



Cambodia

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Cambodia is a constitutional monarchy. Political stability, achieved through the coalition government formed following the 1998 national elections, generally continued through year's end. Hun Sen of the Cambodian People's Party (CPP) is Prime Minister, Prince Norodom Ranariddh of the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) is President of the National Assembly, and Chea Sim of the CPP is President of the Senate. King Norodom Sihanouk remains the Constitutional monarch and Head of State. Most power lies within the executive branch and, although its influence continues to grow within the coalition structure, the National Assembly does not provide a significant check to executive power. The Khmer Rouge no longer is a political or military threat, but one other antigovernment group led a violent attack against the Government during the year. The judiciary is not independent; it frequently is subject to legislative and executive influence, and suffers from corruption.

The National Police, an agency of the Ministry of Interior, have primary responsibility for internal security, but the Royal Cambodian Armed Forces (RCAF), including the military police, also have domestic security responsibilities. Government efforts to improve police and RCAF performance and to demobilize the military forces remained hampered by budgetary limitations. Members of the security forces committed numerous documented human rights abuses.

Cambodia is a poor country. It has a market economy in which approximately 80 percent of the population of 11.7 million engage in subsistence farming, with rice as the principal crop. Economic deprivation and poor health characterize life for most citizens. Annual per capita gross domestic product is approximately \$280. Average life expectancy is only approximately 50 years. Foreign aid is an important component of national income. The economy grew at a modest rate of 4.5 percent during the year. The country still has difficulty in attracting foreign investment and mobilizing domestic savings to support economic development.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. The military forces and police were responsible for several extrajudicial killings and failed to stop lethal violence by citizens against criminal suspects; the Government rarely prosecuted the perpetrators of such killings, and impunity remains a problem. There was one confirmed report of a politically motivated killing but, unlike past years, the Government arrested the suspected perpetrator. There were credible reports that members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. Courts prosecuted some members of the security forces for human rights abuses; however, impunity for many who commit human rights abuses remained a serious problem. National and local government officials generally lacked the political will and financial resources to act effectively against members of the security forces suspected of responsibility for human rights abuses. Democratic institutions, especially the judiciary, remained weak. The judiciary is subject to influence by the executive branch and is marred by inefficiency, a lack of training, a shortage of resources, and widespread corruption related to low wages. Politically related crimes rarely were prosecuted. Citizens without defense counsel often effectively were denied the right to a fair trial. Societal discrimination against women remained a problem. Domestic violence against women and abuse of children are common. Discrimination against the disabled is a problem. The ethnic Vietnamese minority continued to face widespread discrimination by the Khmer majority, and this enmity was exploited by the political opposition.

Trade unions have become more numerous and active; the Government eased the process of union registration and improved Labor Law enforcement. However, enforcement of the Labor Law and regulations, including protections for workers' rights to organize, remained a problem. Forced labor in the commercial sex industry also is a problem.

Trafficking in women and children for the purpose of forced prostitution is a serious problem.

Mob violence, although none was ethnically directed, resulted in some vigilante-style killings. Land mines killed or wounded more than 700 persons.

Government efforts to bring senior Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979 were ongoing underway at year's end.

Prison conditions improved in some locations and there was increased resolution of land disputes during the year. The Government took disciplinary action against corrupt judges and prosecutors.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

The military forces and police committed several extrajudicial killings that were nonpolitical in nature. Mob violence also resulted in several killings during the year. The U.N. Commission on Human Rights (UNCHR) reported that there was at least one killing by a local government official that was at least in part politically motivated.

In May in Kratie province at least three persons were killed by soldiers after attending a gathering at a military base; they were found dead in shallow graves, blindfolded and with their hands tied behind their backs. Domestic human rights groups alleged that the victims were disgruntled former soldiers or part of an antigovernment group, the Khmer Serei (Free Khmer), who had been deceived into surrendering to government forces. The Government claimed that the victims were bandits, but did not arrest any suspects in connection with the killings by year's end.

Police or military forces acquiesced in or failed to prevent mob violence against suspected criminals, which resulted in killings. On July 21, an angry mob beat Song Veasna to death after he was arrested in Phnom Penh for stealing a motorcycle. The mob then poured gasoline over his body and set it on fire. At least one policeman was injured trying to stop the mob, but the Government took no action to arrest the perpetrators. On August 19, Rin Bros, an alleged serial rapist had his genitals cut off and was beaten to death after an angry mob overpowered police and forcibly removed him from police custody in Battambang province. The Government took no action to arrest the perpetrators.

There was one report of ethnically motivated killings in April, when ethnic Vietnamese fisherman killed three government officials (see Section 5).

On June 3, Pak Choeun and his wife, Doung Meas, were killed while staying in a shelter at their rice field in Kampot province. The FUNCINPEC party had recently nominated Pak Choeun as a candidate for the upcoming commune elections. After investigation, the Government arrested the chief of the local commune, who subsequently confessed to planning the crimes in part because of the political competition the victim would bring in the commune election.

On November 24, a violent attack occurred against several government installations during which at least four persons were killed and over 1 dozen were injured (see Section 1.d.). The Cambodian Freedom Fighters (CFF), an antigovernment insurgency group, claimed responsibility for the attack. The Government subsequently arrested several persons with alleged ties to the CFF. At year's end, the Government's investigation into the CFF organization continued.

The Government has not prosecuted most of those responsible for the numerous political or extrajudicial killings committed during the term of the previous government (from 1993 to 1998), and reported by the UNCHR in 1997 and 1998.

Through November 747 civilians and military personnel were killed or wounded by land mines deployed by the Khmer Rouge or various government forces during previous conflicts. The number of such casualties declined by approximately 22 percent from 1999.

Former Khmer Rouge officials Ta Mok and Kiang Kek lev ("Duch"), accused of mass killings and other crimes, remained in jail. Government efforts continued to bring these and other senior Khmer Rouge officials to justice

for their alleged crimes committed from 1975 through 1979 (see Section 1.e.).

In October the appeal of a life sentence meted out in 1999 to Nuon Paet, a former Khmer Rouge commander, for his role in the 1994 train ambush in Kampot province that resulted in the deaths of 3 foreigners and at least 13 citizens was denied, and he remains in custody. In January Chhouk Rin, another former Khmer Rouge commander allegedly involved in the ambush, was arrested, but he was acquitted after trial in July based on an amnesty provision in the law under which he was charged. Sam Bith, an RCAF officer also charged for his role in the ambush, had not been arrested by year's end.

b. Disappearance

There were no reports of politically motivated disappearances. One local human rights nongovernmental organization (NGO) reported that the whereabouts of five persons were unknown following their detention during the year by local police or security officials in several provinces. By year's end, all remained missing, and government and NGO efforts to establish their whereabouts continued.

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

The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem. The problem is compounded further by a climate of impunity, whereby perpetrators of torture and abuse frequently are protected from prosecution or disciplinary action by local government authorities, despite some central government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability.

There were credible reports that military and police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation.

According to the UNCHR, the municipal police in Phnom Penh beat or tortured persons routinely, although less frequently than during previous years. Dozens of detainees interviewed in several provinces reported regular beatings in police custody. One domestic human rights NGO received 24 formal complaints of torture and recorded 118 other cases of new physical assaults through year's end. There were no known reports of mistreatment at the Youth Rehabilitation Center during the year.

There were credible reports that local authorities harassed members of the opposition party (see Section 2.b.). Police also injured two workers in labor demonstrations (see Section 6.a.).

Prison conditions remained harsh, and government efforts to improve prison conditions and implement new regulations were hampered by lack of funds and weak enforcement. However, conditions continued to improve due to construction and renovation of some prison buildings, the timely disbursement of monthly government allocations for food and operating costs, and the implementation of new prison regulations that require the application of international standards of detention. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. Use of shackles and the practice of holding prisoners in small, dark cells continued in some prisons after escape attempts. Government ration allowances for purchasing prisoners' food remain inadequate, exacerbating their malnutrition.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGO's reported occasional limited cooperation from provincial authorities (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. A penal code drafted by the U.N. Transitional Authority for Cambodia in 1992 remains in effect, as does the 1993 Criminal Procedure Law. The Criminal Procedure Law provides for adequate protection for criminal suspects; however, in practice the Government sometimes ignored these provisions. One human rights NGO recorded 35 complaints of unlawful detention and arrest by police, military, or local government authorities during the year. In November in the immediate aftermath of an attack by an armed antigovernment insurgent group, the Government detained dozens of persons without a warrant; most were released without charge within hours (see Section 1.a.).

Although lengthy detention without charge is illegal, suspects often are held by authorities for long periods

before being charged or brought to trial or released. According to an August report by a domestic human rights NGO, at least 28 persons had been detained before trial in excess of the 6-month statutory maximum in Banteay Meanchey province, and some had been in prison up to 17 months. According to the UNCHR, such prolonged detention largely is a result of a growing prison population and the limited capacity of the court system. Accused persons legally are entitled to a lawyer; however, in practice they often have limited access to legal representation. Prisoners are held routinely for several days before gaining access to a lawyer or family members. Although there is a bail system, many prisoners, particularly those without legal representation, often have no opportunity to seek release on bail.

There are no political detainees.

The Government does not use forced exile, and no persons were in self-imposed exile during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Government does not respect this provision in practice. The courts are subject to influence by the executive, and there is widespread corruption among judges, virtually none of whom receives a living wage.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the Constitutionality of laws, and a Supreme Council of Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies is viewed widely as biased toward the CPP, resulting in complaints by other political parties of its institutional dominance. There is a separate military court system.

Trials are public. Defendants have the right to be present and to consult with an attorney, to confront and question witnesses against them, and to present witnesses and evidence on their own behalf. However, trials typically are perfunctory, and extensive cross-examination usually does not take place. The serious shortage of attorneys--especially outside Phnom Penh--remains a significant impediment to broader implementation of the right to counsel in practice. Persons without the means to secure defense counsel often are effectively denied the right to a fair trial. The introduction in 1998 into the legal system of newly trained lawyers, who often received supplemental training by NGO's, continued to result in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail.

Defendants also are entitled by law to the presumption of innocence and the right of appeal. However, because of pervasive corruption, defendants often are expected to bribe the judge for a favorable verdict, thereby effectively eliminating the presumption of innocence. Citizens' rights to appeal sometimes are limited by the logistical difficulties in transferring prisoners from provincial prisons to the appeals court. Many appeals thus are heard in the absence of the defendant.

A serious lack of resources and poor training contribute to corruption and inefficiency in the judicial branch, and in practice the Government does not ensure due process. For example, judges often have no legal training and often lack copies of the laws upon which they are expected to rule. As a result of these weaknesses, citizens often effectively were denied a fair trial in jurisdictions without regular access to defense lawyers or international judicial assistance programs. In April, citing deficiencies in the judicial system, the King signed a royal decree that established a judicial reform council to develop and implement judicial reform measures. In the first action of its kind, the Supreme Council of Magistracy investigated a number of complaints against court officials and took disciplinary action against five judges and one prosecutor during the year.

The courts often pressure victims of crimes to accept small cash settlements from the accused instead of seeking prosecution. When a case does make its way to court, a judge sometimes determines the verdict before the case is heard, often on the basis of a bribe paid by the accuser or the defendant. Sworn, written statements from witnesses and the accused usually are the extent of evidence presented in trials. Such statements by the accused sometimes are coerced through beatings or threats from investigation officials, and illiterate defendants often are not informed of the content of written confessions that they are forced to sign. In cases involving military personnel, military officers often exert pressure on judges to have the defendant released without a trial.

Legislation enacted in August 1999 removed official immunity for crimes committed by government authorities and has resulted in some successful prosecutions of police and military officials for their crimes. Nevertheless, court delays or corrupt practices often allow those accused of crimes to flee or otherwise escape prosecution, effectively leading to impunity for some government officials who commit crimes. The courts prosecuted some

members of the security forces for human rights abuses, but immunity for those who commit human rights abuses remains a problem. Both national and local government officials generally continued to lack the political will and financial resources to act effectively against military or security officials suspected of being responsible for human rights abuses.

There is ongoing cooperation between the Government, foreign government donors, and NGO's to improve the legal system, although some assistance programs in this area suspended in 1997 have not resumed.

The military court system suffers from deficiencies similar to those of the civilian court system. Moreover, the legal distinction between the military and civil courts often is ignored in practice; several persons arrested for crimes that appear to have no connection with military offenses have been detained for trial by the military court.

The Government and the United Nations continued working during the year to create a special tribunal to achieve credible justice and determine accountability for crimes committed during the Khmer Rouge regime in a fashion consistent with the Constitution and international standards of justice. After a series of negotiations and diplomatic initiatives, the Government and the U.N. reached agreement in principle in July on a legal and judicial framework to bring senior Khmer Rouge leaders to justice. The Government thereafter revised pending legislation creating the tribunal and completed consultations with the National Assembly's legislative commission in November. The draft law awaited National Assembly action and the King's signature at year's end. Ta Mok and Kiang Kek lev ("Duch"), former officials of the Khmer Rouge regime, remained in legal pretrial detention at year's end.

There were no reports of political prisoners.

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

The Constitution contains provisions protecting the privacy of residence and correspondence and includes a provision against illegal search; however, the police routinely conducted warrantless searches and seizures. There were no reports that the Government monitored private electronic communications.

Citizens generally were free to live where they wished; however, there were continued reports of land disputes between residents, local authorities, business persons, and military officials, although their frequency decreased substantially from the previous year. Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership is often unclear, and adequate land titles do not exist. Moreover, with the end of the Khmer Rouge insurgency, the rush to gain possession of former Khmer Rouge lands on or near potentially lucrative crossborder trade routes exacerbated the land ownership problem caused by lack of documentation.

In response to the prevalence of land disputes, several provinces created land-dispute settlement committees chaired by one of the deputy provincial governors; representatives of local NGO's and the military forces frequently attended committee meetings. These committees successfully resolved numerous land disputes during the year although some encountered occasional difficulties in resolving disputes involving military officials. The Government drafted a land law with the help of international organizations and NGO's; however, at year's end, it had not been passed by the National Assembly.

In January the Banteay Meanchey provincial court unsuccessfully attempted to mediate a land dispute that had arisen in 1999 after local military officials and other persons claimed legal title to land in the town of Poipet on the border with Thailand. After some of the 800 resident families refused offers of compensation, and refused to remove their houses, the court ordered their eviction, and local security forces occupied the land and destroyed the houses. More than half were relocated to a nearby village; however, others continued to protest their eviction in a makeshift camp near the National Assembly in Phnom Penh at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, press, and publication, and the Government generally respects these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that speech not adversely affect public security. The Constitution also declares that the King is "inviolable." The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinion. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political

stability. There were no reports that journalists practiced self-censorship. There were a large number of news items critical of the Government and included frequent vituperative personalized criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

Although limited in circulation, newspapers are a primary source of news and expression of political opinion. All major political parties have reasonable and regular access to the print media. The press remained somewhat partisan, but the only major newspapers that received substantial financial support from a political party were a few opposition newspapers. The number of Khmer-language newspapers remained roughly the same as the previous year. There are approximately 16 Khmer-language newspapers published regularly. Of these, 11 are considered to be progovernment journals, 4 are considered to support the opposition Sam Rainsy Party (SRP), and one is considered to be anti-monarchy. In addition there is one French-language daily, one English-language daily, and two other English newspapers published regularly. Many of the Khmer-language newspapers frequently publish articles translated from the English-language newspapers.

Most newspapers criticize the Government frequently, and Prime Minister Hun Sen and National Assembly President Prince Ranariddh frequently came under strong attack by opposition newspapers. There were instances of government intimidation or retribution against newspapers for reporting critical of the Government. In February the Ministry of Information warned two opposition newspapers, the Voice of Khmer Youth and the Khmer Conscience, that they would be suspended for publishing articles critical of the King and for inciting hatred against ethnic Vietnamese. In both cases, the newspapers avoided suspension after the editors published apologies consistent with the requirements of the Press Law. In April the Government suspended a weekly newspaper, Cambodia News Bulletin, for 30 days due to its "systematic defamation" in publishing a series of articles critical of government corruption and mismanagement. In July the same newspaper was suspended for republishing an article first published in the South China Morning Post (SCMP), a Hong Kong SAR (Peoples' Republic of China) newspaper. The article erroneously reported that a possible successor to the throne was not the King's own son. The SCMP editor later apologized and corrected the error. In October the Government suspended a newspaper, Bakorng, for 30 days due to its publication of an article critical of the royal family and impugning the King's intelligence.

In May the Government confiscated issues of the country's first pornographic magazine, Angkor Thom Sophakmogkol (Big Angkor Happiness), and declared it an indecent publication.

In November the Ministry of Information approved a subdecree that specified professional requirements for new newspaper and magazine publishers, and introduced a mandatory licensing system requiring newspapers to renew their licenses annually and magazines to renew their licenses every 2 years. The subdecree was criticized by some journalists as a potential limitation on press freedom and as an invitation to self-censorship; by year's end, however, there were no reports that the subdecree was implemented inappropriately.

The Government, the military forces, and political parties continued to dominate the broadcast media. The government-sponsored television network broadcast live telecasts of National Assembly sessions at the initiative of Prince Ranariddh, the National Assembly president. According to a report by the UNCHR, the procedures for licensing and allocation of radio and television frequencies to the media were not impartial.

In March the Government banned the radio broadcast of the playing of three songs that it claimed degraded women. In April the Government announced a ban on television programs that featured what it claimed were provocatively dressed women; however, no licenses were affected by the announcement by year's end.

National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGO's.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. Numerous groups assembled peacefully, including workers protesting labor conditions or wages, political opposition activists supporting a tribunal for former senior leaders of the Khmer Rouge regime or criticizing flood relief efforts, students protesting border encroachments, prison guards rallying to demand higher wages, moto-taxi drivers protesting high gasoline prices, and various groups protesting land seizures, all without incident. On occasion, counterdemonstrations by other citizens who supported the Government disrupted the protests and sometimes resulted in scuffles that caused minor injuries to some participants.

In June the national Government stated that local officials were responsible for the resolution of land disputes,

effectively ending nearly all land-dispute protests at the National Assembly.

The Government requires a permit to be obtained in advance of a march or demonstration. The Government often did not issue a requested permit, or took no action on a permit application; however, these actions had no practical effect since most such assemblies were held anyway. There were no incidents in which security forces disrupted or ended marches or demonstrations.

In May disaffected members of the SRP and local police destroyed a memorial structure that the SRP had erected illegally in front of the National Assembly. In August, following diplomatic intervention, the structure was reestablished at an alternate site.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. By year's end, the National Assembly had not debated or acted on a revised draft NGO law, which retained some registration and reporting requirements for domestic NGO's and associations but eliminated many provisions from earlier drafts that were previously opposed by the NGO community.

The Government does not coerce or forbid membership in political organizations.

There were some reports of local government interference with offices of the Sam Rainsy Party (SRP), and a group of disaffected members of the opposition SRP caused minor damage to the home of SRP leader Sam Rainsy's in April.

The UNCHR and domestic human rights organizations reported that generally members of the SRP conducted their activities freely and without government interference throughout the country; however, there were some cases in which members of the SRP complained of being harassed by local officials. In March charges were dismissed against two persons with ties to the SRP arrested for their roles in the 1998 rocket attack against the Prime Minister's motorcade, and they were released from custody. A third suspect, Sok Yoeun, fled the country in 1999 and remained in prison in Thailand pending extradition.

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experience little or no official discrimination. Buddhism is the state religion and over 95 percent of the population is Buddhist. Most of the remainder is made up of ethnic Cham Muslims, who generally are well integrated into society.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups have not encountered significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups report delays by some local officials in acknowledging that official permission has been granted to conduct religious meetings in homes. Such religious meetings generally take place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly have been reported.

Foreign missionary groups generally operate freely throughout the country and have not encountered significant difficulties in performing their work. However, there reportedly are some constraints on evangelizing by Christians at the local level--especially in areas of new Christian religious activity--but these generally are resolved satisfactorily by intervention with provincial or central government authorities. Government officials have expressed appreciation for the work of many foreign religious groups in providing much needed assistance in education, rural development, and training. At the same time, government officials also have expressed some concern about foreign groups using the guise of religion to become involved in illegal or political affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict domestic or international travel, although the presence of land mines and bandits makes travel in some areas of the country dangerous.

Monks may move internally without restriction.

All refugee camps at the border with Thailand were closed during 1999 after all Cambodian refugees returned. There were no reports of refugees being forced by Thai authorities to return to Cambodia involuntarily, according to the U.N. High Commissioner for Refugees (UNHCR), nor were there any reports of persecution or discrimination against those who returned from any country. Internally displaced persons also were allowed to resettle in other areas of the country.

The Government allows noncitizens to apply to the UNHCR for refugee status. The Government continued to cooperate with the UNHCR and other humanitarian organizations to prepare for and assist in the resettlement of the refugees who returned from Thailand. The resettlement process largely was completed during the year, and UNHCR closed its provincial offices. The Government has not formulated a policy regarding asylees or first asylum, and it did not provide asylum during the year.

There were no reports that the Government forced persons to return to a country where they feared persecution. However, the Government deported to Vietnam some Vietnamese citizens who were arrested for planning armed attacks against the government of Vietnam.

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

The Constitution provides citizens with the right to change their government peacefully, and most citizens exercised this right by participating in the 1998 national elections. Suffrage is universal and voluntary for all citizens at the age of 18. In July 1998, in the first national elections since 1993, the CPP won a plurality of votes. However, the electoral campaign and its aftermath were marred by protests, voter intimidation, and partisan violence, some of it government-directed. Despite such incidents, the formation of the new Government reflected the will of the electorate. Most international and observer groups certified the election as acceptable.

The coalition Government formed in late 1998 between the CPP and FUNCINPEC, the two parties that won the largest number of votes and National Assembly seats in the 1998 election, renewed political stability. The coalition agreement provided for roughly equal power sharing between the parties, with Hun Sen of the CPP as Prime Minister and Prince Ranariddh of FUNCINPEC as president of the National Assembly. The coalition agreement also provided for the creation of a Senate, which was formed in March 1999 with Chea Sim of the CPP as president. The Senate's function is to review and provide advice on the laws passed by the National Assembly; the National Assembly retains final authority over whether to modify legislation based on the Senate's recommendations.

Although growing in influence, the legislature remained weak in comparison with the executive branch. The coalition Government appointed the provincial governors and their deputies, who generally are divided between the CPP and FUNCINPEC parties, as well as district officials. Commune-level officials were appointed by the previous government; most of these officials are appointees from the previous regimes, the People's Republic of Kampuchea and the State of Cambodia. Elections for new commune councils were not held during the year as planned, but are expected to be held in early 2002. The Government completed drafts of the communal election law and commune administration law during the year, but the National Assembly had not debated and enacted the laws by year's end; the election law requires a preparatory period of at least 11 months between passage of the law and the date of the commune election.

Traditional cultural practices inhibit the role of women in government, and women are underrepresented in government and politics. However, women took an active part in the 1998 national election. There are 10 women among the 122 members of the National Assembly, 8 women among the 61 members of the Senate, and 3 female state secretaries in the Cabinet, which includes a Ministry of Women's and Veterans affairs. There are several members of ethnic and religious minorities in the Cabinet and the National Assembly (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The large domestic and international human rights community remained active and engaged in diverse activities. Numerous human rights organizations and the UNCHR conducted monitoring activities and human rights training for provincial officials, military officers, villagers, the legal community, and other groups. These organizations operated relatively freely throughout the country. There are approximately 40 NGO's involved in human rights activities, but only a small portion were involved actively in organizing training programs or investigating abuses. The Government generally cooperated with human rights workers in performing their investigations, but some domestic NGO's reported occasional limited cooperation from some provincial authorities in conducting inspections of prison conditions.

In April, following widespread media criticism that a local human rights NGO was harboring illegal workers from Vietnam, the Government stated that the NGO should be held responsible for the subsequent disappearance of the illegal workers. One staff member of the NGO was detained briefly and questioned by police, but the Government took no official action against the NGO or its members (see Section 5).

In September 1999, the Government and the UNCHR agreed to an extension until March 2002 of the UNCHR's activities in the country, although a formal memorandum of understanding had not been signed by year's end. The UNCHR maintains a head office in Phnom Penh and has six provincial offices. The position of the U.N. Special Representative for Human Rights was vacant much of the year; the newly appointed representative made his first trip to the country in November and met with government representatives at all levels, as well as with representatives of political parties and NGO's.

The government-established Cambodian Human Rights Committee in 1999 published the results of only a few of its investigations of the human rights abuses that had been reported by the UNCHR in previous years. The committee, which was established in 1998, also is charged with improving the administration of justice and drafting a law to establish an independent permanent national human rights commission. By year's end, the commission had not been established.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government does not engage in discrimination systematically, it sometimes fails to protect these rights in practice.

Women

Domestic and international NGO workers report that violence against women, including rape and domestic violence, is common. Although accurate statistics are not available, one local NGO reported 138 incidents of rape and domestic abuse through October. Authorities normally decline to become involved in domestic disputes, and the victims frequently are reluctant to complain. Rape is unlawful, as is assault. Spousal rape and domestic abuse are not recognized as separate crimes.

Prostitution and trafficking in women are serious problems (see Sections 6.c. and 6.f.). Due in part to budgetary limitations, the Government has not enforced effectively a 1996 law against prostitution and trafficking in women although the Government devoted greater attention to the problem during the past year and initiated several prosecutions. Despite sporadic government crackdowns on brothel operators in Phnom Penh, prostitution continues to flourish. A survey by a local human rights NGO found that 40 percent of women and girls who work as prostitutes do so voluntarily, while 60 percent have been forced to work as prostitutes or have been deceived into prostitution. The NGO also estimated that there are up to 55,000 sex workers in the country. At year's end, the Government had begun preparation of legislation to decriminalize and regulate prostitution as part of a package of legal measures designed to address the problem of sexual trafficking of women and children (see Section 6.f.).

On March 29, a Poipet brothel owner was sentenced to 12 years in prison for the 1998 beating death of a prostitute; this was regarded widely as the first successful prosecution of a crime against a sex worker.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women have equal property rights with men, have the same status in bringing divorce proceedings, and have equal access to education and some jobs. However, cultural traditions continue to limit the ability of women to reach senior positions in business and other areas.

According to NGO reports, women comprise 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often are concentrated in low-paying jobs in these sectors and largely are excluded from management positions.

There are a large number of active women's NGO's that train poor women and widows and address social problems such as spousal abuse, prostitution, and trafficking. An active women's media center NGO produces and broadcasts programming on women's issues. NGO's provide shelters from women in crisis.

Children

The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal in the Government's political program. The Government relies on international aid to fund most social welfare programs targeted at children, resulting in only a modest flow of funds to ameliorate problems that affect children.

Children are affected adversely by an inadequate educational system. Education is free and compulsory through grade 9; however, many children leave school to help their families in subsistence agriculture. Despite an extensive government school construction program, schools are overcrowded and lack sufficient equipment. Less than 5 percent of primary school teachers have completed high school. The Government does not deny girls equal access to education but in practice families with limited resources often give priority to educating boys.

Children frequently suffer from malnutrition and the inadequacy of the health care system. Infant mortality was reported most recently at 89.4 per thousand, and 12 percent of children do not live to the age of 5 years. Child mortality from preventable diseases is high.

Child abuse is believed to be common, although there are no statistics available on the extent of the problem. Poverty and domestic violence often drive children to live on the streets; domestic NGO's estimate there are more than 10,000 street children in Phnom Penh alone, who are easy targets for sexual abuse and exploitation.

Although sexual intercourse with a minor under the age of 15 is illegal, child prostitution and trafficking in children were common (see Sections 6.c. and 6.f.). In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasizes prevention through information and protection through law enforcement. To combat sex tourism, the Government during the year prosecuted at least three cases in which foreigners were charged with pornography violations or pedophilia.

People with Disabilities

The Government does not require that buildings or government services be accessible to the disabled. According to the Government, approximately 1 in 250 citizens is missing at least one limb. This statistic reflects the continuing effects of land mine detonations. Programs administered by various NGO's have brought about substantial improvements in the treatment and rehabilitation of amputees. However, amputees face considerable societal discrimination, particularly in obtaining skilled employment.

Religious Minorities

Muslims are the largest religious minority and experience little or no discrimination in practice; however, occasional tensions were reported in past years among the various branches of Islam; these groups receive monetary support from groups in Saudi Arabia, Kuwait, Malaysia, or Indonesia depending on the tenets of the particular branch.

The small Christian community has not experienced serious or systematic discrimination; however, occasional tensions were reported when Christian evangelists attempted to remove Buddhist images or religious items in private homes. Christian missionary groups have not encountered significant difficulties in performing their work.

National/Racial/Ethnic Minorities

Citizens of Chinese and Vietnamese ethnicity long have constituted the largest ethnic minorities. Ethnic Chinese citizens are well accepted in society. However, fear and animosity continue among many Khmer citizens toward ethnic Vietnamese, who are seen as a threat to the Cambodian nation and culture. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people," that is, Cambodians.

Unlike in previous years, there were no reports of ethnic violence supported by opposition politicians, during which ethnic Vietnamese citizens or residents were killed. Nonetheless, political opposition and student groups continued to make strong anti-Vietnamese statements during the year; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons responsible.

In March a domestic human rights NGO was criticized in the local Khmer press for sheltering, and then release

of 34 illegal Vietnamese residents who had been working in a Phnom Penh garment factory (see Section 4).

On March 27, more than 200 demonstrators in Phnom Penh demanded the eviction of 500 ethnic Vietnamese persons living as squatters inside the compound of a Buddhist temple. The demonstration was fueled by the injury of a monk during an earlier rock-throwing clash at the temple; monks from the temple claimed that the Vietnamese squatters insulted Buddhism by conducting prostitution, karaoke, and gambling on the temple premises. In April the squatters left the compound peacefully after the Government arranged for most of them to live on land in nearby Kandal province.

On April 12, a group of over 20 ethnic Vietnamese fisherman killed 3 government fisheries officials in Kandal province and wounded 3 others during a late-night government raid on illegal fishing practices on the Tonle Sap river. The Government subsequently arrested three Vietnamese fisherman for the crimes, and their cases are under prosecution.

On June 28, a hand grenade exploded under a house located in an ethnic Vietnamese area but caused no damage or injuries. Police speculated that the incident could have been the result of a personal dispute or could have been an attempt to frighten the ethnic Vietnamese residents in the area. Unlike in previous years, there were no reports of persons killed or injured in anti-Vietnamese violence.

Section 6 Worker Rights

a. The Right of Association

The 1997 Labor Law provides workers with the right to form professional organizations of their own choosing, without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was uneven. In the wake of 1999 union complaints that the procedures for registration were burdensome, the Government took additional steps to ease registration procedures during the year. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, military personnel, or household servants. Personnel working in air and maritime transportation are not fully subject to the law, but are free to form unions.

Most workers are subsistence rice farmers and have little knowledge of trade unions. Only a small fraction (estimated at less than 1 percent) of the labor force is unionized, and the trade union movement, still in its infancy, is very weak. Unions are highly concentrated in the garment and footwear industries, where approximately 5 to 10 percent of the 100,000 to 120,000 workers are union members. Although there is an expanding service sector, most urban workers are engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. The Labor Law requires unions and employer organizations to file a charter and lists of officers with the MOSALVY. The Ministry has registered 114 factory unions and 5 national labor federations since the Labor Law went into effect in 1997, including 57 unions during the year. Although all unions collect dues from members, none have been able to operate without outside sources of support. None of the unions has the capacity to negotiate with management as equals.

One labor federation maintains an affiliation with the opposition SRP. Three other registered labor federations have historical ties to the Government or individuals within the Government. One major labor federation and several unaffiliated factory unions are completely independent.

During the year, the Government issued regulations clarifying the Labor Law in a number of areas pertaining to freedom of association. The new regulations included procedures for the registration of labor unions with their registration materials that eliminated the requirement for union leaders to obtain "letters of no criminal record" prior to registration. The Government also improved election procedures for workers' representatives on the tripartite labor advisory committee.

Despite these advances, the Government's enforcement of provisions that protect the right of association was weak. The Government's enforcement efforts were hampered by a lack of resources, little knowledge of the law by factory managers, and a lack of qualified labor inspectors. Unions also suffer from a lack of resources, training, and experience. There were a number of credible complaints about antiunion harassment by employers, including the dismissal of union leaders during the year. In at least one case, a factory defied a MOSALVY order to reinstate dismissed union leaders. The Government never has prosecuted or punished an employer for antiunion activity. The MOSALVY often finds in favor of employees, but rarely uses its legal authority to penalize employers who defy its orders. The MOSALVY often advises employees in such

situations to sue in court, which labor unions claim is unnecessary, costly, and ineffective.

The Labor Law provides for the right to strike and protects strikers from reprisal. There were 76 strikes during the year, the vast majority of which took place without the 7-day prior notice required by law. The Government allowed all strikes and demonstrations, including widespread garment industry strikes in June, in which demonstrators caused property damage at several locations. Two workers suffered injuries at the hands of the police during violent labor demonstrations during the year, but police intervention generally was minimal and restrained, even in cases in which striking workers caused property damage. There have been several credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers have been pressured by employers to accept compensation and leave their employment.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

b. The Right to Organize and Bargain Collectively

The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was uneven. Wages are set by market forces, except for civil servants, for whom wages are set by the Government.

Since passage of the Labor Law in 1997, there has been confusion over the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. However, the law provides shop stewards the right to represent the union to the company director and to sign collective bargaining agreements. Legal ambiguities also exist in the process for unions to nominate shop stewards. In practice most factories elected shop stewards before a union was present in the enterprise; thus, for most of the year, unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards present in the enterprise. In addition the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY, but grants no such protection to elected union leaders. However, in November the MOSALVY issued a new declaration that gave trade unions roles that are comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise.

Very little collective bargaining takes place. There are only two collective bargaining agreements registered with the Government. In addition to difficulties in defining the bargaining unit, collective bargaining is inhibited by the weak capacity and inexperience of unions.

There are no export processing zones.

c. Prohibition on Forced or Compulsory Labor

The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government does not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Trafficking in women and children for the purpose of forced prostitution is a serious problem (see Sections 5 and 6.f.).

There were no reports of bonded labor during the year.

Conditions in the commercial sex industry indicate both forced labor and the trafficking of persons (see Section 6.f.). Although there are no comprehensive surveys of the country's commercial sex industry, it thrives openly; many commercial sex workers are under the age of 18. An NGO survey in 1995 of prostitution indicated that 31 percent of female prostitutes were between the ages of 12 and 17 years. Up to half the girls involved were sold into prostitution by their families, then forced to work as prostitutes. The International Labor Organization (ILO) reported that many rural families allow their daughters to travel to cities for jobs described as honest and well paid, but which in reality lead to exploitative and slavery-like situations. There have also been reports of children who were kidnaped and forced to work in the illegal sex trade (see Sections 6.b. and 6.f.). Officials of the Government took action in February to rescue underage or trafficked women from prostitution, but do not do so consistently.

The Law on the Exploitation and Sale of Humans establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Law establishes 15 years as the minimum age for employment, and 18 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 that does not affect school attendance. The Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the Ministry to determine which types of employment and working conditions constitute "light work." However, the committee has not yet done so for any industry.

The Ministry is hampered by inadequate resources, staff, and training. Law enforcement agencies have sufficient authority to combat child prostitution, but do not do so in a sustained, consistent manner. Some observers note that existing regulations do not address the problem of child labor in the informal sector adequately.

Children under 15 account for over half the population. About 17 percent of children between the ages of 5 and 17 work. More than half of these are over the age of 14, and 89 percent are engaged in agriculture. Only 4 percent of working children are engaged in industrial work, including brick factories and rubber plantations.

In October a British Broadcasting Corporation television documentary drew great attention to what in fact were exaggerated allegations of widespread child labor in the garment industry. Several employees at one factory claimed to have misrepresented their ages by presenting inaccurate Government-issued documents in order to meet the factory's minimum age standard of 18 years of age. In fact child labor is not prevalent in the industry; however, there are instances of young workers who misrepresent their ages to gain employment in factories, including the garment factories. Most garment factories have policies that set the age of employment above the legal minimum of 15 years. The most serious child labor problems are in the informal sector.

The ILO's IPEC (International Program for the Elimination of Child Labor) reported in 1999 that more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were citizens.

With assistance from the ILO, the MOSALVY established a child labor unit to investigate and suppress child labor. In 1997 the Government, in conjunction with the ILO and NGO's, also approved a national action plan on child labor. In 1992 the Government ratified ILO Convention 105 (abolition of child labor) and Convention 138 (minimum age), and the Ministry has disseminated information about its content to employers. The MOSALVY had not defined worst forms of child labor, but the Ministry was preparing a report at year's end on the content of ILO Convention 182 for eventual submission to the National Assembly. It conducted four workshops to educate legislators on the matter. The Government worked with the ILO on a strategy for implementing Convention 182, which would include defining the worst forms of child labor.

e. Acceptable Conditions of Work

The Labor Law requires the MOSALVY to establish minimum wages based on recommendations by the Labor Advisory Committee. The minimum wage varies regionally. Responding to unprecedented pressure from the labor movement, the Ministry formally exercised its minimum wage authority for the first time in July, when it approved a \$45 per month minimum wage; however, it applied only to the garment and footwear sector. It defines a month as 26 8-hour days, after training. Garment factories almost universally observe the minimum wage, or pay higher wages. There is no minimum wage for any other industry.

Typically, garment workers earn relatively high wages, between \$45 and \$100 per month. However, prevailing monthly wages in the garment sector and many other professions are insufficient to provide a worker and family with a decent standard of living. Civil service salaries also are far below market levels, requiring government officials to secure outside sources of income.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime, and double time if overtime occurs at night, on Sunday, or on a holiday. The Government does not enforce these standards effectively. Despite reminders from the Government concerning hours of work, workers in many garment factories complain that overtime is excessive or involuntary, or that they are required to work 7 days per week.

Some factories do not pay the legally mandated premiums for overtime (150 percent) and night or holiday work (200 percent) properly, and there is legal ambiguity over which hours constitute night work. Another common complaint is that management violates the law by paying the overtime rate only for the salary component of workers' pay, leaving piece rates unchanged regardless of the number of hours worked.

Regulations on working hours outside the garment industry very rarely are enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well-being. The Government enforces existing standards inconsistently, in part because it lacks staff, equipment, and training. Labor inspection workers also are paid poorly. Work related injury and health problems are common. Conditions in small-scale factories and cottage industries are generally poor and often do not meet international standards. The Government has issued several instructions on workplace standards, and more detailed regulations await approval by the labor advisory committee before they may be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who remove themselves from unsafe working conditions risk loss of employment.

f. Trafficking in Persons

The 1996 Law on the Exploitation and Sale of Humans establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under the age of 15; however, the Government does not enforce the law effectively due in part to budget limitations and a lack of implementing regulations. The country is a source, destination, and transit country for the trafficking in persons.

Trafficking in women and children for the purpose of forced prostitution remained a serious problem. Although prosecutions of traffickers increased, and the Government devoted greater attention to trafficking during the year, prosecution of traffickers has been rare.

Surveys conducted by domestic NGO's in 1995 indicated that from 40 to 50 percent of young women who were trafficked were victimized by a close relative or friend of the family for money or on promises of a better life. Poverty and ignorance in villages is a major factor in contributing to the trafficking problem. One international NGO estimated that 30,000 Cambodian women were trafficked to neighboring countries.

The ILO's IPEC (International Program for the Elimination of Child Labor) reported in 1999 that more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese; the remainder were Cambodians.

On August 13, police raided a hotel and freed seven Romanian and Moldovan women who allegedly were trafficked into the country's sex trade. The proprietor of the hotel initially was arrested for illegally detaining the women; however, the court subsequently declined to prosecute and released the suspect.

On August 30, 2 Taiwan residents and 6 Cambodians were arrested for human trafficking after a raid on a Phnom Penh hotel found 20 Cambodian women who police suspected were to be sent to Taiwan as sex workers under the guise of marrying men from Taiwan. There were unconfirmed press reports that women were lured from Cambodia to work in the sex industry in other Asian countries.

In March the Government inaugurated a program jointly administered by the Ministry of Women's Affairs and the International Organization for Migration to train about 2,000 government officials in legal and socio-economic issues related to trafficking and migration problems.

Child prostitution and trafficking in children were common. There were reliable reports that children were lured from or kidnaped in some provinces and forced into the illegal sex trade, both in Cambodia and abroad. Other children were smuggled into Thailand to become beggars.

In July 1999, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information and protection through law enforcement. In September 1999, the Prime Minister instructed the Cabinet to develop additional measures to fight trafficking of women and children, including speedy promulgation of subdecrees and signing bilateral extradition treaties to bring traffickers to justice.

In April the Government and a group of international NGO's announced a program to train police, prosecutors and judges to more effectively enforce the laws protecting children, especially the laws against sexual exploitation of children through trafficking and otherwise. This program was designed as part of the Government's 5-year plan.

The increase in the number of foreign tourists during the year raised concerns of government and NGO officials that the tourist-driven child sex trade also would increase. The Government prosecuted at least three

cases during the year in which foreigners were charged with child pornography or indecent acts against minors.

[End.]