

# CAMBODIA 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with an elected parliamentary form of government. In the most recent national elections, held in 2008, the Cambodian People's Party (CPP) won 90 of 123 National Assembly seats. Most observers assessed that the election process improved over previous elections but did not fully meet international standards. The CPP consolidated control of the three branches of government and other national institutions, with most power concentrated in the hands of Prime Minister Hun Sen. Security forces reported to civilian authorities.

A weak judiciary that sometimes failed to provide due process or a fair trial procedure continued to be a leading human rights problem. The courts lacked human and financial resources and were subject to corruption and political influence. Their ineffectiveness in adjudicating land disputes that arose from the government's granting of economic land concessions, including to ruling party officials, fueled sometimes-violent disputes in every province. The continued criminalization of defamation and disinformation and a broad interpretation of criminal incitement constrained freedom of expression.

Members of the security forces reportedly committed arbitrary killings. Prison guards and police abused detainees, often to extract confessions, and prison conditions were harsh. Human rights monitors reported arbitrary arrests and prolonged pretrial detention. The government at times interfered with freedom of assembly. Corruption remained pervasive, governmental human rights bodies reportedly were ineffective, and discrimination and trafficking in men, women, and children persisted. Domestic violence and child abuse occurred, and education of children was inadequate.

The government prosecuted officials who committed abuses, but impunity for corruption and other abuses persisted.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that security forces committed arbitrary or unlawful killings.

On April 26, Chut Wutty, a prominent environment activist, was shot and killed while investigating illegal logging activities of the Timbergreen Company in Mondol Seima District, Koh Kong Province. A joint government committee investigated the death and concluded that Chut Wutty was shot by military officer In Rattana after a heated argument. Ran Borothe, a security guard for the Timbergreen Company, subsequently accidentally shot In Rattana while trying to disarm him, according to the government's report. Ran Borothe received a two-year sentence for the incident. Military investigators initially released a series of conflicting accounts of the killings, but most observers agreed that, although the government's various explanations were not credible, the killings did not appear to be premeditated or politically motivated.

On May 16, police and military forces clashed with residents of a village in Kratie Province, some of whom were reportedly armed with crossbows or axes, during an attempted land eviction. Witnesses reported that government security forces stormed the village and opened fire with automatic weapons. Heng Chantha, a 14-year-old girl, was shot and killed by a stray bullet as she attempted to hide in her house. The government did not allow civil society groups to observe the operation, and the area was sealed off by armed forces. There was no investigation into the killing, and the shooter was not identified. The government claimed the operation was to quell an alleged secessionist movement led by community leader Bun Ratha (see section 2.a.).

There were no developments regarding the killing of Leng Rin in Samlot District, Battambang Province, during a failed arrest attempt in March 2011. Kim Rith, the acting police chief who was implicated in the shooting, remained free and on active duty.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices; however, beatings and other forms of physical mistreatment of police detainees and prison inmates continued, although the number of incidents reportedly decreased from 2011.

There were credible reports that military and civilian police officials used physical and psychological torture and on occasion severely beat criminal detainees, particularly during interrogation. As of November, nongovernmental organizations (NGOs) reported that authorities tortured at least 97 prisoners--92 in police custody and five in prison. Kicking, punching, and pistol whipping were the most common methods of physical abuse reported, but electric shock, suffocation, caning, and whipping with wires were also used. NGOs reported that it was not uncommon for police to torture detained suspects until they confessed to a crime. Courts used forced confessions as legal evidence during trial despite admissibility prohibitions under the law.

There were no developments regarding the March 2011 case involving two police officers in Preah Sihanouk Province who allegedly beat a suspect to compel him to confess to his involvement in a street fight. The case was pending with no hearing date set.

During the year the NGO Cambodia Human Rights and Development Organization (ADHOC) reported 84 cases of use of force against civilians by local authorities, government agents, or private bodyguards of government officials, compared with 108 cases in 2011. In some instances police used force to counter the threat of violence or acts of violence on the part of demonstrators. In other instances police used force against peaceful demonstrators after demonstrators interfered with traffic and refused orders to disperse.

There were 11 government-operated drug rehabilitation centers. Most observers agreed that the majority of detainees in such facilities were there involuntarily, committed to the facilities by law enforcement authorities or family members, and that as many as one-third of the detainees were under the age of 18. Employees of the centers frequently controlled detainees with physical restraints or by submitting them to intense exercise and electric shocks. Government leaders acknowledged the importance of treating drug addiction as a medical rather than criminal matter, but there was little follow-through on such statements.

### **Prison and Detention Center Conditions**

Prison conditions did not meet international standards. Conditions remained harsh and at times life threatening. Human rights organizations cited serious problems, including overcrowding, medical and sanitation problems, food and water shortages, malnutrition, and poor security.

Physical Conditions: According to the Ministry of Interior Prison Department, as of November, there were 15,397 prisoners and detainees, including 1,261 women and 462 juveniles. There were 27 prisons in the country, which were designed to hold up to 11,000 persons. There were reports at some prisons that cells of 40-by-20 feet held up to 110 prisoners.

In most prisons, there was no separation of adult and juvenile prisoners, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. Pretrial detainees were routinely held together with convicted prisoners. According to government statistics, as of November, an estimated 23 percent of persons held in municipal and provincial prisons were pretrial detainees.

The Prison Department reported that, as of November, 46 prisoners died while in custody. Police claimed that they investigated the deaths and found evidence of preexisting conditions or other illnesses.

A local NGO maintained that allowances for prisoner food and other necessities were inadequate. Observers continued to report that allowances for purchasing prisoners' food sometimes were misappropriated, exacerbating malnutrition and disease. Prisoners and detainees had access to potable water.

Administration: Recordkeeping on prisoners was adequate. Authorities did not use alternatives to incarceration for nonviolent offenders. Bail was underutilized, and, as of year's end, authorities had not implemented the parole system authorized in the code of criminal procedure. A local NGO representative noted that the government lacked the requisite capacity to implement such programs. Although there were no prison ombudsmen available, prisoners could file complaints with the court. Prisoners and detainees were routinely allowed access to visitors, although rights organizations confirmed that families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities. NGOs also related accounts that prisoners whose families bribed prison authorities received preferential treatment, including access to visitors, transfer to better cells, and the opportunity to leave cells during the day.

There were credible reports that officials occasionally demanded bribes before allowing prisoners to attend trials or appeal hearings and before releasing inmates who had served their full term of imprisonment.

Prisoners and detainees were allowed to observe their own religion.

Prisoners could submit complaints about alleged abuse to judicial authorities through lawyers without censorship; however, a large number of prisoners and detainees could not afford legal representation. The government investigated such complaints and monitored prison and detention center conditions through the Ministry of Interior's General Department of Prisons, which produced biannual reports on the management and development of prisons in the country. These and other investigation reports were available to the public upon request.

Monitoring: The government generally continued to allow international and domestic human rights groups, including the International Committee of the Red Cross and the Office of the UN High Commissioner for Human Rights (OHCHR), to visit prisons and provide human rights training to prison guards. Some NGOs reported that at times cooperation from local authorities was limited, making it difficult to gain access to pretrial detainees. The Ministry of Interior required that lawyers, human rights monitors, and other visitors obtain permission prior to visiting prisoners. There were no instances of authorities refusing such permission. In some instances officials permitted NGOs to interview prisoners in private. OHCHR representatives reported they usually were able to have a private meeting when interviewing a particular prisoner of interest.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, at times the government did not respect these prohibitions.

#### **Role of the Police and Security Apparatus**

The General Commissariat of the National Police, which is under the supervision of the Ministry of Interior, manages all civilian police units. The police forces are divided into those with the authority to make arrests, those without such authority, and the judicial police. Military police were permitted to arrest civilians if the officers met the training and experience requirements to serve as judicial police, if civilians were on military property or when authorized by local governments. In practice, however, the military police sometimes engaged in regular civilian law enforcement activities under the authority and direction of provincial or local governments, often in support of civilian police unable to exercise effective crowd control on their own.

Police officials committed abuses with impunity, and in most cases the government took little or no action. The law requires police, prosecutors, and judges to investigate all complaints, including those of police abuses; however, in practice judges and prosecutors rarely conducted an independent investigation as part of a public trial. Presiding judges usually passed down verdicts based only on written reports from police and witness testimonies. In general police received little professional training.

### **Arrest Procedures and Treatment While in Detention**

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, but police may arrest without a warrant anyone caught in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before charges must be filed. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. Authorities, however, routinely held persons for extended periods before charging them. There was a functioning bail system, but many prisoners, especially those without legal representation, had no opportunity to seek release on bail. Under the criminal procedures code, accused persons may be arrested and detained for up to 24 hours before being afforded access to legal counsel, but authorities routinely held prisoners incommunicado for several days before granting them access to a lawyer or family members. According to government officials, such prolonged detention largely was a result of the limited capacity of the court system.

Arbitrary Arrest: ADHOC reported that there were at least 74 cases of arrest or detention that it considered arbitrary during the year but offered no specific examples. ADHOC stated that victims in 14 arbitrary detention cases subsequently were freed following detainee complaints, interventions by human rights NGOs or payment of bribes. The actual number of arbitrary arrests and detentions was likely higher because some victims in rural areas did not file complaints due to the difficulty of traveling to ADHOC's offices or concern for their family's security. Authorities took no legal or disciplinary actions against the persons responsible for the illegal detentions.

Throughout the year Phnom Penh municipal authorities arrested dozens of persons--usually persons who were homeless, mentally ill, or drug users or commercial sex workers--during systematic street sweeps. Detainees typically lost all money and belongings in the course of a sweep. Authorities called the street sweeps part of an

effort to “regulate society.” Occasionally authorities placed the detainees in a Ministry of Social Affairs, Veterans, and Youth (MOSAVY)-operated rehabilitation facility 15 miles from Phnom Penh. Detainees were told they were free to leave but would not be provided transportation if they left the rehabilitation center.

Pretrial Detention: The criminal procedures code allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. As of November, the Ministry of Interior reported 3,591 pretrial detainees in custody. Court staffers reportedly undertook efforts during the year to speed up case processing. Although pretrial detainees sometimes were held without legal representation, in contrast with 2011, there were no reports that any detainees were held longer than the legal time limit or that any case files were lost.

Amnesty: The king may grant amnesty in certain cases, which he often did during important Buddhist religious ceremonies and national holidays. As of November, the Ministry of Interior reported that King Norodom Sihamoni had granted reductions ranging from six to 12 months in the sentences of 327 detainees.

In December 2011 Alexander Trofimov, a Russian pedophile, was freed after receiving a royal pardon. Trofimov was arrested in 2007 in the country’s largest-ever pedophilia case. He was convicted of purchasing sex from 17 girls between the ages of six and 13 and sentenced to 17 years in prison. On June 4, in response to local and international outcry regarding the case, authorities rearrested Trofimov and deported him to Russia on June 21.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the government generally did not respect judicial independence in practice. The courts were subject to influence and interference by the executive branch, and there was widespread corruption among judges, prosecutors, and court officials. At times the outcome of trials appeared predetermined.

A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and the government did not provide for due process.

NGOs reported that many cases were delayed due to a shortage of judges and courtrooms. NGOs also speculated that court officials focused on cases from which they could gain financial benefits.

In cases involving military personnel, military officials often exerted pressure on judges of civilian criminal courts to have the defendants released without trial.

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials and members of their families who committed crimes often enjoyed impunity.

NGOs asserted that, in many criminal cases, rich or powerful defendants, including members of the security forces, paid money to victims and authorities to drop criminal charges. Authorities were known to urge victims or their families to accept financial restitution in exchange for dropping criminal charges or failing to appear as witnesses.

On April 9, Ta Prok commune police officer Tek Sunday allegedly shot and killed a 22-year-old during a drinking party. There was no investigation into the killing, and the victim's family did not file a complaint after agreeing to accept financial compensation offered by police. Tek Sunday remained free and on duty as a commune police officer.

### **Trial Procedures**

Trials are public. Juries are not used. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. In felony cases, if a defendant cannot afford an attorney, the court is required to provide the defendant with free legal representation; however, the judiciary often lacked the resources to provide legal counsel, and most defendants sought assistance from NGOs or went without legal representation. Trials typically were perfunctory, and extensive cross-examination usually did not take place. Defendants and their attorneys have the right to examine government-held evidence relevant to their case; however, on occasion it was difficult for them to obtain such access, especially if the case was political or involved a high-ranking government official or well-connected member of the elite.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel were often effectively denied the

right to a fair trial. According to the bar association, there were 855 lawyers providing legal services in the country during the year. The country's poor could seek free legal services from these lawyers through some NGOs.

Defendants are entitled by law to the presumption of innocence and the right of appeal, but due to pervasive corruption, they often were expected to bribe judges to secure a favorable verdict. NGOs also reported that sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. The accused person's statements sometimes were coerced through beatings or threats, and illiterate defendants often were not informed of the contents of written confessions that they were forced to sign. A citizen's right to be present at his appeal often was limited by difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Consequently, more than half of all appeals were heard without the defendant being present.

On December 27, the Appellate Court in the case of Bom Somnang and Sok Sam Oeun, the two suspects charged with the 2004 murder of labor leader Chea Vichea, announced a guilty verdict, upheld their 20-year sentences, and ordered they be sent back to prison. NGOs criticized the rulings based on irregularities in the trials. Chea, who was the president of the Free Trade Union of Workers, was shot and killed in Phnom Penh in 2004. In 2005 Bom Samnang and Sok Sam Oeun were sentenced to 20 years in prison for their alleged roles in the crime. In 2008, following an appeal, the Supreme Court ordered the Appellate Court to retry the case and released Bom and Sok on bail.

### **Political Prisoners and Detainees**

The government held several political prisoners and at times detained individuals for political reasons. During the year the government facilitated access to these individuals for domestic and international human rights organizations.

### **Civil Judicial Procedures and Remedies**

The country has a judiciary in civil matters, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Generally, there are both administrative and judicial remedies. Enforcing a court order for a civil or criminal case often was a problem.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law provides for the privacy of residence and correspondence and prohibits illegal searches; however, NGOs reported that police routinely conducted searches and seizures without warrants.

Forced collectivization under the Khmer Rouge and the movement of much of the population left land ownership unclear. The land law states that any person who peacefully possessed private or state private property (not state public land) without contention for five years prior to the 2001 promulgation of the law has the right to apply for a definitive title to that property. Most citizens continued to lack the knowledge and means to obtain adequate formal documentation of land ownership.

Provincial and district land offices continued to follow pre-2001 land registration procedures, which did not include accurate land surveys or opportunities for public comment. The Cadastral Commission failed to implement the identification and demarcation of state land, leading to conflict and evictions precipitated by actions by the state to develop contested land. Land speculation fueled disputes in every province and increased tensions between poor rural communities and speculators. Urban communities faced forced eviction to make way for commercial development projects. On June 26, the prime minister attempted to address land issues by announcing a controversial plan that involved sending approximately 1,000 university students to measure land plots in cooperation with the Ministry of Land Management.

Cases of inhabitants being forced to relocate continued, although the number of cases reported decreased from 2011. Some persons also used the threat of legal action or eviction to intimidate poor and vulnerable persons into exchanging their land for compensation at below-market values. ADHOC reported receiving 139 land-related cases during the year. During the same period, another NGO received 73 land-related cases in Phnom Penh and 13 provinces that affected 5,095 families. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those evicted successfully contested the actions in court, but the majority of the cases in the courts had not yet concluded.

In January the TTY rubber company began clearing disputed land in Pethnou Commune, Snoul District, Kratie Province, reportedly affecting an estimated 500 families. On January 18, approximately 400 villagers gathered to demand that the company stop clearing operations. The land dispute stemmed from an economic land concession granted by the government to the company. A clash ensued and two company security guards shot at the villagers, injuring four individuals. The

shooters fled the scene and were later identified as Keo Sovanna and Pin Kimleng. The government created an interministerial committee led by the minister of environment to resolve the issue. On January 31, the prime minister ordered the owner of TTY to hand over the shooters. Five days later, on February 4, the company handed Ke Sovanna and Pin Kimleng over to the authorities, and the two were put in pretrial detention. On February 20, police also arrested Un Piseth, a TTY general manager, and placed him in pretrial detention for to his participation in the shooting. As of December, the company stopped clearing the land; no trial date had been set for the three accused.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press; however, these rights were not always respected in practice.

The 1995 press law prohibits prepublication censorship or imprisonment for expressing opinions; however, the government used the penal code to prosecute citizens on defamation, disinformation, and incitement charges. The penal code does not prescribe imprisonment for defamation but does for incitement or spreading disinformation, which carry prison sentences of up to three years. Judges also can order fines, which may lead to jail time if not paid.

Freedom of Speech: The constitution requires that free speech not adversely affect public security. The constitution also declares that the king is “inviolable,” and a Ministry of Interior directive conforming to the defamation law reiterates these limits and prohibits publishers and editors from disseminating stories that insult or defame government leaders and institutions.

Freedom of Press: All major political parties had reasonable and regular access to the print media. All major Khmer-language newspapers received financial support from individuals closely associated with a political party and were politically aligned. There were an estimated 20 Khmer-language newspapers published regularly. During the year there were two pro-opposition newspapers publishing regularly, compared with three in 2011. Although the five newspapers with the largest circulation were considered to be pro-CPP, most newspapers criticized the government, particularly with regard to corruption and land acquisition. The prime minister, royalist party leaders, and opposition party leaders frequently came under attack.

The government, military forces, and the ruling political party continued to dominate the broadcast media and influence the content of broadcasts. There were 12 domestic television stations and nearly 100 radio stations. All television stations and most radio stations were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties.

On July 15, police arrested Mam Sonando, owner of the independent Beehive Radio station, on a number of charges related to allegations of his involvement in a secessionist movement in Kratie Province due to his links to codefendant Bun Ratha (see section 1.a.). Although Bun Ratha repeatedly denied the existence of a secessionist plot as well as Mam Sonando's involvement with the group that Bun Ratha headed, the government characterized Mam Sonando as the "mastermind" of the supposed movement. The Phnom Penh Municipal Court concluded the four-day trial of Mam Sonando on September 14 and, on October 1, sentenced Mam Sonando to 20 years in prison. Bun Ratha, convicted in absentia, received 30 years, and Sok Thong and Bun Chorn, also convicted in absentia, each received 15 years. Most observers agreed that Mam Sonando's conviction was based on his frequent on-air criticism of the prime minister.

Violence and Harassment: On April 26, Koh Kong military police detained for two days journalists Phorn Bopha and Olesia Plohkii following the killing of environmentalist Chut Wutty (see section 1.a.). The two journalists had accompanied Wutty on an investigation into illegal logging practices and were taken into custody on the scene. The police reportedly confiscated their cameras but later returned all of their equipment.

On September 11, journalist Hang Serei Oudum was found dead in the trunk of his car. However, reports indicated that he was not targeted due to his reporting.

Censorship or Content Restrictions: On June 2, the Ministry of Information ordered local radio stations not to broadcast foreign-produced news programs during the commune council elections. Authorities took scheduled Voice of America (VOA) and Radio Free Asia (RFA) Khmer-language broadcasts off the air without notice. Buth Bovuth, director general of the Information Ministry, announced that officials had asked local FM radio stations not to transmit the VOA and RFA programs because they were foreign and therefore "not under our law." "We prevented them from broadcasting because we are afraid they will broadcast something to imbalance the commune election process," Buth Bovuth stated.

On May 30, Leang Sochoeun was released after serving a two-year prison sentence. Leang was convicted in 2010 for distributing leaflets critical of the relationship between the government and Vietnam.

There were some reports during the year that journalists, publishers, or distributors were subject to harassment or intimidation, and reporters and editors privately admitted to some self-censorship due to fear of government reprisals.

On May 8, five journalists from local Khmer- and English-language newspapers were turned away from a speech by Prime Minister Hun Sen at the Cambodian Red Cross (CRC) after being told they did not have the proper accreditation. The reporters were told their Ministry of Information-issued passes were insufficient credentials and that they needed a separate pass issued by the CRC. None of the reporters had previously been informed of the need for such a pass.

Libel Laws/National Security: On September 26, the National Assembly restored opposition party member Mu Sochua's parliamentary immunity.

### **Internet Freedom**

Typically, there were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. During the year, however, NGOs expressed concern about potential online restrictions. In February and November, the government published two circulars, which, if implemented fully, would require Internet cafes to install surveillance cameras and restrict operations within major urban centers. Activists also reported concern about a draft "cybercrimes" law, noting that it could be used to restrict online freedoms. The government maintained it would only regulate criminal activity. Internet access was somewhat available, particularly in urban centers, and some 50 percent of Cambodians were able to access the Internet through their mobile phones, according to the Ministry of Posts and Telecommunications.

### **Academic Freedom and Cultural Events**

In general there were no government restrictions on academic freedom or cultural events. Scholars tended to be careful, however, when teaching politically related subjects due to fear of offending politicians.

### **b. Freedom of Peaceful Assembly and Association**

## Freedom of Assembly

The constitution provides for freedom of peaceful assembly, but at times the government did not respect this right in practice.

The law requires that a permit be obtained in advance of a protest march or demonstration. One provision requires five days' notice for most peaceful demonstrations, while another requires 12 hours' notice for impromptu gatherings on private property or at the designated peaceful protest venue in each province and limits such gatherings to 200 persons. By law provincial or municipal governments hold the authority to issue demonstration permits at their discretion. In practice, particularly in Phnom Penh, lower-level government officials deferred to the national government as the deciding authority and denied requests unless the national government specifically authorized the gatherings. The government routinely denied permits to groups critical of the ruling party or of countries with which the government had friendly relations. Authorities cited the need for stability and public security as reasons for denying permits, but the law does not define the terms stability or public security. Police forcibly dispersed groups that assembled without a permit, in some instances causing minor injuries to some demonstrators.

On May 22, Phnom Penh police arrested 13 Boeung Kak Lake (BKL) villagers after a clash that involved approximately 200 police officers and 100 demonstrators. The group of women had gathered in support of 18 families attempting to rebuild their homes near the lake. On May 15, the Phnom Penh Municipal Court released on bail two other BKL protestors who were being held in pretrial detention. The court tried the 13 protesters on charges of "illegally occupying land" owned by the Shukaku development firm and "obstructing a public officer." On May 24, the court convicted and sentenced them to two-and-a-half years in prison after a three-hour trial that civil society groups condemned as "illegal." On June 27, the Court of Appeal upheld the convictions but reduced the sentences to time served and released the group after a four-hour trial.

On March 30, the owner of the conference venue blocked four workshops that were planned at the civil society-led Association of Southeast Asian Nations (ASEAN) People's Forum. According to the organizers, the owner made the decision because the topics were considered "too politically sensitive." Some workshops were cancelled while others were relocated to another venue at the last minute. The affected workshops would have focused on land rights and evictions,

indigenous land rights, agroindustrial and environmental issues, and the political and human rights situation in Burma and the challenges posed to its 2014 chairmanship of ASEAN.

During the year ADHOC reported 26 protests, most of which were related to land or labor disputes.

### **Freedom of Association**

The constitution provides for freedom of association, but the government did not always respect this right in practice, particularly with regard to workers' rights (see section 7.a.).

In December 2011 the prime minister announced that government-civil society consultations on the draft Law on Associations and NGOs would continue until consensus was reached; the draft law remained with the Ministry of Interior for revision.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Exile: The constitution prohibits forced exile, and the government did not employ it. Opposition leader Sam Rainsy was stripped of parliamentary immunity and convicted in absentia in 2009 and has been living in self-imposed exile since before that time.

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. The system is in its infancy, and its limited capacity resulted in long delays for some asylum seekers. The UNHCR continued to provide training and other technical assistance.

### **Stateless Persons**

The country had habitual residents who were de facto stateless, and the government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality. Under the nationality law, citizenship may be derived by birth to a mother and father who are not ethnic Khmer if both were born and living legally in Cambodia, or if either parent has acquired Cambodian citizenship.

A 2007 study commissioned by the UNHCR estimated that several thousand potentially stateless persons lived in the country. The study's estimates, however, came from anecdotal evidence from NGOs, and local UNHCR representatives did not consider the figure conclusive. The most common reason for statelessness was lack of proper documents from the country of origin.

The UNHCR stated that the country's stateless population included mostly ethnic Vietnamese. According to an NGO, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts or land ownership.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage.

#### **Elections and Political Participation**

Recent Elections: The most recent national elections, held in 2008 for the National Assembly, were peaceful overall, with a process that was generally considered an improvement over past elections. Observers noted, however, that the elections did not fully meet international standards. Although some election-day irregularities persisted, they were low in number and did not appear to affect the outcome or

distort the will of the electorate. Observers continue to criticize the National Election Committee for its paucity of independent voices and for the government's unwillingness to allow opposition parties increased access to media.

Political Parties: Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts, access to government emergency aid, and economic land concessions. There were no reports of members of the opposition parties receiving similar economic land concessions. The CPP also enjoyed dominant access to broadcast media. Members of the opposition who publicly criticized the government were at times accused of incitement or defamation. Prime Minister Hun Sen routinely vilified the opposition Sam Rainsy Party in his public comments.

Participation of Women and Minorities: Traditional culture limited the role of women in government; however, women took part in the June commune council elections. There were 24 women in the 123-seat National Assembly and nine women in the 61-seat Senate. There was a female deputy prime minister and 54 female ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisers, and there were 52 female judges and prosecutors in the municipal and provincial courts, appeals court, and Supreme Court. Although there were no female governors, the government appointed women as deputy governors in all of the 23 provinces and the Phnom Penh municipality. The National Election Committee reported that women held 17 percent of commune council seats and 13 percent of district and provincial council seats.

There were five members of minorities--four Cham and one Tampuan--in the National Assembly. There also were three members of minorities in the Senate. At least eight officials in senior positions in the government were from minority groups.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

The penal code defines various corrupt acts and specifies the applicable penalties for such acts. The anticorruption law provides the statutory basis for the National Council against Corruption and the Anticorruption Unit (ACU) to receive and

investigate corruption complaints. The ACU did not collaborate frequently with civil society, lacked sufficient resources, and was not seen as effective in combating corruption.

Corruption was considered endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of government. There were reports that police, prosecutors, investigating judges, and presiding judges received bribes from owners of illegal businesses. Reported public experience with corruption was widespread, indicating many corrupt practices were not hidden. Meager salaries contributed to “survival corruption” among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials.

On February 20, former Bavet governor Chhouk Bandith allegedly shot into a group of approximately 5,000 garment workers of Kaoway Sports while they protested peacefully outside their factory in Bavet District, Svay Rieng Province. The shooting seriously injured three female garment workers, who filed a complaint with a provincial court. On August 17, the Svay Rieng Provincial Court completed its investigation and charged Chhouk Bandith with causing unintentional injuries while using his personal firearm. Observers argued that the charges were insufficient, claiming eyewitness accounts showed that he knowingly opened fire into the crowd. The governor was not held in pretrial detention, and observers predicted he would not serve time in prison. On December 14, the Svay Rieng Provincial Court dropped all charges against Chhouk Bandith. On December 31, the prosecutor for the Court of Appeals filed an appeal against the decision by the Svay Rieng Provincial Court, paving the way for a reinvestigation.

On January 5, the Banteay Meanchey Provincial Court convicted and sentenced Lieutenant General Moek Dara, one of the country’s senior counternarcotics officials, to a life sentence on charges of falsifying reports and accepting bribes. Moek Dara appealed the decision, which was still pending at the Court of Appeals at year’s end.

Public servants, including elected and appointed officials, are subject to financial and asset disclosure provisions. The ACU is responsible for receiving the disclosures while penalties for noncompliance ranged from one month to one year in prison. Spouses and dependent children are not subject to disclosure provisions.

The National Archives Law allows unlimited access to informational documents in the public archive. The law, however, grants access to other unspecified

government documents only after 20 years, and documents affecting national security and preservation of life may be released only after 40 and 120 years, respectively. Some NGOs reported that in practice it was difficult for them to access information; the government frequently did not or could not answer requests for information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, there were multiple reports of lack of cooperation and, in some cases, intimidation by government officials.

There were approximately 40 human rights NGOs in the country, but only a small portion of them were actively involved in organizing training programs or investigating abuses.

Domestic and international human rights organizations faced threats and harassment from local officials. These took the form of restrictions on and disruptions of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction.

UN and Other International Bodies: The government generally cooperated with international bodies and permitted visits by UN representatives. Surya Subedi, the UN special rapporteur on human rights in Cambodia, visited twice. In May he met with civil society groups and senior government officials. In his July and October reports, he criticized government efforts on electoral reform and land issues. During his December visit, government representatives did not meet with him. Prime Minister Hun Sen publicly rejected a meeting, noting he “did not have time” for Subedi’s recommendations.

Government Human Rights Bodies: The government had three human rights bodies: two separate Committees for the Protection of Human Rights and Reception of Complaints--one under the Senate and another under the National Assembly--and the Cambodian Human Rights Committee that reported to the prime minister’s cabinet. The committees did not have regular meetings or a transparent operating process. The Cambodian Human Rights Committee submitted government reports for participation in international human rights

review processes, such as the Universal Periodic Review, and issued responses to reports by international government bodies, but it did not conduct independent human rights investigations. Credible human rights NGOs considered the government committees to have limited efficacy.

The government hosted the hybrid Extraordinary Chambers in the Courts of Cambodia (ECCC), which was administered jointly with the UN to try Khmer Rouge leaders and those most responsible for the abuses of the Khmer Rouge period. Some observers believed that public comments by government leaders on matters related to the ECCC's jurisdictional mandate constituted a form of political interference; however, there was no evidence that these comments inhibited the work of the court in any way. On May 4, reserve international co-investigating judge (CIJ) Laurent Kasper-Ansermet resigned his post, just seven months after his predecessor resigned. Kasper-Ansermet departed primarily due to the refusal of the government to appoint him as CIJ on a permanent basis. While he often alleged that the government was opposed to his work investigating the controversial Cases 003 and 004, no evidence was presented supporting this allegation. His successor, Mark Harmon, took up his duties in September.

The ECCC continued hearing Case 002 against former Khmer Rouge “Brother Number 2” Nuon Chea, former minister of foreign affairs Ieng Sary, and former head of state Khieu Samphan on charges of genocide, crimes against humanity, and grave breaches of the Geneva Conventions. Former minister of social affairs Ieng Thirith was found unfit to stand trial due to dementia and released on September 16. The court continued to consider allegations against five other former Khmer Rouge officials, but a decision on prosecution was not made in those cases. The court denied an appeal from Kaing Guek Eav (alias Duch), who was convicted in Case 001 in 2010, and extended his sentence to life in prison.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally protect these rights. The law does not prohibit discrimination based on sexual orientation, gender identity, or social status.

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape and assault; nevertheless, local and international NGOs reported that violence against women, including

domestic violence and rape, was common. Rape is punishable by a prison sentence of between five and 30 years. Spousal rape is not specifically mentioned in the penal code but can be prosecuted as “rape,” “causing injury,” or “indecent assault.” Under the domestic violence law, spousal rape may fall within the definition of domestic violence that includes “sexual aggression.” Charges for spousal rape cases under the penal code and the domestic violence law were rare. The domestic violence law criminalizes domestic violence but does not specifically set out penalties. The penal code can be used to punish domestic violence offenses, with penalties ranging from one to 15 years’ imprisonment.

ADHOC received 313 reports of rape during the year. Of these, 71 were tried by the courts and 21 mediated by the courts or police, with the remainder awaiting trial. There were 388 reported cases of domestic violence during the year; courts tried only 10 of these cases. Another NGO documented 148 cases of domestic violence involving 148 victims and 71 cases of rape involving 72 victims in 13 provinces and Phnom Penh during the year. Four cases of domestic violence and one case of rape each resulted in the death of a victim. During the year the Ministry of Interior’s Criminal Police Department investigated 871 cases of violence against women and children, resulting in the arrests of 1,151 perpetrators. Of the 871 cases, 237 were for rape or attempted rape. The number of cases likely underreported the scope of the problem, due to ineffective enforcement, inadequate crime statistics reporting, and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

The government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. The Ministry of Women’s Affairs coordinated with an NGO and a local media outlet to produce radio and television programming on women’s issues.

Sexual Harassment: The penal code criminalizes sexual harassment, imposing penalties of six days’ to three months’ imprisonment and fines of KHR100,000 to 500,000 (\$25 to \$125). There were no arrests or prosecutions, however. The government continued a public awareness campaign specific to women promoting beer sales at entertainment venues, who were vulnerable to harassment. There was no information on the rate of incidence.

Reproductive Rights: Couples and individuals could decide the number, spacing, and timing of their children, and they had the information and means to do so free

from discrimination. Women had access to contraception and prenatal care as well as skilled attendance at delivery and postpartum care, but access was often limited due to income and geographic barriers. According to the Cambodia Demographic Health Survey, the maternal mortality ratio in 2010 was 206 deaths per 100,000 live births. Major factors influencing high maternal mortality rates in the country included the lack of proper health facilities, medication, and skilled birth attendants. The contraceptive prevalence rate among women was approximately 51 percent.

Discrimination: The constitution provides for equal rights for women, equal pay for equal work, and equal status in marriage. For the most part, women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions limited the ability of women to reach senior positions in business and other areas. Women often were concentrated in low-paying jobs and were largely excluded from management positions. Men made up the vast majority of the military, police, and civil service.

The Ministry of Women's Affairs, mandated to protect the rights of women and promote gender equality in society, continued its Neary Ratanak ("Women as Precious Gems") program. The program aimed to improve the image of women through gender mainstreaming, enhanced participation of women in economic and political life, and protection of women's rights. Sixteen government ministries continued gender mainstreaming action plans with support from the UN Development Program and in close collaboration with the Ministry of Women's Affairs.

## **Children**

Birth Registration: By law citizenship may be derived by birth to a mother and father who are not ethnic Khmer if both parents were born and living legally in Cambodia or if either parent has acquired Cambodian citizenship. Ethnic Khmer are considered Cambodian citizens. The Ministry of Interior administered a modernized birth registration system, but not all births were registered immediately, due principally to parental delay. The system did not include special outreach to minority communities. In addition, children born from the mid-1970s to the mid-1990s often were not registered, a result of the Vietnam/Khmer Rouge occupation/civil war. Many of these unregistered persons who later had families of their own did not perceive a need for registration. It was common for young persons not to be registered until a need arose.

The failure to register births resulted in discrimination, including the denial of public services. A 2007 study commissioned by the UNHCR on statelessness in the country stated that the birth registration process often excluded children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration and family books were often denied access to education and health care. They stated that later in life the same individuals may be unable to access employment, own property, vote, or use the legal system.

Education: Children were affected adversely by an inadequate educational system. Education was free, but not compulsory, through grade nine. Many children left school to help their families in subsistence agriculture, worked in other activities, began school at a late age, or did not attend school at all. The government did not deny girls equal access to education; however, families with limited resources often gave priority to boys. According to international organization reports, school enrollment dropped sharply for girls after primary school. Schools in many areas were remote, and transportation was a problem. This especially affected girls, due to safety concerns in traveling between home and school.

Child Abuse: Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; ADHOC reported 213 cases of rape and attempted rape committed against persons under the age of 18. Twenty three of the cases involved children below the age of five, 50 involved children between the ages of five and 10, and 140 involved children between the ages of 10 and 18.

Child Marriage: The legal minimum age of marriage for boys and girls is 18. Eighteen percent of women between the ages of 20 and 24 had married before they were 18. Child marriage was not considered a problem and the government took steps to ensure that individuals met the legal minimum age requirement.

Sexual Exploitation of Children: Sexual intercourse with a person under the age of 15 is illegal; however, child prostitution occurred. During the year raids on brothels rescued underage girls trafficked for prostitution. The Ministry of Interior reported arrests of 12 foreign pedophiles during the year. Some children engaged in prostitution for survival without third-party involvement. The government also used the Law on the Suppression of Human Trafficking and Sexual Exploitation to prosecute sex tourists victimizing children.

The Trafficking in Persons Law provides penalties for commercial sexual exploitation of children that range from two to 15 years in prison. The law also prohibits child pornography.

Displaced Children: The government offered limited, inadequate services to street children at a rehabilitation center. A domestic NGO estimated that 1,200 to 1,500 street children in Phnom Penh had no relationship with their families and an estimated 15,000 to 20,000 children worked on the streets but returned to families in the evenings. An estimated 500 to 900 children lived with their families on the streets in Phnom Penh.

Institutionalized Children: The Ministry of Interior reported that at least 81 children under the age of six reportedly were living with their mothers in prison as of November. A local NGO reported that there were 66 such children in 19 prisons as of November and claimed that the children were mistreated by prison guards and faced physical dangers from adult criminal cellmates. The children generally lacked proper nutrition and education.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There was a small Jewish expatriate community in Phnom Penh. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The law does not address accessibility with respect to air travel or other transportation. The MOSAVY holds overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to

other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested that all television channels adopt sign-language interpretation for programming. As of December, one major television station had sign-language interpretation, and the Ministry of Information was working with the other stations to develop such capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. The Council of Ministers approved four subdecrees to support the law.

Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons with disabilities, but they faced considerable societal discrimination, especially in obtaining skilled employment.

Children with disabilities attended school.

There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the government did not make any concerted effort to assist them in becoming more civically engaged. MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

### **National/Racial/Ethnic Minorities**

The rights of minorities under the nationality law are not explicit; constitutional protections are extended only to “Khmer people.” Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society, but animosity continued toward ethnic Vietnamese, who were seen as a threat to the country and culture. Some groups, including political groups, continued to make strong anti-Vietnamese statements. They complained of political control of the CPP by the Vietnamese government, border encroachment, and other problems for which they held ethnic Vietnamese at least partially responsible.

### **Indigenous People**

In support of efforts by indigenous communities to protect their ancestral lands and natural resources, in December 2011 the government issued communal land titles to two indigenous communities in Ratanakiri Province. In January the government issued a communal land titles for ethnic Bunong communities comprising approximately 100 families in Mondolkiri Province living on 2,471 acres of land in

Keo Seima District. These three titles were the first to be issued since the country's Land Law was passed in 2001. At the end of the year, the Ministry of Land was processing five additional communal land titles for indigenous communities in Mondulhiri Province. NGOs have long criticized the slow implementation of communal titling and continued to call for a moratorium on land sales and land concessions affecting indigenous communities. International and local NGOs were active in educating the indigenous communities about the land registration process and providing legal representation in disputes. NGOs reported loss of agricultural space and livelihoods due to the increased granting of economic land concessions on indigenous land.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There were no laws criminalizing consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals, although some societal discrimination and stereotyping persisted, particularly in rural areas. In May several local businesses and NGOs hosted the eighth annual Phnom Penh Pride Festival, a week-long series of events that highlighted the LGBT community. The event enjoyed massive support from the local NGO community and also included LGBT representatives from neighboring countries.

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or health care. Consensual same-sex relationships, however, were typically treated with fear and suspicion by the general population, and there were few support groups to which cases involving discrimination could be reported. Unofficial discrimination against LGBT persons persisted; however, a local NGO reported that discrimination was on the decrease due to the LGBT community's effectiveness in raising awareness regarding LGBT issues. On December 11, Prime Minister Hun Sen spoke out publicly against discrimination against LGBT individuals.

There were no reported incidents of violence or abuse against LGBT individuals; however, stigma or intimidation may have been a factor in preventing incidents from being reported.

### **Other Societal Violence or Discrimination**

There was no societal violence or official discrimination against individuals who were infected with HIV/AIDS. Societal discrimination against such persons remained a problem in rural areas, but discrimination was moderated by HIV/AIDS awareness programs.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, protects the right of private-sector workers to form and join trade unions of their own choice without prior authorization, the right to strike, and the right to bargain collectively. While unions may affiliate freely, the law does not explicitly address their right to affiliate internationally.

The law requires trade unions to file their charters and lists of their officials with the Ministry of Labor and Vocational Training (MOLVT). The Bureau of Labor Relations is responsible for facilitating the process of union registration and certification of “most representative status” for unions, which entitles a union representing a majority of workers in a given enterprise to represent all the workers in that establishment.

Civil servants, including teachers, judges, and military personnel, as well as household workers, do not have the right to form or join a trade union. Personnel in the air and maritime transportation industries are free to form unions but are not entitled to social security and pension benefits and are exempt from the limitations on work hours prescribed by the labor law.

The law stipulates that workers can strike only after several requirements have been met, including the failure of other methods of dispute resolution (such as negotiation, conciliation, or arbitration), a secret-ballot vote of the union membership, and seven days’ advance notice to the employer and the MOLVT. There is no law prohibiting strikes by civil servants, workers in public sectors, or workers in essential services. Legal protections are in place to guard workers from reprisal.

Regulations on collective bargaining require unions to demonstrate that they represent workers for the purpose of bargaining collectively. The regulations grant collective bargaining rights to unions with most representative status and require employers to negotiate if such a union proposes a collective bargaining agreement.

These regulations also bind both parties to agree to an orderly bargaining process, make considered and reasonable offers and counteroffers, and require the employer to provide the union with facilities and all information requested by the union that is relevant to the bargaining process. The law also provides union leaders with additional protection from dismissal.

Unresolved labor disputes may be brought to the Arbitration Council, an independent state body that interprets labor regulations in collective disputes, such as when multiple employees are dismissed. The parties may choose whether to consider the council's decisions as binding. If neither party objects to the arbitral award within eight days of its being issued, it automatically becomes binding. Individual disputes may be brought before the courts, although the judicial system was neither impartial nor transparent.

Workers reportedly experienced obstacles in exercising their right to associate freely, as some employers reportedly refused to sign notification letters which serve to recognize a union officially. In addition, workers in Cambodia's garment sector were hired as subcontractors, making unionization difficult. Enforcement of the right of association and freedom from antiunion discrimination was inconsistent. Acts of antiunion discrimination, intimidation, and retaliation by employers often went unpunished. Government enforcement of worker rights was sometimes hampered by close relationships among government officials, employers, and union leaders. These relationships deterred union leaders from reporting cases of discrimination and hampered the independent operation of unions. Union leaders affiliated with the government did not work independently and sometimes did not report cases of union discrimination to the government. The government also did not devote sufficient resources to enforcement, including having trained, experienced labor inspectors.

The government's enforcement of collective bargaining rights was inconsistent. The MOLVT formally warned 206 companies of legal violations as of July. Although the MOLVT often decided in favor of employees, it rarely used its legal authority to penalize employers who defied its orders. Instead, the ministry sent 255 cases of unresolved disputes to the Arbitration Council during the year. Some unions urged the government to expand the role of the Arbitration Council to include individual and collective interest disputes and to make its decisions binding. During the year the Arbitration Council received 255 cases from across the country, of which approximately 75 percent were successfully resolved. The success of the Arbitration Council in resolving disputes resulted in both employers and unions encouraging its use.

The majority of unions were affiliated with the ruling party, although there were a few independent unions. On April 26, 62 progovernment union federations and associations established the Cambodian Council of National Unions (CCNU), aimed at unifying all union federations, confederations, and associations to protect the rights and interests of workers, teachers, and individuals in the informal economy. Leaders of independent union federations argued, however, that the progovernment union federations and association would overshadow independent union federations and associations and that these progovernment organizations would not proactively represent their members. In addition, there were concerns that, while progovernment associations would represent teachers, they would not do so proactively. Both progovernment and government-sponsored union federations worked under the guidance and instruction of the government.

Organization among public-sector workers continued to face significant obstacles. The Cambodian Independent Teachers Association registered as an “association” due to prohibitions on public-sector unions, and the government denied its requests for permission to march and protest, although the union reported no direct government interference in day-to-day activities. Some members feared that their affiliation with the association could hamper career advancement. Another public-sector association, the Cambodian Independent Civil Servants Association, alleged that fears of harassment, discrimination, or demotion deterred individuals from joining.

On June 13, the MOLVT refused to grant union status to the Cambodian Confederation of Unions (CCU), a conglomerate of seven union federations and associations: the Free Trade Union, the Federation of Cambodian Intellectuals and Students, the Professor Council Association, the Cambodian Independent Teachers Association, the Cambodian Alliance of Trade Unions, the Cambodian Construction Workers’ Trade Union Federation, and the Textile and Garment Workers’ Federation of Cambodia. The MOLVT argued that the CCU did not qualify as a union because it also included associations that were not included in the labor law.

The government allowed most strikes held at factories but denied worker requests to hold protest marches outside the factory area. During the garment strikes that took place during the summer, police only interfered when workers blocked major thoroughfares in Phnom Penh.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders in garment factories and other enterprises.

Approximately 35 union leaders claimed they were dismissed or suspended without cause in the first seven months of the year. In some factories the management appeared to have established or supported promanagement unions or compromised union leaders by jeopardizing their employment.

In spite of legal provisions protecting strikers from reprisals, there were credible reports that workers were dismissed on spurious grounds after organizing or participating in strikes. While most strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases employers pressured strikers to accept compensation and leave their employment.

Remedies exist for such dismissals, although none were particularly effective. The MOLVT may issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement. At times management failed to obey a court order for reinstatement, as happened to strikers at Tai Yang Enterprises during the summer.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, but there were reports that such practices occurred in domestic service and in the informal sector. Children from impoverished families remained at risk as affluent households sometimes utilized a humanitarian pretense to hire them as domestic workers, only to abuse and exploit them. There were also reports of forced labor in the fishing, agricultural, and construction sectors. Government officials reported that verifying working conditions and salaries of workers in the fishing, agricultural, and construction sectors as well as of domestic workers remained difficult due to the informal nature of their work.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law establishes 15 as the minimum age for employment and 18 as the minimum age for hazardous work. The law permits children between the ages of 12 and 15 to engage in "light work" that is not hazardous to their health and does not affect school attendance. The law limits work by children between the ages of

12 and 15 to no more than four hours on school days and seven hours on nonschool days, and prohibits work between 8:00 p.m. and 6:00 a.m. The government also bans employment of children in sectors that pose major safety or health risks to minors.

The MOLVT has responsibility for child-labor inspection in both the formal and informal sectors of the economy, but its labor inspectors played no role in the informal sector or in enforcing the law in illegal industries, such as unregistered garment factories operating without a license from the MOLVT and the Ministry of Commerce. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor was negligible), but in some industries with the highest child-labor risk, labor inspections were entirely complaint driven. There were 12 labor inspectors in Phnom Penh and 27 at the municipal and provincial levels dedicated to child-labor issues. The number of inspectors was insufficient to enforce relevant laws and regulations. The labor law stipulates a fine of 31 to 60 times the prevailing monthly wage for defendants convicted of violating the country's child labor provisions.

Child labor was widespread in agriculture, brick making, portering, salt production, shrimp processing, fishing, domestic service, and rubber production. Children also work as beggars, street vendors, shoe polishers, and scavengers. Child labor was also reported in the garment, footwear, and hospitality sectors but to a much lesser extent.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The law requires the MOLVT to establish a garment-sector minimum wage based on recommendations from the Labor Advisory Committee. This minimum monthly wage is KHR 244,000 (approximately \$61). As of January 1, garment, textile, and footwear workers were also entitled to an additional KHR 20,000 (\$5) per month as a health allowance. On July 11, the Labor Advisory Committee mandated that garment, textile, and footwear workers receive an additional KHR 27,500 (\$7) per month for transportation and accommodation and KHR 40,000 (\$10) per month for regular work attendance. The two allowances came into effect on September 1. The law does not mandate a minimum wage for any other sector.

The World Bank defines the poverty level as KHR 5,000 (approximately \$1.25) per day.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a rate of 130 percent of daytime wages for nightshift work and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work up to two hours of overtime each day. The law prohibits excessive overtime, states that all overtime must be voluntary, and also provides for paid annual holidays.

The law states that the workplace should have health and safety standards adequate to provide for workers' well-being. Penalties are specified in the law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions.

The government did not effectively enforce standards regarding hours worked and overtime compensation. Workers reported that overtime was often excessive and sometimes mandatory. Outside the garment industry, regulations on working hours were rarely enforced. Involuntary overtime remained a problem, although the practice decreased during the year. Employers used coercion to force employees to work. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

The government enforced existing standards selectively, in part because it lacked trained staff and equipment. The MOLVT's Department of Labor Inspection is the primary enforcement agency and issued companies 206 warnings about labor-law violations in the first seven months of the year. The agency's 160 labor inspectors conducted inspections. The MOLVT recently increased the number of inspectors, reflecting a new emphasis on inspections, but endemic corruption and insufficient penalties still hindered efficacy.

In practice work-related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. There were 5,948 cases of work-related injuries, including 26 fatalities, in the first six months of the year.

The number of reported mass fainting incidents in factories decreased from the previous year. As of December, approximately 2,107 workers had fainted in 29 garment and footwear factories as compared with approximately 2,400 workers in 2011. On February 13, 30 workers fainted and 130 others complained of dizziness at the Nanguo garment factory. The incident was reportedly caused by a foul odor emanating from a factory with insufficient ventilation. On May 25, more than 200 workers at the Sixplus factory in Kandal Province fainted after suffering from exhaustion, dizziness, vomiting, and stomach pain. The workplace safety committee, however, blamed the incident on food poisoning and asserted that only 72 workers fainted. On May 28, more than 70 workers at the Anful garment factory in Kampong Speu Province also fainted. The cause of mass fainting was due to unhygienic conditions and bad smells from nearby chicken farms, according to Chea Mony, president of the Free Trade Union. Better Factories Cambodia conducted fainting prevention campaigns to raise awareness among workers of the potential causes of fainting such as poor worker health and nutrition, poor factory ventilation, and excessive heat, and how to take steps to prevent their occurrence.

In December 2011 the government launched the National Social Protection Strategy for the Poor and Vulnerable (NSPS), which was to remain in effect until 2015. The NSPS envisions a “sustainable, affordable, and effective national social protection system” with programs designed to end chronic poverty, hunger, and unemployment. The government committed to reducing the poverty rate from 25.8 percent in 2010 to 19.5 percent in 2015.

The constitution stipulates that Khmer citizens of either sex shall receive equal pay for equal work. On October 3, a memorandum of understanding (MOU) was signed between the Garment Manufacturers Association of Cambodia and eight union federations that many observers believed would lead to more collective bargaining and less strike actions. The MOU committed factories and workers to accept the rulings of an established arbitration council.