

# CAMBODIA

## EXECUTIVE SUMMARY

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

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

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

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

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

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

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

For example, on March 8, police officers led by Kim Rith, then the acting police chief of Samlot District in Battambang Province, shot and killed Leng Rin during an arrest attempt. The provincial court ordered the police to escort Leng to court for questioning about a murder. The police claimed that Leng was shot while resisting arrest. A local NGO, however, alleged that this was an unlawful killing and helped the victim's family file a criminal complaint against the police officers. At year's end the case was pending and no hearing date set. Kim Rith remained free and on duty as the acting police chief.

In early February and late April, there were clashes and exchanges of artillery fire reported between Cambodian and Thai security forces in the area of the Preah Vihear temple/border dispute that resulted in unconfirmed reports of at least one Thai civilian killed, thousands of Cambodian and Thai villagers temporarily displaced, and civilian property damaged.

### **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, and the number of incidents reportedly increased from 2010.

There were credible reports that military and civilian police officials used physical and psychological torture and on occasion severely beat criminal detainees, particularly during interrogation. As of November NGOs reported that authorities tortured at least 129 prisoners, 124 in police custody and five in a prison. Kicking, punching, and pistol whipping were the most common methods of physical abuse reported, but electric shock, suffocation, caning, and whipping with wires were also used. NGOs reported that it was not uncommon for police to torture detained suspects until they confessed to a crime. Courts used forced confessions as legal evidence during trial, despite admissibility prohibitions under the law.

On March 24, two police officers in Preah Sihanouk Province allegedly beat a suspect to compel him to confess to his involvement in a street fight. The victim, who was seriously injured as a result, filed a complaint with the provincial court. As of November the case was pending with no set hearing date.

In June a provincial court, citing insufficient evidence, dropped the case against a police officer in Thnoat Chum commune who in May 2010 allegedly beat and administered electric shocks to a person to obtain his confession in a street fighting case. The alleged victim had filed a complaint with the provincial court, which had charged the police officer with physical assault.

As of October the NGO Cambodia Human Rights and Development Organization (ADHOC) reported 108 cases of use of force against civilians by local authorities, government agents, or private bodyguards of government officials during the year, compared with 86 cases in 2010. In some instances police used force to counter the threat of violence or acts of violence on the part of demonstrators. In other instances police used force against peaceful demonstrators after demonstrators interfered with traffic and refused orders to disperse.

There were 11 government-operated drug rehabilitation centers. Most observers agreed that the majority of detainees in such facilities were involuntarily, committed to the facilities by law enforcement authorities or family members, and that as many as one-third of detainees were under the age of 18. Employees of the centers frequently controlled detainees by tying them up or 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. The Prison Department reported 32 prisoners died while in custody as of September. Police claimed that they investigated the deaths and found evidence of preexisting conditions or other illnesses.

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

According to the Ministry of Interior Prison Department, as of September there were 15,361 prisoners and detainees, including 1,240 women and 451 juveniles. There were 27 prisons in the country, which were designed to hold up to 11,000 persons. There were reports at some prisons that cells of 40-by-20 feet held up to 110 prisoners.

In most prisons there was no separation of adult and juvenile prisoners, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. Pretrial detainees were routinely held together with convicted prisoners. According to government statistics, an estimated 28 percent of prisoners held in municipal and provincial prisons were pretrial detainees as of September.

Prisoners and detainees were routinely allowed access to visitors, although rights organizations confirmed that families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities. NGOs also related accounts that prisoners whose families bribed prison authorities received preferential treatment, including access to visitors, transfer to better cells, and the opportunity to leave cells during the day. Although greater use of alternatives to imprisonment would help reduce the detainee and convict population, there was little progress in making use of alternatives. Bail was underutilized, and the parole system authorized in the code of criminal procedure had not been implemented by year's end. A local NGO representative noted that the government lacked the requisite capacity to implement such programs.

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

Prisoners and detainees were allowed to observe their own religion.

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

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

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

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

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

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

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

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

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, but police may arrest without a warrant anyone caught in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before charges must be filed. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. However, authorities routinely held persons for extended periods before charging them. There was a functioning bail system; however, 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 prisoners routinely were held incommunicado for several days before gaining 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 68 cases of arrest or detention that it considered arbitrary as of October but offered no specific examples. ADHOC stated that victims in 25 arbitrary detention cases subsequently were freed following detainee complaints, interventions by human rights NGOs, or payment of bribes. ADHOC believed that the actual number of arbitrary arrests and detentions was higher because some victims in rural areas did not file complaints due to difficulty in traveling to ADHOC's offices or concern for their family's security. According to ADHOC, 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 the homeless, mentally ill, drug users, or commercial sex workers--during systematic street sweeps. Detainees typically lost all money and belongings in the course of a sweep. Authorities called the street sweeps part of an effort to "regulate society." Occasionally authorities placed the detainees in a Ministry of Social Affairs, Veterans, and Youth (MOSAVY)-operated rehabilitation facility 15 miles from Phnom Penh. Detainees were told they were free to leave but would not be provided transportation.

Pretrial Detention: The criminal procedures code allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. One in every 17 detainees in pretrial detention was held longer than the legal time limit, sometimes without legal representation. As of September the Ministry of Interior reported having 246 persons in pretrial detention in excess of the legal time limit permitted

for the charged offense. Additionally, some courts lost case files during pretrial detention periods, delaying court procedures.

Amnesty: The king may grant amnesty in certain cases, which he often does during important Buddhist religious ceremonies and national holidays. The Ministry of Interior reported that King Norodom Sihamoni pardoned 68 persons as of September.

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

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

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

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

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

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials or 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.

The January 2010 death of Lon Chhun Leng was an example of judicial ineffectiveness. A local human rights organization reported that Chil Sarath and Sun Vantha, two police officers in Kandal Province, attacked Lon after an argument at a wedding party. Lon subsequently died from his injuries, and the

victim's family filed a complaint with the provincial court. At year's end no hearing date had been set, and the two police officers remained free.

### **Trial Procedures**

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

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel were often effectively denied the right to a fair trial. According to the bar association, approximately 30 percent of the country's 751 lawyers provided pro bono legal counsel to poor persons, which was inadequate to cover the basic legal rights of all of the country's poor.

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

There were no developments regarding the 2004 murder of labor leader Chea Vichea. Chea, who was the president of the Free Trade Union of Workers of the Kingdom of Cambodia, was shot and killed in Phnom Penh. Within a week, two suspects, Bom Samnang and Sok Sam Oeun, were arrested by police and later



sentenced to 20 years in prison for their roles in the crime. However, the case was appealed to the Supreme Court, which overturned the Appellate Court's decision and released Bom and Sok on bail. The case was subsequently sent back to the Appellate Court, where it was pending at year's end.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

The country has a judiciary in civil matters, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Generally, there are both administrative and judicial remedies. Enforcing a court order for a civil or criminal case often was a problem. Unlike in previous years, there were no reports of vigilante actions during the year.

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

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

Forced collectivization under the Khmer Rouge and the movement of much of the population left land ownership unclear. The land law states that any person who peacefully possessed private or state private property (not state public land) without contention for five years prior to the 2001 promulgation of the law has the right to apply for a definitive title to that property. Most of the country's impoverished population 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 and 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.

Cases of inhabitants being forced to relocate continued; the number of cases reported increased from 2010. Some persons also used the threat of legal action or eviction to intimidate the poor and vulnerable into exchanging their land for compensation below market value. ADHOC reported receiving 220 land-related cases during the year. During the same period, another NGO received 98 land related cases in Phnom Penh and 13 provinces, affecting 11,377 families. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those expelled successfully contested these actions in court, but the majority of the cases in the courts have not yet concluded.

On April 29, approximately 100 military police officers confronted a group of 2,000 villagers who blocked National Road 76 in Mondulhiri Province's Keo Seima District to protest the clearing of their land by CPP Senator Mong Rithy. The disputed land area of approximately 12,500 acres was part of an economic land concession in Srae Khtom commune granted by the government in 2007 to the Rithy Kiri Siema company. At that time surveyors entered the area and began partitioning the villages for a proposed rubber plantation, and by 2009 the company sent its first excavators into the area. Some villagers claimed that they bought their land long enough ago to entitle them to land titles under the 2001 Land Law and claimed they had documents that substantiated their claims, but local authorities refused to grant them titles. Neither the government nor the courts offered a venue in which residents could contest the local authorities' decision or otherwise pursue their claims. At year's end the government had not offered any form of restitution or compensation to the villagers, but the local authorities had established a committee to help resolve this issue.

On June 9, a clash between police and villagers in Kampong Speu Province resulted in injuries on both sides. A local NGO reported that 400 villagers blocked Road 51 to prevent enforcement of a court order to remove them from some contested land and attacked police with stones, knives, machetes, and sticks. Police fired on the protesters but fled after having failed to enforce the court order.

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

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

#### **Status of Freedom of Speech and Press**

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

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

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

On January 25, the Kampong Chhnang Provincial Court convicted Sam Chankea, an ADHOC staffer, for defamation due to comments he made regarding a land dispute involving the KDC International Company. The company alleged that Sam told Radio Free Asia that it was “clearing” the disputed land, whereas KDC contended that it was merely “channeling” around the area. The court ordered Sam to pay a fine of one million riels (\$244) and an additional three million riels (\$731) to the company as compensation. The company is reportedly owned by Chea Kheng, the wife of the minister of industry, mining, and energy.

Freedom of Press: All major political parties had reasonable and regular access to print media. All major Khmer-language newspapers received financial support from individuals closely associated with a political party and were politically aligned. There were an estimated 20 Khmer-language newspapers published regularly. During the year there were three pro-opposition newspapers publishing regularly, compared to one in 2010. Another pro-opposition media outlet maintained a Web site, but only sporadically published a newspaper. Although the five newspapers with the largest circulations were considered pro-CPP, most newspapers criticized the government, particularly with regard to corruption and land acquisition. The prime minister, royalist party leaders, and opposition party leaders frequently came under attack.

The government, military forces, and the ruling political party continued to dominate the broadcast media and influence the content of broadcasts. There were 10 domestic television stations and approximately 50 radio stations. All television stations and most radio stations were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties.

Censorship or Content Restrictions: On August 4, the Ministry of Interior suspended Samakum Theang Thnout (STT), a local NGO, for the rest of the year, allegedly due to its advocacy work in land dispute cases, but officially for STT's failure to meet administrative requirements. The ministry accused STT of attempting to block an Asian Development Bank-funded railway rehabilitation project by encouraging displaced persons to file complaints. The ministry released a statement on August 13 that accused STT of "inciting villagers" set to be displaced by the railway project.

Leang Sochoeun appealed his August 2010 conviction and sentencing to two-years' imprisonment for distributing leaflets critical of the relationship between the government and Vietnam, which the prosecutor claimed was insulting to the government and to former king Norodom Sihanouk. As of December no date to hear the appeal had been set.

There were no reports during the year that journalists, publishers, or distributors were subject to harassment or intimidation, but reporters and editors privately admitted to some self-censorship due to fear of government reprisals.

Libel Laws/National Security: Regarding the defamation suit filed by Foreign Minister Hor Namhong against opposition leader Sam Rainsy, on April 25, the Phnom Penh Municipal Court sentenced Sam Rainsy in absentia to two years in prison for incitement and on charges that he had defamed the foreign minister.

On June 2, the Supreme Court upheld the defamation verdicts of the trial and appeals courts against opposition parliamentarian Mu Sochua for comments she made in a press conference that allegedly defamed the prime minister. The court ordered Mu to pay a fine of eight million riels (\$1,950) plus compensation to the prime minister of 8.5 million riels (\$2,070). Mu refused to pay. On July 15, the Phnom Penh Municipal Court asked the National Assembly to dock Mu's salary as a lawmaker to cover the compensation owed to the prime minister; the National Assembly approved the request on July 29 and began deducting four million riels (\$975) per month from Mu's salary. Mu sought restoration of her immunity, but no action was taken to restore it.

## **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.

Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

However, there were credible allegations that government actors successfully pressured certain Internet service providers to block access for a few days in February to a well-known Web site (KI-Media) critical of the government. Access was quickly restored after public outcry by media, NGOs, and government officials, and there were no other such incidents during the year.

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

In general there were no government restrictions on academic freedom or cultural events. However, scholars tended to be careful when teaching politically related subjects due to fear of offending politicians. In addition, the government banned public screenings of a controversial film about the 2004 murder of Chea Vichea, a prominent labor leader (see section 1.e.).

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

#### **Freedom of Assembly**

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

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

On September 9, the Housing Rights Task Force (HRTF), a local NGO, submitted an official request to the Municipality of Phnom Penh to celebrate World Habitat Day at a public park. The HRTF planned to invite an estimated 500 participants from various communities that were embroiled in land disputes. The event was slated to feature a guest speaker to talk about climate change and land issues and did not involve mass marches on public roads. The municipality denied the permit without explanation.

On April 21, approximately 100-200 protesters gathered in front of Phnom Penh City Hall to demand a meeting with Phnom Penh Governor Kep Chuktema and to address grievances over the Boeung Kak Lake land concession. The demonstration spilled over, obstructing traffic on a major thoroughfare. When the protesters failed to heed warnings to disperse, police moved in to surround them. Equipped with riot shields and batons, police stood shoulder to shoulder and walked forward, attempting to corral the protesters and persuade them to depart. Protesters fought back, pushing police officers, and the incident degenerated into violence.

As of October ADHOC reported 41 protests, most of which were related to land or labor disputes.

### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right in practice; however, the government did not effectively enforce it with regard to worker rights (see section 7.a.).

In December 2010 the government released for public comment a draft Law on Associations and Nongovernmental Organizations. International and domestic NGOs expressed significant concerns about the proposed law, which included language that imposed burdensome reporting requirements on NGOs, prevented associations with fewer than 21 members from attaining legal status, and erected barriers to the registration of foreign NGOs. Foreign governments expressed concern that the proposed law would greatly increase the government's regulation of both civil society and foreign NGOs. Over the course of the year the government modified the draft law in several ways, including to establish a right of appeal of adverse registration decisions and exclude smaller NGOs (known as community-based organizations) and short-term international NGOs from coverage. The draft law remained problematic for many civil society organizations. In December the prime minister announced that government-civil

society consultations on the draft law would continue until consensus was reached; the draft law remained with the Ministry of Interior for revision.

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

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

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

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

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

### **Protection of Refugees**

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

### **Stateless Persons**

The country had habitual residents who were de facto stateless, and the government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality. Under the nationality law, citizenship may be derived by birth from 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. However, the study's estimates

came from anecdotal evidence from NGOs, and local UNHCR representatives did not consider the figure conclusive. The most common reason for statelessness was lack of proper documents from the country of origin.

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

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

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

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

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

Parties could register, and individuals were free to declare their candidacy without restrictions.

Political Parties: Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts, access to government emergency aid, and economic land concessions. There were no reports of members of the opposition parties receiving similar economic land concessions.

Participation of Women and Minorities: Traditional culture limited the role of women in government; however, women took part in the May 2009 indirect provincial and district council elections. There were 26 women in the 123-seat National Assembly and nine women in the 61-seat Senate. There was a female deputy prime minister and 62 female ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisers, and there were 51 female judges and prosecutors in the



municipal and provincial courts, appeals court, and Supreme Court. Although there were no female governors, the government appointed women as deputy governors in all of the 23 provinces and the Phnom Penh Municipality (there are a number of deputy governors in each province). The National Election Committee reported that women held 15 percent of commune council seats and 13 percent of district and provincial council seats.

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

#### **Section 4. Official Corruption and Government Transparency**

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

The penal code defines various corrupt acts and specifies the applicable penalties for such acts. The anticorruption law provides the statutory basis for the National Council against Corruption and the Anticorruption Unit (ACU) to receive and investigate corruption complaints. Public servants are subject to financial disclosure provisions.

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

On January 12, Lieutenant General Moek Dara, one of the country's senior counternarcotics officials, was arrested and put in pretrial detention for corruption and drug-related offenses. As of December his trial was pending at Banteay Meanchey Provincial Court, and he faced a possible life sentence if convicted.

On May 12, former Pursat governor Top Chan Sereivuth was sentenced to 19 years' imprisonment after being found guilty of corruption, extortion, and false

imprisonment. The verdict by the Pursat Provincial Court marked the first high-profile ruling to follow an arrest by the recently created ACU. Top was arrested in November 2010, four months after the anticorruption law was passed.

The National Archives Law allows unlimited access to informational documents in the public archive. However, the law grants access to other unspecified government documents only after 20 years, and documents affecting national security and preservation of life may be released only after 40 and 120 years, respectively. Some NGOs reported that in practice it was difficult for them to access information; the government frequently did not or could not answer requests for information.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often cooperated with human rights workers in performing their investigations; however, there were multiple reports of lack of cooperation and, in some cases, intimidation by government officials.

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

Domestic and international human rights organizations faced threats and harassment from local officials. These took the form of restrictions on and disruptions of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction. Unlike in past years, there were no reports of public interest lawyers being denied access to detained clients in some human rights abuse cases, nor were there reports of attempts to intimidate NGO representatives not to speak with the media about such cases.

UN and Other International Bodies: The government generally cooperated with international governmental bodies and permitted visits by UN representatives. Surya Subedi, the UN special rapporteur on human rights in Cambodia, made visits in January, June, and December, during which Subedi met with the prime minister and other senior government officials.

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 a Cambodian Human Rights Committee that reported to the prime minister's cabinet. The committees did not have regular meetings or a transparent operating process. The Cambodian Human Rights Committee submitted government reports for participation in international human rights review processes, such as the Universal Periodic Review, and issued responses to reports by international government bodies, but it did not conduct independent human rights investigations. Credible human rights NGOs considered the government committees to have limited efficacy.

The government hosted the hybrid Extraordinary Chambers in the Courts of Cambodia (ECCC), which was administered jointly with the UN to try Khmer Rouge leaders and those most responsible for the abuses of the Khmer Rouge period. Some observers believed that public comments by government leaders on matters related to the ECCC's jurisdictional mandate constituted a form of political interference; however, there was no evidence that these comments inhibited the work of the court in any way. On October 10, the ECCC's international coinvestigating judge resigned. Although he cited as his reason for resigning concern that public comments by government leaders could lead others to question his ability to resist political interference, he did not allege actual interference and at the time of his resignation faced intense criticism from other international judges at the ECCC and NGOs for his conduct while in office.

On June 27, the ECCC opened Case 002 against former Khmer Rouge "brother number 2" Nuon Chea, former minister of foreign affairs Ieng Sary, former minister of social affairs Ieng Thirith, and former head of state Khieu Samphan on charges of genocide, crimes against humanity, and grave breaches of the Geneva Conventions. The court continued to consider allegations against five other former Khmer Rouge officials, but a decision on prosecution was not made in those cases. The court also continued to consider an appeal from Kaing Guek Eav (alias Duch), who was convicted in Case 001 in 2010.

## **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.

## Women

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

One NGO received 421 reports of rape as of October. Of these cases, 72 were tried by the courts, 39 mediated by the court or police, with the remainder awaiting trial. For domestic violence there were 461 reported cases as of October; courts tried only 12 of these cases. Another NGO documented 161 cases of domestic violence affecting 161 victims and 78 cases of rape affecting 79 victims in 13 provinces and Phnom Penh by the end of October. Six cases of domestic violence and two cases of rape resulted in the deaths of eight victims. As of June the Ministry of Interior’s Anti-Trafficking Department investigated 238 cases of violence against women and children, resulting in the arrests of 239 perpetrators and the rescue of 249 victims. Of the 238 cases, 140 were for rape and attempted rape. The ministry reported that one case of rape resulted in the death of the victim. The number of cases likely underreported the scope of the problem, due to ineffective enforcement, inadequate crime statistics reporting, and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

On April 6, the Phnom Penh Municipal Court convicted and sentenced two Phnom Penh Meanchey District police officers Uon Dara and Chan Narith in absentia to seven years in prison for reportedly raping a 19-year-old woman in November 2009.

The government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. The Ministry of

Women's Affairs coordinated with an NGO and a local media outlet to produce radio and television programming on women's issues.

Sexual Harassment: The penal code criminalizes sexual harassment, imposing penalties of six days' to three months' imprisonment and fines of KHR100,000 to 500,000 (\$24 to \$122). There were no arrests or prosecutions, however. The government undertook a public awareness campaign specific to women promoting beer sales at entertainment venues, who are reportedly vulnerable to harassment. There was no information on the rate of incidence.

Reproductive Rights: Couples and individuals could decide the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination. Women had access to contraception and prenatal care as well as skilled attendance at delivery and postpartum care, but access was often limited due to income and geographic barriers. According to the Cambodia Demographic Health Survey, the maternal mortality ratio in 2010 was 206 deaths per 100,000 live births. Major factors influencing high maternal mortality rates in the country included the lack of proper health facilities, medication, and skilled birth attendants.

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

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

## **Children**

Birth Registration: By law citizenship may be derived by birth from a mother and father who are not ethnic Khmer if both parents were born and living legally in Cambodia, or if either parent has acquired Cambodian citizenship. Ethnic Khmer are considered Cambodian citizens. The Ministry of Interior administered a modernized birth registration system, but not all births were registered immediately, due principally to parental delay. The system did not include special outreach to minority communities. In addition, children born from the mid-1970s to the mid-1990s often were not registered, a result of the Vietnam/Khmer Rouge occupation/civil war. Many of these unregistered persons who later had families of their own did not perceive a need for registration. It was common for young persons not to be registered until a need arose. The failure to register all births resulted in discrimination, including the denial of public services. A study commissioned by the UNHCR on statelessness in the country stated that the birth registration process often excluded children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration and family books were often denied access to education and health care. They stated that later in life the same individuals may be unable to access employment, own property, vote, or use the legal system.

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

Child Abuse: Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; as of October a local NGO reported 304 cases of rape and attempted rape committed against persons under age 18. Thirty-five of the cases involved children below age five, 73 involved children ages five to 10, and 196 involved children ages 10 to 18.

Sexual Exploitation: Sexual intercourse with a person under age 15 is illegal; however, child prostitution and trafficking in children occurred. During the year raids on brothels rescued underage girls trafficked for prostitution. The Ministry of Interior reported arrests of 21 foreign pedophiles as of November. 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 has a penalty for commercial sexual exploitation of children that ranges from two to 15 years in prison. The law also prohibits child pornography.

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

Institutionalized Children: The Ministry of Interior reported that at least 109 children under the age of six reportedly were living with their mothers in prison as of September. A local NGO reported 73 such children in 19 prisons as of November and claimed that the children were subjected to mistreatment 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. For information, see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

## **Anti-Semitism**

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

## **Trafficking in Persons**

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

## **Persons with Disabilities**

The 2009 Law on the Protection and Promotion of the Rights of Persons with Disabilities 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 MOSAVY holds overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense. The government requested that all television channels adopt sign language interpretation for programming; as of September 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. As of September the Council of Ministers had 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.

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

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

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

### **Indigenous People**



The government often ignored efforts by indigenous communities to protect their ancestral lands and natural resources. Although the 2001 land law requires the registration of communal lands of indigenous people, little was done to implement communal land titling. NGOs called for a moratorium on land sales and land concessions affecting indigenous communities. International and local NGOs were active in educating the indigenous communities about the land registration process and providing legal representation in disputes. NGOs reported loss of agricultural space and livelihoods due to the increased granting of economic land concessions on indigenous land. As of September the NGO Indigenous Rights Active Members reported that it had recorded 14 active land disputes involving minority groups.

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

There were no laws criminalizing homosexual acts, nor was there official discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community, although some societal discrimination and stereotyping persisted, particularly in rural areas. In May several local businesses and NGOs hosted the seventh annual Phnom Penh Pride festival, a week-long series of events that highlighted the LGBT community.

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or health care. However, homosexual conduct was typically treated with fear and suspicion by the general population, and there were few support groups to which such cases could be reported.

There were a few reports of private individuals refusing to employ or rent property to persons based on sexual orientation or gender identity.

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

There was no official discrimination against those infected with HIV/AIDS. Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs.

## **Section 7. Worker Rights**

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

The law permits private-sector workers to form and join trade unions of their own choice without prior authorization. The law also provides for the right to strike and 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 charters and lists of 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 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 law.

The law stipulates that strikes can be held 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 union membership, and a seven-day advance notice to the employer and the MOLVT. There is no law prohibiting strikes by civil servants, workers in public sectors, or workers in essential services. Legal protections are in place to guard workers from reprisal.

Regulations on collective-bargaining rights establish procedures mandating that unions demonstrate they represent workers for the purposes of collective bargaining. These 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 and make considered and reasonable offers and counteroffers, and require the employer to provide the union with facilities and all information requested by the union that is relevant to the bargaining process. The law also provides union leaders with additional protection from dismissal.

Unresolved labor disputes may be brought to the Arbitration Council, an independent state body that interprets labor regulations in the case of collective

disputes, such as when multiple employees are dismissed. Parties may choose whether to consider decisions as binding. If neither party objects to the arbitral award within eight days of its being issued, it automatically becomes binding. Individual disputes may be brought before the courts, although the judicial system was neither impartial nor transparent.

Enforcement of the right of association and freedom from antiunion discrimination was inconsistent. Acts of union discrimination by the employer often went unpunished. Government enforcement of these rights was sometimes hampered by close relationships among government officials, employers, and union leaders. The government also did not devote sufficient resources to enforcement, including trained, experienced labor inspectors.

The government's enforcement of collective bargaining rights was inconsistent. The MOLVT formally warned 401 companies of legal violations, fined 17 companies, and sued five others in the first 11 months of the year. Although the MOLVT often decided in favor of employees, it rarely used its legal authority to penalize employers who defied its orders. Instead, the MOLVT sent 105 cases of unresolved disputes 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. The Arbitration Council received 155 cases from across the country, of which approximately 67 percent were successfully resolved.

The majority of unions were affiliated with the ruling party; others were independent. Union leaders from across the political spectrum complained that the progovernment Khmer Youth Federation of Trade Unions habitually threatened and harassed workers from other unions.

Organization among public-sector workers faced significant obstacles. The Cambodian Independent Teachers Association registered as an "association" due to prohibitions on public-sector unions, and the government frequently denied its requests for permission to march and protest, although the union reported no direct government interference in day-to-day activities. Some members feared that their affiliation with the association could hamper chances of career advancement. Another public sector association, the Cambodian Independent Civil Servants Association, alleged that fears 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 the factory area.

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

Approximately 50 union leaders claimed they were dismissed or suspended without cause during the year. In some factories the management appeared to have established or supported promanagement unions, or compromised union leaders by jeopardizing their employment.

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

Potential remedies exist for such dismissals, although none were particularly effective. The MOLVT may issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement.

### **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. Government officials reported that verifying working conditions and salaries of domestic workers remained difficult due to the informal nature of their work.

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

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

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

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. These inspectors were insufficient to enforce relevant legislation. The law stipulates a fine of 31 to 60 times the prevailing monthly wage for defendants who are convicted of violating the country's child-labor provisions.

On October 8, police from the Anti-Human Trafficking and Juvenile Protection Department raided the T&P Company, a recruitment agency in Kampong Chhnang Province. The company was found to have 35 underage workers, and the operation resulted in the arrest of four individuals who were sent to pretrial detention. On November 14, the Ministry of Interior requested that the Ministry of Labor revoke the company's license.

Child labor was widespread in agriculture, brick making, salt production, shrimp processing, fishing, domestic service, and rubber production. Child labor was also reported in the garment, footwear, and hospitality sectors but to a much lesser extent. According to a 2006 study conducted by the World Bank and other sources, more than 750,000 economically active children were below the absolute minimum working age of 12. An additional 500,000 children (12 to 14 years old) conducting nonlight economic activity were below the minimum age for this type of work. According to the report, more than 250,000 children ages 15 to 17 worked more than 43 hours per week or in hazardous sectors. Three-quarters of economically active children were in the agriculture sector, 15 percent in commerce, 5 percent in small-scale manufacturing, and 2 percent in services. A 2007 study of child domestic workers found that they typically did not attend school, worked long hours with no medical benefits, and received little or no pay.

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

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

The law requires the MOLVT to establish a garment-sector minimum wage based on recommendations from the Labor Advisory Committee. At year's end the minimum monthly wage was KHR244,000 (approximately \$59). The law does not mandate a minimum wage for any other sector. The World Bank defines the poverty level as KHR5,000 (\$1.22) per day.

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

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

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

The government enforced existing standards selectively, in part because it lacked trained staff and equipment. The MOLVT's Department of Labor Inspection was the primary enforcement agency, and during the year it issued companies 404 warnings about labor law violations. The agency's 107 labor inspectors conducted inspections, but endemic corruption and insufficient penalties hindered efficacy.

Although workers had the right to remove themselves from dangerous situations, those who did so sometimes risked loss of employment. In practice work-related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. There were 12,204 cases of work-related injuries and 49 fatalities during the year.

On April 9 and 10, approximately 500 workers fainted at the Huey Chuen shoe factory in Phnom Penh. The head of the Community Legal Education Center's labor program said workers suspected that toxic water or smells might have caused the fainting. Panic, poor nutrition, and fumes also were suspected as reasons for the fainting. On April 11, the president of the Free Trade Union of Workers called on the government to conduct an investigation. The MOLVT held a three-day workshop with industry representatives to discuss possible causes and solutions. The MOLVT obligated social security funds to cover medical care for the workers.

On December 5, the government launched the National Social Protection Strategy (NSPS) for the Poor and Vulnerable, scheduled to remain in effect until 2015. The NSPS envisions a "sustainable, affordable, and effective national social protection system" with programs designed to end chronic poverty, hunger, and unemployment. The government committed to reducing the poverty rate from 25.8 percent in 2010 to 19.5 percent in 2015.