, the local inter-ministerial institutions, international organizations, rural development NGOs, livelihood NGOs, local businesses, national development programs for effective implementation of the above
 - Public information campaign in all provinces of Cambodia on safe migration and on emerging issues such as marriage brokers
 - Public awareness campaign in Thailand and Vietnam (and other destination countries) on the vulnerability of foreign migrant workers
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Towards Managing Irregular Migration

Training

- Provide life-skills training to prospective migrants in Cambodia for legal employment in Cambodia and/or other countries, especially Thailand.
- Provide training for community based stakeholders in Cambodia on the legal avenues of migration, vocational and life skills training opportunities, and local employment/income alternatives/options.

Cooperation.

- Promotion of safe migration through utilizing all existing mechanisms including the Thai-Cambodian Employment MOU and the Thai-Cambodian Trafficking MoU. The RGC will develop a new MoU with Malaysia in 2008.
- Close cooperation between RGT and RGC for ongoing clarification of the legal process for foreign migrant workers.

Research/Data Collection

- Ongoing data collection and needs assessment to identify specific target areas for safe migration and economic livelihood activities.
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Towards Managing Irregular Migration

Rescue and Screening

- Work from the initial assumption that all beggars (Vietnam and Thailand) are victims of trafficking and transport them to a shelter where screening can take place to determine who are victims of trafficking. Child-friendly interview techniques to be provided to all responsible actors.
 - All stages of the process should include persons who are fluent in languages of the migrants that can be part of the shelter social work team to provide interpretation and basic social work services.
 - Round ups/rescues should continue to be led by a multi-agency task force of officials, police and social workers. They also should be further strengthened to ensure well-planned coordination.
 - Ensure clear understanding of destination countries' screening policies, with the aim of standardizing screening processes across the region. Continue to strengthen coordination and information-sharing.
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Towards Managing Irregular Migration

Systems and processes

- Review approaches and systems for reintegration of vulnerable migrants in order to speed up family reintegration.
 - Based on the findings of the review, the RGC and partners should strengthen and improve the quality and efficiency of reintegration and follow-up services for both victims of trafficking and vulnerable migrants to ensure successful reintegration.
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Towards Managing Irregular Migration

Coordination

- Local government officials, authorities and civil society groups at commune and village levels should be involved in reintegration and follow up and should receive support and training on relevant processes and procedures.
- Review and reinforce the collaboration among relevant line ministries, private sector and NGOs through existing networks/structures including working through the National Task Force and IMTM.

Support to families

- Government and partners should reinforce holistic and coordinated family support upon return (including education, training, legal registration, psycho social support, income generation activities, healthcare) to avoid re-migration/re-trafficking.
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Towards Managing Irregular Migration

Training and livelihoods

- In line with the RGC's National Strategic Development Plan (2006-10) policy incentives need to address rural poverty, attract private investment away from urban centres, and promote small and medium size enterprises and encourage enterprise at the community level.
 - Training on the legal avenues of migration, vocational and life skills training opportunities, and local employment/income alternatives/options should be provided to returnees.
 - Close coordination in Cambodia among the resource centers, the local Department of Social Affairs, rural development NGOs, local businesses, national development programs, etc is essential to implementing the above recommendations.
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Towards Managing Irregular Migration

Research/Data Collection

- Ongoing market research and review of existing data on employment opportunities to improve vocational training and job placement services in both Cambodia and countries officially receiving labour.
 - Maintain and update a resource directory of services available to returnees.
 - Conduct a survey in Cambodia on irregular migrants returned from countries in the region.
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Protecting Migrants

- Support the new National Taskforce in implementing the Viet-Cam Agreement, Thai-Cam MOU, the COMMIT GMS MOU and agreements with relevant countries on eliminating trafficking in persons and assisting victims of trafficking.
 - Expedite the development and implementation of the MoU with Malaysia.
 - Through the COMMIT process develop regional and national guidelines on migrant recruitment practices in the GMS Developing a regional training curriculum on the implementation of minimum standards and developing standardized pre-departure packages for migrants.
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Protecting Migrants

- At the core of migration policy, countries should eliminate the illegal use of manpower and ensure the basic human rights of all migrant workers, especially women and children.
 - Develop safe and affordable remittances channels (banking cooperation).
 - To assist both regular and irregular migrants, establish labour attachés in receiving countries especially Thailand, Malaysia and Korea.
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Next Steps

- Review and amend the Labour Law which currently stipulates in Article 1 that the law only applies to ‘*employers and workers resulting from employment contracts to be performed within the territory of the Kingdom of Cambodia.*’
 - Any new law should include the needs of all people who work in Cambodia, as well as Cambodians who work in other countries.
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Next Steps

- Through IMTM, establish a committee to draft a Labor Migration Law. The Committee should include all the Ministries involved in labor migration issues.
 - In the Labor Migration Law there should be a specific mention of domestic work as an official occupation.
 - International organizations representatives with know-how and experience in legal aspects of labor migration management should also be included in the Committee.
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Next Steps

- The drafting process of the Labor Migration Law should employ a participatory approach with all stakeholders (including NGOs and civil society organizations) involved in labor and migration issues.
 - Work closely with sending and receiving countries' governments in order to update, improve and implement the dispositions included in the agreements.
 - Cambodia should ratify the 1990 *UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*.
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Thank You



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