

KINGDOM OF CAMBODIA | PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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MIGRATION GOVERNANCE INDICATORS

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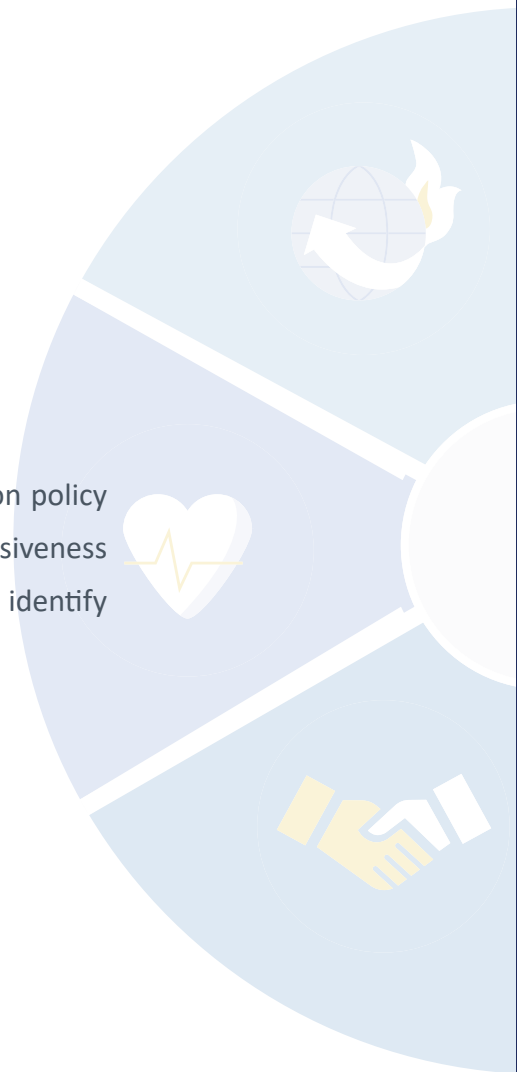
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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.



The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with The Economist Intelligence Unit to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that offers insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Kingdom of Cambodia (hereinafter referred to as Cambodia), as well as the areas with potential for further development, as assessed by the MGI.⁴

¹ IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

² IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of The Economist Intelligence Unit. Funding is provided by IOM's Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

At the basis of

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies**."



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 15

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 17

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 19

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 21

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 22

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
ILO Forced Labour Convention, 1930 (No. 29)	Yes (1969)
ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Yes (1999)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
ILO Employment Policy Convention, 1964 (No. 122)	Yes (1971)
ILO Equal Remuneration Convention, 1951 (No. 100)	Yes (1999)
ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	No
ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)	No
ILO Minimum Wage Fixing Convention, 1970 (No. 131)	No
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2004)

1.2. Migration governance: Examples of well-developed areas

Health care in Cambodia is included in social security coverage. Migrant workers with regular status have equal access as citizens to Government-funded health care under Cambodia's social security scheme – the National Social Security Fund (NSSF). It is mandatory for all workers to contribute to the NSSF, which covers health prevention services, medical care services, and daily allowance for the duration of the work suspension due to medical treatment or other non-occupational accidents as well as maternity leave.⁵

The NSSF also covers pension and invalidity benefits for all regular workers, regardless of their nationality, as outlined by the Law on the Social Security Schemes for Persons Defined by the Provisions of the Labour Law (2002). The Cambodian Ministry of Labour and Vocational Training (MOLVT) is engaged in a regional dialogue with the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam (CLMTV) on the portability of social security benefits for migrant workers. In September 2019, Cambodia hosted the Fifth Senior Labour Officials Meeting (SLOM) and the Third Ministerial Conference on Labour Cooperation in CLMTV countries, under the theme: "Toward the protection of migrant workers in CLMTV countries."

⁵ This is according to the Law on the Social Security Schemes for Persons Defined by the Provisions of the Labour Law (2002). The Sub-decree applies to all who are working in Cambodia for an employer.

As a result of these meetings, labour ministers signed a plan for migration and social security rights for migrant workers in the CLMTV region and a joint statement to strengthen labour cooperation further in these five countries. In addition, the participants agreed to set up a working body to draft a ministerial declaration, which will be proposed for approval at the Fourth Ministerial Conference on Labour Cooperation among CLMTV countries, which is yet to happen as of February 2021.

The Law on Nationality (1996, amended 2018) provides that a foreigner may obtain citizenship after continuously residing in Cambodia for a period of seven years, as long as the person is able to “speak khmer, know khmer scripts and has some knowledges of khmer history, and prove clear evidence that he/she can live in harmony in khmer society as well as can get used to good khmer custom and tradition”, and has no criminal record. The time requirement is reduced to three years if the person was born in the country. Additionally, foreigners can become citizens if they have been married to a national and have lived with them for at least three years after their marriage registration, with at least 12 consecutive months in Cambodia.

The Law on Immigration (1994)⁶ establishes that all non-Cambodian citizens are foreigners, without discrimination to their nationality. The Labour Law (1997, amended 2007) guarantees that foreigners have protection against discrimination in employment on the basis of race, color, sex and religion.

1.3. Areas with potential for further development

The Ministry of Health is finalizing a Migration Health Policy as of February 2021, which aims to address the well-being of migrants and their rights in accessing health-care services.

Migrants with regular status have access to Government-funded education until secondary school (six years in Cambodia) under the International Covenant on Economic, Social and Cultural Rights (1966) as ratified by the country. Meanwhile, nationals are entitled to at least nine years of free education, as outlined by the Education Law (2007).

The Identification of Poor Households (2005) programme identifies beneficiaries according to a points-based system that takes into account sources of income, the features and condition of the family house and land available for plantation, among other factors. “Poor” households are entitled to receive cash transfers and benefits to improve their access to health care, education and water. There is no requirement to be a Cambodian national or a regular migrant. However, the mechanism for determining the recipients of the programme involves commune- or village-level selections and approvals. Thus, the programme may exclude groups on the basis of nationality or other characteristics.

Migrants on temporary residence permits have access to employment, but not on the same terms as nationals. Foreigners must obtain a work permit and an employment card issued by the Ministry of Labour and Vocational Training (MLVT) before entering and working in the country, and they must apply for a new work permit if they wish to change employment. They must have legally entered the country, possess a valid passport and a valid residence permit, be fit for their jobs, and have no contagious diseases as outlined by the Labour Law. Foreigners must fulfil certain requirements, such as having worked two consecutive years in Cambodia, to stand for election as trade union representatives, also according to the Labour Law.⁷

Furthermore, the Labour Law provides that enterprises of any kind and professionals – such as lawyers, bailiffs and notaries – who need to recruit staff must give priority to Cambodians citizens. The Prakas⁸ on Use of Foreign Workforce (2014) establishes a maximum limit of 10 per cent of foreign employees divided

⁶ The Government is in the process of updating the Law on Immigration as of February 2021.

⁷ The foreigner must be at least 25 years old, have the right to indefinite stay, have worked for 2 consecutive years in Cambodia, and in the case of a professional organization of workers, be able to read and write in Khmer.

⁸ “Prakas” are regulations.

per category: 3 per cent office personnel, 6 per cent specialized personnel and 1 per cent non-specialized personnel. Companies must prove that each category has the minimum percentage of Cambodians.

According to the Law on the General Status of Civil Servants (1994), only Cambodian nationals can be employed as civil servants.

There is no path to permanent residence in Cambodia, although the Temporary Ordinary Visa (Class E) – which can be used for studies, business, employment or retirement – can be extended indefinitely, pursuant to the Sub-decree on Formalities for Applying to Allow a Non-immigrant Foreigner to Enter, Exit and Reside in the Kingdom of Cambodia (2016).⁹

It is not possible for Cambodians overseas to vote from abroad. They need to return to Cambodia to register in person and must have a residence permit in the country, under the Law on the Election of the Members of the National Assembly (1997).

Cambodia does not yet have a policy or strategy to combat hate crimes, violence, xenophobia or discrimination against migrants. However, the Law on Immigration (1994) states that migrants shall not be discriminated against on the basis of “nationality, belief, religion or his place of origin”; and the Labour Law guarantees foreigners protection against discrimination in employment on the basis of “race, colour, sex, creed, [and] religion”.

⁹ The Temporary Ordinary Visa (Class E) allows migrants to stay for up to 1 month and can be extended for 3 months, 6 months or 12 months, on an indefinite basis.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Ministry of Labour and Vocational Training (MLVT) is the primary body governing labour migration in collaboration with the Ministry of Foreign Affairs and International Cooperation (MFAIC) and the Ministry of Interior (MOI). The MLVT developed and implements the Policy on Labour Migration (PLM) (2019–2023) which focuses on “cross-border migration for employment among Cambodian workers” and identifies three priority areas: (a) good governance of labour migration for legal, policy and institutional framework coherence; (b) protection and empowerment of migrant workers against abuses, malpractice and exploitation through well-informed migration, pre-departure training, and dissemination of information regarding the migration process; and (c) harnessing migration for development through remittances, skills acquisition, and labour migration leading to lower unemployment and strong national foreign currency reserves. The PLM also includes a section on “Gender dimension” which highlights the vulnerabilities of migrant women, underage boys and girls, and families left behind, as well as the opportunities that labour migration presents for women.

The MOI is responsible for the registration, issuance, and checking of resident cards, visas and passports; and for preventing migrant trafficking and smuggling. The MFAIC is tasked with raising awareness of relevant documents and regulations related to labour migration, facilitating the labour migration of nationals abroad, and managing and resolving disputes between Cambodian workers abroad and their employers via Cambodian embassies.

There are various interministerial coordination mechanisms on migration in Cambodia. The Sub-committee on Labour Migration, established in 2014 under the Interministerial Committee on Examining and Preparing the National Employment Policy, is chaired by the MLVT and oversees the implementation of the PLM. The Sub-committee meets annually and consists of the MLVT, MFAIC, MOI, Ministry of Women’s Affairs (MOWA), Ministry of Economy and Finance (MEF), and Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY).

The Interministerial Working Group for the Implementation of the Memorandum of Understanding (MOU) between Cambodia and Thailand on Cooperation in the Employment of Workers was established in 2005 by the MOI and the MLTV and also comprises the MFAIC. It meets annually and is focused on nationality verification – in order to issue certificates of identity to irregular Cambodian migrant workers in Thailand – and on the admission of new Cambodian workers under the MOU.

The National Committee for Counter Trafficking (NCCT), established in 2014 and chaired by the MOI, collects and analyses data; develops laws, policies and plans; and coordinates efforts with other ministries, institutions, non-governmental organizations (NGOs), the private sector and other stakeholders to respond to human trafficking issues through prevention, suppression, rescue of the victims, prosecution of the traffickers and protection of vulnerable people.

The National Strategic Development Plan (2019–2023) outlines migration-related challenges and measures, and the Rectangular Strategy Phase IV (2018–2023) states that the Government is to strengthen the enforcement of the Law on Immigration by “preventing illegal migrant inflow[s]”.

Cambodia has 27 embassies and 29 consulates to assist its nationals living abroad, including through the provision of information and counselling on labour migration and grievance mechanisms, offering support

for their return to Cambodia, the provision of translation services, the recognition of foreign marriages and the legalization of documents.

The Cambodian census contains questions on migration under other topics, including on place of birth, place of previous residence, time spent in previous country and reason for migration.¹⁰

2.2. Areas with potential for further development

There is no government institution tasked with coordinating efforts to engage with the diaspora. There is no overall migration policy in Cambodia.

Cambodia does not publish migration data on a regular basis. However, the Ministry of Planning has published three one-off reports containing migration data. The Cambodian Rural Urban Migration Project (2012) assessed rural-to-urban migration based on push–pull factors, ease of transition and gender. The “Women and migration in Cambodia” (2013) study collected data on migrants, including on educational qualifications, occupation and average salary, disaggregated by sex. The National Population Policy 2016–2030 (2015) provided data on rural-to-urban migration flows, including on level of education, income and remittances. The General Department of Immigration collects data on migrant arrivals and exits but does not publish them.

¹⁰ The most recent (fourth) census was conducted in 2019.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Cambodia participates in regional consultative processes (RCPs). It is a member of the Coordinated Mekong Ministerial Initiative against Trafficking, which was established in 2004 and comprises Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam. The Initiative seeks to promote member State cooperation in combating trafficking, protecting victims and prosecuting criminals. These countries signed the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region in the same year. Following its participation, Cambodia promulgated its Law on Suppression of Human Trafficking and Sexual Exploitation (2008), created the Policy and Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2009), and adopted Sub-decree 190 on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (2011).

Cambodia is also a member of the RCP on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process) alongside 11 other Asian labour-sending countries. Established in 2003, the Process aims to allow its members to share best practices on overseas employment and contractual labour, consult each other on issues faced by overseas workers and offer solutions for their well-being, optimize development benefits from organized overseas employment, and monitor the implementation of ministerial recommendations.

Cambodia is part of the Association of Southeast Asian Nations (ASEAN) – a regional intergovernmental organization. Through the ASEAN Framework on Mutual Recognition Arrangements (MRA), Cambodia has agreed with other member States to mutually recognize employment standards and qualifications in some professions, such as engineering, architecture and tourism. Cambodia also participates in the Bali Process on People Smuggling and the Asia–European Union Meeting's Conference of the Directors General of Immigration and Management of Migratory Flows, which were both established in 2002.

In 2003, Cambodia signed a Memorandum of Understanding (MOU) with Thailand on Cooperation in the Employment of Workers. The MOU aims to ensure “proper procedures for the employment of workers” from Cambodia, effective repatriation of workers, protection of workers' rights, and the prevention of irregular border crossings and irregular employment. In 2005, Cambodia signed an MOU with Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking. In 2015, the country signed an MOU with Malaysia which established a framework for the recruitment, employment and repatriation of Cambodian migrant workers there. Furthermore, in cooperation with the Ministry of Labour and Vocational Training, the Manpower Association of Cambodia and the Association of Cambodian Recruitment Agencies signed an MOU with the Thai–Cambodian Relations Association in 2018 to promote the rights, welfare and protection of Cambodian migrant workers in Thailand. Cambodia also signed an MOU with Japan in 2019 on the migration of Cambodian skilled workers and on technical internship programmes.

Cambodia regularly participates in bilateral migration discussions with other countries. In April 2019, Cambodian and Thai government representatives participated in the Second International Exchange Visit for Dialogue – an ad hoc forum aimed at strengthening the multi-stakeholder dialogue between the two countries to improve the implementation of the MOU on Cooperation in the Employment of Workers. In October 2019, Cambodia hosted a conference – “The role of sending countries in the protection of migrant workers” – for the Lao People's Democratic Republic and Myanmar. In February 2020, the National Committee for Counter Trafficking (NCCT) worked with IOM to host the Regional Workshop on Safe Migration of Sending Countries, involving Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam.

3.2. Areas with potential for further development

Cambodia engages with civil society organizations (CSOs) and the private sector both semi-regularly and on an ad hoc basis. The NCCT operates a Technical Migration Working Group, of which some private sector actors and non-governmental organizations (NGOs), such as private recruitment associations and labour recruiters, are members. In January 2020, the NCCT convened NGOs and private companies to a meeting to discuss the strengthening of cooperation between the NCCT and development partners. The previous Policy on Labour Migration (2015–2018) states that social partners and CSOs were consulted during the drafting of eight Prakas which were adopted in 2013.

Cambodia does not formally engage members of the diaspora and expatriate communities in agenda-setting and the implementation of development policy.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

Cambodia takes into account a migrant worker's skills and capabilities when deciding whether to issue a work permit. A work permit is granted only when the applicant has an employment contract already drawn up and possesses the appropriate qualifications for the position.

Cambodia has developed measures to promote the ethical recruitment of migrant workers. In January 2020, the Association of Cambodian Recruitment Agencies and the Manpower Association of Cambodia collaborated with the Ministry of Labour and Vocational Training (MLVT) to develop the Code of Conduct for Cambodian Private Recruitment Agencies, which aims to promote and protect the rights of Cambodian migrant workers during the recruitment process.

Cambodia has mechanisms in place to protect the rights of its nationals working abroad. There are Migrant Resource Centres located in six of the country's provinces, which provide potential Cambodian migrants with information about safe migration and access to complaint processes. Additionally, Sub-decree 190 on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (2011) establishes, among its objectives, improving the living conditions and ensuring the safety of Cambodian workers abroad. It provides that job advertisements by recruitment agencies in Cambodia must comprehensively and accurately lay out the facts regarding selection requirements, working conditions and benefits.

The Ministry of Tourism, in partnership with the National Committee for Tourism Professionals, implements a programme aimed at opening a pathway for migrant workers to reskill and upskill through the recognition of prior learning. Furthermore, the ministry collaborates with IOM to provide skills development for migrant workers through a cross-border training programme in hospitality.

As of February 2021, the MLVT aims to provide 20,000 local employment opportunities for Cambodian migrant workers returning from Thailand. The ministry's National Employment Agency (NEA) will facilitate job placements in various industrial sectors – including manufacturing, service, construction and agriculture – and coordinate a working group across the capital and provinces, tasked with registering and regularly monitoring the living conditions of the returnees. Officials at border checkpoints must collect the returnees' data and assist with registration in the NEA's database.

4.2. Areas with potential for further development

Cambodia does not collect labour market data on a regular basis. The National Institute of Statistics conducted its most recent Labour Force and Child Labour Survey (LFCLS) in 2012. The LFCLS Report's chapter on "Labour migration" includes data on the number of migrants disaggregated by age, sex, area, reasons for moving, and current economic activity status, as well as the labour force participation rate, employment-to-population ratio, and unemployment rate of migrants disaggregated by age group and sex. The previous Labour Force Survey was carried out in 2001.

Cambodia does not have a national assessment framework for monitoring the labour market demand for immigrants or the effects of emigration on the domestic labour market. The NEA releases job outlook reports on a semi-regular basis, the latest of which was published in 2018, but these reports make no reference to labour demand for immigrants.¹¹ The LFCLS Report does not cover emigration.

¹¹ The 2018 job outlook report outlines employment trends and describes job opportunities for different occupations in Cambodia.

There is no programme for managing labour immigration into Cambodia. Overall, the country issues 10 types of visas for various categories of foreigners coming in, but none of them is designed to attract specific labour skills.

As a member of the Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process), Cambodia has committed to maximizing the contribution of remittances to development by providing migrants with financial education and promoting the financial inclusion of remittance receivers. The Policy on Labour Migration (2019–2023) also notes the importance of remittances as a significant source of income for migrant families. There are, however, no specific programmes in place to actively promote the financial inclusion of migrants or the creation of formal remittance schemes.

Cambodia has measures to promote gender equality in the labour force, but none is specifically targeted at migrants. The Labour Law (1997, amended 2007), applicable to both nationals and migrant workers, protects against gender-based discrimination in employment, including in hiring, promotion, remuneration and termination of employment contracts. Additionally, it states that wages are to be equal for all workers regardless of their sex, for work of equal value and requiring equivalent professional skills.

International students can access university education in Cambodia, although some institutions charge them higher fees than for nationals. There are no legal provisions allowing for international students to work during the course of their studies, although they are able to work in practice. Cambodia does not currently have a scheme allowing international students to work in the country after graduation.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The National Committee for Disaster Management (NCDM) is the government body responsible for disaster response and risk reduction in Cambodia. It meets at least twice a year and consists of 22 members from government ministries, the Royal Cambodian Armed Forces, the Cambodian Red Cross and the Civil Aviation Authority.

The National Strategic Development Plan (2019–2023), developed by the Ministry of Planning, sets as a policy priority the reintegration of returning migrants through skills recognition and transfer of their social security entitlements.

Cambodian embassies provide some assistance to nationals living abroad, including emergency repatriation, passport renewals and the granting of special travel permissions.

5.2. Areas with potential for further development

Cambodia does not have a strategy with specific measures to provide assistance to migrants in crisis and post-crisis situations. The National Action Plan for Disaster Risk Reduction (NAPDRR) (2014–2018), formulated based on a road map developed by NCDM, does not contain specific measures for migrants. NCDM's new action plan for the period 2019–2023, approved in September 2020, still does not specifically mention migrants.

Cambodia does not have strategies in place to address migratory movements caused by the adverse effects of climate change. The Climate Change Strategic Plan (2014–2023), developed by the Ministry of Environment with guidance from the National Climate Change Committee, does not contain relevant provisions. Cambodia does not currently have a contingency plan in place to manage large-scale population movements in times of crisis.

Cambodia has communication systems in place to provide the public with information on the evolving nature of crises; however, these systems do not take into consideration the specific vulnerabilities of migrants. NCDM is mandated to collaborate with the Ministry of Water Resources and Meteorology (MOWRAM) and the Ministry of Information to broadcast information to enable the public to prepare for and mitigate disasters. The country also has an early-warning system that is active in six provinces and is used to warn the public in advance of a natural disaster. Additionally, MOWRAM disseminates early-warning messages on natural disasters through an SMS-based system. Furthermore, Cambodia has Tepmachcha flood detection units to forecast and provide early warning of flooding. Provincial Centers for Disaster Management monitor these forecasts, mobile alert messages in Khmer are instantly sent to people located in affected areas when dangerous water levels are detected, and related diplomatic notes are provided to consular missions within the territory in English.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Ministry of Interior (MOI) is responsible for implementing immigration policies, pursuant to the Law on Immigration. The ministry's General Department of Immigration (GDI) is responsible for operating Cambodia's airports, seaports and border checkpoints, while the Central Department of Border Police patrols the land and maritime borders and operates Cambodia's local border checkpoints.

The GDI's Foreigners Present in Cambodia System requires accommodation owners and landlords to report the presence of migrants at a local police station or via the system's app. All migrants in Cambodia must be registered in the GDI's system, which is used to monitor visa overstays systematically, to be able to extend their visas.¹²

Cambodia has a strategy in place to combat human trafficking – the Five-year National Strategic Plan for Counter Trafficking in Persons (2019–2023). The Plan was developed by the National Committee for Counter Trafficking (NCCT) and seeks to explore new measures and methods to prevent and eliminate all forms of human trafficking. Its core values include adopting a gender-responsive approach to preventing and responding to trafficking, ensuring the active participation of civil society, and establishing a robust monitoring and evaluation system for the enforcement of the law. The NCCT regularly publishes information about its latest counter-trafficking activities on its website. For example, in February 2020, it published updates on its Regional Workshop on Safe Migration of Sending Countries, involving Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam.

Cambodia promulgated its Law on Suppression of Human Trafficking and Sexual Exploitation (2008), created the Policy and Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2009), and adopted Sub-decree 190 on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (2011). The Law on Suppression of Human Trafficking and Sexual Exploitation (2008) criminalizes sex and labour trafficking and introduces penalties of 7 to 15 years' imprisonment for crimes against adults, and 15 to 20 years' imprisonment for those involving child victims. The Law also criminalizes sexual exploitation and unlawful recruitment, which is to "induce, hire or employ a person to engage in any form of exploitation with the use of deception, abuse of power, confinement, force, threat or any coercive means".

Additionally, the Village–Commune Safety Policy, launched by the MOI in 2010, urged community-level authorities to implement measures to eliminate trafficking of women and children, domestic violence, or other crimes happening in any of the communes in Cambodia.

6.2. Areas with potential for further development

There is no national training system in place for front-line border police officials of the General Commissariat of National Police. However, the GDI provides ad hoc training to its front-line immigration officials using its Immigration Induction Training Curriculum. The curriculum covers migration-related issues, including border control and procedures, travel document examination, and visa decision-making. Additionally, IOM has conducted a number of capacity-building training sessions on immigration and border management for border officials.

¹² The General Department of Immigration checks for overstayers but does not necessarily notify them. Visa overstays are subject to a fine of USD 10 per day.

There is limited publicly available information on visa options. Cambodian embassy websites contain country-specific visa information, the Government's e-visa website displays tourist visa options, and the Ministry of Foreign Affairs and International Cooperation's (MFAIC) website contains information on visa pricing. Other information on visa applications is not readily available.

There are no formal government programmes to attract Cambodian nationals who have emigrated, nor is there a programme facilitating their reintegration upon return. However, support for migrant return and integration is included in the Policy on Labour Migration (2019–2023).

Cambodia has measures to combat labour exploitation. The Labour Law (1997, amended 2007) forbids the exploitation of workers by labour contractors and prohibits all forms of sexual violence and harassment; however, these measures are not gender-responsive.

Cambodia does not have procedures or policies to ensure the minimization of risks for migrants in transit towards international destinations or at national borders.

Cambodia does not have any systems in place, including formal cooperation agreements with other countries, to trace and identify “missing migrants”¹³ within the national territory. However, the GDI's system can also be used to trace the location of and identify missing migrants as long as they are registered in the system.

¹³ “Missing migrants” are [migrants](#) who have died at the external borders of States, or in the process of migration towards international destinations, regardless of their migratory status.



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ANNEXES

MiGOF: Migration Governance Framework¹⁴

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.¹⁵ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

¹⁴ IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

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The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal¹⁶ and uploaded on the IOM Online Bookstore.¹⁷

¹⁶ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

¹⁷ Please see <https://publications.iom.int/>.



www.migrationdataportal.org/mgi

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