



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Cambodia Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

CAMBODIA

A new coalition Government was formed on November 30 between the Cambodian People's Party (CPP) and the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC). CPP leader Hun Sen is Prime Minister and Prince Norodom Ranariddh of FUNCINPEC is President of the National Assembly. A 1993 coalition government had collapsed when forces loyal to Hun Sen ousted then-First Prime Minister Prince Ranariddh from power in July 1997. In July, in the first national elections since 1993, the CPP won a plurality of votes. The electoral campaign and its aftermath were marked by protests, voter intimidation, and partisan violence, some of it government-directed. Despite the incidents of political violence, intimidation, and election irregularities, the formation of the new Government reflected the will of the electorate. King Norodom Sihanouk remains the constitutional monarch and Head of State. Most power lies within the executive branch, and the National Assembly does not offer a significant check to executive power. The judiciary is not independent and suffers from corruption.

The seriously weakened Khmer Rouge continued to wage a low-level guerrilla insurgency against the Government. From July 1997 until November, Khmer Rouge troops cooperated with resistance forces loyal to FUNCINPEC against government troops. Former Khmer Rouge leader Pol Pot died in April. At year's end, following mass defections and the surrender of Khieu Samphan and Nuon Chea, the only remaining Khmer Rouge leader at large was General Ta Mok.

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 were hampered by political factionalism within the forces and by budgetary limitations. Members of the security forces committed numerous human rights abuses.

Cambodia has a market economy in which approximately 80 percent of the population of 11 million engage in subsistence farming, with rice as the principal crop. Annual per capita Gross Domestic Product is approximately \$300. Foreign aid is an important component of national income. Economic growth stalled following the July 1997 political violence, with decreases in business, investment, and tourist activity; the economic slump continued through the year.

There were numerous, serious problems in the Government's human rights record. Military and civilian police were responsible for at least five extrajudicial killings. Members of the security forces regularly tortured, beat, and otherwise abused persons in custody. There were credible reports that members of the security forces tortured, beat, or killed some opposition party supporters before and after the elections in July and during demonstrations in August and September. Police were responsible for at least two during the postelection demonstrations. In the days after the demonstrations, 24 unidentified bodies were discovered; most showed evidence of torture or violent death. The Government rarely prosecuted members of the security forces for such abuses. Prison conditions are harsh. Arbitrary arrest and detention, prolonged detention, and infringement on citizens' privacy rights were problems, particularly during the September demonstrations. Immunity for those who commit human rights abuses is a continuing problem. The Government lacked the political will and the financial resources to act effectively against persons, particularly members of the military services who were suspected of being responsible for human rights abuses. Democratic institutions, especially the judiciary, remain 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 corruption related to low wages. Politically related crimes rarely were prosecuted. Citizens effectively were denied the right to a fair trial.

The Government sometimes limits press freedom and fear of government-directed violence against the press created a climate that encouraged self-censorship by some journalists. However, the number of newspapers critical of the Government remained high, with frequent vehement criticism of the CPP. The Government permitted some freedom of assembly during the election period, but at times restricted this right. The Government allowed large demonstrations to protest against claimed election irregularities in August and September. However, police forcibly dispersed a public protest critical of Hun Sen that had been organized by the FUNCINPEC and Sam Rainsy parties following the demonstrations. Over 2 dozen opposition figures left the country temporarily after the inauguration of the National Assembly in September.

The Government at times restricted freedom of association and movement. Domestic violence against women and abuse of children are common. Trafficking in women and children for forced prostitution is a problem. The ethnic Vietnamese minority faced widespread social discrimination and some acts of violence perpetrated by the Khmer Rouge and persons loyal to the FUNCINPEC and Sam Rainsy parties; discrimination against the disabled persists. The Government sometimes does not enforce existing legal provisions against antiunion discrimination adequately. Forced labor, including forced labor by children, remains a problem. Child labor persists. Mob violence against ethnic Vietnamese resulted in a number of deaths.

Khmer Rouge forces committed a number of abuses, including killings, and committed violence against the ethnic Vietnamese minority.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Political and Other Extrajudicial Killing

There were numerous political and extrajudicial killings. The United Nations Center for Human Rights (UNCHR) documented 49 reported killings carried out in connection with the electoral process. Of these, the UNCHR found that three likely were committed by police or local government authorities and 13 others by remnant Khmer Rouge soldiers. UNCHR investigation of most of the remaining reported cases disclosed either no political motive or mixed political and personal motives. The Government has made no arrests in connection with these crimes.

On June 19, the body of Em Iem, a Sam Rainsy Party district official, was exhumed in Kompong Cham province. He had been arrested by the village chief, having left his home 9 days earlier to travel to the district headquarters of his party. Witnesses reported that police handcuffed and blindfolded Em Iem and took him in the direction of a nearby rubber plantation where his body later was found. His death followed several documented threats against him and other Sam Rainsy party members by local Kompong Cham government officials for anti-CPP political activities.

On June 24, Som (Thong) Soi, a Reastr Niyum party representative, was shot and killed by a concealed gunman while returning from work in Kompong Chhnang province. He earlier had left his position as a CPP group leader recently to join the Reastr Niyum Party and had expressed fear for his life in the days prior to his killing, naming two local officials whom he believed would be responsible if he were killed. Although he had known personal conflicts with other villagers, the balance of evidence suggested a political motive for his death.

On June 27, the badly mutilated body of FUNCINPEC commune electoral observer Thong Sophal was found in Kandal province after he had been missing for 10 days. According to fellow villagers and relatives, he had no known problems with neighbors or others and was a respected member of his community. Party colleagues confirmed that he had been a FUNCINPEC supporter for several years, but his wife and son had participated in a CPP gift distribution in April, when she registered him with the CPP. According to the UNCHR, the evidence collected about his FUNCINPEC political activities immediately prior to his disappearance, the attitude of the national police and local authorities, and the circumstances of his disappearance suggested a political motive for his killing.

In addition to killings during the election period, there were credible reports of political and extrajudicial killings during the period of opposition protests in August and their subsequent suppression by government security forces in September. According to the UNCHR, at least 34 persons were killed in August and September, including 2 deaths prior to the demonstrations, 2 deaths that occurred when security forces intervened to halt the demonstrations, and 2 other unrelated deaths. There were four killings of Vietnamese residents targeted specifically because of their ethnicity (see Section 5). No direct link was established by the UNCHR between the remaining 24 deaths and involvement in the demonstrations or other political activities; however, investigations showed that most of these unidentified bodies bore signs of torture or violent death.

On September 7, Chem Pich was killed by gunfire in front of the Cambodiana Hotel where he had gone to participate in a demonstration. He reportedly also was beaten by a person using a rifle butt. He died on the way to a hospital.

On September 11, Chun Samnang was shot and killed in Phnom Penh, apparently by security personnel during a political demonstration.

On September 30, Vorn Meak was killed by police outside his village in Kompong Cham province following his arrest earlier in the day. The arresting officer accused him of being a FUNCINPEC party member and of having been involved in an armed robbery. His hands were tied behind his back and he was taken to a police post before being taken into a jungle area where he was killed.

In December two senior Khmer Rouge leaders, Khieu Samphan and Nuon Chea, ceased resistance to the Cambodian Government and moved to Pailin, a town nominally under the control of the national Government. Hun Sen initially stepped back from earlier government commitments to bring senior Khmer Rouge leaders to justice by questioning the need for an international tribunal for the two leaders. After public criticism, Hun Sen and other public officials indicated their willingness to cooperate with the international community in bringing the Khmer Rouge to justice.

From July through September, at least four ethnic Vietnamese persons were killed in mob violence. Some were killed during postelection demonstrations; others were killed by mobs that suspected that Vietnamese had engaged in food poisonings. Police investigations uncovered no evidence. No persons were prosecuted or punished (see Section 5).

On August 20, Sieng Sean, a driver for the Kyodo News Agency, was killed outside the Interior Ministry in Phnom Penh by a hand grenade during a protest against alleged election fraud; the protest was led by opposition leader Sam Rainsy inside the Interior Ministry compound. Sieng Sean was standing outside the compound in the street when the perpetrators fired from a passing car and threw a grenade toward the gate of the ministry. The perpetrators escaped.

On September 7, Orn Saphorn was beaten to death by a truck driver or a mob shortly after a hand grenade attack at the city residence of then-Second Prime Minister Hun Sen. Saphorn appeared to be one of two persons involved in a traffic accident close to Hun Sen's residence and was suspected of involvement in the grenade incident. No arrests were made.

On September 24, Sar Chan Rithy was killed in Siem Reap when a propelled grenade aimed at a Hun Sen motorcade detonated in his family's house. The motorcade was traveling to the opening of the National Assembly.

The UNCHR reported that 13 of 49 killings carried out in connection with the election process likely were committed by remnants of the Khmer Rouge.

In April Khmer Rouge soldiers killed 23 persons in Kompong Chhnang Province (see Section 5).

In July the Khmer Rouge reportedly killed 3 persons in Kratie province (see Section 5).

On July 17, a driver named Mon and a militia guard named Ngor were killed when a group transporting election materials was attacked near a village close to the former Khmer Rouge stronghold of Anlong Veng. Available evidence indicates that the attackers were either remnant Khmer Rouge forces or Khmer Rouge defectors from Anlong Veng.

On election day, July 26, 11 persons were killed during an attack by suspected Khmer Rouge soldiers near Anlong Veng. Seven of those killed were civilians; two were RCAF soldiers; and two others were attackers. All evidence indicated that the incident was aimed at disrupting the election process.

b. Disappearance

There were at least 53 credible reports of politically motivated disappearances during and following the August and September demonstrations, including 4 Buddhist monks. The U.N. High Commissioner for Refugees (UNHCR) reported the presumed arrests of 6 persons whose whereabouts could not be determined; 47 other persons not known to be detained also remain unaccounted for. As of year's end, the UNHCR's efforts to establish the whereabouts of all 53 persons were continuing.

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 government impunity, whereby perpetrators of torture frequently are protected from prosecution or disciplinary action by government authorities, despite some recent government efforts to address problems of accountability.

There were credible reports that military and police officials used torture and severely beat criminal detainees, particularly during interrogation. According to the UNCHR, municipal police in the Serious Crimes Department in Phnom Penh beat or tortured persons routinely, and nearly half the 60 detainees interviewed in Koh Kong province complained of torture in police custody. One human rights nongovernmental organization (NGO) received credible reports of 50 incidents of torture or beatings in custody through November.

One local NGO documented five cases of beatings in Battambang province in February. In each case, militia or police officials hit the persons in custody on the back and head with a stick or a rifle butt until the victims bled or lost consciousness.

In a case documented in May by the UNCHR, three young boys held in the youth rehabilitation center of Phnom Penh were whipped with an electric cable on several parts of their bodies by a police officer and another official while in detention. The beatings occurred in the presence of a group of child prisoners sharing their open cell; a subsequent medical examination confirmed the beatings.

In another case documented by a local NGO in November, a female prisoner in Phnom Penh was beaten severely in an unsuccessful effort to obtain a confession to a robbery. Prison police officials repeatedly kicked her on the chest and hips, beat her with an electric baton on her neck, and whipped her with an electric wire before she lost consciousness. While in detention, she refused to reveal the names of the officers due to continued fears for her safety.

Vorn Meak was killed by Kompong Chhnang police following his arrest on September 30 (see Section 1.a.).

Prison conditions are harsh and deteriorated during the year. Government efforts to improve prison conditions were hampered by lack of funds. Human rights organizations cited a number of serious problems, including overcrowding, 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. Government ration allowances for purchasing prisoners' food are inadequate, exacerbating their malnutrition.

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

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, security forces continued to arrest and detain citizens arbitrarily. A penal code drafted by the UN Transitional Authority for Cambodia (UNTAC) in 1992 and approved by the Interim Supreme National Council remains in effect, as does the 1993 criminal procedure law enacted during the State of Cambodia period. The criminal procedure law in principle provides for adequate protection for criminal suspects; however, in practice the Government frequently ignored these provisions. One human rights NGO reported 32 complaints of unlawful detention and arrest by police, military, or local government authorities through October.

Although lengthy detention without charge is illegal, suspects often are held by authorities for long periods before being charged or released. Accused persons legally are entitled to a lawyer, although in practice they often have no access to legal representation. Prisoners routinely are 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 recent introduction into the legal system of newly trained lawyers, who frequently received supplemental training by NGO's, resulted in significant improvements for those defendants who were provided with counsel, including a reduction in the pretrial detention period and improved access to bail.

The Government does not use forced exile; however, several newly elected parliamentarians fled the country in a state of

self-imposed exile following their inauguration on September 24. These politicians included Prince Norodom Ranariddh (FUNCINPEC), Sam Rainsy, and over two dozen other FUNCINPEC and SRP Parliamentarians. While many of the FUNCINPEC officials returned without incident shortly thereafter, Prince Ranariddh, Sam Rainsy, and most of the SRP parliamentarians returned in November only after receiving personal assurances of security from King Sihanouk and Prime Minister-designate Hun Sen.

Prince Chakrapong remained in exile at year's end.

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 Magistrates, which appoints and disciplines judges. The composition of both of these bodies is viewed widely as favorable to the CPP. There is a separate military court system.

The 1994 law on civil servants requires the courts to seek Ministry of Justice permission to prosecute a member of the civil service, which includes the police. The Ministry of Justice is required, in turn, to forward requests for prosecution to the relevant ministry. Although the Minister of Justice and other senior government officials sought to reform the law to make it easier for the courts to prosecute civil servants, there was no legislative effort in the National Assembly to do so. The military forces are not covered by this law.

Human rights groups indicate that, in practice ministries sometimes 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 or otherwise escape prosecution, effectively leading to impunity for most government officials who commit crimes.

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--especially outside of Phnom Penh--remains a significant impediment to broader implementation of the right to counsel in practice.

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

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 often were denied the effective right to a fair trial.

Ongoing cooperation between the Government, foreign donors, and NGO's to improve the legal system remains hampered by the suspension of some assistance programs after the July 1997 violence.

In September Sam Rainsy Party (SRP) official Srun Vong Vannak, who had been convicted of the 1996 murder of Mrs. Hun Sen's brother-in-law, was released from prison after receiving a pardon from King Sihanouk. The King granted the pardon after receiving approval of the country's political leadership.

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 often is 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 usually are the extent of evidence presented in trials. Such statements by the accused often result from beatings or threats by investigating 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.

The military court system suffers from deficiencies similar to those of the civilian court system.

There were no reports of political prisoners.

Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution protects the privacy of residence and correspondence and includes a provision against illegal search; however, there were reports that the Government monitored private electronic communications, including during police investigations of suspected criminal activity.

The police routinely conducted warrantless searches and seizures. In October in response to a surge in crime in Phnom Penh, the Government announced that it would conduct searches of private residences for illegal weapons. The searches were to be conducted without any notice, consent, or judicial authorization. After protest by legal NGO's, the Government took no action to implement the program.

Citizens largely were free to live where they wished. There were continued reports of land disputes between residents, local authorities, and business persons. Since the forced collectivization during

Khmer Rouge rule before 1980 and the return of thousands of refugees, land ownership is often unclear.

The Government does not coerce or forbid membership in political organizations systematically. However, there were credible reports that government officials used intimidation and threats to force FUNCINPEC and Sam Rainsy Party members to sign oaths of loyalty to the CPP and vote for the CPP in the July elections. Moreover, FUNCINPEC and Sam Rainsy Party supporters reported several credible instances of intimidation in the days following the election, when dozens of provincial party workers from those parties fled to Phnom Penh amid a climate of fear (see Section 3).

There were reports that military officers forcibly conscripted adults and children; the Government denied that it engages in this practice (see Section 6.c.).

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

g. Use of Excessive Force and Violations of Humanitarian Law

in Internal Conflicts

Sporadic fighting between government and Khmer Rouge forces continued throughout much of the year; however, negotiations in November between the Government and Khmer Rouge commanders secured the defection of most of the remaining Khmer Rouge soldiers and civilians and contributed to a cessation of armed conflict by year's end. Civilians were killed or wounded by indiscriminate shelling and by land mines deployed by all sides.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, press, and publication; however, the Government sometimes limits press freedom in practice. Some journalists practice self-censorship. 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 Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. The Government engaged in harassment and intimidation of some journalists during the election campaign, and fear of government-directed violence against the press created a climate that led some journalists to practice self-censorship.

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 printed media. The press remained highly partisan, with many newspapers receiving financial support from political parties. There are approximately 40 Khmer language newspapers in Phnom Penh, of which approximately 28 are major newspapers published regularly. Of these, 14 are considered to be pro-CPP journals, 13 are considered to support either the FUNCINPEC or Sam Rainsy Parties, and 1 is considered to be antimonarchy. In addition there is one French language daily, one English language daily, and two other English language newspapers published regularly. Many of the Khmer language newspapers frequently publish reports translated from the English language newspapers.

Most newspapers criticize the Government frequently, and Prime Minister Hun Sen frequently came under strong attack by opposition newspapers both before and after the election. There were some instances of government intimidation or retribution against newspapers for their critical reporting.

On August 20, a driver for the Kyodo News Agency was killed by unknown assailants outside the Interior Ministry (see Section 1.a.).

In September the Ministry of Information suspended Moneaksekar Khmer (Khmer Conscience), a pro-Sam Rainsy Party newspaper for 30 days for its publication of an article critical of King Sihanouk.

In October the Government threatened two English language newspapers, the Cambodia Daily and the Phnom Penh Post, and one news agency, Deutsche Press-Agentur, with closure in reaction to alleged misreporting of the September 24 rocket attack on then-Second Prime Minister Hun Sen's motorcade in Siem Reap province. The Government also threatened to revoke the visas of the Western journalists allegedly responsible for the reporting. The Government rescinded the threats following diplomatic intervention.

Unlike previous years, no journalist was killed for publishing critical articles. However, there was one report of a violent attack against a journalist. On June 8, Thong Uy Pang, the editor of the pro-CPP Koh Santepheap (Island of Peace) newspaper, was wounded by gunfire from close range by unknown assailants. The shooting came after the newspaper printed a critical article about corruption of police and military authorities. The assailants escaped.

The Government, the military forces, and political parties continued to dominate the broadcast media. This domination created an imbalance in equitable access to the broadcast media during the election, which were permitted to disseminate political statements during a 1-month election campaign period. According to a report published by the UNCHR, procedures for licensing and allocation of radio and television frequencies from the media were not impartial, and decisions were made on a party political basis. In addition news about opposition politicians and their views were virtually excluded from the broadcast media during the election process.

Unlike prior years, there were no reports that authorities inhibited discussion of some political issues at the University of Phnom Penh.

The Khmer Rouge did not allow freedom of speech or press in zones that they controlled during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government at times restricted this right in practice.

In April pro- and antigovernment demonstrations following Prince Ranariddh's return from abroad led to some violence among demonstrators; police injured several persons when they attempted to break up the demonstrations. In June the Phnom Penh municipal government cited security concerns in issuing a ban on public demonstrations in the period prior to the election. The ban was ignored widely and never implemented; the Government did not interfere with several demonstrations that took place. Two weeks later, the government reversed its position and only requested that political parties inform officials of planned rallies. Several demonstrations and marches thereafter took place without incident or security incidents.

In August large antigovernment demonstrations and marches to protest alleged election irregularities were organized by opposition leaders Prince Ranariddh and Sam Rainsy. Frequent marches by thousands of persons proceeded through Phnom Penh without incident. During this period, a sit-in began near the National Assembly, which consisted of several hundred persons who remained at the site continuously. In September progovernment demonstrations contributed to fears of major violence. In September government security forces intervened to break up the demonstrations and the sit-in; at least two persons were killed during the police intervention, and the bodies of at least 24 others bearing signs of violent death were found thereafter (see Section 1.a.).

In December there was a demonstration by more than 300 persons against a toxic waste dump in Sihanoukville. Demonstrators attacked the local port office, the home of the deputy governor, and a luxury hotel in protest against allegedly corrupt officials who allowed the waste to be brought in from Taiwan. One person died in a hospital after being hit on the head by furniture thrown from the ransacked home. Police fired their weapons into the air to disburse the demonstrators after appeals over loudspeakers had little effect. Two employees of LICADHO, a human rights NGO, were arrested and charged with robbery and destruction of property after protests against the Sihanoukville toxic waste dump turned violent.

LICADHO defended its employees, stating that they had no part in the riot or the protests, although the protesters had spoken with them a few days before the violence began.

Numerous groups assembled peacefully, including workers, opposition activists, peace marchers, and local groups protesting land disputes, all without incident.

The Constitution provides for freedom of association; however, the Government at times restricted this right by interfering with political party offices during the period prior to the election (see Section 3). Government officials reportedly also forced FUNCINPEC and Sam Rainsy Party supporters to sign oaths of loyalty to the CPP prior to the elections (see Section 1.f.).

Membership in the Khmer Rouge is illegal.

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 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 and face no reported persecution.

The Khmer Rouge traditionally discouraged religion, and continue to do so.

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

The Government generally does not restrict domestic or international travel; however, in September it imposed a ban on international travel by opposition politicians. The ban was lifted following the inauguration of the new National Assembly on September 24, after which many politicians from the FUNCINPEC and Sam Rainsy Parties left the country without incident. At least one prominent politician, Kem Sokha of the Son Sann Party, was prevented from leaving during this period. The Government claimed that he was subject to lawful arrest as a result of his illegal activities during the demonstrations. Kem Sokha subsequently went into hiding and ignored two official documents summoning him to court for questioning. Following the agreement to form a new coalition Government

in November, Kem Sokha appeared in court without incident in response to a third summons. At year's end, it was unclear whether a travel ban was still in effect for him.

Monks can move internally without restriction.

There are no longer illegal security checkpoints; however, the presence of land mines and bandits make travel in some areas perilous.

Following sporadic partisan fighting in the north and northwest, several hundred refugees left the country for temporary refugee camps in Thailand. These refugees joined the approximately 50,000 refugees who had left the country following the political violence of July 1997. There were no reports of refugees being forced by Thai authorities to return to Cambodia involuntarily. By year's end, approximately 9,000 refugees had been repatriated by the U.N. High Commissioner for Refugees (UNHCR) voluntarily, and there were no reports of persecution or discrimination against those who returned. At year's end, approximately 35,000 refugees remained in the camps. In addition to those refugees repatriated by the UNHCR, several thousand more also returned voluntarily. 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 did not provide first asylum during the year and has not agreed to UNHCR requests to issue refugee travel documents. The new Government has not formulated fully a policy regarding refugees, asylees, or first asylum; its political platform promised cooperation with international organizations to prepare for the repatriation of remaining refugees from Thailand.

There were no reports that the Government forced any persons to return to another country where they feared persecution.

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 national elections in July. Citizens could not exercise this right in areas controlled by the Khmer Rouge.

The July 26 national elections were the first since the 1993 U.N.-sponsored elections that resulted in a coalition government dominated by the CPP and FUNCINPEC until July 1997. This coalition collapsed after forces loyal to Hun Sen ousted Ranariddh from power in July 1997. Ranariddh fled the country along with other leading politicians from FUNCINPEC and other political parties. With their return in March, the campaign leading to the July elections belatedly began, and elections ultimately were held in July. More than 93 percent of the eligible electorate voted. The CPP received 41.4 percent of the vote; FUNCINPEC 31.7 percent; the Sam Rainsy Party 14.3 percent. The 36 other parties together received 12.6 percent. Following more than 3 months of political deadlock, during which government legal institutions dismissed claims of election irregularities and parties conducted large public demonstrations, a new coalition government was formed.

Until March the Government denied opposition parties their political rights and precluded them from opening offices or putting up party signs. In March the Government registered 44 parties as legal political parties, which gave them the right to operate, put up signs, receive funds, engage in political activities, and otherwise campaign freely. In June the National Election Commission registered 39 parties for the election. Although there were no significant problems associated with these procedures in the majority of places, opposition party members were unable to campaign in some remote areas

because of threats or fears of violence. There were a number of attacks on party signs, which intimidated campaign workers.

There were credible reports that government officials used intimidation and threats to force FUNCINPEC and Sam Rainsy Party members to sign oaths of loyalty to the CPP and to vote for that party's candidates in the elections (see Section 1.f.).

The UNHCR received 18 reported cases of killings and two cases of attempted killings during the preelection period. Of these, only three were determined to have been clearly politically motivated, and two others were perpetrated by Khmer Rouge forces. Of the 18 cases, at least 5 involved the killing of CPP officials. The UNHCR also received numerous reports of illegal arrests, physical abuse, threats, harassment, and intimidation during the period. Intimidation claims frequently involved threats to party sign boards, but not persons. Many of the suspected perpetrators were members of local security forces or local CPP officials; in many cases, the perpetrators were not identified.

Voter registration generally was considered a success by election monitors, as very large numbers of eligible voters registered. However, some problems were reported that may have limited the rights of persons to vote. They included reports of armed soldiers, police, militia, and local officials in and registration stations in violation of the election law. There were also reports that illegal registration took place before and after official hours and of expedited registration of large groups of persons transported to registration sites by party officials, raising questions about their eligibility. Widespread but unconfirmed opposition reports claimed that there was mass registration of ethnic Vietnamese persons who were not Cambodian citizens.

Structural problems with registration included: Confusion over opening and closing dates for registration; the very short period for registration (22 to 23 days); lack of information about the registration process; and confusion about where registration must take place. No arrangements were made to allow the significant number of eligible voters among Cambodian citizens in refugee camps in Thailand to register. In addition no provisions were made for the large number of citizens living abroad to register.

The Government dominated the broadcast media during the election campaign, as news about politicians and their views were virtually excluded from coverage during the election process (see Section 2.a.).

In National Assembly elections, each province elected members through a system of proportional representation. Three of the 39 parties that took part won seats: The CPP won 64 seats; FUNCINPEC won 43 seats; and the Sam Rainsy party won 15 seats. Over 93 percent of the eligible persons cast ballots. Despite the incidents of political violence and intimidation and the failure of legal institutions to resolve complaints of election irregularities sufficiently, most international observer groups certified the election as acceptable. The formation of the new Government reflected the will of the electorate.

However, the political opposition was harassed after the election. According to Human Rights Watch, there was "a wave of reprisals by officials and security forces" affiliated with the CPP. Local officials, forces loyal to the CPP, and others reportedly coerced members of opposition parties to flee their villages, sometimes firing on them (see Section 1.f.). An atmosphere of fear and political intimidation prompted dozens of opposition politicians to flee the country temporarily after the National Assembly inauguration (see Section 1.d.).

After more than 3 months of political negotiation, the CPP and FUNCINPEC, the two parties that won

the largest number of votes and seats in the National Assembly, entered into a coalition government in November that provided for a roughly equal power sharing between the parties, with Hun Sen as Prime Minister and Prince Ranariddh as President of the National Assembly. Of the 9 National Assembly committee chairs, four were allocated to the CPP, four to FUNCINPEC, and one to the SRP. The National Assembly approved this coalition government in November, and the government portfolios were announced in December along with a political platform for the new Government.

The legislature remained weak in comparison with the executive branch. The previous government appointed the provincial governors and their deputies, who generally are divided between the CPP and FUNCINPEC parties; by year's end, new appointments had not yet been made. District and commune officials also 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. Communal elections were scheduled for 1999, but the National Assembly has not enacted the communal election law.

Traditional cultural practices inhibit the role of women in government. In its political platform, the Government in November pledged to promote women's development in politics. Women took an active part in the elections, and 5 of the 39 political parties vying for National Assembly seats were headed by a woman.

Representation of women in the National Assembly and Cabinet increased slightly following the election. There are 10 women among the 122 members of the National Assembly and 2 ministers and 4 state secretaries in the Cabinet.

The Government established a new cabinet Ministry of Women's and Veteran's Affairs in December and appointed a woman as minister and to both state secretary positions. The Government also appointed a woman to head the Ministry of Culture and appointed women as state secretaries in the Justice and Social Affairs and Labor Ministries.

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 that began operating during the UNTAC period remained active and engaged in diverse activities. Numerous human rights organizations and the UNCHR conducted human rights training for election observers, military officers, villagers, the legal community, and other groups. There are approximately 40 NGO's involved in human rights activities, but only a small portion were involved actively in organizing training programs or carrying out investigations of abuses. The Government generally cooperated with human rights workers in performing their investigations, but one local NGO reported limited cooperation from some provincial authorities in conducting inspections of prison conditions.

The Government established the Cambodian Human Rights Committee in June to conduct investigations of individual cases of alleged human rights violations. The committee also is charged with improving the administration of justice and drafting a law establishing an independent permanent national human rights commission. By year's end, the national commission had not been established.

In May the Government and the UNCHR agreed to an extension until March 2000 of its activities in the

country. The UNCHR maintains a head office in Phnom Penh and has six provincial offices. The U.N. Special Representative for Human Rights continued to work with government officials at all levels, as well as with representatives of political parties and NGO's.

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 engage in discrimination systematically, it often fails to protect these rights in practice.

Women

International and domestic NGO workers report that violence against women, including rape and domestic violence, is common. Although there were reports of rape and domestic abuse, accurate statistical documentation is not available. Authorities normally decline to become involved in domestic disputes, and the victims frequently are reluctant to complain.

Prostitution and trafficking in women are serious problems. Due in part to budgetary limitations, the Government has not enforced adequately a 1996 law against prostitution and trafficking in women. Despite sporadic government crackdowns on brothel operators in Phnom Penh that resulted in the closure of many brothels and the arrest of over 30 brothel owners, the prostitution trade continues to flourish in the capital. In June, following an investigation by a local NGO, the owner of one of the largest brothels in Poipet was arrested for killing a young woman who refused to have sex relations with customers.

According to NGO reports, women constitute 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.

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

Children

The Constitution provides for children's rights, and ensuring the welfare of children is a specific goal of the Government. However, according to the U.N., 20 percent of children under 5 years of age suffer from acute malnutrition. 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 affecting children. Children frequently suffer from the inadequacy of the health care system. Infant mortality is reported 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.

Children also are affected adversely by an inadequate educational system. Despite an extensive government school construction program, schools are overcrowded and short of 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.

Child abuse is believed to be common, although there are no statistics on the extent of the problem. Poverty and domestic violence often drive children onto the streets; local NGO's estimate that 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 are common. There were reliable reports that children were kidnaped in some provinces and forced into the illegal sex trade, both in Cambodia and abroad (see Section 6.c.).

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 246 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. The small Christian community has not experienced serious or systematic discrimination. Unlike the previous year, there were no reports of local tension between Cambodian Christians and non-Christians. Christian missionary groups have not encountered significant difficulties in performing their work.

National/Racial/Ethnic Minorities

Citizens of Vietnamese and Chinese ethnicity have long constituted the largest ethnic minorities. Ethnic Chinese citizens are well accepted in society. However, fear and animosity continue among 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.

There were credible reports that both security personnel and ordinary citizens routinely singled out Vietnamese citizens for discrimination during the election campaign. During the registration period, many were given language tests, then refused registration because of their accent or vocabulary. At the urging of opposition parties, the National Election Commission deleted some ethnic Vietnamese citizens from voter registration lists on insufficient evidence and without notice. Some leading opposition politicians campaigned on a theme of ethnic hatred and used ethnic slurs to urge expulsion of Vietnamese immigrants.

After the election, some opposition politicians, including Ranariddh and Sam Rainsy, made inflammatory statements propaganda directed against ethnic Vietnamese citizens and Vietnamese residents. Many Vietnamese received verbal death threats and other harassment from both security personnel and ordinary citizens in the aftermath of the demonstrations in August and September. Some prominent opposition politicians used racial epithets and anti-Vietnamese slogans during the antigovernment rallies. At least 4 ethnic Vietnamese were killed in ethnic violence following the demonstrations during a wave of popular suspicion that Vietnamese were responsible for a number of

alcohol or food poisoning incidents. In September Nguyen Van Minh was beaten to death by a crowd on suspicion that he had poisoned wine at a shop in Phnom Penh, where he had gone to buy a pack of cards. Police found no evidence of poisoning. Also in September, an unidentified Vietnamese woman was beaten to death on a street in Phnom Penh by a crowd after an argument over poisoning. A Vietnamese husband and wife, Nguyen Thi Muy and Tong Van Hoi, sought to intervene and also were killed by the crowd. No poison was found at the scene.

The Khmer Rouge continued a calculated campaign against ethnic Vietnamese residents. In April Khmer Rouge attackers massacred 23 persons in a predominantly Vietnamese fishing village in Kompong Chhnang province, including 13 ethnic Vietnamese. In another attack blamed on the Khmer Rouge in July, 3 ethnic Vietnamese were killed in Kratie province (see Section 1.a.)

Section 6 Worker Rights

The new Government's political platform announced plans to consolidate implementation of the Labor Law and international treaties relating to labor and the rights of unions.

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 has been uneven. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations. The Government issued decrees and subdecrees clarifying the Labor Law in a number of areas, including the registration of labor unions, the election of worker representatives, the registration of collective bargaining agreements, and the calculation of overtime pay rates. However, despite these legal advances, the Government's enforcement efforts have been hampered by a lack of resources, little knowledge of the law by factory managers, and a lack of qualified labor inspectors.

There were a large number of strikes and labor demonstrations in the first half of the year, virtually none of which were carried out in accordance with the law. The Government allowed all peaceful strikes and demonstrations to take place, although police intervened in violent strikes at several garment factories. In reaction to the wave of strikes, the Government established a Strike and Demonstration Settlement Committee in February chaired by the general director of the national police. Despite concerns that the committee would become a vehicle to suppress peaceful labor demonstrations, it appeared to have little effect.

The Labor Law requires unions and employer organizations to file a charter and lists of officers with the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation. The Ministry registered approximately 25 new unions during the year, and a total of 44 unions have been registered since the Labor Law was passed in January 1997. However, most of these unions have few resources and operate at a very low level of activity. Many have close ties with the Government or management and are not independent in practice. Very few unions are able to negotiate with management as equals.

Some observers have charged that the Ministry of Labor has shown clear political bias in its administration of the April 1997 subdecree on union registration. As a result, unions that have close relations with the CPP can obtain registration easily, while the applications of unions linked to the opposition are subject to numerous delays. The Ministry registered the opposition Free Trade Union of the Workers of the Kingdom of Cambodia in December after having held up its application for more than 8 months for technical reasons. Observers also charged that the subdecree is unduly burdensome

and requires unions to file an excessive number of documents.

The Ministry has held elections for shop stewards in more than 50 factories. While shop stewards in some factories have begun to represent workers to management, there is evidence that elections in other factories were conducted improperly due to collusion between labor inspectors and management.

Most workers are subsistence rice farmers and have little knowledge of trade unions. Nearly all trade union activity has been concentrated in the rapidly growing garment sector. Although there is an expanding service sector, most urban workers are engaged in low-level commerce, self-employed skilled labor, or unskilled day labor. The Labor Law does not apply to workers in the public sector.

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 has been uneven.

In the two years since the passage of the Labor Law, there has been confusion over the overlapping roles of labor unions and shop stewards. The Labor Law gives unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. However, the Labor Law gives the shop stewards the right to represent the union to the company director and to sign collective bargaining agreements.

In practice very little collective bargaining takes place. During the wave of strikes and demonstrations in the first half of the year, workers at some factories asked political figures to negotiate collective agreements on their behalf; many of these agreements are no longer honored. A successful strike in February by a union at a Phnom Penh cigarette factory represented the first known instance in which an officially registered trade union held a strike that generally conformed with Labor Law requirements.

The Labor Law prohibits discrimination against the leaders of registered trade unions and protects them against dismissal. Employers are required to obtain permission from the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation before terminating officers of trade unions. However, these provisions are not enforced adequately, and observers have charged that in several instances the Ministry of Labor has allowed the firing of union leaders. In the first decision of its kind, a court in Kandal province ruled in January that a Phnom Penh garment factory had violated the Labor Law when it fired union leader Srey Em in June 1997. The court ordered that Em be reemployed and receive back pay and compensation for damages that she has sustained. However, management at the factory defied the court and refused to rehire Em; both sides later agreed to a severance pay package.

The Government sets wages for civil servants. Wage rates in other sectors largely are based on market conditions and are set by employers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Law prohibits forced or compulsory labor, including forced labor by children; however, the Government does not enforce prohibitions against forced or compulsory labor adequately. In 1996 the National Assembly adopted the Law on the Exploitation and Trafficking of Humans. The law

establishes a jail sentence of from 15 to 20 years for any person convicted of trafficking in persons under the age of 15.

There were credible reports of mandatory overtime in the garment industry as well as reports of women and girls being forced to work as prostitutes. The most recent survey of this problem, made by a human rights NGO in 1995, indicated that 31 percent of female prostitutes were between the ages of 12 and 17. Half the girls involved were sold into prostitution by their families and forced to work as prostitutes. There were also reports that children were kidnaped and forced to work in the illegal sex trade (see Section 5).

Although the institution of bonded labor does not appear to be widespread, there were credible reports of bonded labor in the wood-processing, rubber, and brick manufacturing industries. There were also reports that military officers have implemented the forced conscription of both adults and children; the Government denies that it has engaged in this practice.

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

The Labor Law establishes 15 years as the minimum age for employment. However, the law permits children between the ages of 12 and 15 to engage in "light work" that is not hazardous to their health and does not affect school attendance. The Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation has not set up an apparatus to enforce this law and has not published a list of occupations considered acceptable for minors.

In May the Government issued a subdecree that established the labor advisory committee responsible for setting industry minimum wage rates and specifying particular occupations that are hazardous to the health, safety, or morality of adolescents and that cannot employ workers under age 18. The committee is also responsible for consulting with the Ministry of Labor to determine the types of employment and working conditions that constitute "light work" for children between the ages of 12 and 15.

Children under the age of 15 routinely engage in a variety of jobs, including street trading, construction, agriculture, and small-scale manufacturing. According to an ILO study, 9.2 percent of children are "economically active." More than 90 percent of working children live in rural areas. The law prohibits forced labor by children; however, the Government does not enforce the law effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Law requires that a minimum wage be established for each sector of the economy based on recommendations by the Labor Advisory Committee. To date, a minimum wage has been set only in one sector, the garment industry, where workers must be paid a minimum of \$40 (151,000 riel) per month after the conclusion of their training period. Although there have been numerous, credible reports of employers paying less than this minimum wage, enforcement of the provision improved. This wage is not sufficient to provide a worker and family with a decent standard of living.

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 overtime pay, and double overtime pay if the overtime hours are worked at night or on the employee's day off. The Government does not enforce these standards adequately, and workers frequently complain about being required illegally to work more than 48 hours a week. Another common complaint in the garment industry is that management violates the law by paying the overtime rate only for the salary component of workers' paychecks, leaving piece rates

unchanged regardless of the number of hours worked.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well-being. The Government issued several instructions on workplace standards during the year, but enforced these standards inadequately. Work-related injury and health problems are common. Conditions in small-scale factories and cottage industries generally are poor and often do not meet international standards. Penalties are specified in the Labor Law, but there are no provisions to protect workers who complain about unsafe and unhealthy conditions. Workers who remove themselves from unsafe working conditions risk loss of employment.

[end of document]



[Return](#) to 1998 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.