



Cambodia

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Cambodia is a constitutional monarchy with an elected government and a population of approximately 14 million. Following national elections in 2003, the Cambodian People's Party (CPP), led by Prime Minister Hun Sen, and the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC), led by Prince Norodom Ranariddh, formed a coalition government in 2004. The CPP continued to dominate the three branches of government and other national institutions, with most power concentrated in the hands of the prime minister. Although the civilian authorities nominally controlled the security forces, in practice security forces answered to the CPP leadership.

The government's human rights record remained poor. Although there were no reports that the government or its agents committed politically motivated killings, security forces committed extrajudicial killings and acted with impunity. There was little political will to address the failure by government authorities to adhere to the rule of law. Detainees were abused, often to extract confessions, and prison conditions were harsh. Human rights monitors reported arbitrary arrests and prolonged pretrial detention, underscoring a weak judiciary and denial of the right to a fair trial. Land disputes and forced evictions, often accompanied by violence, were a continuing problem. The government restricted freedom of speech and the press through the use of defamation and disinformation suits, controlled or influenced the content of television and radio broadcasts, and at times interfered with freedom of assembly. Corruption was endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of government. Domestic violence and child abuse occurred, education of children was inadequate, and trafficking in women and children persisted. The government offered little assistance to persons with disabilities. Antiunion activity by employers and weak enforcement of labor laws continued, and child labor remained a problem.

In a positive turn, on June 12, the Extraordinary Chambers of the Courts in Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea adopted its internal rules to begin prosecuting senior leaders of the Khmer Rouge regime and those most responsible for committing serious crimes. On July 31, the ECCC charged Kaing Guek Eav, alias Duch, with crimes against humanity and subsequently charged four other senior officials; at year's end all were in detention awaiting trial. In addition, on December 10, the government permitted a Human Rights Day march of 500 human rights activists, monks, and other persons and rally of an estimated 2,500 persons in Phnom Penh.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings. However, human rights nongovernmental organizations (NGOs) reported that extrajudicial killings continued to occur.

The Cambodian Human Rights and Development Association (ADHOC) recorded 53 cases of extrajudicial killings, 14 of which were committed by police, nine by soldiers, six by fishery officials, and the remaining 24 by unidentified government forces. Police arrested perpetrators in four cases.

Political activists continued to be the victims of killings. On February 27, Eang Sok Thoeurn, a Khmer Kampuchea Krom monk, was found dead with his throat cut in the Tronum Chhroeung Monastery in Kandal Province. The deceased monk was discovered the morning after he participated in a demonstration in front of the Vietnamese embassy in Phnom Penh for the rights of Khmer Kampuchea Krom persons living in Vietnam. Police quickly declared the death a suicide and disposed of the body without further investigation. NGOs and Khmer Kampuchea Krom groups suspected the killing was politically motivated.

Active members of political parties were killed during the year, but NGOs and police could not confirm their deaths were

politically motivated. On February 14, three unidentified persons killed Sam Rainsy Party (SRP) activist Chea Sovin, spouse of an SRP candidate for the April commune council elections in Battambang Province. On July 27, three unidentified persons shot and killed Kleb Un, SRP commune-level vice party chairperson in Banteay Meanchey Province. A local police chief reported that the perpetrators fled without robbing the victim or taking anything from the scene. Police arrested one suspect in the case but released him after questioning. In both killings, police stated that investigations continued.

On April 4, police officer Siv Soeun allegedly shot and killed a person he claimed was illegally fishing on private property in the Kompong Siem District of Kampong Cham Province. The victim's family filed a complaint against the police officer but later withdrew the complaint after Siv Soeun allegedly paid the family \$3,000 (12 million riel) in compensation. At year's end Siv Soeun had not been charged or arrested.

On November 15, during the eviction of squatters from state land in Choam Ksan commune, Preah Vihear Province, unidentified government forces killed two villagers who protested the eviction. Approximately 150 police, military police, and soldiers evicted 317 families. There was no official investigation into the killings. Police arrested 18 of the squatters, including a deputy governor, on charges of encroachment on state land. The 18 villagers were imprisoned and awaited trial at year's end.

In June the Prey Veng Provincial Court sentenced one suspect in the November 2006 killing of SRP activist Man Meth to 10 years in prison and two others to six months in prison for conspiring in the killing.

On July 18, the Phnom Penh Municipal Court sentenced Heng Pov, former Phnom Penh police commissioner and under secretary of state of the Ministry of Interior (MOI), to an additional 22.5 years in prison for the 2005 illegal detention of a person, use of illegal weapons, and possession of counterfeit currency. Heng Pov was already serving an 18-year sentence for the 2003 murder of Judge Sok Sethamony, multiple counts of premeditated killings, and involvement in illegal arrests and detentions. During his July trial, Heng Pov stated that Born Samnang and Sok Sam Oeun, the two suspects he ordered arrested in 2005 and who later were convicted for the killing of union activist Chea Vichea, were innocent of the crime. On April 12, the appeals court had upheld 20-year sentences each for Born Samnang and Sok Sam Oeun. Their lawyers submitted grievances to the Supreme Court, and at year's end they awaited Supreme Court action.

There were no developments in the 2006 cases of SRP activists Koent Chhuon and Thoeung Thear, killed in Preah Vihear and Kampong Cham provinces, respectively. Likewise, there were no developments in the cases of Pao Rum and Khat Thoeun, who died in police custody in Kandal Province in 2006, or the 2006 cases of attempted prison breaks in Kampong Thom and Battambang that left 10 inmates dead. In the case of Nong Sam, who reportedly died June 2006 in a Siem Reap hospital from head injuries received during a beating by police officers, a provincial court prosecutor closed the case, declaring Nong Sam's death a suicide.

There were no developments in the 2005 killings of five SRP activists or in the 2005 case of an attempted escape from Trapoeung Phlong Prison in which 19 prisoners and the prison director were killed. The appeals court took no action in the 2005 deaths of five villagers and injuries to others by government security forces during a mass eviction from disputed land in the village of Kbal Spean in Banteay Meanchey Province.

On February 8, in Prey Veng Province, district- and commune-level deputy police chiefs Bun Samphea, Suos Bunthat, and Hay Chivon, charged in a 2000 killing, failed to appear for their provincial court trial, reportedly stating they were too busy. The court rescheduled the trial to June but postponed it again after the officers said they were too busy to come to the June trial. A new trial date was not set.

Mines dating from the Indochina conflict and Khmer Rouge period continued to cause casualties. According to the Cambodia Mine/UXO Victim Information System, during the year mines and unexploded ordnance caused 63 deaths, 56 amputations, and 222 other injuries.

Vigilante justice and mob killings persisted. ADHOC reported that mobs killed five persons during the year. Few suspects were arrested. In some instances authorities could not protect suspects from angry mobs. NGOs noted that a majority of mob killings were related to thefts, robberies, or suspected witchcraft. On June 9, Yos Chor villagers in Kampong Speu Province killed a person for stealing a neighbor's chickens. On June 21, a mob killed a traditional healer in the Boribo District of Kampong Chhnang Province because they suspected him of witchcraft. Police made no arrests in either case.

On June 27, the Kratie Provincial Court sentenced six persons to sentences ranging from seven to 10 months in prison for the 2006 vigilante justice killing of Sam Roeun. The court convicted them on charges of causing injury, reduced from investigation findings of murder. There were no developments in the February 2006 case of a person beaten and killed for allegedly practicing witchcraft.

b. Disappearance

On June 30, Khmer Kampuchea Krom monk Tim Sakhorn, head of a pagoda in the Kirivong District of Takeo Province for more than 10 years, disappeared. Previously, on orders of the country's top Buddhist leader, Great Supreme Patriarch Tep Vong, monks from Phnom Penh had defrocked Tim Sakhorn, after which unidentified persons believed to be attached to the MOI pushed him into a vehicle and drove away. The defrocking order stated Tim Sakhorn "broke the solidarity" between Cambodia and Vietnam by using pagodas to spread propaganda that affects the dignity of Buddhism. The monk was known locally for providing food and shelter to Khmer Kampuchea Krom coming from Vietnam. The MOI stated that Tim Sakhorn volunteered to go to Vietnam after he was defrocked, and ministry officials produced a document stating this intent. While signed by Tim Sakhorn, the handwritten document appeared not to be in his writing. On August 2, Tim Sakhorn reappeared in court custody in Vietnam, held on charges of destroying political solidarity. In September the Information Ministry stated that the Cambodian consulate in Ho Chi Minh City was investigating Tim Sakhorn's condition in detention. On November 8, a Vietnamese newspaper reported that a court in Vietnam convicted Tim Sakhorn of undermining solidarity between Cambodia and Vietnam and sentenced him to one year in prison.

On August 10, Land Border Protection Unit 504 soldier Im Bun Ny disappeared in Pailin. According to witnesses, that night four soldiers from his unit invited him to a rubber plantation owned by their unit commander, Brigadier General Pol Sinuon. After Im Bun Ny arrived, the four soldiers beat him and accused him of stealing a gun. Unconfirmed witness reports said Im Bun Ny died from the beating and the soldiers buried his body. At year's end Im Bun Ny was still missing. According to a human rights NGO, local police completed an investigation and submitted findings to the court. The court took no action, and the four soldiers remained at large.

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

The constitution such practices; however, beatings and other forms of physical mistreatment of police detainees and prison inmates continued to be a serious problem.

There were credible reports that military and civilian police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation. Based on interviews with 1,293 detainees from 18 of the country's 26 prisons, the Cambodian League for the Prevention and Defense of Human Rights (LICADHO) reported that during the year authorities tortured 155 prisoners, of whom 125 were tortured in police custody and 30 in prisons. Kicking, punching, and pistol whipping were the most common methods of physical abuse, but techniques also included electric shocks, suffocation, caning, and whipping with wire. 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.

NGOs noted that during the year there were 180 cases of physical assaults by local authorities, government agents, or private bodyguards, compared with 164 cases in 2006 and 154 cases in 2005.

On May 27, military police officer Prak Vutha of Phnom Sruoch District, Kampong Speu Province, reportedly arrested Sok Soeun after a small scuffle at a restaurant, kept him in military detention overnight without a warrant, and beat him unconscious. According to ADHOC, Sok Soeun's family gave Prak Vutha two cases of beer in return for Sok Soeun's release. Sok Soeun later filed a complaint with local police that the police did not accept. There was no investigation into the case or legal action against Prak Vutha.

No legal action was taken against two policemen from Border Protection Unit 701 implicated in a February 2006 beating of a 13-year-old boy. Likewise, there was no action against officials and no progress in the police investigation of an April 2006 case involving Police Commissioner Team Sangkriem in Preah Vihear Province and three other police agents who detained Kong Salath without a warrant and beat him. No disciplinary or legal action was taken against abusive officers in the April 2006 beating of a motorist by Battambang military police. Regarding the December 2006 case of Tous Sdoeung, whom two military police officers allegedly tortured to death while in detention, early in the year a provincial court prosecutor completed an investigation and forwarded it to an investigating judge. The court investigation continued. The two alleged perpetrators continued to work in their positions as military police officers.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. Conditions remained harsh and at times were life threatening. Government efforts to improve them continued to be hampered by a lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, medical and sanitation problems, food and water shortages, malnutrition, and poor security. According to LICADHO, the 18 prisons they monitored had a designed capacity of approximately 6,440 inmates but held a total 9,582 inmates.

There were reports at some prisons that cells of 40 by 20 feet held up to 110 prisoners. At CC1 prison, cells of 26 by 26 feet held an average of 50 prisoners. In some prisons authorities used shackles and held prisoners in small, dark cells as a form of harsher punishment.

LICADHO reported that 56 prisoners in 18 of the country's prisons died during the year.

Government ration allowances for purchasing prisoners' food routinely were misappropriated and remained inadequate, exacerbating malnutrition and disease. One NGO claimed that in some cases prison authorities sold the NGO's donations of supplemental food intended for prisoners. According to rights organizations, families had to bribe prison officials in order to visit prisoners or provide them food and other necessities. NGOs reported that prisoners whose families bribed prison authorities received preferential treatment including access to visitors, transfer to better cells, and the opportunity to leave cells during the day.

There were reports that officials demanded bribes before allowing prisoners to attend trials or appeal hearings and before releasing inmates who had served full jail terms.

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. LICADHO reported that there were 622 incarcerated minors ages 13 to 17, many of whom were held in prisons that did not have facilities to separate minors from adult prisoners.

The government generally continued to allow international and domestic human rights groups, including the International Committee of the Red Cross, to visit prisons and provide human rights training to prison guards. However, NGOs reported that at times cooperation from local authorities was limited. Authorities curtailed access to pretrial detainees, in particular. The MOI continued to require that lawyers, human rights monitors, and other visitors obtain permission prior to visiting prisoners. The MOI withheld such permission in some politically sensitive cases. NGOs were not allowed to interview prisoners in private.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, at times the government did not respect these prohibitions. On June 7, the National Assembly passed a criminal procedures code, and in August the king signed the law into effect. The new code went allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. Prior to enactment of this code, the maximum length of pretrial detention for an adult person was six months under the UN Transitional Authority in Cambodia (UNTAC) code, although the government sometimes held pretrial detainees for longer periods. ADHOC reported that at least 100 persons were illegally arrested and detained during the year. ADHOC stated that 32 of those illegally detained were subsequently 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 somewhat higher, because some victims in rural areas did not file complaints due to difficulty in traveling to the NGO's offices or out of fear for their family's security. According to ADHOC, no legal or disciplinary actions were taken against the persons responsible for the illegal actions.

Role of the Police and Security Apparatus

The General Commissariat of the National Police, which is under the supervision of the MOI, manages all civilian police units. The police forces are divided into those who have the authority to make arrests, those without such authority, and the judicial police. Military police are permitted to arrest civilians on military property or when authorized by local governments.

Police officers acted with impunity, and in most cases the government took little or no action. There were reports that police, prosecutors, investigating judges, and presiding judges received bribes from owners of illegal businesses.

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 prior to a public trial. Presiding judges passed down verdicts based only on written reports from police and witness testimonies. In general police received little professional training. Police who failed to prevent or respond to societal violence were rarely disciplined.

There were no developments in the April 2006 case of an antidrug department and military police officer who shot and injured a well-known singer, Sovansocheata. No legal action was taken in the April 2006 case of two Brigade 70 military unit officers who shot and injured a person in Phnom Penh. There were no developments in the June 2006 case in which a military officer shot and injured a garment factory worker. In February an investigating judge in Siem Reap Province issued a warrant for the arrest of three police officers who allegedly raped a 12-year-old girl in November 2006; however, the suspects remained at large. There were no developments in the pending appeal of the April 2006 acquittal of three judges, two deputy prosecutors, and two court clerks originally convicted, then retried after appeal on finding of a mistrial, on charges of corruption and corruption-related conspiracy.

Arrest and 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. Many prisoners, particularly those without legal representation, had no opportunity to seek release on bail. Under the new criminal procedures code, accused persons may be arrested and detained for up to 24 hours before meeting with a lawyer, but prisoners routinely were held 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.

LICADHO reported that as of midyear at least 101 pretrial detainees had been detained longer than the six-month limit. Under the allowable pretrial detainee periods stipulated by the new code, at year's end there were at least 34 such prisoners.

On May 19, two military police officers in Banteay Meanchey Province detained Kim Heang for three days after Kim Heang had a dispute with his neighbor, a regional military official. The two officers made the arrest without a warrant. After an NGO intervened, the officers' commander ordered Kim Heang released. No administrative or legal action was taken against the officers.

On May 25, the Ratanakiri Provincial Court sentenced a 13-year-old Jarai ethnic minority youth to eight months and 10 days in prison for stealing brass gongs. The youth was 12 years old when arrested, under the minimum age for imprisonment, but spent more than eight months in pretrial detention. According to ADHOC, on May 25, a prosecutor filed a suit with the appeals court, but at year's end the youth remained in jail.

On August 9, the Phnom Penh Municipal Court convicted six persons and acquitted two charged with planning bombings at the November 2006 Water Festival. Two of the convicted were sentenced in absentia to 12 years in prison. The remaining four received six-year sentences. Lawyers and NGOs maintained the police did not serve arrest warrants or tell the suspects the charges against them.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government 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.

The court system consists of lower courts, an appeals court, and the Supreme Court. The constitution also mandates a constitutional council, which is empowered to review the constitutionality of laws, and a supreme council of the magistracy, which appoints, oversees, and disciplines judges. The composition of both councils heavily favored the CPP.

There is a separate military court system, which suffered from deficiencies similar to those of the civilian court system. While civilians may fall under military court jurisdiction in some cases, the legal distinction between the military and civil courts sometimes was ignored in practice. Civilians have been called for interrogation by military courts with no apparent jurisdiction in their cases.

On June 12, the Extraordinary Chambers in the Courts of Cambodia (ECCC) adopted its internal rules to begin prosecuting egregious crimes of the 1975-79 Khmer Rouge regime. On July 31, the ECCC coinvestigating judges charged Kaing Guek Eav (alias Duch), former Khmer Rouge director of the S-21 torture prison, or Tuol Sleng, for crimes against humanity and placed him in an ECCC provisional detention center. The ECCC later arrested and detained four more Khmer Rouge leaders and charged them with crimes against humanity and war crimes: Nuon Chea (also known as "Brother Number 2"), Khieu Samphan, Ieng Sary, and Ieng Thirith, who was charged only with crimes against humanity. In August Duch's lawyers filed an appeal against his provisional detention. On December 3, the ECCC pretrial chamber decided unanimously to affirm the detention order and dismiss the appeal.

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. If a defendant cannot afford an attorney, the court is required to provide the defendant with free legal representation; however, the judiciary 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 cases; however, at times 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.

Defendants are entitled by law to the presumption of innocence and the right of appeal, but due to pervasive corruption, defendants often were expected to bribe judges to secure a verdict. A citizen's right to appeal sometimes was limited by

difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus were heard in the absence of the defendant.

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 ensure due process. From January through September, the Center for Social Development monitored 1,420 felony and misdemeanor hearings with 2,437 defendants and found trial procedure abuses in the Supreme Court, appeals court, and four lower courts. In a report of trials observed from January to March, the center stated that courts tried 34 percent of 740 defendants in absentia. At the appeals level, defendants were not present during trial in 69 percent of cases. Of defendants charged with felonies, 37 percent had legal representation, compared with 7 percent of those charged with misdemeanors.

Officials reported many suits were pending due to a shortage of judges and courtrooms. NGOs blamed the slow process on court officials who focused on cases from which they could gain financial benefits.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel often were effectively denied the right to a fair trial. According to the Bar Association, approximately 30 percent of the country's 573 lawyers provided legal counsel to poor persons, although this was inadequate to cover the basic legal rights of all of the country's poor.

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 content of written confessions that they were forced to sign. In cases involving military personnel, military officers 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.

Although the courts prosecuted some members of the security forces for human rights abuses, impunity for most of those who committed abuses remained a problem. In many criminal cases, rich or powerful accused individuals usually paid money to victims and authorities to drop the criminal charges against them. Authorities were known to urge victims or their families to accept financial restitution in exchange for dropping criminal charges.

Born Samnang and Sok Sam Oeun remained in prison for the murder of Chea Vichea. On April 12, an appeals court hearing upheld the Phnom Penh Municipal Court decision sentencing them to 20 years each in prison, despite new exculpatory evidence. On June 7, lawyers filed grievances with the Supreme Court and at year's end were awaiting action.

On June 7, the National Assembly passed a criminal procedures code, and in August the king signed the law into effect. As a cornerstone of national law also to be employed at the Khmer Rouge Tribunal, the new code was based on wide international consultation and was viewed as meeting an international standard suitable for the tribunal's trial judges.

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. However, the judiciary was generally viewed as corrupt, politically biased, and weak, and persons seldom filed complaints because they did not trust the judicial system. The public appeared especially distrusting of the judiciary to act in a transparent manner when a case was in conflict with the government. Enforcing a court order for a civil or criminal case was often problematic. Persons occasionally turned to vigilante justice.

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

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

There continued to be reports of authorities entering private properties without proper judicial authorization. Due to the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often was unclear, and most landowners lacked adequate formal documentation of ownership. The 2001 land law states that any person who peacefully possessed private property without contention for five years prior to the 2001 promulgation of the law has the right to a definitive title to that property. Widespread land speculation fueled disputes and increased tensions

between poor rural communities and speculators. The Cadastral Commission, which settles disputes over land that was not registered or where an owner was not given a land certificate, continued to perform its functions slowly. The courts remained responsible for resolving disputes in cases where land was registered or disputants were given land titles. The National Authority for Resolving Land Disputes, established in 2006 to adjudicate land cases, was ineffective.

Problems of inhabitants being forced to relocate continued to occur when officials or businesspersons colluded with local authorities. Some persons also used the court system to intimidate the poor and vulnerable into exchanging their land for compensation below market value. ADHOC reported receiving 382 land-related cases affecting 19,329 families during the year. During the same period, LICADHO received 98 land-related cases in Phnom Penh and 13 other provinces affecting a total of 6,048 persons. 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 lost their cases.

On January 23, 200 ethnic Jarai villagers in Ratanakiri Province filed a complaint with the provincial court and a criminal complaint with the provincial prosecutor against Keat Kolney, a well-connected individual, for confiscation of 1,112 acres of their land in 2004. Many villagers rejected Keat Kolney's settlement offers. On June 19, Keat Kolney sent a letter to the Cambodian Bar Association alleging the legal aid NGO lawyers who represented the villagers trained the villagers to say false things to the media and asked the association to investigate the lawyers. On June 21, Keat Kolney filed criminal complaints accusing the villagers of fraud and the lawyers of inciting villagers to commit fraud. In late July 42 of the 200 villagers retracted earlier statements and said they willingly sold the land to Keat Kolney. At year's end a provincial court investigation continued.

On April 20, approximately 150 military police and police officers armed with guns, electric batons, and tear gas forcibly evicted 117 families from the Mittapheap District in Sihanoukville. Several villagers were injured, and their houses were demolished.

On May 4, 30 L'Vea Em District villagers of Kandal Province approached the National Assembly to intervene in an economic land concession. Community families had been farming and inhabiting the disputed 1,730 acres when, on April 25, a Chinese company began digging up the land, acting on a 2006 government concession for development. The company reportedly suspended operations due to villagers' protests.

On May 29, 40 soldiers from ACO Tank Command Headquarters in Kampong Speu Province used an armored vehicle to destroy crops and fences on 60 acres of land occupied by 25 Phnom Srouch District families. Military officials stated the land was part of a shooting range and the villagers had illegally occupied the land. In 2002 the villagers had sought title to their land with the Cadastral Commission, and in 2006 they complained to the National Authority to Resolve Land Disputes, stating they had lived on the land since 1979. At year's end these requests had not resulted in any action.

Eviction notices were served without proper judicial authorization. On July 31, Sihanoukville City Hall issued an eviction notice ordering more than 100 families out of the city's Mittapheap District. Responding to villagers' plea for intervention, the prime minister ordered the Sihanoukville governor to reexamine the case. On May 8, representatives of 146 families of the Phnom Penh Tonle Bassac Group 78 (G78) area made public their own neighborhood development plan. The plan was in response to a June 2006 municipality eviction notice stating the land would be developed for beautification purposes. Many of the families had lived on the land since the 1980s and claimed ownership under the 2001 land law. G78 community members stated that the municipality offered compensation that was approximately equal to 2 percent of the independently assessed market value, plus one plot in a Phnom Penh eviction resettlement site per family. At year's end there were no decisions on these evictions.

On March 3, the CPP Central Committee granted the prime minister sole power to resolve land disputes involving CPP officials. The prime minister then announced a war against illegal land grabbers, warning CPP officials to surrender illegally obtained land or face removal from their positions. As a result, the government claimed that the director general of the military's technical and materials department, Chao Phirun, handed over 495 acres of land and an anonymous CPP official withdrew from a Kandal Province land dispute. Neither official faced reprimand. On March 10, authorities arrested CPP member and military Colonel Te Haing over a 2,500-acre land dispute in Banteay Meanchey Province. At year's end Te Haing was awaiting trial. In November Tan Seng Hak, a former advisor to CPP Chairperson Chea Sim, was convicted for falsifying documents and giving false testimony in connection with his alleged efforts to take over 740 acres in Phnom Penh. He was sentenced to a total of five years and eight months in prison. There were no developments on the prime minister's May 2006 plan to redistribute 494,210 acres of land to 50,000 farmers in Sihanoukville.

Living conditions worsened at two of the resettlement sites for former residents of the two Phnom Penh communities of Tonle Bassac Sambok Chab and Preah Monivong Hospital areas, whose 1,200 and 168 families, respectively, were evicted in 2006, reportedly through a nontransparent process that may not have included proper judicial authorization. Authorities offered evicted residents relocation site plots, but plots at two of the sites were widely considered to be inadequate compensation. The sites lacked sufficient sanitation facilities, electricity, clean water, health facilities, schools, and central markets and were far from Phnom Penh's commercial center, where residents could earn an adequate income.

The appeals court took no action on a February 2006 complaint by SRP parliamentarian Son Chhay, who was directed by the Siem Reap Provincial Court to sell 7.8 acres of his land to a government agency for an amount below the market price.

The appeals court took no action in the 2006 case of 12 persons convicted in connection with a Kampot Province confrontation between 2,000 squatters and local police over the squatters' rights to live on government land. In a 2006 eviction case in Peam Chor District, Prey Veng Province, that left one person dead and four others injured, police who were implicated in the killing accused some of the villagers of robbery, in what NGOs said was an attempt to intimidate the villagers. On November 1, the provincial court questioned seven of the villagers on the robbery charges, and the court investigation continued at year's end. However, there were no new developments in the investigation of the eviction killings and injuries. There were no new developments in the August 2006 Koh Kong Province land dispute in which the Ministry of Agriculture provided two adjacent land concessions to businessperson and CPP senator Ly Yong Phat in contravention of known legal standards.

There were no developments in a 2005 land dispute involving indigenous Phnong hill tribe members and a Chinese company in Monduliri Province.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The constitution implicitly limits free speech by requiring that it not adversely affect public security. The constitution also declares that the king is "inviolable." In December the Ministry of Information issued a directive that reiterates these limits and prohibits publishers and editors from running stories that insult or defame government leaders and institutions.

The 1995 press law prohibits prepublication censorship or imprisonment for expressing opinions. However, the government continued to use the older UNTAC law to prosecute journalists and others on defamation and disinformation charges. In 2006 the National Assembly amended the UNTAC law, eliminating imprisonment for defamation but not for spreading disinformation, which carries prison sentences of up to three years. In both types of cases, judges can order fines, which may lead to jail time if not paid.

The government and influential individuals used the weak and often politically biased judiciary to file defamation and disinformation suits, both civil and criminal, in an effort to silence critics. In February the Phnom Penh Municipal Court charged *Sralanh Khmer* of disinformation and insulting the court's director, Chiv Keng. Also in February Sihanoukville Municipal Governor Say Hak filed a defamation suit against pro-Norodom Ranariddh Party (NRP) newspaper *Samleng Yuveachun Khmer* (Voice of Khmer Youth) over an article linking him to land grabbing. In July NRP Vice Secretary General Sao Rany filed a defamation suit against *Sralanh Khmer* for printing a report claiming his daughter had an affair with Prince Ranariddh. In November General Un Den lodged a defamation and disinformation lawsuit against Thach Keth, the publisher of *Sralanh Khmer*, for printing an article that accused the general of smuggling vehicles across the border from Thailand. At year's end there were no formal decisions in these cases.

In July Phnom Penh Municipality Governor Kep Chuktema filed a disinformation suit against the editor of *Samleng Yuveachun Khmer* for an article alleging the governor sold City Hall to a private developer. In November the editor paid bail of \$500 (two million riel), and at year's end the case was pending with the court.

The constitution states that the country shall not invade any country nor interfere in any other country's internal affairs, directly or indirectly. Making a statement in contravention of this constitutional provision is considered a crime. In the case of at least one Khmer Kampuchea Krom activist, an arrest warrant was outstanding due to his statements about what the government considers to be sovereign Vietnamese territory.

Many interpreted a law passed in 2006 as limiting the right of members of Parliament (MPs) to speak freely. The law declares that MPs may not use their parliamentary immunity to abuse national security, social customs, or an individual's honor. In addition, the law allows an MP to be arrested, charged, and detained prior to the lifting of parliamentary immunity. At year's end no MP had been charged under this law.

All major political parties had reasonable and regular access to the print media. Although the press law does not specifically permit newspapers to receive financial support from political parties, all major Khmer-language newspapers received such support and were politically aligned. There were an estimated 20 Khmer-language newspapers published regularly; more than half were considered pro-CPP, and at least two newspapers were considered to support each of the other main political parties--FUNCINPEC, the SRP, and the NRP. Although the three largest circulation newspapers were considered pro-CPP, most newspapers criticized the government, particularly on corruption and land grabbing. The prime minister, NRP president Prince Norodom Ranariddh, FUNCINPEC party leaders, and opposition party leader Sam Rainsy frequently came under attack.

The government, military forces, and ruling political party continued to dominate the broadcast media and influence the

content of broadcasts. There were approximately 50 radio stations and seven television stations. Most were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties. In August the Ministry of Information issued a broadcast license to a CPP government official to open a Phnom Penh radio station after denying similar requests since 2003 from the SRP and independent human rights advocacy organizations. In September the Cambodian Center for Human Rights (CCHR) Voice of Democracy (VOD) again requested a license, but the ministry denied the application, restating previous claims that the media market was saturated. In February the Information Ministry ordered all television and radio stations not to transfer or sell licenses if unable to continue operating and to return the license to the ministry.

Despite being unable to obtain a broadcast license, the VOD radio program, which included independent and often antigovernment views, remained popular and continued broadcasting its program on several radio stations, including the SRP-aligned radio station FM 93.5. In July CCHR announced that it had transferred management of VOD to the newly established Cambodian Center of Independent Media. Taped programming from Voice of America (VOA) and Radio Free Asia (RFA) Khmer-language service was also regularly broadcast on Beehive/FM 105, the Women's Media Center FM 102, and Rota Angkor FM 95.5 (Siem Reap) radio stations. Four political parties were each broadcasting daily one-hour shows on FM 105.

Journalists, publishers, and distributors were also subject to other forms of harassment and intimidation, including death threats. In June the Ministry of Information ordered the confiscation of printed copies of a report by the international NGO Global Witness accusing the prime minister and close relatives and associates of involvement in illegal logging. The report was freely available via the Internet, and local media made references to the report. A June 8 letter signed by Information Minister Khieu Kanharith to *Sralanh Khmer* demanded the newspaper immediately stop publishing a serialized version of the report or face legal action; the newspaper complied.

In the same period, French-language newspaper *Cambodge Soir* closed down, reportedly due to bankruptcy. A few days prior, according to media reports, employees declared a strike because a reporter was dismissed for publishing a story about the Global Witness report. After a closure of several months, the newspaper resumed as a weekly publication.

In October Radio Beehive Director Mam Sonando suspended the NRP's radio show "Royalist Voices" for several days after the program criticized the prime minister. An RFA journalist fled the country reportedly after receiving death threats for his coverage of illegal logging in Kampong Thom Province. The reporter returned several weeks later and resumed work unharmed.

In February the Ministry of Information threatened to close pro-NRP newspaper *Khmer Amatak* (Permanent Khmer) for printing an article alleged to have incited tension between the country's two main Buddhist sects, and in October the ministry suspended the newspaper for one month for failing to publish a "correction" the ministry requested regarding a September article involving two senior FUNCINPEC officials.

In early November authorities seized copies of the premier issue of foreign-funded *Free Press Magazine* for criticizing retired king Norodom Sihanouk, the prime minister, and other government officials.

In May the prime minister publicly criticized an RFA reporter as "insolent" and "rude" for asking questions about the coalition between the CPP and FUNCINPEC. Purportedly fearing for his personal safety, the reporter went into hiding outside the country. He returned to work a few weeks later without incident.

In June three reporters from the newspapers *Sarpotamean Ekkereach Kampuchea* (Cambodian Independence News) and *Sarpotamean Tasanak Khmer* (Khmer Vision News) in Pursat Province alleged that provincial court official bodyguards beat them at gunpoint for trying to take photographs of a truck carrying illegal timber.

On August 4, Oeun Vannak, deputy commander of the Pursat Province military police, allegedly physically attacked journalist Heng Veasna over the journalist's investigation into claims of illegal use of firearms by two military police officers. Heng Veasna filed a complaint with the provincial prosecutor, but at year's end the court had not taken action in the case, and Oeun Vannak continued his military police duty.

In August the home of a *Chhbas Ka* (Accurate News) newspaper reporter was set on fire twice. The journalist claimed the first fire was set the day after he received a threatening telephone call over his report on illegal logging in Pursat Province. A few days later, provincial authorities charged two suspects with arson. The cases were pending before the court at year's end.

In November a man accused three journalists from the newspaper *Samleng Santepheap* (Voice of Peace) in Kampong Thom of stealing \$1,050 (4.2 million riel) when the reporters visited his home to investigate allegations that he was illegally raising snakehead fish. Police arrested and questioned the reporters but eventually released them after the intervention of a senior official from the Ministry of Information.

In December a VOD reporter investigating the removal of a statue from a pagoda claimed to have been detained by military and police officers, who deleted photographs from his camera before releasing him.

Most reporters and editors privately admitted to some self-censorship due to fear of government reprisals. In February two major daily Khmer newspapers refused to print advertisements demanding justice for the two men imprisoned for the killing of union leader Chea Vichea. Reporters for VOA, RFA, and some opposition newspapers worked from unmarked offices and reported stories using pseudonyms.

The government-controlled national television and radio stations broadcast live or taped sessions of National Assembly debates; however, in several instances these broadcasts were censored. National radio and television stations broadcast some human rights, social action, public health, education, and civil society programming produced by domestic NGOs.

The government occasionally restricted media access to some government facilities. The constitution mandates media access to National Assembly sessions, and the National Assembly allowed reporters to enter its grounds upon clearance by its security office. In 2005 the Phnom Penh Municipal Court chief ordered that reporters must have written permission to bring recording devices into the courtroom and to interview court officials. Such permission rarely was sought, and there were no reports of the court denying permission. A July 2006 Council of Ministers directive prohibiting government officials and employees from speaking to the media or the public about government corruption remained in effect.

In August government authorities confiscated digital video discs with images of bodies in an airplane crash in Kampot Province, stating that the images would create fear among tourists. The video discs remained readily available in Phnom Penh and other areas of the country.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Although the International Telecommunication Union estimated the country's Internet penetration was 0.3 percent in 2006, in urban areas Internet access was widely available through Internet cafes and home subscriptions.

Academic Freedom and Cultural Events

In general there were no legal impediments to academic freedom. However, scholars tended to be careful when teaching politically related subjects for fear of offending politicians. In February the Phnom Penh Municipal Court sentenced Tieng Narith, a former professor at the Buddhist University of the Royal Academy of Preah Sihanouk Reach, to two and a half years in prison for teaching from a self-published text containing antigovernment material. The verdict also ordered a fine of \$1,250 (5.25 million riels) or two additional years in prison. Tieng Narith's family claimed that he was mentally ill, and during the trial the court ordered a psychiatric examination, the results of which were kept confidential. It was unclear how the medical exam results affected the case, if at all. At year's end the case was under appeal.

There were no government restrictions on cultural events.

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 government required that a permit be obtained in advance of a march or demonstration. The government routinely did not issue permits to groups critical of the ruling party or of nations with which the government had friendly relations. Authorities cited the need for stability and public security as reasons for denying permits. Police forcibly dispersed groups that assembled without a permit, often resulting in minor injuries to some demonstrators.

ADHOC reported that out of 98 protests--55 of which were related to land and 26 to labor disputes--police and military police dispersed 17 protests, three of which were by labor protesters, 10 by land rights protesters, and four by Khmer Kampuchea Krom monks. However, the government permitted some human rights-related marches and demonstrations. On December 10, the government permitted a Human Rights Day march of 500 human rights activists, monks, and other persons and a rally of an estimated 2,500 persons in Phnom Penh. In the previous two years, such rallies without marches occurred in an enclosed space.

On February 27, police and military police dispersed 60 Khmer Kampuchea Krom Buddhist monks demonstrating at the Vietnamese embassy in Phnom Penh during a state visit by the Vietnamese president. Demonstrators assembled to support Khmer Kampuchea Krom monks in Vietnam who had been defrocked and arrested, urging their release and reinstatement as monks. The next morning one monk protester was found dead with his throat cut. On March 16, police and local authorities in Kandal Province prevented the deceased monk's Khmer Kampuchea Krom community members

and monks from holding his funeral.

On April 20, police and municipal authorities dispersed 80 Khmer Kampuchea Krom monks assembled at the Vietnamese embassy trying to deliver a petition in protest of alleged Vietnamese government rights abuses of Khmer Kampuchea Krom living in Vietnam. The protesters decided to go to another embassy to present the petition. On the way a group of unidentified, non-Khmer Kampuchea Krom monks and laypersons aggressively intercepted the demonstrators and attempted to disperse them. In the ensuing scuffle, one of the Khmer Kampuchea Krom monks was injured. Authorities did not intervene in the confrontation and did not conduct an investigation. On December 17, 40 monks sought again to deliver a petition to Vietnamese embassy officials for the release of Tim Sakhorn and other Khmer Kampuchea Krom monks imprisoned in Vietnam, and also for the return of land that they claimed the Vietnamese government seized from Khmer Kampuchea Krom persons in southern Vietnam. Police attempted to disperse the crowd, but the monks refused to disband, and violence broke out on part of both the police and the monks. A local NGO reported that six monks were injured; police stated that some of the police sustained minor injuries.

On November 26, Ratanakiri provincial police blocked the CCHR from holding a public forum in Kong Yu Village, where community members were embroiled in a land dispute with Keat Kolney. Police gave conflicting reasons for preventing the forum from taking place (see section 1.f.).

On June 8, Supreme Patriarch Non Ngeth and Minister of Cults and Religious Affairs Khun Haing signed a directive prohibiting monks from participating in protests, strikes, riots, or marches. According to media reports, a constitutional council member stated the ban violated the constitution.

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 the freedom of association provisions of the labor law.

Membership in the Khmer Rouge, which ruled the country from 1975 to 1979 and after its overthrow conducted an armed insurgency against the government, is illegal, as is membership in an armed group.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The constitution also prohibits discrimination based on religion, and minority religions experienced little or no official discrimination. Buddhism is the state religion, and more than 93 percent of the population is Buddhist. Ethnic Cham Muslims constitute most of the remaining population.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs to construct places of worship and conduct religious activities. However, there is no penalty for failing to register. In July the Ministry of Cults and Religious Affairs issued a directive restating a 2003 order prohibiting public proselytizing, which continued to be loosely enforced. On August 10, authorities in Phnom Penh dispersed a gathering of approximately 3,000 Christians, stating that organizers did not have proper permits. Prior to the gathering, organizers obtained a permit from the MOI but had not received a response on a request pending with the Ministry of Cults and Religious Affairs.

Societal Abuses and Discrimination

Minority religions experienced little or no societal discrimination. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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 constitution prohibits forced exile, and the government did not employ it.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to

refugees. The convention and its protocol have had the full force of the law in the country since accession in 1992. According to the Office of the UN High Commissioner for Refugees (UNHCR), the government abides by the convention and international customary law on refugees. The government allows the UNHCR to process asylum seekers and assist refugees while they are in the country.

A memorandum of understanding that the government signed in 2005 with the UNHCR and the government of Vietnam to resolve the situation of Montagnards under UNHCR protection remained in effect. Asylum seekers who reached the UNHCR Phnom Penh office were processed with government cooperation. During the year there were 449 new arrivals seeking asylum with the UNHCR. According to the UNHCR, 97 Montagnard and 20 non-Montagnard refugees departed for a third country, while authorities deported 30 rejected Montagnard asylum seekers to Vietnam, and 33 Montagnards voluntarily returned to their country of origin. At year's end there were 467 Montagnards in UNHCR protection sites in Phnom Penh, which included 101 Montagnards who arrived in previous years. According to the UNHCR, during the year no refugees requested local integration.

In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Through the assistance of the UNHCR, during the year the government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, affording such protection to approximately 150 persons. However, an NGO based in Ratanakiri Province reported that local police unofficially returned 59 asylum-seeking Montagnards to Vietnam without UNHCR review.

On April 20, Ratanakiri provincial police arrested two persons on charges of human trafficking for their roles assisting Montagnards. NGOs claimed the suspects provided asylum seekers food, shelter, and transportation to the UNHCR office in Phnom Penh once they had crossed the border from Vietnam. At year's end the suspects had been released with charges against them dropped.

An NGO claimed that local authorities at the border with Vietnam continued searches for Montagnards when they received information about new arrivals of Montagnards. There were unconfirmed reports that Vietnamese authorities offered incentive awards to Cambodian border police who returned Vietnamese refugees to Vietnam and that Vietnamese secret police covertly conducted searches for Vietnamese refugees on the Cambodian side of the border.

Stateless Persons

The country had habitual residents who were de facto stateless, and the government had not effectively implemented laws or policies to provide such persons the opportunity to gain nationality. Under the nationality law, citizenship is derived by birth from a foreign mother and father who were born and living legally in the country, or from a mother or father who has Cambodian citizenship. A study commissioned by the UNHCR estimated that several thousand potentially stateless persons lived in the country. However, the study's estimated number of such persons came from anecdotal evidence of NGOs that provided services to disenfranchised communities, including persons with no proof of nationality, and not from a survey of stateless persons; therefore, local UNHCR representatives did not consider the figure conclusive.

The UNHCR stated that the country's potentially stateless population included mostly ethnic Vietnamese. According to an NGO that worked with ethnic Vietnamese, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, and land ownership. The most common reason for statelessness was lack of proper documents from the country of origin.

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. Suffrage is voluntary for all citizens age 18 years and older.

Elections and Political Participation

On April 1, the country held elections for 11,353 chiefs, first deputies, second deputies, and councilors for 1,621 commune councils. The CPP won 70.4 percent of the positions, the SRP 23.4 percent, NRP 3.7 percent, and FUNCINPEC 2.4 percent.

Most observers agreed the commune council elections were the least violent and best organized elections ever held in the country. While there were problems at some polling stations, NGOs, opposition parties, monitors, and others disagreed as to how and whether the problems affected the overall outcome of the elections. Three NGOs reported that election officials did not allow some registered voters to vote because of voter registration list discrepancies such as mistyped and misspelled names or absence of names from the voter list, often due to names transferred to different polling stations without informing the voter. Additionally, NGOs and opposition parties complained that the CPP started advertising weeks or months in advance through the mostly CPP-dominated media without reprisal. NGOs reported that on election day,

some ruling party incumbents illegally issued voter registration documents, stood watch in some polling station areas where local authorities were prohibited, and provided assistance to voters in these prohibited areas.

Parties and individuals were free to be candidates without restrictions. On March 13, the Phnom Penh Municipal Court sentenced NRP president Prince Norodom Ranariddh in absentia to 18 months in prison and a \$150,000 (600 million riel) fine on charges of breach of trust. The prince chose self-exile during the election campaign and on election day rather than face the charges. On October 3, the appeals court rejected his appeal of the Phnom Penh court's decision. Plans to appeal this decision had not been realized by year's end.

Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid.

Traditional culture limited the role of women in government; however, women took an active part in the 2003 national elections. The number of women increased in the National Assembly, Senate, and senior government positions. There were 22 women in the 123-seat National Assembly, nine women in the 61-seat Senate, and 24 women working as ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisors, and there were 13 female judges in the municipal and provincial courts, appeals court, and Supreme Court. In the April commune council elections, 14.6 percent of the elected councillors were women, of whom 67 were elected as chiefs. This was an increase from the 2002 commune council elections, when women won 9 percent of the total positions.

There were four members of minorities--two Cham and two other ethnic minorities--in the National Assembly. There also were six members of minorities in the Senate. At least eight officials in senior positions in the government were from minority groups.

Government Corruption and Transparency

There is no anticorruption law, and only a few provisions of other laws provide criminal penalties for official corruption. Officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

In 2005 the prime minister instructed the Ministry of National Assembly-Senate Relations and Inspection to prepare a draft anticorruption law. As of year's end, observers had not seen a revised draft since September 2006, and the issue was pending with the Council of Ministers.

Corruption was considered endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of government. Public perception of corruption was widespread. A 2006 Economic Institute of Cambodia assessment found that the private sector perceived the judiciary to be the most corrupt institution in the country, followed by the tax and customs services, public health care, and police. Meager salaries contributed to "survival corruption" among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials.

The Economic Institute's 2006 assessment of corruption in the private sector estimated that in 2005 private sector unofficial payments to public officials totaled \$330 million riels. The assessment also found that the larger the private firm, the larger the payments required by government officials. The same study found that approximately 25 percent of potential taxes were collected from the private sector in 2005, representing a loss to the government of approximately \$400 million riels. In June Global Witness published a report charging high-level government officials with corruption related to illegal logging. Some observers and many government officials criticized the report as noncredible based on its heavy reliance on anonymous sources.

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 personal lives would be released after 40 and 120 years, respectively. In practice the government occasionally denied access to information, citing reasons of confidentiality or national security.

Section 4 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 numerous reports of lack of cooperation or even intimidation by local authorities throughout the country.

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 during gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction.

On May 15, a CCHR coordinator went into hiding claiming that Sihanoukville authorities threatened to arrest him on charges of forming an illegal armed force for his role organizing a resistance effort to a forced eviction in Sihanoukville's Mittapheap District. He returned to work a few weeks later without incident.

There were no developments in the May 2006 case of an ADHOC activist temporarily detained in Koh Kong Province for photographing a confrontation between villagers and officials.

In January the UN Special Representative of the Secretary-General for human rights in Cambodia, Yash Ghai, submitted to the UN Human Rights Council a report on his March 2006 visit expressing concerns about land grabbing and government land concessions. Afterward the prime minister publicly called the special representative derogatory names, refusing to meet with him ever again. In December Yash Ghai made a 10-day assessment visit to the country during which the prime minister reiterated his opinions and no government official granted him a meeting.

The Cambodian National Human Rights Commission remained largely inactive. The committee did not have regular meetings or a transparent operating process.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, color, or language; however, the government did not generally protect these rights.

Women

The law prohibits rape and assault; nevertheless, local and international NGOs reported that violence against women, including domestic violence and rape, was common. Rape is a criminal offense and punishable by a prison sentence of between five and 10 years, according to the UNTAC law. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as "rape," "causing injury," or "indecent assault," but such charges were rare. The domestic violence law criminalizes domestic violence but does not specifically set out penalties. However, the UNTAC law on battery and injury can be used to penalize domestic violence offenses, with penalties ranging from two months to five years' imprisonment.

According to one NGO, there were 1,025 cases of domestic violence and 221 cases of rape reported in three provinces. Of these cases, courts tried 104 and 28, respectively, resulting in successful conviction in five cases of domestic violence and 20 cases of rape. LICADHO documented 209 cases of domestic violence affecting 213 victims in 12 provinces during the same time period. The MOI's antitrafficking department investigated 529 cases of violence against women and children, resulting in the arrest of 582 perpetrators and rescue of 771 victims. Of the 582 arrests, 458 were for rape and attempted rape. Twelve cases of rape resulted in the death of the victims. A legal advocacy NGO reported receiving 84 cases of domestic violence, 34 of which went to trial during the year. The number of cases likely underreported the scope of the problem, due to ineffective enforcement and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

The government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. A local media center, an NGO, and the Ministry of Women's Affairs produced programming on women's issues. NGOs provided shelters for women in crisis.

The constitution prohibits prostitution; however, there is no specific legislation against working as a prostitute. Trafficking in women for the purpose of prostitution was a serious problem, despite laws against procuring and kidnapping for purposes of sexual exploitation. There were reports that police abused prostitutes. Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution and related trafficking persisted. Estimates of the number of working prostitutes ranged from 14,725 to 18,250. Sex tourism was a problem, fueled by pervasive poverty and the perception of impunity.

The labor law has provisions against sexual harassment in the workplace but does not specify penalties. The International Labor Organization (ILO) reported that sexual harassment in the industrial sector was rare.

The constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. Women often were concentrated in low-paying jobs and largely were 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.

Children

The constitution provides for children's rights, and the government made the welfare of children a specific goal. The government relied on international aid to fund most child social welfare programs, resulting in only modest funds for problems that affect children.

In 2002 the government instituted a modernized birth registration system administered by the MOI, which reported the program successfully registered 91 percent of births in 2006. The system did not include special outreach to minority communities. The government failed to register all births, resulting 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 excludes children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration were often denied access to education and healthcare. They stated that later in life the same individuals may be unable to access employment, own property, vote, and use the legal system.

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, began school at a late age, or did not attend school at all. In 2005 the Ministry of Education reported that 91 percent of eligible children were enrolled in primary school, but this number did not reflect attendance. After primary school, 26 percent of eligible students attended junior high and 9 percent attended high school. Despite a school construction program, schools were overcrowded and lacked sufficient equipment. In rural areas schools often provided only a few years of education. According to ministry data, 46 percent of schools lacked drinking water and 37 percent had no toilets. Teacher salaries were irregularly paid and inadequate to support a decent standard of living, leading to demands for unofficial payments from parents, which poor families could not afford. The government did not deny girls equal access to education; however, families with limited resources often gave priority to boys. In many areas schools were remote and transportation was a problem. This especially affected girls due to safety concerns in traveling between their homes and schools.

Boys and girls had equal access to state-provided medical care.

Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; a local NGO reported 199 cases of rape and attempted rape committed on persons under age 18, two of which resulted in death. Twenty-nine of the cases involved children below age five. 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 MOI reported arrests of seven foreign pedophiles. Some children were engaged in prostitution for survival, without third-party involvement.

A domestic NGO estimated that more than 1,200 street children in Phnom Penh had no relationship with their families and more than 10,000 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 provincial towns. The Ministry of Social Affairs and Youth Rehabilitations provided lower statistics, reporting 3,084 street children nationwide in 2005.

A study conducted by a local NGO stated that in September 2006 there were 37 children under the age of six living with their mothers in prison, and those children were subjected to mistreatment by prison guards and faced physical dangers from adult criminal cellmates. The children generally lacked proper nutrition and education.

Child labor was a problem in the informal sector of the economy.

Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a source, destination, and transit country for men, women, and children trafficked for sexual exploitation and labor. A 2003 study estimated the number of trafficking victims in the sex industry to be 2,000, approximately 80 percent of whom were ethnic Vietnamese women and girls. Children were trafficked domestically for sexual exploitation and labor. Some Vietnamese women and girls were trafficked through the country for exploitation in the commercial sex trade in other Asian countries.

Children were trafficked to Thailand and Vietnam for begging, soliciting, street vending, and flower selling. The children frequently were placed into debt bondage to beg or sell, or they formed part of organized begging rings even when there was no debt or economic hardship involved. Women as well as children were trafficked to Malaysia and Thailand for sexual exploitation and forced labor in factories or as domestic servants, while men were trafficked for forced labor in the agriculture, fishing, and construction sectors.

Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. In some cases victims were detained and physically and mentally abused by traffickers, brothel owners, and clients.

Local traffickers covered specific small geographic areas and acted as middlemen for larger trafficking networks. Organized crime groups, employment agencies, and marriage brokers were believed to have some degree of involvement. Traffickers used a variety of methods to acquire victims. In many cases victims were lured by promises of legitimate employment or travel documents. In other cases acquaintances, friends, and family members sold the victims or received payment for helping deceive them. Young children, the majority of them girls, were often "pledged" as collateral for loans by desperately poor parents; the children were responsible for repaying the loan and the accumulating interest. A September report by the International Organization for Migration (IOM) stated that child domestic workers, particularly those used as collateral or placed into debt bondage, were more likely to be trafficked and to enter commercial sexually exploitive activities.

The law establishes a prison sentence of 15 to 20 years for a person convicted of trafficking in persons under 15 years of age; the penalty is 10 to 15 years for trafficking persons age 15 or older. According to the MOI, police investigated 529 cases of violence against women and children, including child sexual exploitation, rape, debauchery, and human trafficking. The investigations resulted in the arrest of 582 offenders, of whom 46 were arrested for cross border and domestic trafficking. However, NGOs continued to report the general failure of law enforcement and other government officials to act on tip-offs.

The Ministries of Interior, Women's Affairs, and Justice had primary responsibility to combat trafficking in persons. In April the government established a National Task Force to serve as an interministerial antitrafficking coordination body. The task force included an oversight body involving the top government officials. There was a Department of Anti-Human Trafficking and Juvenile Protection, and the MOI operated specialized antitrafficking divisions in all provinces and municipalities. While the government arrested and prosecuted traffickers and continued its support for prevention and protection programs through collaboration with foreign and domestic NGOs and international organizations, its antitrafficking efforts continued to be hampered by corruption and a weak judicial system. It was widely believed that some law enforcement and other government officials received bribes that facilitated the sex trade and trafficking in persons.

On March 16, the Sihanoukville Municipal Court acquitted the owner of O Pi Guesthouse and an employee of all charges and convicted another employee of a lesser charge of pimping, sentencing her to a two-year imprisonment plus a three-year suspended sentence. Erratic official behavior during the trial and the light penalty raised concerns that there was an exchange of bribes in return for light treatment of the case.

On March 21, the Phnom Penh Municipal Court acquitted Meng Say, former chief of the Phnom Penh antitrafficking unit, who was suspended in 2006 for extorting money from South Korean nationals. One police officer remained in jail in connection with the 2006 Phnom Penh Municipal Court case of three police officers sentenced to five to seven years in prison for trafficking-related corruption. Two of the officers appealed their cases; there was no court action on the appeal, and the two officers had not started serving their sentences.

On August 1, the Sihanoukville Municipal Court tried a pimping case but acquitted the suspect, citing lack of evidence. Observers reported irregularities in the case hearing, and the case was under appeal at year's end.

On August 9, a royal decree directed the Supreme Council of the Magistracy to dismiss Appeals Court President Ly Vouch Leng. The directive was issued for her alleged acceptance of bribes in exchange for the release of human traffickers who were running the Chhay Hour II brothel in Phnom Penh. Three Supreme Council of Magistracy officials were also removed in connection with the case, and three appeals court judges and one deputy prosecutor received official letters of reprimand. Ly Vouch Leng was transferred to an unknown position in the Ministry of Justice; no charges were brought against her. The Ministries of Interior and Justice reported their investigations continued.

A legal advocacy NGO reported that five trafficking cases went to trial during the year, resulting in two convictions. For the same period, the MOI reported five convictions on human trafficking charges with sentences ranging from four to 15 years in prison. The Phnom Penh Municipal Court reported 49 convictions of human trafficking offenders from January to October. Police, court officials, and judges often did not separate victims from perpetrators during raids, arrests, and trials. In some cases officials spoke and acted as though victims were perpetrators. During a March 9 Sihanoukville trafficking trial, the presiding judge spoke harshly to underage trafficking victims in the courtroom and acquitted two of the alleged perpetrators.

The Ministry of Social Affairs and Youth Rehabilitations (MOSAVY) referred trafficking victims to NGOs, which provided most assistance to victims. The government participated as a partner in a number of these efforts; however, its contributions were severely hampered by limited resources. NGOs provided intake screening services to identify trafficking victims. Some victims were encouraged by NGOs and the MOI to file complaints against perpetrators; however, in the general climate of impunity, victim protection was problematic, and victims were known to be intimidated into abandoning their cases. Social stigma against women who were prostitutes, victims of sexual assault, or victims of sex trafficking made it difficult for victims to reintegrate into families, communities, and society.

The trafficking law contains no provisions to protect foreign victims from being charged under immigration laws, but during the year there were no reported cases of trafficking victims being treated as illegal immigrants. The MOSAVY worked with the IOM to repatriate trafficked victims from Thailand and Vietnam to Cambodia, and from Cambodia to Vietnam. However, repatriation to Vietnam continued to be a long and arduous process.

The MOSAVY repatriated from Thailand, Vietnam, and Malaysia 845 child and adult victims, as well as others vulnerable to becoming victims, and reintegrated them with their families. With financial and technical support from the IOM, the MOSAVY repatriated eight trafficked Vietnamese girls to Vietnam.

Both the government and international donors had programs to prevent child labor or remove children from labor. The country is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking, whose activities include ensuring the legal, social, and community protection of victims of trafficking; strengthening law enforcement capacity to combat trafficking; and building a comprehensive response involving all relevant ministries. Several ministries--including the Ministry of Women's Affairs and the Ministry of Tourism--had antitrafficking initiatives to reduce child labor. Donors supported programs to combat child labor implemented by the ILO and World Education, among others.

The MOSAVY worked with the UN Children's Fund (UNICEF) and local NGOs to manage community-based networks aimed at preventing trafficking.

Persons with Disabilities

There is no law explicitly prohibiting discrimination against persons with disabilities. The government does not require that buildings or government services be accessible to persons with disabilities. The government prohibits persons with disabilities from being teachers in public schools. On October 1, the government signed the UN Convention on the Rights of Persons with Disabilities.

Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons who had lost limbs, 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. The MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skill training for persons with disabilities.

National/Racial/Ethnic Minorities

The rights of minorities under the 1996 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 nation and culture. Some 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. In spite of the 2001 land law, which calls for 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 their land rights and providing legal representation in disputes.

On March 9, more than 200 indigenous villagers in Stung Treng Province protested the clearing of community forest land by four companies to which the government allegedly illegitimately granted timber concessions. The land had long been used by indigenous villagers for subsistence farming, hunting, and resin production. In May provincial authorities created a special committee to resolve the problem, but the committee did not take any action.

On March 15, more than 500 Jarai indigenous families in Ratanakiri Province demanded the removal of local officials who they alleged were involved in the fraudulent sale of more than 3,000 acres of their communal land. In September 2006 the villagers learned their land had been sold when they saw workers demarcating it as private property. The villagers submitted a complaint to provincial authorities, but authorities did not respond to the complaint.

In early August a Ratanakiri provincial official prevented Tampoun indigenous villagers from burying their dead on land that had served as their traditional burial ground since 1979. The provincial court stated it would arrest anyone who tried to bury bodies there, claiming the land belonged to the provincial finance department director. Authorities sanctioned a new

burial ground approximately 500 yards from the traditional plot. The villagers enlisted the help of an NGO and planned to file a suit with the provincial court.

During the August 9 commemoration of the International Day for Indigenous Peoples, the UN High Commissioner for Human Rights noted the government's failure to protect and implement the rights of indigenous people to their lands, territories, and natural resources. The UN commissioner called for swift action to halt land grabbing in tribal areas, particularly the growing number of economic land concessions and mining licenses granted without community consultation.

Other Societal Abuses and Discrimination

Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs. There was no official discrimination against those infected with HIV/AIDS. There were no reported cases of sexual orientation discrimination in employment, housing, statelessness, or access to education or health care. However, homosexuality was typically treated with fear and suspicion, and there were few support groups based on sexual orientation where such cases could have been reported.

Section 6 Worker Rights

a. The Right of Association

The labor law provides private-sector workers in the formal economy the right to join the trade union of their choice without prior authorization. However, the government's enforcement of this right was selective. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations, although a few unions attempted to intimidate workers who wanted to withdraw. Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally. While the law applies to foreign workers, it does not apply to civil servants, including teachers, judges, and military personnel, or to workers in the informal sector. Personnel in the air and maritime transportation industries are not entitled to the full protections of the law but are free to form unions.

The vast majority of the country worked in the informal sector, primarily as subsistence rice farmers, vendors, or skilled or unskilled laborers. Only a small fraction, estimated at less than 1 percent, of the labor force was unionized. Unions were concentrated in the garment and footwear industries, where approximately 40 to 50 percent of the 350,000 workers were union members. The Cambodian Tourism and Service Workers Federation represented 4,000 hotel, casino, and airport workers. Of the 31 national labor federations and confederations, 26 were allied with the government, four were independent, and one had pro-opposition leanings.

The Cambodia Independent Teachers Association (CITA), registered as an "association" due to prohibitions on public sector unions, represented 8,150 of the country's 89,000 teachers. CITA marches and other protests were often forbidden, although the union reported no direct government interference in day-to-day activities. Some members feared that CITA affiliation could hamper their chance of career advancement, according to union officials. Another public sector association, the Cambodian Independent Civil Servants' Association (CICA), represented approximately 500 officials from ministries, provincial departments, and commune councils, out of approximately 100,000 civil servants nationwide. CICA leaders alleged that fears of harassment or demotion prevented other civil servants from joining.

Some independent and pro-opposition unions and federations complained of unnecessary delays and costs in registering with the government.

Unions were generally seen as slowly gaining strength, but many were not able to adequately represent member interests due to insufficient resources, training, and experience. In addition, corruption plagued unions, employers, and government officials, hampering legitimate industrial relations. Violence, harassment, and intimidation between rival unions were common.

On February 24, two unidentified men shot and killed local union leader Hy Vuthy as he left the Suntex garment factory after completing his night shift. Since 2005 Suntex and Bright Sky factories, which share a compound, have been the scene of fierce interunion rivalry and violence. Hy Vuthy was a member of the country's largest union, the Free Trade Union of Workers in the Kingdom of Cambodia (FTUWKC), which alleged that he might have been killed because of his labor work. No suspects were arrested. Two other FTUWKC leaders--national FTUWKC president Chea Vichea and local union leader Ros Sovannareth--were killed in 2004.

In some factories persons employed in management appeared to have established their own unions, supported promanagement unions, or compromised union leaders. Union leaders from across the political spectrum complained that the Khmer Youth Federation of Trade Unions habitually threatened strikes to extort money from management and threatened and harassed workers from other unions. Independent union leaders complained that the progovernment Cambodian Coalition of Trade Unions frequently intervened in the affairs of other unions, extorted money from

management in exchange for discouraging workers from conducting legal strikes and demonstrations, and threatened rival union leaders.

Enforcement of the right of association and freedom from antiunion discrimination was poor. Government enforcement was hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay staff adequate salaries. The Ministry of Labor and Vocational Training (MOLVT) often decided in favor of employees but rarely used its legal authority to penalize employers who defied its orders, instead referring many cases to an arbitration council.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders, in garment factories and other enterprises. Employers sometimes used the courts to dismiss or punish union leaders. In two cases union leaders were charged with inciting workers to strike, destroying private property, and attempting to incite workers to commit assault. At year's end the cases were pending. On several occasions dismissed union leaders accepted cash settlements after unsuccessfully appealing to the government to enforce laws requiring their reinstatement. At other times the government upheld labor rights. For example, the MOLVT formally warned 1,032 companies of legal violations, fined 10 companies, and charged five companies with violation of the labor law and regulations. The MOLVT sent 83 cases of unresolved labor disputes to the Arbitration Council.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, but the government's enforcement of these rights was inconsistent. Wages were generally set by market forces, except in the case of civil servants, whose wages were set by the government. Garment-sector workers were guaranteed a minimum wage of \$50 per month (210,000 riels).

During the year there were 19 collective bargaining agreements registered with the MOLVT. Most were conciliation agreements that did not meet international collective bargaining standards. Only six genuine collective bargaining agreements existed within the garment industry, 10 at hotels, and one covering contract workers at the two international airports.

A 2001 regulation establishes procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. The regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal. 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 an absolute majority of workers in a given enterprise to represent all of the workers in that establishment. However, the "most representative" registration process was considered cumbersome, and international observers reported that government lists of "most representative unions" included management-controlled unions and unions whose "most representative" status should have expired years before. The government began reexamining its "most representative" certification process with support from international organizations and a diplomatic mission.

The law provides for the right to strike and protects strikers from reprisal. 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, and arbitration), a secret-ballot vote of union membership, and a seven-day advance notice to the employer and the MOLVT.

The MOLVT reported that 82 strikes occurred during the year. International observers, employers, and many union leaders agreed that almost no strikes fulfilled all prestrike legal requirements. Other unions complained that a severe lack of MOLVT involvement led to industrial strikes.

The government allowed most strikes held at factories but denied worker requests to hold protest marches outside of the factory district. Police intervention in strikes generally was minimal and restrained, even in those cases where property damage occurred. Police presence at the few marches that occurred tended to be excessive and often included a specialized police intervention unit.

On May 4, four workers and five security guards were injured when security guards inside the L.A. garment factory tried to prevent workers from leaving the factory to strike. The strike, which involved 4,000 workers, began two days earlier when workers demanded that a manager be dismissed for insulting and mistreating them.

On May 21, more than 100 provincial police officers violently dispersed approximately 200 striking workers at the River Rich garment factory in Kandal Province. Workers said police beat several protesters, but police denied causing any injuries. The strike began when management reneged on a promise to rehire 10 union activists whose contracts had not been renewed. Following the strike, management threatened to sue three union representatives for inciting workers to hold an illegal strike and for discrimination but later dropped the case.

On November 29, approximately 200 police officers violently dispersed a strike by more than 2,000 Fortune garment factory workers who protested reductions in bonuses and short-term contracts. Police accused the strikers of blocking a road, creating disorder, throwing stones, and injuring police officers. Workers said their strike was peaceful and that violent police repression—including firing guns into the air and using tear gas—resulted in three injured workers. Police detained four workers, releasing them later the same day.

There were no developments in the August 2006 case of three factory-level union leaders affiliated with the FTUWKC convicted of charges of illegal human confinement. After spending one month and four days in jail in 2006, the workers were released.

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 strikers were pressured by employers to accept compensation and leave their employment. There are potential remedies for such dismissals, although none was particularly effective. The MOLVT can issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement. Collective disputes, such as when multiple employees are dismissed, can be brought before the Arbitration Council for a nonbinding decision. Individual disputes can be brought before the courts, although the judicial system was neither impartial nor transparent. 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.

There continued to be confusion about the overlapping roles of labor unions and elected shop stewards. According to regulation, trade union leaders have roles comparable to those of shop stewards, and certain union officers have protection from dismissal within an enterprise. However, employers did not always respect these protections.

There were no special laws or exemptions from regular labor laws in export processing zones (known as special economic zones).

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred, almost exclusively in the informal sector. There were reports of isolated cases of forced labor by domestic servants. Forced child labor was a serious problem in the commercial sex industry.

Involuntary overtime remained widespread. Under the law, legal overtime work cannot exceed two hours daily and must be voluntary; however, in practice overtime was often extended beyond the legal limit, and employers used coercion to force employees to work. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

d. Prohibition of Child Labor and Minimum Age for Employment

The government has adopted laws to protect children from exploitation in the workplace; however, enforcement was often weak. 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. A 2006 study by the World Bank, the ILO, and UNICEF estimated that there were 1.5 million children engaged in illegal labor, including 750,000 children younger than 12 years, 500,000 children ages 12 to 14 engaged in "nonlight" economic activity, and more than 250,000 children ages 15 to 17 working in prohibited hazardous sectors or working more than 43 hours per week.

No aspect of the law prohibiting child labor was adequately enforced in the formal employment sector. No employer was prosecuted for violating laws against child labor. The MOLVT has responsibility for child labor issues 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. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor is negligible), but in some industries with the highest child labor risk, labor inspections were entirely complaint driven.

The constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem in the commercial sex industry. Law enforcement agencies failed to combat child prostitution in a sustained, consistent manner. Widespread corruption, lack of transparency, inadequate resources, and staffing shortages remained the most challenging obstacles.

e. Acceptable Conditions of Work

The law requires the MOLVT to establish a garment-sector minimum wage based on recommendations from the Labor Advisory Committee. There was no minimum wage for any other industry. The minimum wage for the sector was \$45 to

\$50 (189,000 to 210,000 riels) per month. Garment-sector employers almost universally paid regular workers at least the minimum wage, although casual workers were often paid less. Garment workers earned an average wage of \$70 to \$80 (294,000 to 336,000 riels) per month, including overtime and bonuses. Prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living, although garment-sector wages were generally higher than wages in the informal economy. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income, in many cases by obtaining second jobs or accepting bribes.

On June 8, despite strong protests from some unions, the National Assembly amended the labor law to establish a nightshift rate of 130 percent of daytime wages. Before this amendment, customary practice was to pay nightshift workers 200 percent of daytime wages, and few factories operated night shifts due to the high salary cost.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law stipulates time-and-a-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work up to two hours of overtime each day. However, the government did not enforce these standards effectively. Workers reported that overtime was frequently excessive and sometimes mandatory. Similarly, outside the garment industry, regulations on working hours were rarely enforced.

The law states that the workplace should have health and safety standards adequate to ensure workers' well-being. The government enforced existing standards selectively, in part because it lacked trained staff and equipment. 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. Penalties are specified in the law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who removed themselves from unsafe working conditions risked loss of employment.

 [BACK TO TOP](#)