

CAMBODIA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with an elected parliamentary form of government. In the most recent national elections held July 28, the Cambodian People's Party (CPP) won a majority of the 123 National Assembly seats. International and local nongovernmental organization (NGO) observers assessed that the election process suffered from numerous flaws, including problems with the voter registry, unequal access to the media, and the issuance of an unusually large number of temporary official identification cards to voters. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

A flawed and poorly managed electoral process disenfranchised a significant number of eligible voters during national elections. The National Election Committee failed to address specific weaknesses raised by civil society and international organizations despite ample notice. As a result, key aspects of the electoral process before, during, and after election day lacked transparency and independence. The opposition Cambodia National Rescue Party (CNRP) refused to sit in the national assembly until the ruling CPP agreed with several demands, including an investigation into election irregularities. The CNRP also staged numerous demonstrations in protest of the conduct of the elections. Government security forces responded by maintaining a minimal and restrained presence at the permitted site of demonstrations. Several civilians and police were injured and one person was killed during clashes at roadblocks located away from the protest site.

In addition to a flawed electoral process, the three leading human rights problems were a politicized and ineffective judiciary, constraints on freedom of press and assembly, and abuse of prison detainees. A weak judiciary that sometimes failed to provide due process or a fair trial procedure remained a leading human rights concern as large portions of society were unable to receive fair adjudications of their legal concerns. The courts lacked sufficient human and financial resources and were subject to corruption and political influence despite notable releases in high-profile cases. Members of the security forces reportedly committed an arbitrary killing. The government at times interfered with freedom of assembly. Press reporting, particularly television, was often biased in its coverage and favored the ruling party. 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.

Corruption remained pervasive, governmental human rights bodies reportedly were ineffective, and trafficking in men, women, and children persisted. Domestic violence and child abuse occurred, and children's education was inadequate.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were press reports that security forces committed an arbitrary and possibly unlawful killing September 15 when an individual was shot during a clash between security forces and civilians at a road block while the CNRP was conducting a protest. Authorities have not conducted a transparent investigation into the incident, and on October 18, security forces forcefully dispersed a group protesting the killing. The Ministry of Interior is the main government body charged with evaluating security force killings; however, the September 15 incident was examined by the Permanent Security Command Committee for the Elections, chaired by the deputy prime minister and the minister of interior.

On April 2, a commune police officer in Chantrea district, Svay Rieng province, shot and killed 28-year-old Roth Samak during an attempt to stop fighting at a dance party. There was no investigation into the shooting, and the police officer remained on duty. There was an out-of-court resolution after district police officials provided a cash payment to the victim's family.

Illegal cross-border Cambodian loggers clashed with Thai security forces throughout the year. According to a Cambodian NGO, Thai security forces killed 19 Cambodian citizens in 13 separate incidents as of September. The Cambodian government has made efforts to stop its citizens from engaging in such activity and asked the Thai government to investigate and stop the extrajudicial killings, but with only limited success.

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 reported incidents decreased from 2012.

There were credible reports that military and civilian police officials used physical and psychological abuse and on occasion severely beat criminal detainees, particularly during interrogation. As of June, NGOs reported that authorities abused at least 30 prisoners – 29 while in police custody and one in prison. Kicking, punching, and pistol whipping were the most common methods of reported physical abuse, but electric shock, suffocation, caning, and whipping with wires were also used. NGOs reported that it was not uncommon for police to abuse detained suspects until they confessed to a crime. Courts used forced confessions as evidence during trials despite legal prohibitions against the admissibility of such confessions.

During the year the NGO Cambodia Human Rights and Development Organization (ADHOC) reported 26 cases of use of force against civilians by local authorities, government agents, or private bodyguards of government officials, in contrast to 84 cases reported in 2012. 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 10 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 around 2 percent 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's Prison Department, as of June, there were 15,102 prisoners and detainees, including 1,177 women and 419 juveniles. Countrywide, there were 27 prisons, which were designed to hold up to 11,000 persons. There were reports that, at some prisons, cells measuring 40-by-20 feet held up to 100 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. Authorities routinely held pretrial detainees with convicted prisoners. According to government statistics, as of June, an estimated 37 percent of persons held in municipal and provincial prisons were pretrial detainees.

The Prison Department reported that, as of June, 23 prisoners died while in custody. Police stated they had investigated the deaths and found evidence of preexisting conditions or other illnesses.

Local NGOs 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. Prisons did not have adequate facilities for persons with mental and physical disabilities. NGOs also related 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.

Administration: Recordkeeping on prisoners was adequate. Authorities did not use alternatives to incarceration for nonviolent offenders. Bail was underutilized, and authorities did not implement the parole system authorized in the code of criminal procedure. A local NGO noted the government lacked the financial and human resources to implement such programs. Although there were no legal provisions establishing prison ombudsmen, prisoners could file complaints with the court. Authorities routinely allowed prisoners and detainees access to visitors, although rights organizations confirmed that families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities.

There were credible reports that officials 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 could observe their own religious practices.

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 complaints and monitored prison and detention center conditions through the Ministry of Interior's General Department of Prisons, which produced biannual reports on prison management. These and other investigation reports were available to the public upon request.

Independent Monitoring: The government generally allowed 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 local authority cooperation occasionally 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 known 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. The government permitted military police to arrest civilians if the officers met the training and experience requirements to serve as civilian police, if civilians were on military property, or when authorized by local governments. The military police, however, 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.

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, 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 of Detainees

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 at least 17 cases of arrest or detention that it considered arbitrary as of June but offered no specific examples. ADHOC stated that victims in three 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 those who were homeless, mentally ill, drug users, or commercial sex workers – during systematic sweeps. Detainees typically lost all money and belongings in the course of a sweep. Authorities said the sweeps were 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.

Pretrial Detention: The criminal procedures code allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. As of June the Ministry of Interior reported 5,617 pretrial detainees in custody. Court staffers reportedly undertook efforts to speed case processing. Although authorities occasionally held pretrial detainees without legal representation, 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. On February 4, the king granted royal pardons to more than 400 prisoners in honor of his father’s passing. In July the king also granted a royal pardon to opposition leader Sam Rainsy.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government generally did not respect judicial independence. 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.

A shortage of judges and courtrooms delayed many cases, according to NGO reports. NGOs also speculated that court officials focused on cases from which they could gain financial benefits. Unlike in previous years, there were no reports of military officials exerting 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.

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, but on occasion it was difficult for them to obtain such access, especially if the case was political, involved a high-ranking official, or a socially well-connected individual.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel often were effectively denied the right to a fair trial. According to the bar association, as of August there were 857 lawyers providing legal services. 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. An 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 appeal hearings 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 September 25, the Supreme Court acquitted Born Samnang and Sok Sam Oeun of the 2004 murder of labor leader Chea Vichea because of a lack of evidence proving the two were at the crime scene. This reversed a December 2012 decision by the Appellate Court upholding 20-year sentences for the two men. On September 26, prison officials freed the men.

Political Prisoners and Detainees

On March 15, authorities released from prison Beehive Radio station owner Mam Sonando after the Court of Appeals dropped major charges against him and sentenced him to five years' imprisonment, with all but one day suspended. While the government released Mam Sonando, the sole political prisoner, at times it 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. Authorities often did not enforce court orders.

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

The law provides for the privacy of residence and correspondence and prohibits illegal searches, although 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. In 2012 the government launched a program using approximately 1,000 university students to measure land plots in cooperation with the Ministry of Land Management. As of June the Ministry of Land Management reported that almost 380,000 land titles had been distributed to villagers as part of this project.

Cases of inhabitants being forced to relocate continued, although the number of reported cases decreased from 2012. 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 77 land-related cases as of June. During the same period, another NGO received 39 land-related cases in Phnom Penh and 12 provinces that affected 1,334 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 concluded.

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.

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.

The 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.

Press Freedoms: 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, and as of August there were two pro-opposition newspapers publishing regularly. Although the five newspapers with the largest circulation were considered to be pro-CPP, most newspapers criticized the government in general terms, particularly with regard to corruption and land acquisition.

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. The CPP controlled or strongly influenced most television and radio, although a few were independent or aligned with other parties.

On March 14, the Court of Appeals reduced independent Beehive Radio station owner Mam Sonando's sentence for his alleged involvement in a secessionist movement from 20 years in prison to five years, with the remainder of the sentence suspended; he was released from prison the following day. Most observers agreed that the conviction was based on Mam Sonando's frequent on-air criticisms of the government.

Violence and Harassment: On the evening of September 22, approximately 25 young men armed with sticks, cattle prods, and sling shots violently disrupted a peaceful protest by a small group of land rights activists. A local NGO reported approximately 50 uniformed police watched without intervening while ten individuals were injured.

In September 2012 journalist Hang Serei Oudum was found dead in the trunk of his car, but media representatives indicated he was not targeted due to his reporting. On August 28, charges were dropped against a couple implicated in Hang Serei Oudum's death due to a lack of evidence; however, on October 14, the Provincial Appeals Court announced it would retry the case.

Censorship or Content Restrictions: On June 25, the Ministry of Information issued a directive to local radio stations ordering them not to broadcast foreign-produced news programs during the month-long national election campaign. The ban was in effect for one day before the ministry lifted it after a widespread public outcry. Most observers believed the ban was meant to prevent reporting critical of the government or that covered the political opposition.

There were some reports government agents harassed or intimidated journalists, publishers, or distributors, and reporters and editors privately admitted to some self-censorship for fear of government reprisal.

A majority of local newspapers and all television stations, under strong pressure from the CPP, conspicuously refrained from reporting on the return of opposition leader Sam Rainsy from self-imposed exile on July 19.

Libel Laws/National Security: On June 5, the National Assembly summarily stripped all 27 opposition lawmakers from the Sam Rainsy Party and the Human Rights Party of their parliamentary status and subsequently passed a law criminalizing the denial of Khmer Rouge atrocities. These actions came on the heels of allegations that opposition leader Kem Sokha made statements denying the severity of atrocities committed during the Khmer Rouge period.

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. Activists continued to report concerns about a draft “cybercrimes” law, noting that it could be used to restrict online freedoms. The government maintained that any such law would serve to regulate only criminal activity. Internet access was widely available, particularly in urban centers, and some 21 percent of citizens accessed 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, nonetheless, 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 the government did not always respect this right.

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 may issue demonstration permits at their discretion. Lower-level government officials, particularly in Phnom Penh, 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. 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. In some cases police forcibly dispersed groups assembled without a permit, sometimes causing minor injuries to some demonstrators. Press reported numerous public protests took place, most related to land or labor disputes.

In May and June, Phnom Penh police used fire hoses to disperse protests of Boeung Kak Lake residents who repeatedly gathered at City Hall to demand a meeting with the Phnom Penh governor regarding evictions from their community. A protester reportedly suffered a miscarriage as a result of injuries sustained in one of the clashes. After the July 28 national elections, the CNRP conducted a series of peaceful demonstrations in Phnom Penh. Security forces regularly set up checkpoints and roadblocks on routes into the city in advance of these demonstrations and, at times, blocked movement in large areas of Phnom Penh. Security forces used fire hoses, tear gas, and in one case small arms fire to keep civilians away from barricades.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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. 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. On July 19, opposition leader Sam Rainsy, who had been living in self-imposed exile due to in-absentia criminal convictions in 2009, returned to the country after receiving a pardon from the king based on the prime minister's recommendation.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. The national asylum system has limited capacity, which resulted in long delays for some asylum seekers. The UNHCR continued to provide training and other technical assistance to support the Cambodian Refugee Office within the Immigration Department.

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. This estimate was based upon anecdotal evidence, 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 reports that the country's stateless population was primarily composed of 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 the right to own land.

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 through periodic elections on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: The most recent national elections, held in July, were mostly peaceful, and all parties participated unimpeded in a campaign largely free of intimidation, in contrast to previous national elections. While there were only limited disturbances on election day, the voting process was fraught with irregularities. By the government's own calculations, more than 9 percent of eligible voters were unable to vote due to issues with the voter registration list. While the problem of disenfranchised voters was identified by numerous civil society organizations well before the elections, the National Election Committee took no significant corrective action. Observers indicated that the scale of the electoral irregularities warranted an independent investigation, but a full and transparent investigation did not take place. The CNRP boycotted the National Assembly when it convened on September 23. Party leaders claimed the CNRP would not participate in the government until the ruling party agreed to an investigation of election irregularities as well as additional demands that focused primarily on measures to balance power between the two parties.

Political Parties: Some NGOs and political parties alleged that membership in the dominant CPP party provided material advantages such as gifts, access to government emergency aid, and economic land concessions. The CPP also dominated broadcast media, including all television and most radio outlets.

Participation of Women and Minorities: Cultural traditions limited the participation of women in government, although women took part in the July national elections. There were 25 women officially listed as parliamentarians in the 123-seat National Assembly, which included CNRP members who boycotted the parliament, and an additional 10 women in the 61-seat Senate. One woman held a deputy prime minister post, while 80 women held positions as ministers, secretaries of state, and undersecretaries of state. Women also served as advisers,

and 52 women served as judges or prosecutors in the municipal and provincial courts, appeals court, and Supreme Court. Although there were no female governors, the government appointed women as deputy governor in each 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.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: 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. Citizens frequently and publicly complained about corruption, indicating that 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 15, the Court of Appeals upheld the life sentence of Lieutenant General Moek Dara, formerly one of the country’s senior counternarcotics officials, on charges of falsifying reports and accepting bribes.

Whistleblower Protection: There is no law or clear legal provision regarding whistleblower protection. However, under the Anti-Corruption Law, a whistleblower’s identity should not be disclosed to the public.

Financial Disclosure: Public servants, including elected and appointed officials, are subject to financial and asset disclosure provisions. The ACU is responsible for receiving the disclosures, with penalties for noncompliance ranging from one

month to one year in prison. Spouses and dependent children are not subject to disclosure provisions.

Public Access to Information: 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 it was difficult for them to access information; the government frequently failed to 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, but 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 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. On September 4, police confiscated from a vehicle belonging to a local NGO materials they claimed were to be used in a land rights demonstration. On September 11, the Ministry of Interior released a statement warning civil society groups not to provide any support, including first aid, to demonstrations being organized by the CNRP.

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 once. In May he met with civil society groups and senior government officials. In his August report, Subedi criticized government efforts on electoral reform.

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, which 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), jointly administered with the UN, to try Khmer Rouge leaders and those most responsible for the abuses of the Khmer Rouge period. Some observers believed 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.

The ECCC continued hearing Case 002 against former Khmer Rouge "Brother Number 2" Nuon Chea and former head of state, Khieu Samphan, on charges of genocide, crimes against humanity, and grave breaches of the Geneva Conventions. Former minister of foreign affairs and codefendant in Case 002 Ieng Sary died on March 14, and the ECCC terminated all court proceedings against him. The ECCC finished the trial hearings in phase one of Case 002 on July 23 and began closing statements on October 16. International co-investigating judge Mark Harmon continued investigations in Cases 003 and 004. On June 6, authorities transferred Kaing Guek Eav (alias Duch) to the Kandal Provincial Prison to serve the remainder of his life sentence for his conviction in Case 001.

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 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.

As of June ADHOC received 133 reports of rape. Of these, the courts tried 27 cases, the courts or police mediated two, and local authorities mediated one case. The remainder awaited trial. ADHOC reported 171 cases of domestic violence as of June, whereas another NGO documented 97 cases of domestic violence in the same period. Of the latter, four cases of domestic violence and four cases of rape each resulted in the death of a victim. There likely was underreporting on the problem of rape and domestic violence because of inadequate crime statistics reporting women’s fear of reprisal by perpetrators. NGOs reported authorities did not aggressively enforce domestic law and avoided involvement in domestic disputes.

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 100,000 to 500,000 riel (approximately \$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 because such female vendors were vulnerable to harassment. There was no information on the rate of incidence of sexual harassment.

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 remained 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 and child rearing responsibilities limited the ability of women to reach senior positions in business or even participate in the work force. Men made up the vast majority of the military, police, and civil service.

The Ministry of Women's Affairs, which is 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. Twenty-seven government ministries and institutions 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 were living legally in Cambodia or if either parent has acquired Cambodian citizenship. Indigenous 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 as a result of the civil war, Khmer Rouge atrocities, and Vietnamese occupation. 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 authorities often denied children without birth registration and family books access to education and healthcare. NGOs stated that later in life such 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, enrollment dropped sharply for girls after primary school. Schools in many areas were remote, and transportation was a problem. This especially affected girls because of safety concerns in traveling between home and school.

Child Abuse: Observers considered child abuse to be common, although statistics were not available. Child rape remained a serious problem; ADHOC reported 99 cases of rape and attempted rape committed against persons under the age of 18.

Forced and Early Marriage: The legal minimum age of marriage for boys and girls is 18. In 2012, 18 percent of women between the ages of 20 and 24 had married before they were 18. Culturally, child marriage was not considered a problem. The government and a local NGO took steps to raise the awareness of the legal minimum-age requirement.

Sexual Exploitation of Children: Sexual intercourse with a person under the age of 15 is illegal. During the year raids on brothels rescued underage girls trafficked for prostitution. As of July, the Ministry of Interior reported the arrests of eight foreign pedophiles. 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 ranging from two to 15 years in prison for commercial sexual exploitation of children. 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 1,000 to 1,200 street children in Phnom Penh had no relationship with their families and an estimated 10,000 to 15,000 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 56 children under the age of six were living with their mothers in prison as of June. A local NGO reported that there were 48 such children in 19 prisons 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.

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. MOSAVY has 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 June, 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 some limited physical disabilities attended school. Children with more severe disabilities, such as blindness, deafness, or mental conditions, attended segregated schools sponsored by NGOs in Phnom Penh. According to an NGO, education for students with severe disabilities was not available outside of Phnom Penh.

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 extend 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 parties, made strong anti-Vietnamese statements and 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, the government issued communal land titles to two indigenous communities in Ratanakiri province and ethnic Bunong communities in 2011, 2012, and 2013. These titles were the first to be issued since the government passed the country’s land law in 2001. During the first seven months of 2013, the Ministry of Land issued 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.

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 fifth annual Gay Pride Week, a week-long series of events that highlighted the LGBT community. The event enjoyed 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 healthcare. 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.

There were no reported incidents of violence or abuse against LGBT individuals, but stigma or intimidation may have inhibited reporting of incidents.

Other Societal Violence or Discrimination

There was no societal violence or official discrimination against individuals 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 provides for 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 strikers 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 to conduct union activities 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 issuance, it automatically becomes binding. Individual disputes may be brought before the courts, although the judicial system is neither impartial nor transparent.

Workers reportedly experienced obstacles in exercising their right to associate freely, as some employers reportedly refused to sign notification letters that serve to recognize a union officially. In addition, workers in the garment sector were hired as subcontractors, making unionization difficult. Enforcement of the right of association and freedom from anti-union discrimination was inconsistent. Acts of anti-union discrimination, intimidation, and retaliation by employers often went unpunished. The government's willingness to address violations of worker rights was sometimes limited 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 act independently and sometimes did not report cases of union discrimination to the government. The government also did not devote sufficient resources to enforcement, particularly the provision of training and resources to ensure a functioning labor inspectorate.

The government's enforcement of collective bargaining rights was inconsistent. The MOLVT formally warned 134 companies of legal violations as of June. Although the MOLVT often decided in favor of employees, it rarely used its legal authority to penalize employers who defied its orders. During the first six months of 2013, the MOLVT reported it received 68 cases of non-strike-related disputes, and its Department of Labor Disputes reportedly resolved 16 of these cases successfully. During this same period, there were 36 strike-related complaints filed with the MOLVT, of which nine cases were resolved successfully. The Department of Labor Disputes sent the 79 unresolved cases to the Arbitration Council. 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. From January to June, the Arbitration Council received 132 cases, of which 32 involved strikes.

The majority of unions were affiliated with the ruling party, although some were affiliated with the opposition party and a few independent unions.

Organization among public-sector workers continues to face significant obstacles. The Cambodian Independent Teachers Association is 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 their affiliation with the teachers association could hamper career advancement. Another public-sector association, the Cambodian Independent Civil Servants Association, alleged that fear of harassment, discrimination, or demotion deterred individuals from joining.

The government allowed most strikes held at factories but denied worker requests to hold protest marches outside factory areas.

During the first six months of the year, police intervened when garment workers blocked major thoroughfares in Phnom Penh. In May more than 20 persons were injured when police and striking factory workers clashed outside the Sabrina Garment factory. During the course of their strike for additional benefits, the workers blocked a major highway, which led to intervention by the police. Seven workers were hospitalized, including a pregnant protester who miscarried, although the cause of the miscarriage was not definitively established. In November violence broke out at a march by protesting garment workers from the SL Garment Processing factory when workers set fire to police vehicles and attacked police officers assigned to detour the march. In response authorities used fire hoses, tear gas, and live ammunition in an attempt to disperse the crowd. The clash led to one fatality from gunfire and nine individuals seriously injured. Police arrested approximately 40 people, and all but two of them were released within one day.

On June 25, the Svay Rieng Provincial Court convicted and sentenced in absentia former Bavet Governor Chhouk Bandith to 18 months in jail for shooting into a group of approximately 5,000 protesting garment workers and wounding three women. As of October, Chhouk Bandith remained a fugitive.

There were credible reports of anti-union harassment by employers, including the dismissal of union leaders in garment factories and other enterprises. In some factories the management appeared to have established or supported pro-management unions or compromised union leaders by jeopardizing their employment.

Despite 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 viewed as 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.

In October 2012, the Garment Manufacturers Association of Cambodia and eight union federations signed a memorandum of understanding (MOU) that many observers believed would lead to more collective bargaining and fewer strike actions. The MOU committed factories and workers to accept the rulings of the Arbitration Council. The signatories to the MOU convened quarterly meetings in February, June, and October to discuss implementation of the MOU and enforcement of Arbitration Council rulings.

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.

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 worked as beggars, street vendors, shoe polishers, and scavengers. Child labor was reported in the garment, footwear, and hospitality sectors but to a much lesser extent. In its annual report, Better Factories Cambodia noted the suspected use of child laborers in 13 of the factories it inspected.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at 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. Following weeks of negotiations among representatives from the government, unions, and the Garment Manufacturers Association of Cambodia, the government announced in March that the minimum wage for workers in the garment sector would increase from 244,000 riel (\$61) per month to 300,000 riel (\$75) per month effective May 1. The workers were also entitled to an additional 20,000 riel (five dollars) per month as a health allowance. The law does not mandate a minimum wage for any other sector. The World Bank defines the poverty level as 5,000 riel (\$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 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, the government rarely enforced regulations on working hours. Involuntary overtime remained a problem, although the practice decreased during the year. Employers often 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 134 warnings about labor-law violations in the first six months of the year. Although the MOLVT employed labor inspectors, the lack of financial resources, endemic corruption, and insufficient penalties hindered efficacy. Due to a lack of financial and human resources, the Ministry of Labor did not conduct regular factory inspections. Consequently, the oversight role played by Better Factories Cambodia (BFC) gained greater importance for the country's garment industry. The MOU that established the BFC is scheduled to expire at the end of the year. As of November 2013, negotiations between the BFC, the government, and GMAC to renew the MOU continued.

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. The National Social Security Fund (NSSF) reported that during the first six months of the year, there were 7,043 cases of work-related injuries, including 54 fatalities. During the same period, the NSSF reportedly fined six companies that did not comply with the NSSF's rules and regulations and sued three others in court.

On May 16, two workers died and several were injured when a portion of the Wingstar Shoe Factory collapsed as a result of poor construction and structural overload. Four days later, more than 20 workers were injured when an outdoor dining kiosk and adjoining walkway collapsed at the Top World Garment factory.

In its annual report, BFC cited fire safety as an area of particular concern. The report noted that 15 percent of visited factories kept their doors locked during working hours and 53 percent had obstructed access paths. These figures reflected a decrease of compliance from last year.

The NSSF reported that for the first six months of the year, 316 workers fainted in six factories across the country while performing their jobs. In July, 45 workers at the garment factory Elite (Cambodia) Co. Ltd. fainted after becoming dizzy from a strong smell of burning rubber from a nearby footwear factory. The workers were treated at a local medical clinic, found not to be in serious condition, and released a few hours later. BFC 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 trained workers how to take steps to prevent such events.

An increase in work-related accidents was reported in the construction industry, with three construction workers killed in three separate incidents in August.

In 2011 the government launched the National Social Protection Strategy for the Poor and Vulnerable (NSPS), which remains 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 constitution stipulates that Khmer citizens of either sex shall receive equal pay for equal work.