



2008 Human Rights Report: Cambodia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

February 25, 2009

Cambodia is a constitutional monarchy with an elected government and a population of approximately 14 million. In national elections on July 27, the Cambodian People's Party (CPP), led by Prime Minister Hun Sen, won 90 of 123 National Assembly seats. Most observers assessed that the elections took place in an overall peaceful atmosphere with an improved process over past elections. However, observers noted the elections did not fully meet international standards. 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 many instances security forces acted under directives of the CPP leadership.

The government's human rights record remained poor. Security forces committed extrajudicial killings and acted with impunity. 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 were a continuing problem. The government restricted freedom of speech and the press and at times interfered with freedom of assembly. Corruption was endemic. 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 in the informal sector remained a problem.

On February 15, the government passed and promulgated a comprehensive Law on Suppression of Human Trafficking and Sexual Exploitation containing provisions criminalizing all forms of human trafficking. By year's end the Cambodian National Police had arrested perpetrators in 48 trafficking-in-persons and related cases, and the courts had convicted at least 12 persons on trafficking-related charges.

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.

From January to August, the Cambodian Human Rights and Development Association (ADHOC) recorded 40 cases of extrajudicial killings, 16 of which allegedly were committed by police, 15 by soldiers, and the remaining nine reportedly by local-level government officials. Police arrested suspects in at least three cases.

On April 13, a Palhal Commune police officer in Tbeng Meanchey District, Preah Vihear Province, shot and killed

Buern Soksina during a motorcycle chase. The victim reportedly was unarmed. The officer paid the victim's family five million riels (approximately \$1,250). At year's end there was no arrest in the case, and the police officer remained on duty.

On April 12, a villager who had sustained head injuries after government security forces beat him during the November 2007 Preah Vihear eviction died. An NGO reported that the victim had remained in pretrial detention until April 6, when he was taken to the hospital for medical treatment. According to the NGO, a hospital doctor stated that the deceased died from a previously undiagnosed brain disease; however, the NGO claimed that the villager died from head injuries.

On October 2, military soldier Heng Phanith reportedly opened fire into a small crowd gathered near his parked car after the soldier found damage to his car, killing bystander Suon Chanthoeun and injuring two others. Heng Phanith fled the scene, and at year's end his whereabouts were unknown. The Phnom Penh Municipal Court reportedly issued an arrest warrant for the soldier. His family reportedly paid monetary compensation to the deceased victim's family and was negotiating to compensate one of the other victims.

Political and human rights activists continued to be the victims of killings, but NGOs, international organizations (IOs), and police could not confirm that the deaths were politically motivated. During the year there were as many as 17 killings of political activists reported, with NGO and IO investigations coming to different conclusions and indicating that anywhere from none to seven of the killings may have been politically motivated.

On May 7, villagers in Tak O'Khang Cheung Village, Kirivong District, Takeo Province, found in an irrigation channel the body of Cheang Sorm, reportedly a former CPP activist who a local Human Rights Party (HRP) chief claimed had switched to the HRP. CPP officials denied the deceased had switched parties. A police investigation concluded that Cheang Sorm died after accidentally falling and closed the investigation. An NGO reportedly viewed photos of Cheang Sorm's corpse showing his head twisted in a way that suggested his neck may have been broken and his front teeth broken and missing. One NGO investigation concluded that the incident was politically motivated.

On May 17, Norodom Ranariddh Party (NRP) Deputy Chief Sok Run in Banteay Dek Commune, Kien Svay District, Kandal Province, was found dead in an irrigation channel with bruises on his back and signs of bleeding from his nose, ears, and eyes. He was last seen alive walking home after inviting village NRP members to a meeting. A local police investigation concluded that Sok Run accidentally fell to his death. NGO investigations concluded that an unidentified assailant caused the injuries and that the death was politically motivated.

On July 11, unidentified assailants on a motorcycle shot and killed journalist Khem Sambo, known for his work for pro-opposition Sam Rainsy Party (SRP) newspaper Moneaksekar Khmer, and his 22-year-old son, Khat Sarintheada. Some investigators noted eyewitness accounts that after shooting Khem Sambo and driving away, the assailants returned to the scene and fired additional shots at his son. At year's end the investigation was ongoing, and the identity of the killers and their motive remained unknown.

There were no developments in the following cases: the February 2007 death of Khmer Kampuchea Krom monk Eang Sok Thoeurn, who was found with his throat cut in Kandal Province; the February 2007 killing of SRP activist Chea Sovin, who was shot in Battambang Province; the April 2007 incident involving police officer Siv Soeun, who killed a person in Kampong Cham Province; or the July 2007 killing of SRP commune level vice party chairperson Kleb Un.

There were no developments in the following 2006 deaths: SRP activists Koent Chhuon and Thoeung Thear; Pao Rum and Khat Thoeun; 10 inmates killed after escaping from Kampong Thom and Battambang prisons; and Nong Sam.

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 47 deaths, 47 amputations, and 169 other injuries.

Local NGOs reported two mob killings during the year--one related to a gambling dispute, the other to a theft. No suspects were arrested in the cases. An NGO reported five cases of mob killings in 2007. In previous years NGOs noted that a majority of mob killings were related to thefts, robberies, or suspected witchcraft.

There were no developments in the June 2007 mob killings in Kampong Speu and Kampong Chhnang provinces.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

On June 28, a Vietnam prison released Khmer Kampuchea Krom monk Tim Sakhorn, head of a pagoda in Takeo Province who disappeared from Cambodia in June 2007; at year's end he was reportedly under house arrest in Vietnam with constant police surveillance.

In the August 2007 disappearance of Land Border Protection Unit 504 soldier Im Bun Ny, at year's end there were no arrests, and Im Bun Ny remained missing. Four soldiers from his unit reportedly paid compensation to the victim's family. The soldiers allegedly had beat Im Bun Ny to death and buried his body.

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

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

There were credible reports that military and civilian police officials used physical and psychological torture and on occasion severely beat criminal detainees, particularly during interrogation. NGO reports stated that authorities allegedly tortured at least 85 prisoners, of whom 78 were tortured in police custody and seven 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.

ADHOC noted that there were 110 cases of physical assaults on civilians by local authorities, government agents, or private bodyguards during the year, compared with 181 cases in 2007.

At year's end there was no arrest in connection with the May 2007 case of Kampong Speu Province military police officer Prak Vutha, who reportedly arrested and beat unconscious a man named Sok Soeun.

There were no developments in the following 2006 cases: two policemen from Border Protection Unit 701 implicated in the beating of a 13 year old boy, Police Commissioner Team Sangkriem in Preah Vihear Province and three other police agents who detained Kong Salath without a warrant and beat him, and Battambang military police who reportedly beat a motorist. In the 2006 case of Tous Sdoeung, whom two military police officials allegedly tortured to death, there were no arrests or court action; the police officials reportedly paid compensation to the victim's family.

Reliable reports indicated that some police and the Ministry of Social Affairs, Veterans, and Youth Rehabilitation

(MOSAVY) guards raped, physically abused, robbed, and extorted some detainees in police custody and MOSAVY rehabilitation centers.

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.

There were reports at some prisons that cells of 40 by 20 feet held up to 110 prisoners. At Correctional Center 1 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. There were reports that at least 36 prisoners died in custody in 18 prisons during the year.

On April 6, in the Toul Sangke area of Russei Keo District in Phnom Penh, a mob beat Bun Vannarith for allegedly stealing a necklace. After police arrived on the scene, they took the man to the hospital for treatment but then removed him with a doctor's approval and placed him in police detention. Police later found Bun Vannarith dead in his cell; there was no police investigation of his death.

On April 28, 21-year-old prisoner Yan Sok Kea died at Preah Monivong Hospital, reportedly from a high fever. An NGO believed the death was the result of delays in providing medical treatment.

On November 21, 24-year-old prisoner Heng Touch died at Calmette Hospital in Phnom Penh. Prey Sar prison officials reported that Heng Touch was trying to kill himself by banging his head against a wall. However, persons close to the victim reported that before Heng Touch was sent to the hospital, he told them that he had been beaten with a metal rod wrapped with cloth. An NGO reported Heng Touch had serious injuries to his skull and torso. A hospital medical certificate stated that he suffered multiple traumas and died while in a coma. The victim's family filed a complaint to the Phnom Penh Municipal Court, and the court investigation reportedly was ongoing at year's end.

An NGO reported that one elderly woman died while in detention in one of the MOSAVY rehabilitation centers, having had no access to medical care.

Government ration allowances for purchasing prisoners' food routinely were misappropriated and 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 to visit prisoners or provide 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 credible 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. As of December 703 minors ages 13 to 17 reportedly were incarcerated, and many were held in prisons that did not have facilities to separate minors from adult prisoners. Also as of December, it was reported that three pregnant women were in prison, and at least 43 children were detained together with

their mothers.

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, sometimes making it difficult to gain access to pretrial detainees. The Ministry of Interior (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. Contrary to previous years, at times officials permitted NGOs 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. The criminal procedures code allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. Legal Aid of Cambodia reported that some accused were held in pretrial detention longer than the legal time limit, sometimes without legal representation or trial. Additionally, some courts lost case files during pretrial detention periods, delaying court procedures.

ADHOC reported at least 96 cases of illegal arrest or detention during the year. ADHOC stated that victims in 46 illegal detention cases subsequently were freed following detainee complaints, interventions by human rights NGOs, or payment of bribes. ADHOC believed that the actual number of arbitrary arrests and detentions was 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, authorities took no legal or disciplinary actions 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 officials killed citizens and committed other abuses 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.

On July 11, Brigade 70 Major Meur Bora reportedly beat two men after the vehicle they were driving scratched the side of Meur Bora's vehicle. Phnom Penh police detained Meur Bora overnight but released him the next day after he gave money to the victims. There was no further police or court investigation into the case.

On August 3, the unidentified driver of a vehicle belonging to the prime minister's nephew struck and killed a man on a motorcycle. Local police stationed nearby reportedly left the scene without taking action. Military police arrived; however, the driver later left the scene without charge. Several days later the victim's family was reported

to have been paid \$4,000 in compensation. There was no report of further police or court investigation into the case.

On September 4, a person believed by some witnesses to be a government bodyguard shot and killed a woman while reportedly playing with a gun during a drinking bout in a restaurant in Kandal Province. Later that night Phnom Penh police arrested the perpetrator; however, the court released him without charges. The alleged perpetrator reportedly gave 10.8 million riel (\$2,700) to the victim's family as compensation. At year's end the case was under review by the Kandal Provincial Court investigating judge.

There were no developments in the following 2006 cases: an antidrug department and military police officer who shot and injured singer Sovansocheata; two Brigade 70 military unit officials who shot and injured a person in Phnom Penh; a military officer who shot and injured a garment factory worker; or the appeal of the 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. In the 2006 case of three police officials accused of raping a 12 year old girl, on July 4, the Siem Reap Provincial Court convicted in absentia the officials to 17 years in prison each. However, police reportedly were not able to locate the three to enforce the sentence.

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 criminal procedures code, accused persons may be arrested and detained for up to 24 hours before being afforded access to legal counsel, but prisoners routinely were held 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.

In June human rights groups reported the arbitrary detention of prostitutes detained after brothel raids and persons who were homeless, including the mentally ill, pregnant, sick, elderly, and children, at two rehabilitation centers run by MOSAVY in Phnom Penh and Kandal Province. The detainees had not been charged with a crime by police or courts but reportedly were held behind bars in the rehabilitation centers. In June and September, MOSAVY released the detainees from the centers.

It was reported by an NGO that as of December at least 25 pretrial detainees had been detained longer than the four month limit for misdemeanors and the 18-month limit for felonies.

On February 18, Order Police in the Cham Chao district of Phnom Penh detained Prip Pov, a police officer who was involved in a Kep Municipality land dispute with Princess Norodom Marie Ranariddh, and held him without charges for five weeks. Police reported that they had the right to detain another officer as part of their internal disciplinary procedures. However, the 1995 Declaration on the Discipline of the National Police Forces specifies only warnings, demotions, expulsions from units, or court prosecution as punishments. On March 24, Prip Pov was released for medical attention. Criminal charges were filed against him with the Kampot Province Court in relation to the land dispute. No action was taken against Phnom Penh Order Police.

There were no developments in the following 2007 arrest and detention cases: two military police officials in

Banteay Meanchey Province who detained Kim Heang without a warrant; or the Ratanakiri Province pretrial detention and sentencing of a 13 year old Jarai ethnic minority youth to eight months and 10 days, despite his being under the minimum age for imprisonment when he was arrested. At year's end the youth remained in jail, and the appeals court had not set a trial date to review the case appeal, filed by the court prosecutor in May 2007.

At year's end the appeals court had not set a trial date for the appeal of an August 2007 Phnom Penh Municipal Court decision convicting six persons and acquitting two charged with planning bombings at the 2006 Water Festival. Lawyers and NGOs maintained that police did not serve arrest warrants or inform the suspects of the charges against them.

e. Denial of Fair Public Trial

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

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 and prosecutors. 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.

In August the Extraordinary Chambers in the Courts of Cambodia (ECCC) refined its internal rules to prosecute more rapidly egregious crimes of the 1975-79 Khmer Rouge regime. In July the ECCC coinvestigating judges brought the closing order (indictment) against Kaing Guek Eav (alias Duch), former Khmer Rouge director of the S 21 torture prison (Tuol Sleng), for crimes against humanity and grave breaches of the 1949 Geneva Convention (war crimes). On an appeal of the closing order, a December pretrial chamber decision added the charges of premeditated murder and torture. At year's end Duch remained in an ECCC provisional detention center awaiting trial. The ECCC continued investigating cases against four other detained Khmer Rouge leaders charged with crimes against humanity and war crimes.

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 favorable 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. During the year the Center for Social Development (CSD) monitored 2,329 felony and misdemeanor hearings with 3,902 defendants and found moderate trial procedure abuses in the Supreme Court, appeals court, and in four of the courts of first instance. In a report of trials observed during the same period, the center stated that courts tried approximately 27 percent of 3,902 defendants in absentia. Defendants were not present during 66 percent of appeals court trials. Of defendants charged with felonies, 83 percent had legal representation, compared with 22 percent of those charged with misdemeanors. In trials monitored by the CSD, 78 percent of juvenile defendants had access to legal representation.

Of 2,329 trials the CSD observed in seven provinces from January to December, many defendants awaiting appeal hearings remained in custody for prolonged periods, sometimes for a year or more. Thirty-six percent were released while waiting for their appeal trial, including juvenile defendants. Authorities released 67 percent of defendants in misdemeanor cases pending appeal hearings. The CSD monitored 464 appeals court trials during the same period and reported that the court postponed 277 for periods of between one week and three months. Of the 260 adult defendants in detention pending appeal, seven were detained for less than four months, at least 27 were detained four to 12 months, 144 were detained one to three years, 66 from three to five years, and 15 more than five years. Of juvenile detainees, 32 percent were detained pending appeal for two to four years.

Observers reported that many cases were pending due to a shortage of judges and courtrooms. Observers also speculated that court officials might have been focusing 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 in effect were denied the right to a fair trial. According to the Bar Association, approximately 20 percent of the country's 647 lawyers provided pro bono legal counsel to poor persons, which was inadequate to cover the basic legal rights of all of the country's poor.

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 officials often exerted pressure on judges of civilian criminal courts to have the defendants released without trial.

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

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 defendants usually paid money to victims and authorities to drop criminal charges against them. Authorities were known to urge victims or their families to accept financial restitution in exchange for dropping criminal charges or failing to appear as witnesses.

On December 31, the Supreme Court released on bail Born Samnang and Sok Sam Oeun, imprisoned since their 2004 arrest for the murder of labor leader Chea Vichea, and remanded the case to the appeals court for reinvestigation and retrial. In 2007 the appeals court had upheld the original convictions and sentences of 20 years each in prison. During the Supreme Court announcement of its ruling, the court president cited insufficient evidence and gaps in procedures, and he relied on the constitution and new penal code as grounds for the decision.

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 generally was viewed as corrupt, politically biased, and weak, and according to a September sample survey of adult citizens, 82 percent said going to court was too expensive and required bribing judges or the police. The public appeared especially distrustful 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 often was 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, observers reported that 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 hundreds of thousands of refugees, land ownership often was unclear. The 2001 land law states that any person who peacefully possessed private or state private property (not state public land) without contention for five years prior to the 2001 promulgation of the law has the right to apply for a definitive title to that property. Although the Ministry of Land Management, Urban Planning, and Construction issued its one millionth land title in 2007, most of the country's impoverished population continued to lack adequate formal documentation of land ownership. Provincial and district land offices continued to follow pre-2001 land registration procedures, which did not include accurate land surveys and opportunities for public comment. The Cadastral Commission failed to implement the identification and demarcation of state land, leading to land conflicts, arbitrary evictions, and ill-defined, uncontrolled state development. Widespread land speculation, while slowed somewhat in the last half of the year by stagnating land values, continued to fuel disputes in every province and increased tensions between poor rural communities and speculators. The Cadastral Commission 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 Land Dispute Resolution was ineffective, and confusion existed over its jurisdiction, which overlapped with that of the national and provincial cadastral commissions.

Cases 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 306 land related cases during the year. During the same period, another NGO received 112 land related cases in Phnom Penh and 14 provinces, affecting a total of 13,397 families. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those expelled successfully contested these actions in court, but the majority of the cases in the courts were still being processed.

In January Jarai ethnic minority villagers from Kong Yu and Kong Thom villages appeared for questioning before the Ratanakiri provincial criminal prosecutor in connection with their land dispute case involving Keat Kolney, a well-connected individual. In June 2007 Keat Kolney filed a criminal complaint accusing some of the villagers of fraud and defamation. She claimed 1,112 acres of land in Pate Commune, O'Yadau District, Ratanakiri Province, based on 100 land contracts dated August 2004. In July 2007, 42 of the 200 villagers retracted earlier statements and said

they willingly sold the land to Keat Kolney. On October 23, the Ratanakiri provincial court appointed a new judge to the case after villagers' lawyers successfully petitioned for the removal of the previous judge on grounds of lack of progress. At year's end there continued to be reports of Keat Kolney's company clearing land in the disputed territory, despite an agreement to halt development there while the court case proceeded.

On February 22, approximately 100 armed police and military police evicted 23 families from a community in the Russei Keo District of Phnom Penh. Some community members protested the eviction. During the protest, authorities beat one woman and injured as many as four others. Despite documents showing residents had lived on the private land since 1994, several businesspersons also appeared to have legitimate titles to the land. The Supreme Court decided that the businesspersons had a legal right to the land and authorized the eviction. Evicted families were not paid compensation.

On March 9, soldiers in the Malai District of Banteay Meanchey Province fired into a crowd of approximately 500 villagers, hitting two in the legs. The villagers were protesting the bulldozing of state land straddling Banteay Meanchey and Battambang provinces, on which they lived and farmed. A man named Chea Sam Ath, who falsely claimed to be a local village chief, and his wife reportedly ordered the soldiers to shoot evictees. Chea Sam Ath and his wife fled; however, at year's end Chea Sam Ath reportedly had returned freely to the village. Villagers allegedly did not file complaints with the courts, and there was no investigation into the shootings. According to one NGO, some of the protesting villagers had bought the land from local soldiers and police officials, who also claimed to own the land; others were squatters.

On June 21 and 22, Brigade 31 soldiers evicted approximately 450 squatter families from the Anlong Kroum area of Chey Sena Villages in Taken Commune, Chhuk District, Kampot Province. Military and provincial government representatives stated that the eviction was part of a relocation program approved by the prime minister to provide land and homes to 260 handicapped soldiers and their families in a military development area already partly occupied by a military tree-planting program. The evicted persons apparently had no clear legal claim to the state land that Brigade 31 commanders claimed the prime minister awarded to the unit in a social land concession. During the eviction the military sealed off the villages and prevented others, including commune officials and police, from entering. Soldiers reportedly gave some squatters slips of paper with land plot numbers on them with a promise that an actual title would come later. Some of those who received the slips of paper were moved to a neighboring village, Kbal Damrey, where existing villagers reportedly were forced to share the land where they lived with the incoming evictees. Some of the existing villagers protested, and soldiers allegedly beat one of them unconscious and arrested him and three others on charges of willful damage to property and another for allegedly stealing a cellular telephone. On December 15, the Kampot Provincial Court acquitted three of the arrested villagers and sentenced the fourth to time served.

On November 17, Kampot provincial government, forestry, environment, and police officials, together with military Brigade 31 soldiers, attempted to evict approximately 300 families from Anlong Khmeng Leng village, Taken Commune, Chhuk District, Kampot Province, under orders from the Kampot governor. Forestry officials claimed the villagers' occupation was illegal because the land was within the borders of Bokor National Park. During the eviction soldiers hit three villagers and caused them serious injuries. NGOs on the scene reportedly attempted to evacuate the injured but alleged that soldiers prevented them from leaving until later in the evening. Four additional villagers sustained minor injuries and remained on the site. Forestry officials burned the villagers' houses. Although they did not have a legal claim to the land under the land law, approximately 200 of the village families remained on the land after the attempted eviction. At year's end community representatives reported that although there were checkpoints at both ends of the through roads to the area, soldiers allowed villagers to come and go freely.

There were no developments in the April 2007 eviction of 117 families from the Mittapheap District in Sihanoukville. In the May 2007 Kampong Speu Province case of 40 soldiers from ACO Tank Command Headquarters who

destroyed crops and fences on land for which there had been no clear classification as state or private land, throughout the year soldiers occupying the land divided it among themselves and built demarcation fences. The land was also occupied by 25 Phnom Srouch District families.

In April representatives of the Phnom Penh Tonle Bassac Group 78 (G78) met with Phnom Penh Governor Kep Chuktema regarding a 2006 eviction notice. While authorities claimed the land was state land, the government did not provide documents classifying it as state property, and the land did not meet the 2001 land law definition for state public land. According to the 2001 law, the land was eligible for transfer by the state into private land. Many of the families had lived on the land since the 1980s and claimed ownership under the 2001 law. G78 community members stated that the municipality offered compensation that was approximately equal to 2 percent of a November 2007 independent assessment of market value, plus one plot in a Phnom Penh eviction resettlement site per family. Municipal authorities reportedly told the G78 community members that no eviction of G78 would occur. At year's end the community remained under threat of eviction, and the municipality had not ensured a transparent process for determining the fair market value for compensation; dropping land prices made assessment difficult.

On February 15, the appeals court upheld the decision of the Siem Reap Provincial Court ordering SRP parliamentarian Son Chhay to sell 7.8 acres of land he purchased in 1995 to a government agency for an amount reportedly below the market price. The land was to be turned over to a private developer to build a hotel as part of a local development plan. Son Chhay took the case to the Supreme Court; at year's end the Supreme Court had not set a trial date.

The appeals court took no action in the 2006 case of 12 persons convicted of deforestation and staking claims to state-owned land in connection with a Kampot Province confrontation between 2,000 squatters and local police. In a 2006 eviction case in Peam Chor District, Prey Veng Province, that left one person dead and four others injured, police from the same unit as the police who were implicated in the killing arrested two of the villagers on robbery charges, in what NGOs said was an attempt to intimidate the villagers. In November Prey Veng Provincial Court acquitted one of the villagers and convicted the other, sentencing him to six years in prison.

On February 18, villagers from 265 families in Sre Ambel District, Koh Kong Province, held a peaceful demonstration along National Road 48 to protest two economic land concessions, shares of which in 2006 were granted to Senator Ly Yong Phat, the Khon Kaen Sugar Corporation of Thailand, and Ve Wong Corporation of Taiwan. The villagers were evicted in 2006. The MOI has acted intermittently as mediator in the dispute; however, as of year's end, the villagers had received no compensation for the land.

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 requires that free speech not adversely affect public security. The constitution also declares that the king is "inviolable." In December 2007 the Ministry of Information issued a directive in conformity with the defamation law that reiterates these limits and prohibits publishers and editors from disseminating 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 UN Transitional Authority in Cambodia (UNTAC) law to prosecute journalists and others on defamation and disinformation charges. A 2006 amendment eliminates 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 January a Phnom Penh Municipal Court investigating judge questioned pro-opposition newspaper Khmer Machas Srok (Khmer-Owned Land) publisher Hang Chaktra in connection with an article that reportedly was considered defamatory towards Commerce Minister Cham Prasidh and his wife. As of December no trial date had been set. Also in January the MOI questioned So Visal, a reporter for the radio station Voice of Democracy, regarding a story about the demolition of a large Buddha statue in Phnom Penh. Police briefly detained So Visal in December 2007 in connection with the same story.

On June 8, Dam Sith, editor in chief of the pro-opposition newspaper Moneaksekar Khmer (Khmer Conscience), was arrested and charged by the Phnom Penh Municipal Court after Foreign Minister Hor Namhong filed a defamation and disinformation suit because the newspaper printed opposition leader Sam Rainsy's allegations against Foreign Minister Hor Namhong. On June 15, at the prime minister's request, the court released Dam Sith from pretrial detention. It was reported that Dam Sith privately apologized to Hor Namhong regarding the story. Foreign Minister Hor Namhong later announced that he dropped the lawsuit to avoid problems in the July 27 national elections. On April 22, Hor Namhong filed a defamation lawsuit in the Cambodian courts against Sam Rainsy over the same comments; on July 27, he also filed a lawsuit with a French court, which was pending at year's end.

All major political parties had reasonable and regular access to the print media. All major Khmer language newspapers received financial support from political parties and were politically aligned. There were an estimated 20 Khmer language newspapers published regularly; the majority were considered pro CPP, and at least four newspapers were considered to support each of the other main political parties--the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC), SRP, HRP, and 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 leaders 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 eight domestic television stations and approximately 50 radio stations. All television stations and most radio stations were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties. In the months preceding the July 27 national election, major television stations were dominated by stories outlining the ruling party's accomplishments. Equal broadcast time was not given to opposition parties. In May the Ministry of Information closed indefinitely Angkor Ratha, a private radio station in Kratie Province, stating it did not respect the terms of its government-issued license. Station owner Keo Chanratha was quoted as saying that the government shut down Angkor Ratha on grounds that, by its own admission, it sold broadcast time to FUNCINPEC, HRP, the League for Democracy Party, NRP, and SRP without prior permission, as stipulated in the license contract. During the 30-day election campaign, state television and radio stations made time available to all 11 contesting parties based on an equity formula. State TVK television also broadcast 10 multiparty debates. On the night before the July 27 national election, approximately 20 police officials and soldiers shut down the opposition-aligned FM 93.5 radio station after it broadcast a reading of Sam Rainsy's book about his political life. The Information Ministry stated that it closed the station because the broadcast violated a 39-hour preelection day ban on political propaganda. The station resumed broadcasting 11 days later after issuing an apology letter.

Journalists, publishers, and distributors were also subject to other forms of harassment and intimidation, including two death threats, and most reporters and editors privately admitted to some self censorship due to fear of government reprisals.

In April six bullets were found outside the home of Battambang Province-based Radio Free Asia reporter Lem Pichpisey. This was the second time the reporter was threatened after reporting on drug trafficking involving a casino, a high-ranking police officer, and the killing of a drug suspect in Poipet. In June the reporter went into hiding after reportedly receiving a threatening telephone call about his investigation of illegal logging in Kampong Thom Province.

In April Koh Kong police beat unconscious and arrested Meas Asi, a reporter with the Koh Kong Province-based Khmer-language newspaper Panhavorn Khmer (Khmer Intellectual). The reporter was on his way to cover a land dispute protest in Chhouk Village. The reporter was released on bail 17 days later. In July Sihanoukville military police Captain Nget Chantha threatened and hit Koh Santepheap (Island of Peace) journalist Ros Panha after the journalist refused to retract his allegation that the officer was plotting to transport illegal timber into the port.

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

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 2006 Council of Ministers directive prohibiting government officials and employees from speaking to the media or the public about government corruption remained in effect but did not appear to be enforced. After the July general election, the Council of Ministers appointed a secretary of state who acted as a spokesperson and discussed corruption and other issues.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. However, in late December the minister of information confirmed that his office was drafting a law that would extend libel, defamation, and ethics rules governing print media to other media platforms such as radio and television. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. According to an industry survey, less than one-thousandth of the total population had Internet subscriptions, most of them in Phnom Penh and Siem Reap. In urban areas Internet access was widely available through Internet cafes.

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. There were no developments in the February 2007 conviction of Tieng Narith, a former professor at the Buddhist University of the Royal Academy of Preah Sihanouk Reach, who was sentenced to two years and six months in prison for teaching from a self-published text containing antigovernment material. Tieng Narith's lawyer appealed the decision in 2007, but at year's end Narith remained in prison, and the Appeals Court had not taken any action in the case.

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, in some instances causing minor injuries to some demonstrators. At times rallies organized by groups critical of the ruling party received government permission, but the government intermittently blocked access to demonstration sites and thus participation by some persons.

ADHOC reported that out of 122 protests--58 of which were related to land, 30 to labor disputes--police and military police dispersed 21 protests, four of which were by labor protesters, 12 by land dispute protesters, four by Khmer Kampuchea Krom monks, and one by persons protesting a power-line tower to be constructed near their homes.

On April 6, the SRP organized a Phnom Penh rally to express concerns over negative economic developments such as high inflation. While the government granted permission for the rally, police set up intermittent roadblocks, stopping trucks and forcing persons on board to disembark. Those who disembarked were not allowed to reboard but could hire motorcycles or cars to complete the journey to the rally.

On May 23, the Ratanakiri provincial government denied permission for an NGO to organize a march in Bunlong on grounds that the march would threaten public order. However, in cooperation with provincial government officials, the NGO held a gathering with approximately 270 community members at its office. The provincial governor later held a joint workshop between community members, human rights organizations, and law enforcement officials to discuss illegal logging.

There were cases of local government officials attempting to disrupt opposition party meetings, sometimes with warnings that participants would be prevented from accessing local administrative services. On May 1, a village chief in Sieng Kvang Commune, Kamchaymea District, Prey Veng Province, reportedly told NRP supporters going to an NRP meeting that he would not help them access local administrative services such as obtaining birth certificates and marriage and funeral permits.

Local government officials attempted to disrupt or prevent some public information and public forum gatherings. On February 24, Chhnuk Tru Commune council members, police officials, and a village chief in Boribo District, Kampong Chhnang Province, threatened organizers from Cambodian Center for Human Rights (CCHR) and a local home owner with arrest if they held a community dialogue with 30 participants, stating the meeting would incite the community, but the organizers held the event as scheduled. Several days later, police again threatened the owner of the house with arrest if he organized this type of gathering again.

On July 17, Tek Phus district officials denied permission for a CCHR forum about human rights and community development in Preah Mlu Village, Krang Thka Commune, Kampong Chhnang Province, stating that they did not want to allow the forum so close to the July 27 national election because it would be a public order concern.

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 2007 the Ministry of Cults and Religious Affairs issued a directive restating a 2003 order prohibiting public proselytizing, which continued to be loosely enforced.

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 2008 Annual Report on International Religious Freedom at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The 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 government allows the Office of the UN High Commissioner for Refugees (UNHCR) to process asylum seekers and assist refugees while they are in the country.

A 2005 memorandum of understanding 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 200 Montagnard and 39 non-Montagnard new arrivals sought asylum with the UNHCR. According to the UNHCR, 82 Montagnard and 24 non Montagnard refugees departed for a third country, while authorities deported 224 rejected Montagnard asylum seekers to Vietnam, and 91 Montagnards voluntarily returned to their country of origin. At year's end there were 226 Montagnards in UNHCR protection sites in Phnom Penh. According to the UNHCR, during the year no refugees requested local integration.

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Through the assistance of the UNHCR, the government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

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 did not effectively implement 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 if both were born and living legally in Cambodia, or if either parent 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 from 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 July 27, the country held an election for its 123 National Assembly seats. The CPP won 90 seats, SRP 26, HRP three, NRP two, and FUNCINPEC two. Most observers agreed the national elections took place in an overall peaceful atmosphere with a process that was generally an improvement over past elections. There were reports of 17 killings of political activists, with NGO and international organization investigations coming to different conclusions and indicating that anywhere from none to seven of the killings may have been politically motivated.

Although some election day irregularities persisted, they were low in number and did not appear to affect the outcome or distort the will of the citizens. However, observers noted the elections did not fully meet international standards. Outside of the 30-day campaign period, the opposition parties' access to television broadcasting was minimal, and the CPP dominated the airwaves. While more radio stations broadcast a greater number of independent and opposition views, hindrances to their operations persisted. Access by voters to their polling stations was a problem in some areas of the country. A Neutral and Impartial Committee for Free and Fair Elections in Cambodia survey showed that in 24.9 percent of all polling stations, five or more voters came to the polling station but failed to find their name on the voter list. The problem reflected difficulties with the Voter Information Notices, the reassignment of voters to different polling stations from one election to the next, and the deletion of as many as 57,000 legitimate voters (approximately 0.6 percent) during a 2007 voter list cleanup exercise.

Parties could register, and individuals were free to be candidates without restrictions. On July 30, the Supreme Court upheld a March 2007 Phnom Penh Municipal Court decision sentencing NRP president Prince Norodom Ranariddh in absentia to 18 months in prison and a 600 million riel (\$150,000) fine on charges of breach of trust. The prince chose self exile during the election campaign and on election day. On September 28, the prince

returned, and on October 2, he formally withdrew from politics. On December 6, the king appointed Prince Norodom Ranariddh as chief of high advisors to the king.

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 part in the July 27 national election. The country's first female candidate debates took place July 8-9. The number of women increased in the National Assembly from 22 after the 2003 election to 27 after the July 27 election. A woman was appointed deputy prime minister for the first time. There were nine women in the 61 seat Senate and 46 women working as ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisors, and there were 23 female judges in the municipal and provincial courts, appeals court, and Supreme Court. Although there were no female governors, the government appointed women as deputy governors in all but one of 20 provinces and four municipalities. In the April 2007 commune council elections, 14.6 percent of the elected councilors were women, of whom 67 were elected as chiefs.

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

Government Corruption and Transparency

There is no anticorruption law, and only a few provisions of other laws provide criminal penalties for official corruption.

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. Donors and potential investors continued to express concern about the lack of an anticorruption law and the urgent need to pass such legislation.

Corruption was considered endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of government. Officials frequently engaged in corrupt practices. Meager salaries contributed to "survival corruption" among low level public servants, while a culture of impunity enabled corruption to flourish among senior officials. Public officials are not subject to financial disclosure laws.

Reported public experience with corruption was widespread, indicating many corrupt practices were not hidden. On May 16, more than 40 civil society organizations presented to the National Assembly a petition calling for the passage of an international standard anticorruption law, containing signatures and thumbprints of more than 1.1 million persons of voting age.

Legislation does not contain provisions offering protection to persons who expose corruption in an organization. An independent anticorruption body does not exist. The Council of Ministers' Anti-Corruption Unit is charged with developing anticorruption measures and presenting proposals to the government. The Unit largely was credited with a crackdown on three corrupt customs officials who illegally smuggled cars from Thailand into the country. The Ministry of National Assembly-Senate Relations and Inspections is mandated to investigate allegations of corruption. The National Audit Authority has the authority to audit ministries, institutions, and other entities.

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. Some NGOs reported that in practice it was difficult for them to access information; the government frequently did not or could not answer requests for information.

Section 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 multiple reports of lack of cooperation and, in some cases, intimidation by local government officials 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 of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction. NGO public interest lawyers reported being denied access to clients in detention in some human rights abuse cases, and an NGO reported that government officials had warned that the NGO's representatives might be charged with disinformation and incitement if they spoke to the media about the cases.

The government had three human rights bodies: two separate Committees for the Protection of Human Rights and Reception of Complaints, one under the Senate and one under the National Assembly; and a Cambodian Human Rights Committee that reported to the prime minister's cabinet. The committees did not have regular meetings or a transparent operating process.

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. A case of spousal rape could be prosecuted as "rape," "causing injury," or "indecent assault" under the UNTAC law. Under the 2005 domestic violence law, spousal rape may fall within the definition of domestic violence that includes "sexual aggression." Such charges for spousal rape cases under the UNTAC law and the domestic violence law 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 419 cases of rape and 674 cases of domestic violence reported during the year; courts tried 110 of these cases. A different NGO documented 168 cases of domestic violence affecting 168 victims in 12 provinces during the same time period. During the year the MOI's antitrafficking department investigated 256 cases of violence against women and children, resulting in the arrest of 91 perpetrators and rescue of 90 victims. Of the 256 cases, 226 were for rape and attempted rape. The MOI reported that three cases of rape resulted in the death of the victims. A legal advocacy NGO reported receiving 1,022 cases of domestic violence, 639 of which went

to trial during the year. The number of cases likely underreported the scope of the problem, due to ineffective enforcement, inadequate crime statistics reporting, and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

The government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. 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 increased 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 funding for problems that affect children.

The MOI administered a modernized birth registration system and reported the program registered 91 percent of births in 2006, but it was unclear whether this level of success was sustained in following years. The system did not include special outreach to minority communities. The government's failure to register all births resulted in discrimination, including the denial of public services. A study commissioned by the UNHCR on statelessness in the country stated that the birth registration process often excluded children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration and family books were often denied access to education and 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, worked in other activities, began school at a late age, or did not attend school at all. The government did not deny girls equal

access to education; however, families with limited resources often gave priority to boys. 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.

Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; a local NGO reported 280 cases of rape and attempted rape committed on persons under age 18. Twenty-three of the cases involved children below age five, 57 involved children ages five to 10, and 200 involved children ages 10 to 18. 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 nine foreign pedophiles. Some children engaged in prostitution for survival without third party involvement.

A domestic NGO estimated that more than 2,000 street children in Phnom Penh had no relationship with their families and an estimated 10,000 to 20,000 children worked on the streets but returned to families in the evenings. An estimated 500 to 900 children lived with their families on the streets in Phnom Penh. MOSAVY provided lower statistics, reporting 3,084 street children nationwide in 2005.

As of December at least 43 children under the age of six reportedly were 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

On February 15, the government passed and promulgated a comprehensive Law on Suppression of Human Trafficking and Sexual Exploitation that contains provisions criminalizing all forms of trafficking. However, the country remained a source, destination, and transit country for men, women, and children trafficked for sexual exploitation and labor. 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. 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. The country is a destination for foreign child-sex tourists, and there were increasing reports that Asian men travelled to the country to have sex with underage virgin girls.

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 2007 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 selling, buying, or exchanging a person under 18 years of age; the penalty is seven to 15 years in prison for trafficking persons age 18 or older. According to the Cambodian National Police Anti-Human Trafficking and Juvenile Protection Department, from January to December police investigated 43 cases of trafficking in persons. The investigations resulted in the arrest of 48 offenders. However, NGOs continued to report the general inability of law enforcement and other government officials to act on trafficking tip offs.

The Ministries of Interior, Women's Affairs, and Justice had primary responsibility to combat trafficking in persons. A National Task Force served 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. Certain observers of trafficking in persons in the country believed that some law enforcement, court officials, and other government officials received bribes that facilitated the sex trade and trafficking in persons.

On June 4, a Sihanoukville Municipal Court judge released on bail foreigner Fabio Cencini, who was arrested on charges of allegedly sexually abusing six children, ages eight to 13.

On July 21, a Sihanoukville Municipal Court judge suspended the three-year sentence of convicted pedophile Nikita Belov and released him on probation after he had spent six months in prison for sexually abusing two underage boys. On August 5, Belov fled the country. The appeals court prosecutor appealed the case; however, Belov had already left the country, and Cambodia has no extradition treaty with Belov's home country.

On August 26, the appeals court reduced the sentence of pedophile Philippe Dessart, a foreigner, from 18 years in prison, as was allowable under the 1996 antitrafficking law, to three years in prison under the new law, although Dessart committed his child abuse crimes in 2006. According to an NGO, Dessart compensated the victim, and the victim thereafter told NGO lawyers their services were no longer required. In December the prosecutor appealed the case to the Supreme Court. As of year's end, a Supreme Court trial date had not been set.

On December 4, the appeals court reduced the prison sentence of foreigner Thomas Wayne Rapanos from 30 months in prison to one year. Rapanos was convicted in August by the Phnom Penh Municipal Court of indecent acts with an underage victim, despite testimony that money exchanged hands for sex with 12- and 16-year-old girls.

An unconfirmed MOI report stated there were seven convictions on human trafficking charges with sentences ranging from two to 15 years in prison during the year; however, a legal advocacy NGO reported that at least five additional trafficking cases went to trial during the year, resulting in three convictions. An unconfirmed Phnom Penh Municipal Court report stated there were 12 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 acted as though victims were perpetrators.

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 some 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 antitrafficking 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. MOSAVY, often working with the IOM, repatriated from Thailand, Vietnam, and Malaysia 864 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, MOSAVY repatriated four trafficked Vietnamese girls; however, repatriation to Vietnam continued to be a long and arduous process.

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.

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

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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.

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. 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 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. Despite the 2001 land law requiring 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 the land registration process and providing legal representation in disputes.

Starting on April 20, the foreign-owned Oryung Construction Company reportedly began clearing approximately 250 acres of land claimed by members of the indigenous community of Kak Village in Ta Lav Commune, Andoung Meas District, Ratanakiri. NGOs stated that the government granted a 17,000-acre economic land concession covering the disputed land to the company for a rubber plantation in 2006. NGOs reported that much of the land in the concession may be eligible for registration as indigenous community land under the 2001 law. The affected community members were not aware of the concession until the land was cleared. In September community members filed complaints with the Council of Ministers, Ministry of Agriculture, and Ministry of Land Management, Urban Planning and Construction, but at year's end they reportedly had not received a government response.

On May 2, the Ratanakiri provincial governor reportedly granted a 1,250-acre, 90-year lease to the BVB Investment Company to develop a tourist attraction site on Youl Mountain in Yeak Laom commune, Banlung District, including parts of the indigenous Phnom, Sill, and Lapo villages. NGOs reported that much of the leased area may be eligible for registration as indigenous community land under the 2001 law. The affected indigenous communities were not involved in lease negotiations.

On December 20, 400 ethnic Phnong villagers in Pech Chreada District, Mondulakiri Province, confronted workers of real estate development company Khao Chuly Group who were clearing a 6,600-acre economic land concession area for a rubber plantation. Villagers claimed to own and farm part of the land and demanded that the company leave or pay compensation. Villagers set fire to three of the company's excavators and damaged a fourth. An NGO reported that police and company workers did not attack or harm villagers during the incident. The Khao Chuly Group agreed to pay compensation if the villagers could prove that they owned the land. Under the 2001 law, economic concessions are blocked in indigenous properties. However, the National Cadastral Commission had not yet categorized indigenous community areas in Mondulakiri and Ratanakiri provinces, and at year's end the case was ongoing.

In the 2007 case of Stung Treng Province community forest land cleared by four companies to which the government allegedly illegitimately granted timber concessions, a special committee was established to resolve the dispute. The committee decided that disputed land being farmed by villagers was to be returned to the local indigenous community, and land not farmed by villagers was to be returned to the companies. Both sides agreed to the decision. In the 2007 case of a Ratanakiri provincial official preventing Tampoun indigenous villagers from burying their dead on land that had served as their traditional burial ground since 1979, a local NGO reported that in mid-year the Ministry of Agriculture registered the land as state private land and reportedly transferred it to Tai Seng Company. There were no developments in the 2007 case of Ratanakiri Jarai indigenous families demanding the removal of local officials allegedly involved in the fraudulent sale of more than 3,000 acres of their communal land.

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 only 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.

Less than 3 percent of the labor force, estimated in 2007 to be 8.4 million persons, was unionized. Unions were concentrated in the garment and footwear industries, where approximately 70 to 75 percent of the estimated 337,000 workers were union members. The Cambodian Tourism and Service Workers Federation reported that it represented approximately 2,300 hotel, casino, and airport workers. There were more than 1,500 factory-level unions and 48 union federations and associations, the majority of which were aligned with the government, and five of which were independent.

The Cambodia Independent Teachers Association (CITA), registered as an "association" due to prohibitions on public sector unions, represented 8,410 of the country's 110,000 teachers. CITA marches and other protests were often forbidden, although the union reported no direct government interference in day to day activities.

Another public sector association, the Cambodian Independent Civil Servants' Association (CICA), represented approximately 1,060 officials from ministries, provincial departments, and commune councils, out of approximately 160,000 civil servants nationwide.

There were no developments in the February 2007 killing of local union leader Hy Vuthy. In September an NGO reported that the Phnom Penh Municipal Court had suspended the investigation into the killing, but neither the lawyer in the case nor the court could confirm whether the investigation was suspended.

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, or arbitration), a secret-ballot vote of union membership, and a seven day advance notice to the employer and the Ministry of Labor and Vocational Training (MOLVT).

The MOLVT reported that 82 strikes occurred in the Phnom Penh area during the year. The Garment Manufacturers Association of Cambodia reported 105 strikes nationwide. International observers, employers, and many union leaders agreed that almost no strikes fulfilled all prestrike legal requirements. Although some unions complained of a lack of MOLVT involvement, the MOLVT resolved up to 50 percent of the disputes.

The government allowed most strikes held at factories but denied worker requests to hold protest marches outside of the factory area. Police intervention in strikes generally was minimal and restrained, even in those cases where property damage occurred.

On February 6, a car carrying a Kingsland Garment Factory management team injured nine workers when it violently forced its way out of the Phnom Penh factory as workers were striking outside. Four of the nine workers were seriously injured. Workers also accused police officials of using force to clear the way for the car to drive away. Police denied any violence directed at the workers and stated that they intervened because strikers were preventing workers from leaving the factory. One week later the union filed a complaint with the Phnom Penh Municipal Court and the MOI. No one was arrested in the incident, and at year's end the court had taken no action.

In spite of legal provisions protecting strikers from reprisals, there were credible reports that workers were dismissed on spurious grounds after organizing or participating in strikes. While most strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases employers pressured strikers to accept compensation and leave their employment. 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 decision. Parties can choose if decisions are binding or nonbinding; if neither party objects to the arbitral award within eight days of its being issued, it automatically becomes binding. 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.

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. Collective bargaining agreements existed within the garment industry, hotels, and contract workers at the two international airports.

There were 11 collective bargaining agreements registered with the MOLVT during the year.

A 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" (MRS) 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 MRS registration process was considered cumbersome, and international observers reported that government lists of MRS unions included management controlled unions. The government began reexamining its MRS certification process with support from international organizations and a diplomatic mission. In April authorities issued a new MRS notification detailing the procedures for applying, objecting to, and holding of elections.

Enforcement of the right of association and freedom from antiunion discrimination was poor. Acts of union discrimination by the employer often went unpunished. Government enforcement of rights was hampered by a lack of political will and by confused financial and political relationships among 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 officials adequate salaries. The 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 the Arbitration Council.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders, in garment factories and other enterprises. During the year approximately 50 union leaders were dismissed or suspended without cause. Prominent independent and opposition union leaders reported receiving veiled threats of

violence, including death threats. Three union leaders affiliated with the Free Trade Union of Workers in the Kingdom of Cambodia, one of the five independent union federations, were injured by progovernment rival unions. In seven cases, 15 union leaders were sued for inciting workers to strike, destroying private property, and attempting to incite workers to commit assault. 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, during the year the MOLVT formally warned 927 companies of legal violations and fined 12 companies for violation of the labor law and regulations. The MOLVT sent 84 cases of unresolved labor disputes to the Arbitration Council.

Unions continued to gain strength, but many were not able to represent member interests adequately due to insufficient resources, training, and experience. In addition, corruption plagued the ranks of unions, employers, and government officials, hampering legitimate industrial relations. Violence, harassment, and intimidation between rival unions were common.

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 progovernment 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.

Some CITA members feared that affiliation with the teachers association could hamper their chance of career advancement, according to union officials. CICA leaders alleged that fears of harassment or demotion prevented other civil servants from joining.

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 forced labor by domestic servants.

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 law protects 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.

Child labor was widespread in agriculture, brick making, fishing, the commercial sex industry, domestic service, and on tobacco and rubber plantations. Child labor was also reported in the formal sector but to a much lesser extent. According to a 2006 study conducted by the World Bank and others, more than 750,000 economically active

children were below the absolute minimum working age of 12, and an additional 500,000 children (12 to 14 years old) conducting nonlight economic activity were below the minimum age for this type of work. More than 250,000 children ages 15 to 17 worked more than 43 hours per week or in hazardous sectors. Three-quarters of economically active children were in the agriculture sector, 15 percent in commerce, 5 percent in small-scale manufacturing, and 2 percent in services.

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, such as unregistered garment factories operating without a license from the MOLVT and the Ministry of Commerce. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor 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, particularly among those ages 15 to 18. 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. Garment-sector workers were guaranteed a minimum wage equivalent to \$50 per month, plus a minimum \$6 living allowance, which was added on April 1. 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. The vast majority of employers in garment factories paid the minimum wage to permanent workers, although temporary and other such workers were often paid less.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a nightshift rate of 130 percent of daytime wages and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work up to two hours of overtime each day. 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 have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, but those who did so may have risked loss of employment.