

Kingdom of Cambodia

Nation Religion King



Ministry of Labor
and Vocational Training
N^o : 108 M.L.V.T

PRAKAS

On

**Education of HIV/AIDS, Safe Migration,
and Labor Rights for Cambodian Workers Abroad**



The Minister of Labor and Vocational Training

Pursuant to:

- The Constitution of the Kingdom of Cambodia;
- Royal Decree No. NS/RD0704-124, dated July 15, 2004, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Royal Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Royal Kram No. CS/RK/0397/01, dated March 13, 1997, promulgating the Labor Law;
- Royal Kram No. NS/RK/0105/003, dated January 17, 2005, promulgating the Law on the Establishment of the Ministry of Labor and Vocational Training;
- Royal Kram No. NS/RK/0702/015, dated July 29, 2002, promulgating the Law on the Prevention and Control of HIV/AIDS;
- Royal Decree No. NS/RD0100/007, dated January 13, 2000, on the Establishment of the National AIDS Authority;
- Subdecree No. 52S.E, dated April 1, 2005, on the Organization and Functioning of the Ministry of Labor and Vocational Training;
- Subdecree No. 30S.E, dated May 30, 2003, on the Organization and Functioning of the National AIDS Authority;
- Subdecree No. 57 S.E, dated July 20, 1995, on the Export of Cambodian Laborers to Work Overseas;
- Prakas No. 02P/MoLVT, dated January 16, 2006, on the Establishment of the Committee for the Control of HIV/AIDS;
- Necessity in the Ministry of Labor and Vocational Training;

Hereby decides:

Article 1:

To improve skills and help create livelihoods when the domestic labor market is not capable of absorbing the unemployed, increasing numbers of people are forced to leave the country in order to seek employment abroad. Language constraints and lack of awareness of issues in connection with traditions, customs, healthcare, law and provisions are challenges that these people face, causing such problems as exploitation, human rights infringements, various infectious diseases, particularly HIV/AIDS, and other instances of vulnerability. In response to these problems, to alleviate and prevent the stated challenges that the increasing numbers of Cambodian workers abroad are facing, to enhance their understanding and raise awareness of safe migration, human rights protection, improved working conditions, prosperity in their livelihoods, and especially healthcare methods to prevent and control the spread of HIV/AIDS, the Ministry of Labor and Vocational Training encourages relevant ministries, institutions and organizations working on migration healthcare and human rights, as well as those companies receiving workers [for employment abroad] to conduct pre-, during and post-departure training for Cambodian workers, and to reintegrate them into society following their repatriation.

Article 2:

The Committee for the Control of HIV/AIDS of the Ministry of Labor and Vocational Training shall provide training and raise awareness on HIV/AIDS to Cambodian workers who are to move abroad for employment so that they can understand methods of prevention and strategies for avoiding potential risks in order to prevent and control HIV infection and to reduce the speed of the AIDS epidemic. The awareness-raising program shall consist of the following:

- A- Education on HIV/AIDS to Cambodian workers before their departure for employment abroad, on the causes of infection, prevention, and consequences of HIV/AIDS;
- B- Education on HIV/AIDS to the families of Cambodian workers who work abroad to be actively involved in communicating information and to their spouses or relatives so that they could develop their own plan to be involved in the prevention of the spread of HIV/AIDS;
- C- Education on HIV/AIDS to Cambodian workers after their repatriation so that they will maintain their involvement in the prevention and control of venereal diseases and in ensuring safety in response to the combat of the spread of HIV/AIDS.

Article 3:

Workers who are prepared to work abroad shall be trained on health issues, safe migration, and labor rights to reduce any challenging issues and anything else that will potentially increase their vulnerability.

Article 4:

Companies receiving workers [for employment abroad] shall collaborate with the relevant institutions and organizations in order to provide facilitation to the Committee for the Control of HIV/AIDS so that the committee can successfully fulfill its duties as stipulated in Article 2 in organizing training on working environments, traditions and customs, language, labor law, human rights and other customary laws of the countries for which they will work as required.

Article 5:

The Inspection Officials of the Department of Occupation and Manpower, and relevant Departments of the Ministry of Labor and Vocational Training, shall conduct inspections at the companies that receive the workers to ensure that they properly comply with Article 4. There shall also be evaluation of working conditions, livelihood rights of the workers, gender issues, sex discrimination, and solutions to relevant issues related to labor disputes at least once per year in the countries accepting the workers. All expenses shall be borne by the companies that receive the workers.

Article 6:

The companies that receive the workers shall stipulate Article 4 above in the contracts entered into by and between the ministry and the companies.

Article 7:

The companies that receive the workers shall provide reports, training, data, and other documents in connection with the workers, both before their departure and after their repatriation, to the Committee for the Control of HIV/AIDS of the Ministry of Labor and Vocational Training.

Article 8:

The *Prakas* herewith takes effect from the date of signature onwards.

Phnom Penh, May 31, 2006 (Initials)

Minister

(Signature and stamp)

VONG SAUTH

CC:

- Ministry of the Royal Palace
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of Samdech Prime Minister
- Office of the Council of Ministers
- Relevant ministries
- National AIDS Authority "for information"
- All General Directorates and Units under the supervision of the Ministry of Labor and Vocational Training
- All Municipal/Provincial Departments of Labor and Vocational Training "for announcement and implementation"
- Nongovernmental organizations
- Relevant companies "for implementation"
- Royal Gazette
- Records-Archives