

# **CAMBODIA 2014 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 2013, the Cambodian People's Party (CPP) won a majority of the 123 National Assembly seats. International and local nongovernmental organization (NGO) observers assessed the election process suffered 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.

The three leading human rights problems were the arbitrary suspension of the right to assemble in the capital, a politicized and ineffective judiciary, and constraints on freedom of press.

Other human rights problems included continued prisoner abuse, pervasive corruption, ineffective governmental human rights bodies, and trafficking in persons.

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**

The press reported that on January 3, government security forces shot and killed four protesters and injured more than 35 in Phnom Penh during a clash that stemmed from a protest by garment factory workers demanding a higher minimum monthly wage outside the Canadia Garment Factory on Veng Sreng road near Phnom Penh. The government opened an investigation, which continued as of August.

On July 26, Poeun Pas, a soldier from Brigade 41 in Preah Vihear Province, shot and killed 19-year-old Try Chamroeun in Kulen District, Preah Vihear Province, during a scuffle that started after the soldier accused a group of villagers of planting crops on his commanding officer's land. Police arrested Poeun and placed him in pretrial detention.

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 six separate incidents as of July. The Cambodian government made efforts to stop its citizens from engaging in such activity and asked the Thai government to investigate and stop the extrajudicial killings.

### **b. Disappearance**

A local NGO reported that 17-year-old Khem Sophat was missing after government security forces allegedly shot him during a violent clash on January 3 outside the Canadia Garment Factory on Veng Sreng road. Witnesses last saw him being loaded into an ambulance. As of August Sophat remained missing. The government has not responded to letters of inquiry sent from the UN Committee on Enforced Disappearances and the local UN Office of the High Commissioner of Human Rights.

### **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 with an increased number of reported incidents compared with 2013.

There were credible reports that military and 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 62 persons in police custody. Kicking, punching, and pistol whipping were the most common methods of reported physical abuse, but authorities also used electric shock, suffocation, caning, and whipping with wires. NGOs reported 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 first six months of the year, the NGO Cambodia Human Rights and Development Organization (ADHOC) reported 12 cases of use of force against civilians by local authorities, government agents, or private bodyguards of government officials, compared with 26 cases reported in the first half of 2013. In some instances police used force to counter threats or acts of violence on the part

of demonstrators. In other instances police used force against peaceful demonstrators after they interfered with traffic and refused orders to disperse.

The number of government-operated drug rehabilitation centers increased from seven to ten. 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. According to the National Authority for Combating Drugs, no detainee was under the age of 18. Observers noted that employees of the centers frequently controlled detainees with physical restraints or by submitting them to intense exercise and other harsh methods. Government leaders acknowledged the importance of treating drug addiction as a medical rather than a 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 in many cases 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 14,620 prisoners and detainees, including 1,103 women and 322 juveniles. Countrywide there were 27 prisons designed to hold up to 11,000 persons.

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 24 percent of persons held in municipal and provincial prisons were pretrial detainees.

The Prison Department reported that, as of June, 30 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 in many cases. 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 in

some prisons. 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. There were no legal provisions establishing prison ombudsmen. Authorities routinely allowed prisoners and detainees access to visitors, although rights organizations confirmed families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities.

There were credible reports of officials demanding 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, but 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. 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. Local independent

monitoring groups operated with sufficient independence from government influence.

Improvement: A local NGO monitoring prison conditions reported that, while there were no significant improvements in prison conditions, there was a favorable trend in the amount of time prisoners were allowed outside their cells and in the availability of clean food and water.

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

The law prohibits arbitrary arrest and detention, but 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. The Ministry of Interior is the main government body charged with evaluating security force killings.

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. Despite not having arrest authority, on January 2, military personnel from Brigade 911 Airborne Unit beat and arrested 10 protesters while dispersing a peaceful labor protest at the Yakjin factory. Protesters were demanding an increase in their monthly minimum wage. During the next day, government security forces arrested 13 more protesters during a violent clash on Veng Sreng road. The 23 protesters were sent to Kampong Cham provincial prison for pretrial

detention. On May 30, Phnom Penh Municipal Court sentenced the 23 protesters to time served and ordered their release.

### **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 or a suspect released. 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 law, 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.

Lawyers for the 23 protesters arrested on January 2 and January 3 were granted access to the clients within 24 hours of their arrest. Subsequently, however, the detainees were transported to a detention center in Kampong Cham Province without notice where they were held incommunicado until January 8.

Arbitrary Arrest: ADHOC reported at least 22 cases of arrest or detention that it considered arbitrary as of June but offered no specific examples. ADHOC stated that victims in 16 arbitrary detention cases 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 of city streets. According to an NGO source, detainees typically lost all money and belongings in the course of a sweep, which authorities said were part of an effort to “regulate society.” Authorities placed the

detainees in a Ministry of Social Affairs, Veterans, and Youth (MOSAVY)-operated rehabilitation facility 15 miles from Phnom Penh or with local NGOs, but often those placed with NGOs were released back to the streets within hours.

On June 6, the Phnom Penh city government issued a directive to round up street children, merchants, and panhandlers for placement in care centers. During the roundup operation, authorities detained 13 children and 23 adults and placed them with the NGO Pour Sourir Les Enfants (PSE), with which authorities claimed they had collaborated in the operation. Upon learning that all those handed over to PSE had been taken off the streets without consent, the NGO released the children to the care of their parents and allowed the adults to leave.

Pretrial Detention: The law allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. As of June, the Ministry of Interior reported 3,566 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 did often during important Buddhist religious ceremonies and national holidays. In April and May, the king granted royal pardons to 892 prisoners in honor of Khmer New Year and Visak Bochea Day (a religious celebration day).

#### **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 benefit.

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, as in past years, rich or powerful defendants, including members of the security forces, paid money to victims and authorities to drop criminal charges in many cases. 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 politically sensitive or involved a high-ranking official or socially well-connected individual.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel often effectively were denied the right to a fair trial. According to the bar association, as of August there were 725 lawyers providing legal services throughout the nation. 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.

### **Political Prisoners and Detainees**



On July 15, police arrested four opposition Cambodia National Rescue Party (CNRP) lawmakers-elect during their protest demanding authorities lift restrictions at Freedom Park. The arrest happened after protesters clashed with Daun Penh district security forces; the incident left nine security force personnel injured. The next day police arrested another CNRP lawmaker-elect and a youth activist, and on July 17, police arrested two more CNRP lawmakers-elect. Authorities detained the seven arrested CNRP lawmakers-elect and one youth activist in Prey Sar prison awaiting trial. On July 22, Phnom Penh Municipal Court released the arrested CNRP lawmakers-elect and youth activist on bail after Prime Minister Hun Sen and CNRP President Sam Rainsy agreed to end a political impasse that stemmed from the disputed 2013 national elections. On November 11 and November 12, police officers arrested two CNRP officials on charges of insurrection stemming from the July 15 clashes. Many observers interpreted these actions as a means to pressure the opposition party in stalled talks to reform the National Election Committee (NEC).

### **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 inhabited state buildings and land (excluding public lands, such as parks) 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 May the Ministry of Land Management reported that almost 500,000 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 2013. 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 75 land-related cases as of June. During the same period, another NGO received 51 land-related cases in Phnom Penh and 12 provinces that affected 4,495 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**

While the constitution provides for freedom of speech and press, 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.

Violence and Harassment: At times government security forces attacked journalists. On May 2, Daun Penh district security guards chased and beat Voice of Democracy (VOD) journalist Lay Samean as he reported on a council election campaign event at Phnom Penh's Freedom Park, a site designated for demonstrations and other large events. Samean sustained serious injury to his face, which required medical treatment in Thailand. VOD filed a lawsuit against the district deputy governor, and as of August, Phnom Penh Municipal Court had not taken any action on the complaint.

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

## **Internet Freedom**

There were no reports that government restricted access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. Internet access was widely available, particularly in urban centers, and some 28 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, although scholars tended to be careful when teaching political 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 demonstrators. Press reported that numerous public protests took place, most related to land or labor disputes.

In response to the increased violence from labor protests, the government banned all political gatherings in Phnom Penh on January 4. Government enforcement was inconsistent; at times small land rights demonstrations were allowed and a large pro-government rally occurred without interference. Freedom Park was barricaded and closed from January 4 until August 6, the day the opposition party returned to the National Assembly. During this period authorities dispersed several peaceful assemblies, at times resulting in clashes, injuries, and arrests.

While the ban on assembly was limited to Phnom Penh, on January 21, CNRP leaders called off plans to meet with CNRP supporters in Sa Ang district, Kandal province after several hundred alleged supporters of the CPP staged a counter-protest at the arranged venue. Military and provincial police on scene reportedly did little to ensure security for the opposition party supporters.

## **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/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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.

Emigration and Repatriation: At least 250,000 Cambodian migrant workers, including more than 15,000 children, were voluntarily repatriated from Thailand to Cambodia following a Thai governmental announcement that it would deport illegal migrants living in Thailand. As people returned Cambodian authorities worked closely with civil society and the International Organization for Migration to provide shelter, food and water, medical care, and free transportation from the border to home villages upon arrival at the border.

### **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. Protections are provided in accordance with the 1951 Refugee Convention and the

1967 Protocol, but concerns persisted about the capacity of the system to handle large numbers of refugees.

### **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 on 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 reported 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 ability to change their government through the right to vote in free and fair elections, and citizens generally exercised this right on the basis of universal suffrage.

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

Recent Elections: The most recent national elections, held in July 2013, were generally peaceful, and all parties participated without interference 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 NEC took no significant

corrective action. Observers indicated 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 until an agreement occurred on July 22 between the two parties to reform the NEC.

Political Parties and Political Participation: Some NGOs and political parties alleged that membership in the dominant CPP 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 2013 national elections. There were 25 women officially listed as parliamentarians in the 123-seat National Assembly 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 24 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 frequently engaged in corrupt practices with impunity. There were isolated reports of government corruption during the year.

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.

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, as 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.



The United Nations or 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 January he met with Prime Minister Hun Sen and several other senior government ministers including the president of the Cambodian Human Rights Committee Om Yengtieng. During his second visit in June, he met with Interior Minister Sar Kheng and other senior government members. In both of his visits, he met with civil society organizations and opposition party leaders.

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, but there was no evidence these comments inhibited the work of the court.

On August 7, the ECCC announced a guilty verdict against top-tier former Khmer Rouge leader, Nuon Chea, and former head of state, Khieu Samphan, for crimes against humanity, murder, political persecution, and other inhumane acts related to the forced movement of the urban population into rural areas; as well as murder and extermination through the executions of Khmer Republic officials at Tuol Po Chrey. The court sentenced the two to life imprisonment. The court will next hear charges related to later crimes of the regime, including the genocide of the Cham minority, forced marriages and rape, internal purges, and charges arising out of crimes committed at certain security centers and worksites.

## **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 effectively enforce these prohibitions. 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. 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. In a 2013 UN report, close to 20 percent of 1,863 men interviewed admitted to having raped a woman.

As of June the human rights NGO ADHOC received 81 reports of rape. Of these, the courts tried 12 cases, local authorities mediated one case, and the remainder awaited trial. ADHOC reported 56 cases of domestic violence as of June, whereas another NGO documented 71 cases of domestic violence in the same period. Of the latter, two cases of domestic violence each resulted in the death of a victim. While cases of rape and domestic violence were likely underreported because of women’s fear of reprisal by perpetrators, there was a downward trend from previous years. 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.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, but there were no reported incidents of this practice.

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 (\$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 have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, as well as the right to attain the highest standard of reproductive health free from discrimination, coercion, and violence. Women have access to contraception and prenatal care as well as skilled attendance at delivery and postpartum care, but access often limited due to income and geographic barriers. According to a UN Population Fund Survey, the maternal mortality ratio in 2013 was 170 deaths per 100,000 live births. Major factors influencing high maternal mortality rates included the lack of proper health facilities, medication, and skilled birth attendants. The modern contraceptive prevalence rate among married women aged 15 to 49 was approximately 35 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-eight 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 citizenship. Indigenous Khmer are considered citizens. The Ministry of Interior administered a modernized birth registration system, but not all births were registered immediately principally due 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 people 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 providing 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, but 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.

Corruption in the education system also had deleterious effects. When the Ministry of Education put in place measures to prevent corruption and cheating in connection with the national exam required to graduate from high school, nearly 75 percent failed to pass, according to press reports.

Child Abuse: Observers considered child abuse to be common, although statistics were not available. Child rape remained a serious problem. ADHOC reported 60 cases of rape and attempted rape committed against persons under the age of 18.

Early and Forced Marriage: The legal minimum age of marriage for boys and girls is 18 years. 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.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, but there were no reported incidents of this practice.

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 June the Ministry of Interior reported the arrests of three 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 the production and possession of 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 200 to 400 children lived with their families on the streets in Phnom Penh.

Institutionalized Children: The Ministry of Interior reported that at least 34 children under the age of six were living with their mothers in prison as of June. A local NGO reported there were 37 such children in 19 prisons and claimed 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 annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## 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 Ministry of Social Affairs, Veteran and Youth Rehabilitation (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 all television channels adopt sign-language interpretation for programming. As of August 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 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.

On February 15, a group of men beat 28-year-old Vietnamese national Nguyen Yaing Ngoc to death in Meanchey district, Phnom Penh after he was involved in a minor traffic accident that escalated into a fistfight. After an onlooker shouted, “Yuon [a pejorative term for ethnic Vietnamese] fights Khmer,” a group converged on the victim. After the incident, police arrested Von Chanvutha for inciting people to beat and kill Nguyen. On June 9, after more than three months of investigation, the Phnom Penh Municipal Court acquitted Von Chanvutha due to insufficient evidence of guilt.

### **Indigenous People**

In support of efforts by indigenous communities to protect their ancestral lands and natural resources, the Ministry of Land issued communal land titles for eight indigenous communities in Ratanakiri and Mondulakiri provinces. In 2014 the Ministry of Land is processing additional land titles for seven more indigenous communities in Mondulakiri, Kratie, and Ratanakiri provinces. 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.

### **Acts of Violence, Discrimination, and Other Abuses 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 sixth annual Gay Pride Week, a week-long series of events highlighting

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.

### **HIV and AIDS Social Stigma**

A 2010 Demographic and Health Survey noted that 21 percent of women and 18 percent of men reported discriminatory attitudes towards those living with HIV. UNAIDS reported 75,000 people living with HIV in 2013.

## **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, in cases where there are multiple unions in an enterprise.

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. The International Labor Organization (ILO) requested the government ensure public employees have the legal right to freedom of association and collective bargaining. 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 workers can strike only after several requirements have been met, including: the failure of other methods of dispute resolution (such as negotiation, mediation, or arbitration), a secret-ballot vote of the union membership, and seven-day's 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. The law provides for the protection of strikers from reprisal. The law also provides union leaders with protection from dismissal.

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 the union within an enterprise that has 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 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, however, allows third parties to raise objections to granting a union most-representative status, which could be grounds for government refusal. The ILO noted that allowing third party objections runs counter to internationally agreed labor rights related to freedom of association and collective bargaining.

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 (see section 1.e.). There is no specialized labor court.

Workers reportedly experienced obstacles in exercising their right to associate freely, as some employers reportedly refused to sign the notification letters recognizing 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 antiunion discrimination was inconsistent. Acts of antiunion discrimination, intimidation, and retaliation by employers almost always

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. During the first six months of the year, at least five independent unions reported they could not register newly established union representatives at approximately 30 factories because the MOLVT required additional information, such as criminal records of proposed union representatives. The MOLVT denied allegations of refusing to register new unions and said its procedures conformed to the law.

The government's enforcement of collective bargaining rights was inconsistent. The MOLVT formally warned 178 companies of legal violations of the labor law 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 the year, the MOLVT reported that it received 65 cases of non-strike-related disputes, and its Department of Labor Disputes reportedly resolved 14 of these cases successfully. During this same period, there were 67 strike-related complaints filed with the MOLVT, of which 21 cases were resolved successfully. The Department of Labor Disputes sent the 97 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 174 cases, a 24 percent increase from the same period last year. The council reported that of the 174 cases, the council resolved 48 by ordering an arbitration award, 65 were settled among the parties before an award was ordered, 20 cases were closed due to lack of participation or cooperation by the parties, and the remaining cases were ongoing.

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

Organization among public-sector workers continued to face significant obstacles. The Cambodian Independent Teachers Association is registered with the Ministry of Interior 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.

In December 2013, thousands of garment workers walked off their jobs to protest the government's plan to increase their monthly minimum wage to 385,000 riel (\$95), an amount significantly less than unions' demands for 650,000 riel (\$160) per month. Over the next several days, the protests increased in size and scope. On January 2, security forces clashed violently with more than 500 protesters reportedly throwing rocks in front of the Yakjin Garment Factory in Phnom Penh. On January 3, military police clashed with a different group of protesters outside the Canadia Garment Factory near Phnom Penh. Protesters reportedly burned tires and threw rocks at security forces after authorities attempted to break up the protest. Police responded by firing tear gas and eventually live ammunition, resulting in the deaths of four persons and injuries to more than 35 others (see section 1.a.).

Police arrested and detained 23 individuals at the sites of the January 2 and 3 protests. The detainees were released from prison in May after the Phnom Penh Municipal Court tried and convicted them for inciting violence but suspended their sentences. Observers heavily criticized the detention of these individuals and the conduct of the court proceedings against them, saying those detained were exercising their right to protest and were detained without due process.

The government imposed a ban on all public assemblies or rallies, which it enforced on an ad hoc basis, after the January 2-3 violence. The government allowed most strikes held at factories, despite the fact that strikers rarely provided the legally required advanced notice. The government did deny worker requests to hold protest marches outside factory areas. Additionally, police intervened when garment workers blocked major thoroughfares in Phnom Penh.

In June 2013 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. In October 2013 the Appeals Court upheld the verdict, but as of October, Chhouk Bandith remained a fugitive.

There were credible reports of antiunion 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 promanagement unions or compromised union leaders by jeopardizing their employment. Following violent labor protests in November 2013, the Garment Manufacturers Association in Cambodia (GMAC) filed complaints in the Phnom Penh Municipal Court against six independent union federations, alleging that the federations incited workers to violent protests, which resulted in damage to factory property and production. As of June, five independent unions reported that 39 union representatives in 11 factories were dismissed due to their union affiliation.

Despite legal provisions protecting strikers from reprisals, there were credible reports of workers 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 no remedies 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 2012 the GMAC 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 and July 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 difficulties in verifying working conditions and salaries in the fishing, agricultural, construction, and domestic sectors due to the informal nature of their work.

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

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

The law establishes 15 years 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 banned 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 dedicated to child-labor issues. Outside Phnom Penh at the municipal and provincial levels, 27 inspectors worked on child-labor issues; however, because they also performed various administrative duties, they did not have a sole focus on child-labor concerns. 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 most widespread in agriculture, brick making, portering, salt production, shrimp processing, fishing, domestic service, rubber production, textiles, logging, slaughterhouses, and the production of alcoholic beverages. Children also worked as beggars, street vendors, shoe polishers, and scavengers. Instances of child labor occurred in the garment, footwear, and hospitality sectors. In its annual report for the period of May 2013 to April 2014, Better Factories Cambodia (BFC), an independent monitoring program for the garment sector, found that 14 of the 371 factories covered in the report employed workers who were under 15 years old at the time of hiring.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits employment discrimination on the basis of race, color, sex, belief, disability, religion, political opinion, birth, social origin, or union membership. The constitution stipulates that Khmer citizens of either sex shall receive equal pay for equal work. The government generally did not have the capacity to enforce these laws. BFC reported that in the garment sector, factory management heavily discriminated against men with respect to hiring and providing benefits. BFC estimated that only 10 to 15 percent of garment-factory workers were men. The ILO noted with concern reports of antiunion discrimination by employers through interference and dismissals of members of independent unions, as well as through the creation of employer-backed unions. The ILO Committee of Experts called for revised legislation to provide adequate protection against antiunion discrimination and sufficiently dissuasive penalties (see section 6).

#### **e. Acceptable Conditions of Work**

The law gives the MOLVT authority to establish a minimum wage based on recommendations from the Labor Advisory Committee (LAC), a tripartite group composed of representatives from the Cambodian government, unions, and employer organizations. In December 2013 the Ministry of Labor and Vocational Training announced a new minimum wage of 365,000 riel (\$90) per month, a 60,000 riel (\$15) increase. After the announcement, mass protests erupted because the increase was significantly less than the 650,000 riel (\$160) monthly wage unions had been demanding. After a week of protests, the Labor Minister announced an additional 20,000 riel (\$5) increase to 405,000 riel (\$100) per month; however, the protests continued and turned violent on January 2 and 3. 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. On November 12, the LAC recommended the government raise the minimum wage to 498,000 riel (\$123). Shortly after the LAC made its announcement, Prime Minister Hun Sen ordered the labor ministry to raise the minimum wage by 20,000 to 519,000 riel (\$5-\$128). The ministry announced that the new \$128 minimum wage would go in effect January 1, 2015.

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 coerced 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 labor ministry's Department of Labor Inspection is the primary enforcement agency and issued companies 178 warnings about labor-law violations in the first six months of the year. Although the ministry reported that it employed labor inspectors, the lack of financial resources, endemic corruption, and insufficient penalties hindered efficiency. Citing a lack of financial and human resources, the Ministry of Labor did not conduct sufficient regular factory inspections.

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 6,594 cases of work-related injuries, including 51 fatalities. During the same period, the NSSF reportedly fined seven companies that did not comply with the NSSF's rules and regulations and sued three others in court.

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, 896 workers fainted in 16 factories across the country while performing their jobs. No serious injuries were reported as a result of the fainting. Observers report that poor ventilation, lack of proper nutrition for workers, and toxic fumes from the production process all contributed to the mass faintings.