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## U.S. Department of State

### Cambodia Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### CAMBODIA

Cambodia completed its third year under democratic rule after 20 years of civil war and authoritarian or totalitarian regimes. The transition to a democratically elected government followed the signing of the Paris Peace Accords by Cambodia's rival factions in 1991, which led to free and fair elections administered by the United Nations in May 1993 and the promulgation of a constitution in September 1993. The Royal Government of Cambodia (RGC) is a coalition composed primarily of the FUNCINPEC party, which won the largest number of votes in the 1993 election and the Cambodian People's Party (CPP), which had ruled the country since the ouster of the Khmer Rouge (KR) by the Vietnamese army in 1979. The leader of FUNCINPEC, Prince Norodom Ranariddh, and former State of Cambodia Prime Minister Hun Sen of the CPP are first and second Prime Ministers, respectively. King Norodom Sihanouk is the constitutional monarch and Head of State. Most power lies with the executive branch; the judiciary is not independent in practice.

The Khmer Rouge, which signed the Paris Accords but refused to implement them, continued to wage a mostly low-level guerrilla insurgency against the Government. However, the Khmer Rouge appeared to be seriously weakened by an internal split when top official Ieng Sary entered into defection negotiations with the Government on behalf of a breakaway KR faction in August. In September King Sihanouk acted upon a request from the co-Prime Ministers and granted amnesty to Ieng Sary. The amnesty applied to a death sentence issued by a 1979 war crimes tribunal in Cambodia and a 1994 law outlawing the Khmer Rouge.

The police have primary responsibility for internal security, but the Royal Cambodian Armed Forces

(RCAF), including the military police, also have domestic security responsibilities. The Government continued to integrate former FUNCINPEC and Buddhist Liberal Democratic Party personnel into the police force. The Government also continued to implement a reform plan to improve RCAF and police performance. Members of the security forces committed human rights violations, for which they were rarely prosecuted.

Cambodia has a market economy in which approximately 80 percent of the population engages in subsistence farming, with rice as the principal crop. The country has a small, but growing, garment industry. Foreign aid is an important source of national income. Cambodia's annual per capita gross domestic product is \$260.

Significant problems remained in many human rights areas. There continued to be reports of numerous abuses. The security forces committed extrajudicial killings, and there were credible reports that members of the security forces tortured, beat, and killed detainees. Prison conditions remained poor,

and arbitrary arrest, prolonged detention, and infringement on citizens' privacy rights were problems. Political intimidation of journalists and members of the political opposition also occurred. The Government lacked the resources or the political will to act aggressively against individuals, particularly members of the military services who were suspected of being responsible for such abuses.

The Government sometimes limits press freedom; it prosecuted several journalists critical of the Government, although all eventually received royal pardons. Fear of government-directed violence against the press and government pressure created a climate that encouraged self-censorship by some journalists. A prominent opposition party was harassed by security forces, leading to concern about government intolerance toward opposing political viewpoints. Emerging democratic institutions, particularly the judiciary, remain weak. The judiciary is subject to influence by the executive and marred by inefficiency, a lack of training, a shortage of resources, and corruption related to low wages. Irregularities in the legal system continued, and citizens were effectively denied the right to a fair trial. Domestic violence against women and children is common. The ethnic Vietnamese minority faced widespread social discrimination and some violence from the Khmer Rouge; people with disabilities also faced societal discrimination. The Government does not adequately enforce existing legal prohibitions against antiunion discrimination, nor provisions outlawing forced labor.

Citizens living in areas controlled by the Khmer Rouge were denied virtually all political rights and were subject to serious human rights abuses by the KR leadership. KR forces committed numerous extrajudicial killings and were responsible for disappearances, forced labor, and restriction of freedom of speech, the press, assembly, association, religion, and movement.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There was no evidence of a government-sponsored campaign of violence. However, there were more than 30 reported cases of police, local government, or military involvement in killings of civilians, possibly including the deaths of a journalist, provincial political workers, and other civilians. The authorities made few arrests in connection with these crimes, due to a combination of ineffective law enforcement, intimidation of civilian authorities by military personnel, and in some cases a lack of prosecutorial vigor. Elements of the

police and military forces were associated with a large number of violations, especially in Battambang province. Victims of extrajudicial killings were often young male civilians accused of crimes and subsequently killed while in police custody.

In January police in Kompong Cham province tortured and killed Liv Peng An, a suspect in a rape case. According to human rights investigators, Peng An was handcuffed, starved, and beaten for 3 days before dying. Family members who had come to visit him were only allowed to see Peng An after he was killed. Although the police claimed Peng An committed suicide by hanging, an abbot who prepared the body for burial said that it showed evidence of beating, including broken ribs. Following intervention by a human rights nongovernmental organization (NGO) and Peng An's family, the Ministry of Interior allowed Peng An's body to be exhumed. Investigators determined that he had been killed by torture. No one has been charged.

In May, Am Han, a resident of Svay Por district in Battambang province, died after 3 days in police custody. Han was arrested on suspicion of supporting the Khmer Rouge and was tortured, and eventually killed, in an attempt to force him to confess to crimes he did not commit, according to human rights workers. Police officials asserted that Han committed suicide by hanging. Seven men suspected in Han's killing have been charged and face trial.

In May journalist Thun Bunly, editor of the Khmer Ideal newspaper and a member of the opposition Khmer Nation Party (KNP), was shot to death by two men while riding a motorcycle taxi in central Phnom Penh. A government investigation has thus far failed to identify the murderers. Also in May, Khem Khin, a KNP member, sustained a fatal beating by an unknown assailant while walking to his house in Siem Reap province. No one has been charged in the killing. In June local KNP leader Soeun Sim was shot and killed by six armed men while he and his wife were sitting in front of their home in Chrey village, Siem Reap province. No suspects have been detained. In November Ros Chhem, a FUNCINPEC party candidate for provincial office, was killed by unidentified gunmen in Kandal province. A police identification has not yet identified any suspects. Koy Samuth, a Ministry of Interior official and the brother-in-law of Second Prime Minister Hun Sen, was shot and killed in November by two gunmen in Phnom Penh. Police were investigating the case at year's end, but had brought no charges.

Alleged connections with the Khmer Rouge were used as justification in at least two fatal incidents involving police and local villagers. In May local police killed a child and injured 15 adults when they arrested a group of villagers accused of being Khmer Rouge members in Lobeuk village,

Kamptot. In June, three farmers in Mong Russey district, Battambang province, were killed by three soldiers who accused them of being Khmer Rouge members. The Ministry of Interior suspended three policemen involved in the Lobeuk case; no government action was taken in the Mong Russey case.

In May military police killed two residents of Bong Rey village, Svay Rieng province, in a revenge killing. They claimed that thieves had killed their relatives and asked local villagers to identify the murderers. The military police killed one villager identified by his neighbors, then killed another under similar circumstances the next day. No government action was taken.

Eight civilians were killed by a communal chief and six communal militiamen in a February incident at Andeuk Island in Koh Kong province. Nine armed bandits who burglarized the house of a village chief in Koh Kong were followed into the jungle by several armed villagers, who killed one of the bandits in a gunfire exchange. Two days later, local police led by communal chief Seng Sao arrested six of the eight thieves, as well as two log cutters who happened to be in the vicinity. The two remaining thieves

escaped. Those arrested were then detained in the district jail, where district chief Phai Thuon Phlamkesorn apparently instructed Seng Sao and six communal militiamen to kill the six persons in custody.

Local fishermen discovered the eight bodies in a cave at Andeuk Island. Seng Sao was then arrested on orders from the first deputy governor of the province, but the six militiamen escaped to Thailand. Officials from the Ministries of Interior and Defense investigated the killings but did not release any findings. Seng Sao was finally released from the Koh Kong provincial jail in late February, allegedly following the intervention of Koh Kong governor Rung Plam Kesorn. Seng Sao has since escaped to Thailand.

Colonel Sath Soeun, charged by the provincial court in Kompong Cham for the killing of a journalist and a boy in two separate incidents in 1994 and 1995, continues to serve in the provincial army. Soeun was tried and acquitted for the murder of journalist Chan Dara in 1994. A warrant was issued for his arrest following his 1995 killing of a 16-year-old boy, but he has not been apprehended.

The Khmer Rouge continued to abduct and kill civilians. One of the most serious incidents occurred in June, when a group of 37 KR guerrillas abducted approximately 50 wood cutters in Kampot province. Although 31 of the workers were later released in exchange for ransom money, the KR reportedly murdered 14 of the hostages. In July Khmer Rouge forces abducted 25 villagers in Siem Reap province; they later killed 21 of them. The KR also targeted ethnic Vietnamese, killing 25 citizens of Vietnam in August (see Section 5).

#### b. Disappearance

There were no reports of politically motivated disappearances. However, there were at least a dozen cases in which the Khmer Rouge reportedly abducted local villagers, often for periods of 2 weeks to 1 month. Abductees were typically required to provide forced labor.

In March a group of 26 demining workers were kidnaped by KR soldiers in Siem Reap province. The KR later released all but two of the hostages: Christopher Howes, a British citizen, and his Cambodian interpreter Houn Hoerth. It is not known whether Howes and Hoerth are still alive.

Also in March, nine soldiers and military police charged in the 1995 kidnaping of casino executive Lim Kim Hock received jail sentences for the crime. Hock was kidnaped and held for 2 days before being released unharmed.

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

The 1993 Constitution prohibits torture and physical abuse of prisoners. The Government does not systematically use torture, but there were credible reports that security officials occasionally used torture and often beat criminal detainees severely, particularly during interrogation. One Cambodian human rights NGO documented 14 cases of torture committed by police, military, or local authorities between March and August. Another Cambodian human rights NGO investigated 36 cases of torture committed under similar circumstances between January and June. In at least two instances, such torture resulted in the deaths of suspects by beatings.

Conditions in many prisons remain poor. The Government continued efforts to improve prison conditions but has been hampered by lack of funds. The U.N. Center for Human Rights, the U.N. Secretary General's Special Representative for Human Rights, and an international NGO cited a number

of serious problems, including overcrowding, food and water shortages, malnutrition, and poor security. Human rights workers reported that the practice of using shackles and holding prisoners in small, dark cells, a practice thought virtually eliminated by the U.N. Transitional Authority in Cambodia (UNTAC), continued in some prisons. Government ration allowances for purchasing prisoners' food have not increased for 2 years and are increasingly inadequate.

The Government continued to allow human rights groups to visit prisons and to provide human rights training to prison guards.

Although an alleged illegal detention facility in Battambang province was closed in 1994, there were unconfirmed reports of the existence of small, illegal detention facilities in several provinces.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, and exile. A Penal Code drafted by UNTAC and approved by the interim Supreme National Council remains in effect, as does a criminal procedure law dating from the State of Cambodia period. The Criminal Procedure Law in theory provides adequate protection for criminal suspects, but in practice the Government frequently ignored these provisions. Cambodian human rights investigators documented at least 23 cases of illegal detention and arrest committed by police, military, or local government authorities through November.

While lengthy detention without charge is illegal, suspects are often held by authorities for long periods before being charged. Accused persons are legally entitled to a lawyer, although in practice they often have no access to legal representation. Many judges believe that lawyers must be appointed only in criminal felony cases. In family cases, parties are frequently not informed about their legal rights by the courts. Prisoners are routinely held 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. The introduction into the legal system of a corps of defenders who work without fee, and who are trained by NGO's, resulted in significant improvements for those defendants who were provided with counsel, including a reduction in their pretrial detention period and improved access to bail. For example, 34 percent of defendants were acquitted in 242 legal cases involving such nonlawyer defenders trained by one international NGO. Human rights groups report that judges made progress in informing suspects of their rights.

The Government generally did not use detention without charge as a means of political control; however, there were several instances of detention used against the opposition KNP. In January police conducted a raid on KNP headquarters in Phnom Penh as part of a search for two witnesses to a car theft who were alleged to be inside the headquarters building. Journalists, human rights workers, and KNP staff members were detained in the headquarters building for 4 1/2 hours before the police allowed them to leave. In March two KNP party workers were arrested by the police in Siem Reap province and accused of distributing propaganda on behalf of the KNP. Provincial authorities determined that the two party workers had not broken any law; they were released from custody after 1

day's detention; the case was dropped. In May three KNP workers in Kandal province were arrested and held for 2 days by local police on charges of illegally recruiting members for the KNP. The three were released following intervention by human rights groups.

It remained easy for the Government to obtain detention warrants from the courts quickly .

Exile is prohibited by the Constitution and is not practiced.

No legal system is known to exist in Khmer Rouge zones. Khmer Rouge forces often seize hostages in order to intimidate villagers into cooperating with them.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. However, in practice, the Government does not ensure an independent judiciary. 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 Magistrates, which appoints and disciplines judges. These two bodies have not yet been established due to disputes between the two major parties concerning their composition. Human rights workers indicate that there has been incremental progress in establishing judicial independence, however. Civilian courts are often unable to try members of the military forces. Courts must obtain Ministry of Justice permission to prosecute members of the civil service, including the police. Human rights groups report that in practice ministries often decline to respond to the courts or refuse their requests for prosecution. Delays in responding to the courts' requests sometimes allow those accused of crimes to flee in order to escape prosecution.

A serious lack of resources and poor training contribute to inefficiency in the judicial branch, and in practice the Government does not ensure due process. For example, judges often lack copies of the laws on which they are expected to rule. As a result of these weaknesses, citizens were often effectively denied the right to a fair trial.

There is also a military court system, which suffers from deficiencies similar to those of the civilian court system.

The Government continued its ongoing work with a variety of foreign donors and NGO's to improve the functioning of the legal system.

The courts often pressure victims of crimes to accept small cash settlements from the accused. When a case does make its way to court, the verdict is often determined by a judge before the case is heard, sometimes on the basis of a bribe paid by the accuser or the defendant. Sworn, written statements from witnesses and the accused are usually the extent of evidence presented in trials. Often these statements result from beatings or threats by investigating officials, and illiterate defendants are often 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.

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 are typically perfunctory, and extensive cross-examination usually does not take place. The serious shortage of attorneys is somewhat alleviated by the provision of nonlawyer defenders trained by international human rights organizations.

Defendants are also legally entitled to the presumption of innocence and the right of appeal. Because of extensive corruption, however, defendants are often expected to bribe the judge for a favorable verdict and are therefore effectively denied the presumption of innocence.

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. There were, however, unconfirmed reports that the Government arbitrarily monitored private electronic communications. According to human rights observers, the police routinely conducted warrantless searches and seizures. Although people were largely free to live where they wished, there were charges that in September the Government forcibly removed hundreds of residents of Phnom Penh's "Borei Keila" district without adequate compensation.

The Government does not coerce or forbid membership in political organizations. However, membership in the Khmer Rouge, which is conducting an armed insurgency against the Government, is illegal.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Fighting between government and Khmer Rouge forces continued; however, negotiations between the Government and various Khmer Rouge commanders secured the defection of thousands of Khmer Rouge soldiers and civilians in the northwest and contributed to a reduction in armed conflict during the second half of the year. Government soldiers used alleged connections with the Khmer Rouge as justification for attacks on civilians in areas near Khmer Rouge zones (see Section I.a.)

As in previous years, many civilians were killed or wounded by indiscriminate shelling and by land mines laid by both sides. Villages were subjected to burning and looting by the Khmer Rouge. These attacks had escalated following an October 1994 Khmer Rouge policy decision to harass local officials and terrorize the local population, although recent defections and the ongoing cease-fire in the northwest decreased the level of violence in many areas during the year.

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

#### a. Freedom of Speech and Press

The Constitution provides for freedom of expression, press, and publication, but the Government sometimes limits press freedom in practice. The Constitution implicitly limits free speech by requiring that speech not adversely affect public security. The Constitution also declares that the King is "inviolable." A press law in effect since 1995 provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinion.

However, the law includes a vaguely worded prohibition on publishing articles that affect national security and political stability. These provisions were strongly criticized by human rights groups and journalists. A draft government subdecree on this matter in May was criticized by human rights groups and journalists because it did not provide specific definitions of "national security" and "political stability," and because it added a training requirement for those interested in becoming journalists. The Government continued to revise the draft subdecree; however, it banned the establishment of new newspapers until the subdecree was completed. This ban was in contradiction of the press law. Three new newspapers have been established since July, including one opposition newspaper.

Cambodia's news organizations, including over 50 newspapers, remained active, and many frequently criticized the Government. Most newspapers were nominally independent, but many received financial support from political parties. The

Government, the military forces, and political parties continued to dominate the broadcast media. The Government refused to allow the KNP, which has not been legalized by the Government, to have its own television and radio stations. Although many newspapers remained critical of the Government, fear of violence against the press and government pressure created a climate that encouraged self-censorship by some journalists. There are three journalists' associations; they lobbied for more liberal press regulations and against the detention of journalists.

The Government continued its intimidation of newspapers which were overtly critical of government actions, although this intimidation was not so extensive as in past years. There have been no arrests in the killing of KNP politician and journalist Thun Bunly in Phnom Penh, who was shot by unknown attackers (see Section I.a.). Journalist Sum Dara of the New Angkor newspaper was detained and beaten by two armed men in Phnom Penh in August. The police interrogated Dara about the activities of other journalists before releasing him. Using the press law, the Government suspended publication of the antimonarchy Republic News for 78 days. The newspaper reopened following intervention by the League of Cambodian Journalists and continued its critical viewpoint. Journalists Chan Rotana and Hen Vipheak, sentenced to prison terms in 1995 for separate violations of press regulations, were pardoned and released from prison in July and August, respectively. Both served less than 1 week of their prison terms. Their newspapers continued to publish and remained critical of the Government. There were seven reports that journalists received threatening telephone calls from political interests opposed to their newspapers' editorial views.

The media reported that the Government issued a directive instructing teachers, including private school teachers, not to talk about politics in class. There continues to be inhibition of discussion of some political issues at the University of Phnom Penh.

The Khmer Rouge do not allow freedom of speech or press in zones they that control.

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

The Constitution provides for freedom of peaceful assembly and freedom of association.

In May heavily armed government security forces confronted the funeral procession of slain journalist Thun Bunly (see Section I.a.) when it attempted to divert from its authorized course through central Phnom Penh. There was no violence, and the funeral procession proceeded along its authorized route without incident.

Provincial farmers protesting poor agricultural conditions were turned away from the royal palace and the Ministry of Interior by security personnel in June.

Although several provincial offices of the KNP remain open, others had their opening ceremonies disrupted by local police or were otherwise harassed after opening.

An October demonstration organized by the KNP against the state visit of General Than Shwe, leader of Burma's State Law and Order Restoration Council, was not approved by government officials. KNP protesters were diverted by police and dispersed peacefully. Two policemen were injured when a car occupied by KNP leader Sam Rainsy's driver and bodyguard attempted to pass a police roadblock. Police reportedly beat the driver and detained him briefly before releasing him. Rainsy's bodyguard was arrested, convicted of destroying government property, and imprisoned 23 days. In November KNP protests took place without incident.

The Government requires local NGO's to register with the Ministry of Interior. No action has been taken against unregistered NGO's, however. A draft NGO law, prepared with assistance from the U.N. Center for Human Rights, has not yet been passed by the National Assembly.

In Khmer Rouge-controlled areas, freedom of assembly and association do not exist.

#### c. Freedom of Religion

The Constitution provides for freedom of religion and prohibits discrimination based on religion. The Government respects this right in practice. Buddhism is the state religion.

The Khmer Rouge have traditionally banned or discouraged religion.

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

The Government does not restrict international travel or within the parts of the country that it controls, although the presence of land mines and bandits make travel in some areas perilous.

Government security forces operate numerous security checkpoints along major highways. There were reports that Vietnamese citizens were routinely harassed by these soldiers and forced to pay bribes on Route 5 near Kompong Chang.

Tens of thousands of citizens who are ethnic Vietnamese fled Cambodia in early 1993 due to racial violence directed at Vietnamese. Many returned after the elections. However, the authorities stopped and forbade entry to occupants of several thousand boats on the Mekong River. Most of these people have been allowed to return, while others entered informally.

The Government allows noncitizens to apply to the United Nations High Commissioner for Refugees (UNHCR) for refugee status in Cambodia. However, in December, the Government expelled 19 ethnic Vietnamese to Vietnam after detaining them for alleged involvement in a political organization called the People's Action Political Party of the Vietnamese People. The Government asserted that this organization was part of the illegal Free Vietnam Movement. Nine of the 19 had already requested political asylum from the UNHCR office in Phnom Penh.

The Government did not provide first asylum in 1996. The small number of requests made were still pending by year's end. The Government did, however, provide first asylum in 1995. The Government has not yet fully formulated a policy regarding refugees, asylees, or first asylum.

The Khmer Rouge, who refused to comply with the Paris Accords by opening the areas they control, continued to restrict access to, from, and within these zones.

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

The Constitution provides for the right of citizens to change their government, and most citizens exercised this right by participating in the 1993 U.N.-administered elections. In those areas of the country controlled by the Khmer Rouge, citizens cannot exercise this right.

In the 1993 election, each province elected National Assembly members through proportional representation. Some 20 parties took part; 4 won seats. The United Nations certified the election as free and fair. After the drafting of a constitution, the constituent assembly became the National Assembly.

Members of all four parties that won seats in the Assembly entered a coalition government, which remained in power through 1996.

The legislature was weak in comparison with the executive branch. All legislation considered or adopted by the National Assembly originated in the ministries. The Government appointed the provincial governors and their deputies, who are divided between the two coalition parties. District and commune officials are also appointed by the executive branch; most of these officials are People's Republic of Kampuchea or State of Cambodia appointees. FUNCINPEC has complained that

district chief positions are not equally divided between the two major coalition parties. Communal elections are scheduled for late 1997. The Government has prepared a draft communal electoral law, but it has not been presented to the National Assembly.

International election advisers were received by government officials, including the Prime Ministers.

Traditional cultural practices inhibit the role of women in Government. There are 7 women among the 120 members of the National Assembly. Although there are no female Governors or Cabinet ministers, there are a few women at the state secretary and deputy governor levels. There are several members of ethnic and religious minorities in the Cabinet and the National Assembly.

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

Cambodia's large international and domestic human rights community, which first began operating under UNTAC, remained active and engaged in diverse activities. Numerous human rights organizations and the U.N. Center for Human Rights conducted highly effective human rights training for military officers, villagers, the legal community, and other groups. There are approximately 40 NGO's involved in human rights activities, some of which carried out investigations of abuses.

According to a study made by an international NGO, however, only 9 of the 40 NGO's have a primary focus on human rights and civic education. According to NGO leaders, communication between human rights NGO's and the executive branch of the government continued to improve. Most NGO's reported little overt intimidation, although many felt that the sensitive issues that they covered required them to exercise caution in carrying out their activities.

The National Assembly's Human Rights Commission, headed by a former NGO leader, served as a liaison between the Assembly and the human rights community. The Commission began using its own investigators during the year and conducted high profile human rights investigations in the provinces.

One domestic human rights organization reported limited cooperation from some provincial authorities in conducting inspections of prison conditions.

Following the signing of a memorandum of understanding with the Government in March, the U.N. Center for Human Rights extended its mandate for 2 additional years. The U.N. Secretary General's Special Representative for Human Rights, Thomas

Hammarberg, was received by both of the co-Prime Ministers.

The Khmer Rouge do not permit any investigation of human rights violations in their zones. Many international and indigenous NGO's have made plans to enter the Khmer Rouge defector zones in the

northwest as soon as the area is fully secured by the Government.

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

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

### **Women**

International and Cambodian NGO workers report that violence against women, including rape and domestic violence, is common. There were reports of rape, but there were no statistics available on this problem. A study by an international NGO released in July estimates that one in six wives is physically abused by her husband, and half of those are injured. Authorities normally decline to become involved in domestic disputes. There are some indications that stress and other psychological problems originating during the Khmer Rouge period of the 1970's contribute to the problem of violence against women. NGO's reported that prostitution and trafficking in women were serious problems. The Government passed a law against prostitution and trafficking in January, but human rights groups indicate that it is not adequately enforced.

According to an international labor NGO's report, women now comprise 55 percent of the population, but 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 are often concentrated in low-paying jobs in these sectors and are largely excluded from management positions, which remain dominated by men.

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 continued to limit women's ability to reach senior positions in government, business, and other areas. There are a large number of women's NGO's, which concentrated on training poor women and widows and addressing social problems such as spousal abuse and prostitution. Within the

Government, the Secretariat of State for Women's Affairs is responsible for women's issues.

### **Children**

The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal of the Government's political program. However, the Government relies on international aid to fund most social welfare programs targeted at children, resulting in only a modest flow of resources to ameliorate problems affecting children. Children frequently suffer from the inadequacy of the health care system. Infant mortality is reported at 115 per thousand and nearly 20 percent of children do not live to the age of 5. Child mortality from preventable diseases is high.

Children are also adversely affected by the inadequate educational system. Only around 1 percent of primary school teachers have completed high school. Schools are overcrowded and short of equipment. The Government does not deny girls equal access to education, but in practice, families with limited resources often give priority to educating boys.

Child abuse is believed to be common, although there are no statistics on the extent of the problem. Studies conducted by human rights organizations indicate that child prostitution became increasingly widespread during the year, although it is difficult to gauge the extent of the problem. There were reliable reports that girls were kidnaped in several provinces and forced into the illegal sex trade, both in Cambodia and abroad.

### People with Disabilities

The Government does not mandate accessibility for people with disabilities to buildings or government services. According to international human rights groups, 1 in 236 Cambodians is missing at least one limb. This figure reflects the continuing effects of land mines on the population. Programs administered by various NGO's have brought about dramatic improvements in the treatment and rehabilitation of amputees. However, they face considerable societal discrimination, particularly in obtaining skilled employment.

### National/Racial/Ethnic Minorities

Citizens of Vietnamese and Chinese ethnicity have long comprised the largest ethnic minorities. Ethnic Chinese are well accepted. However, fear and animosity continue toward ethnic Vietnamese people, who are seen as a threat to the Cambodian nation and culture.

The rights of minorities under the nationality law passed in August are not explicit; constitutional protections are extended only to "Khmer People," that is, Cambodians.

There were reports that Vietnamese nationals were singled out for harassment at illegal government security force checkpoints (see Section 2.d.).

Ly Chandara, a Cambodian national of Vietnamese ethnicity, was arrested and expelled to Vietnam in March after being accused of serving as the deputy Commander-in-Chief of the Free Vietnam Movement, which the Government charges carried out illegal activities against the Government of Vietnam. Two others, a Cambodian and a Vietnamese resident of Cambodia, were expelled with Chandara on the basis of similar charges. Chandara was the editor of the Vietnamese Language newspaper Tудо, which was closed by the Government in December 1995. Chandara was later released by the Government of Vietnam and allowed to return to Cambodia.

Several thousand ethnic Vietnamese fled to the Vietnam- Cambodia border following massacres in early 1993. By the end of the year, many had in fact returned to their homes, while a few remained stranded on the border (see Section 2.d.).

The Khmer Rouge continued a calculated campaign of inflammatory propaganda directed against ethnic Vietnamese, and there were reports that 25 citizens of Vietnam were killed as part of a Khmer Rouge ethnic cleansing campaign in August. In May a group of 20 armed men killed 11 Vietnamese and 1 Cambodian, and wounded 8 others, in an ethnically motivated attack on a village in Pursat province.

## **Section 6. Worker Rights**

### a. The Right of Association

The Government finalized its draft of a new labor law with assistance from the International Labor Organization (ILO) and the Asian American Free Labor Institute (AAFLI). The legislation provides for

internationally accepted labor rights, including the right to organize and bargain collectively. The National Assembly passed the new law in January 1997.

The 1992 Labor Law dates from the State of Cambodia period. Workers have the right to form worker organizations of their choosing without previous authorization, and employees in each workplace are required to select a single worker representative. In practice, management or the Government usually controls the selection process for the worker representative. Worker organizations are not required to join a single trade union structure under the 1992 law.

There were few active independent trade unions. The majority of salaried workers are employed by the State, although there is a growing services sector. A large proportion of the urban population is engaged in low-level commerce or self-employed skilled labor. The code does not apply to workers in the public sector.

#### b. The Right to Organize and Bargain Collectively

The 1992 Labor Law provides for collective bargaining, although any agreement reached between workers and employees is subject to government approval. In practice, collective bargaining does not take place. The Government sets wages for civil servants. Wage rates in other sectors are based largely on market conditions and are set by employers. The 1992 Labor Law prohibits antiunion discrimination by employers, but there is no mechanism for enforcing this provision.

Opposition politician Sam Rainsy announced the formation of the Free Trade Union of Cambodian Civil Servants in November. Hundreds took part in a demonstration without incident. Another union, the Free Trade Union of Khmer Workers, formed in December and organized a walkout from a foreign-owned garment factory.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The 1992 Labor Law prohibits forced or compulsory labor and contains penal sanctions for offenders. However, the Government does not adequately enforce these provisions. There were credible reports that workers have been coerced into working overtime, and there were some reports of women being forced to work as prostitutes.

The Khmer Rouge compel people under their control to serve as porters for military and other supplies and to clear land for farming (see Section 1.b.).

#### d. Minimum Age for Employment of Children

The 1992 Labor Law states that the minimum age for employment is 16 years, except for those workers in family enterprises. Although penalties exist for violation of these provisions, the Government has not established an apparatus to enforce them. Youth under the age of 16 years routinely engage in a variety of jobs, including street trading, construction, agriculture, and manufacturing.

#### e. Acceptable Conditions of Work

The 1992 Labor Law does not provide for a nationwide minimum wage but requires a wage that assures a decent living standard. The Government does not enforce this requirement. In practice, the wage is

often set by employers. Market-determined wage rates at lower levels are not sufficient to provide a decent living for a worker and family.

The new labor legislation requires the Government to set and periodically revise a minimum wage, and at year's end the Government was in the process of preparing a decree that would set the Kingdom's first minimum wage.

The 1992 Labor Law provides for a standard legal workweek of 48 hours and a 24-hour rest period, and requires overtime pay. The Government does not enforce these standards, and workers commonly work more than 48 hours per week. Some workers incur salary deductions if they do not perform overtime or holiday work. The Law states that the workplace should have health and safety standards adequate to ensure workers' well-being. However, the Government has not yet set specific standards, and work-related injury and health problems are common. Penalties are specified in the law, but there are no provisions to protect workers who complain about unsafe and unhealthful conditions. Conditions in factories and small-scale industries are generally poor and often do not meet international standards.

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