

CAMBODIA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with an elected parliamentary form of government. In the most recent national elections in 2013, the Cambodian People's Party (CPP) won a majority of the 123 National Assembly seats. International and local nongovernmental organization (NGO) observers assessed the election process suffered numerous flaws, including problems with the voter registry, unequal access to the media, and the issuance of an unusually large number of temporary official identification cards to voters. Civilian authorities maintained effective control over the security forces; however, there were frequent abuses by security forces.

The most significant human rights problems included a politicized and ineffective judiciary; growing restrictions on freedoms of speech, assembly, and association; and the use of violence and threatened imprisonment to intimidate the opposition.

Other human rights problems included continued prisoner abuse, restrictions on press freedom, failure to grant equal access and fair treatment to asylum seekers, pervasive corruption, and trafficking in persons.

The government prosecuted some officials who committed abuses, but impunity for corruption and most abuses persisted.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no credible reports the government or its agents committed arbitrary or unlawful killings during the year. No substantial progress was made in the investigation of alleged unlawful killings that occurred in 2014.

The press reported that in January 2014, government security forces shot and killed four protesters and injured more than 35 during a clash outside the Canadia Garment Factory near Phnom Penh. The clash stemmed from a protest by garment factory workers demanding a higher minimum monthly wage. The government opened an investigation, which had not resulted in any arrests or convictions as of September.

The Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal, was established to hold accountable senior leaders and those most responsible for crimes of the Khmer Rouge regime. The ECCC is a “hybrid” court in that it includes both local and international judges, prosecutors, and staff but is part of the country’s legal system. While the ECCC was established under national law, the proceedings are regulated by a 2003 agreement between the United Nations and the government. As part of the 2003 agreement, the government agreed to enforce court orders. In one case still in the investigative phase, however, judicial police failed to execute an arrest warrant issued by the international co-investigating judges, leading to allegations of government interference in the ECCC’s operations.

b. Disappearance

As of September, 17-year-old Khem Sophat remained missing. A local NGO reported Sophat missing after government security forces allegedly shot him during a violent clash in January 2014 outside the Canadia Garment Factory (see section 1.a.). Witnesses last saw him being loaded into an ambulance.

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

The constitution prohibits such practices; however, beatings and other forms of physical mistreatment of police detainees and prison inmates continued during the year.

There were credible reports military and police officials used physical and psychological abuse and on occasion severely beat criminal detainees, particularly during interrogation. As of September NGOs reported that security forces abused at least 47 persons while in detention. Kicking, punching, and pistol whipping were the most common methods of reported physical abuse, but authorities also used electric shock, suffocation, caning, and whipping with wires. NGOs reported it was not uncommon for police to abuse detained suspects until they confessed to a crime. Courts used forced confessions as evidence during trials despite legal prohibitions against the admissibility of such confessions.

During the first six months of the year, the nongovernmental Cambodia Human Rights and Development Organization (ADHOC) reported eight cases of force used against civilians by local authorities, government agents, or private bodyguards of government officials, compared with 12 cases reported in the first

half of 2014, a slight improvement. In some instances police used force to counter threats or acts of violence by demonstrators. In other instances police used force against peaceful demonstrators after they interfered with traffic and refused orders to disperse.

The government operated seven drug rehabilitation centers. Most observers agreed the majority of detainees in such facilities were there involuntarily, committed to the facilities by law enforcement authorities or family members. According to the National Authority for Combating Drugs, no detainee was younger than 18 years. Observers noted that employees at the centers frequently controlled detainees with physical restraints or by submitting them to intense exercise and other harsh methods. Government leaders acknowledged the importance of treating drug addiction as a medical problem rather than a criminal matter, but there was little follow-through on such statements. Authorities held an estimated 2,000 persons in these facilities during the year.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. Conditions remained harsh and in many cases life threatening. Human rights organizations cited serious problems, including overcrowding, medical and sanitation problems, food and water shortages, malnutrition, and poor security.

Physical Conditions: Overcrowding was a problem. According to the Ministry of Interior's Prison Department, as of October there were 17,522 prisoners and detainees in 27 prisons designed to hold a maximum of 11,000 prisoners.

In most prisons there was no separation of adult and juvenile prisoners, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. Authorities routinely held pretrial detainees with convicted prisoners.

Following an investigative report by a local NGO that monitors prison conditions, the government released 22 women from prison who were held with their children. According to the NGO, as of May 18, pregnant women and two children living with their incarcerated mothers remained in prison.

As of August the Prison Department reported that 19 prisoners died while in custody. Police stated they investigated the deaths and found evidence of pre-existing conditions or other illnesses.

Local NGOs maintained that allowances for prisoner food and other necessities were inadequate in many cases. Observers continued to report that authorities sometimes misappropriated allowances for purchasing prisoners' food, exacerbating malnutrition and disease. Prisoners and detainees had access to clean water in only 12 of 27 prisons. Prisons did not have adequate facilities for persons with mental and physical disabilities. NGOs also alleged prison authorities gave preferential treatment, including increased access to visitors, transfer to better cells, and the opportunity to leave cells during the day, to prisoners whose families could pay bribes. Those without sufficient means to bribe authorities had to endure greater hardship than those who could pay. According to a local NGO, organized groups of inmates created and directed by prison guards, "prisoner self-management committees," sometimes violently attacked other prisoners.

Administration: Authorities did not use alternatives to incarceration for nonviolent offenders. A local NGO noted the government lacked financial and human resources to implement such programs. There were no legal provisions establishing prison ombudspersons. Authorities routinely allowed prisoners and detainees access to visitors, although rights organizations confirmed families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities.

There were credible reports officials demanded bribes before allowing prisoners to attend trials or appeal hearings and before releasing inmates who had served their full term of imprisonment.

Prisoners could submit uncensored complaints about alleged abuse to judicial authorities through lawyers, but a large number of prisoners and detainees could not afford legal representation. The government investigated complaints and monitored prison and detention center conditions through the Ministry of Interior's General Department of Prisons, which produced biannual reports on prison management. These and other investigation reports were available to the public upon request.

Independent Monitoring: The government generally allowed international and domestic human rights groups, including the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Human Rights (OHCHR), to visit prisons and provide human rights training to prison guards. Some NGOs reported that cooperation by local authorities occasionally was limited, making it difficult to gain access to pretrial detainees. The Ministry of

Interior required lawyers, human rights monitors, and other visitors to obtain permission prior to visiting prisoners. A human rights NGO that traditionally provided medical care to prisoners reported the government refused its requests to visit recently convicted prisoners who were members of a political opposition party; according to the NGO, the government accused it of harboring political bias. OHCHR representatives reported they were usually able to hold private meetings when interviewing a particular prisoner of interest. Local independent monitoring groups operated with sufficient independence from government influence.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but at times the government did not respect these prohibitions.

Role of the Police and Security Apparatus

The General Commissariat of the National Police, under Ministry of Interior supervision, manages all civilian police units. Police forces are divided into those with authority to make arrests, those without such authority, and judicial police, whose authority only extends to enforcing court warrants. The government permitted military police to arrest civilians if the officers met the training and experience requirements to serve as civilian police, if civilians were on military property, or when authorized by local governments. The military police, however, sometimes engaged in regular civilian law enforcement activities under the authority and direction of provincial or local governments, often in support of civilian police unable to exercise effective crowd control. The Ministry of Interior is the main government body charged with evaluating security force killings.

Police officials committed abuses with impunity and in most cases the government took little or no action. The law requires police, prosecutors, and judges to investigate all complaints, including those of police abuses; however, judges and prosecutors rarely conducted independent investigations. If abuse cases came to trial, presiding judges usually passed down verdicts based only on written reports from police and witness testimony. In general police received little professional training.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, but police may arrest without a warrant anyone caught in the act

of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before charges must be filed or a suspect released. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. Authorities, however, routinely held persons for extended periods before charging them. There was a functioning bail system, but many prisoners, especially those without legal representation, had no opportunity to seek release on bail. Bail was routinely denied in cases considered to be politically motivated. Under the law accused persons may be arrested and detained for a maximum of 24 hours before being afforded access to legal counsel, but authorities routinely held prisoners incommunicado for several days before granting them access to a lawyer or family members. According to government officials, such prolonged detention largely was a result of the limited capacity of the court system. The government did not provide access to a lawyer for indigent detainees.

Arbitrary Arrest: As of June ADHOC reported at least 15 cases of arrest or detention that it considered arbitrary, although it offered no specific examples. ADHOC stated that authorities freed victims in eight arbitrary detention cases following detainee complaints, interventions by human rights NGOs, or payment of bribes. The actual number of arbitrary arrests and detentions was likely higher because some victims in rural areas did not file complaints due to the difficulty of traveling to ADHOC's offices or due to concern for their family's security. Authorities took no legal or disciplinary action against the persons responsible for the illegal detentions.

Throughout the year Phnom Penh municipal authorities arrested dozens of persons, usually those who were homeless, mentally ill, drug users, or commercial sex workers, during systematic sweeps of city streets. According to an NGO, detainees typically lost all money and belongings during a sweep, which authorities stated was part of an effort to "regulate society." Authorities placed the detainees in a rehabilitation facility operated by the Ministry of Social Affairs, Veterans, and Youth (MOSAVY) located 15 miles from Phnom Penh or with local NGOs. NGOs often released back to the streets within hours those placed in their custody.

In June, Phnom Penh municipal officials detained more than 100 people in advance of public ceremonies. The detained included street children, the homeless, sex workers, and those suffering from mental illnesses. Authorities placed the individuals in the Prey Speu detention center.

Pretrial Detention: The law allows for pretrial detention of a maximum of six months for misdemeanors and 18 months for felonies. As of June the Ministry of Interior reported 5,840 pretrial detainees were in custody. Court staffers reportedly undertook efforts to speed case processing. Although authorities occasionally held pretrial detainees without legal representation, there were no reports authorities held detainees longer than the legal time limit or that any case files were lost. NGOs reported that many of those held in pretrial detention for long periods were accused of minor crimes.

Amnesty: The king may grant amnesty in certain cases, which he did often during important Buddhist religious ceremonies and national holidays. As of November the king granted amnesty or pardons to 336 prisoners. This number includes the April 11 pardon of 11 land rights activists who authorities arrested in November 2014, and tried, convicted, and sentenced them to one year in prison the following day.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government generally did not respect judicial independence. The courts were subject to influence and interference by the executive branch. Three recently approved laws delegate increased judicial oversight to the executive branch, granting it the authority to promote, dismiss, and discipline judges at will. Judicial officials often simultaneously held positions in the ruling party and observers alleged that only those with ties to the CPP or to the executive received appointments to the judiciary. There was widespread corruption among judges, prosecutors, and court officials. Observers alleged the national bar association heavily favored admission of CPP-aligned members at the expense of non-aligned and opposition attorneys and, at times, admitted unqualified individuals to the bar solely due to their political affiliation. At times the outcome of trials appeared predetermined. For example, observers at the trial of 11 opposition activists on charges of insurrection reported that shortly after judges retired to deliberate, judicial police surrounded the trial court and prepared to transfer the suspects to prison, indicating a guilty verdict was a foregone conclusion (see Political Prisoners and Detainees below.).

High levels of corruption and inefficiency existed in the judicial branch, and the government did not guarantee due process.

A shortage of judges and courtrooms delayed many cases, according to NGO reports. NGOs also believed court officials focused on cases that might benefit them financially.

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials and members of their families who committed crimes often enjoyed impunity. NGOs asserted, as in past years, that rich or powerful defendants, including members of the security forces, often paid money to victims and authorities to drop criminal charges. Authorities sometimes urged victims or their families to accept financial restitution in exchange for dropping criminal charges or failing to appear as witnesses.

Trial Procedures

Defendants are entitled by law to the presumption of innocence and the right of appeal, but due to pervasive corruption, they often had to bribe judges to secure a favorable verdict. Trials are public but were often delayed. Juries are not used. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. In felony cases, if a defendant cannot afford an attorney, the court is required to provide the defendant with free legal representation; however, the judiciary lacked the resources to provide legal counsel, and most defendants sought assistance from NGOs, sought pro bono representation, or “voluntarily” proceeded without legal representation. In the absence of required defense attorneys in felony cases, trial courts routinely adjourned cases until legal representation could be secured, a process that often took months. Trials were typically perfunctory, and extensive cross-examination usually did not take place. Defendants and their attorneys have the right to examine government-held evidence relevant to their case, but on occasion it was difficult for them to obtain such access, especially if the case was politically sensitive or involved a high-ranking official or politically well-connected individual.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel often effectively were denied the right to a fair trial. According to the bar association, as of August there were 796 lawyers providing legal services throughout the nation. The country’s poor could seek free legal services from these lawyers through some NGOs.

NGOs reported that sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. Authorities sometimes

coerced an accused person's statements through beatings or threats, and police often forced illiterate defendants to sign written confessions without informing them of the contents. The difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh limited their right to be present at appeal hearings. Consequently, defendants were unable to be present at more than half of all appeals.

Political Prisoners and Detainees

According to a human rights NGO, in the first nine months of the year, the Phnom Penh Court of First Instance tried 55 people in an unfair manner and for largely political reasons. The NGO further alleged the government secured convictions in flawed trials for crimes ranging from conspiracy to staging an armed insurrection and perpetrating or instigating violence to blocking traffic. As of November 20, the NGO estimated authorities held at least 15 political prisoners or detainees. Eleven land rights activists, who some considered political prisoners, received a royal pardon in April and were released from prison.

On July 22, the Phnom Penh Municipal Court sentenced 11 opposition activists from the Cambodian National Rescue Party (CNRP) to between seven and 20 years in prison for their alleged role in a July 2014 protest that turned violent. Some observers asserted the court reached verdicts without any evidence linking the activists to the alleged crimes and instead interpreted the convictions as punishment for the activists' participation in protests over the country's border demarcation with Vietnam, a politically charged issue.

On August 15, authorities arrested Senator Hong Sok Hour of the opposition Sam Rainsy Party and charged him with "forgery" and "incitement" for posting a fake 1979 border treaty between the government and Vietnam purporting to show an agreement to dissolve the border between the two countries. At a court session on November 4, the judge denied him bail for the second time and said the court would continue its investigation of his case. Charges against the senator carry a maximum penalty of 17 years in prison. Many observers interpreted these actions as a means of pressuring the CNRP to refrain from criticizing the government for failing to demarcate the border with Vietnam properly.

Opposition politicians and civil society organizations reported that authorities often arbitrarily denied access to prisoners whose incarceration they believed to be politically motivated.

Civil Judicial Procedures and Remedies

The country has a system in place for hearing civil cases, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Both administrative and judicial remedies generally were available. Authorities often did not enforce court orders.

Property Restitution

Forced collectivization under the Khmer Rouge and the movement of much of the population left land ownership unclear. The land law states that any person who peacefully possessed private or state land (excluding public lands, such as parks) or inhabited state buildings without contention for five years prior to the 2001 promulgation of the law has the right to apply for a definitive title to that property. Most citizens, however, continued to lack the knowledge and means to obtain adequate formal documentation of land ownership.

Provincial and district land offices continued to follow pre-2001 land registration procedures, which did not include accurate land surveys or opportunities for public comment. The Cadastral Commission, established by the government in 2002 to resolve quickly and to the satisfaction of the relevant parties unregistered land cases (not including cases related to inheritance or contracts), failed to implement the identification and demarcation of state land, leading to conflict and evictions precipitated by state actions to develop contested land. Land speculation, in the absence of clear title, fueled disputes in every province and increased tensions between poor rural communities and speculators. Urban communities faced forced eviction to make way for commercial development projects. As of August the Ministry of Land Management reported that almost 610,000 land titles were distributed to villagers as part of a program initiated in 2012 to measure land plots in cooperation with approximately 1,000 university students.

Cases of authorities forcing inhabitants to relocate continued, although the number of cases declined in recent years. Some persons also used the threat of legal action or eviction to intimidate poor and vulnerable persons into exchanging their land for compensation at below-market values. ADHOC reported receiving 66 land-related cases as of August, involving 21,470 acres of land and affecting 3,564 families. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those evicted successfully contested the actions in court, but the majority of cases remained pending.

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

The law provides for the privacy of residence and correspondence and prohibits illegal searches, although NGOs reported that police routinely conducted searches and seizures without warrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While the constitution provides for freedom of speech and press, these rights were not always respected.

Freedom of Speech and Expression: The constitution grants free speech except where it adversely affects public security. The constitution also declares that the king is “inviolable,” and a Ministry of Interior directive conforming to the defamation law reiterates these limits and prohibits publishers and editors from disseminating stories that insult or defame not just the king, but also government leaders and institutions.

In March the National Assembly agreed to amendments to the laws governing the National Election Committee (NEC) and passed a new Law on the Election of Members of the National Assembly. Both the amendments and the new law contain provisions that require civil society organizations to remain “neutral” during political campaign periods and prohibit them from “insulting” political parties through the media. The Law on Associations and Non-Governmental Organizations (LANGO), promulgated in August, further restricts freedom of speech by broadly requiring all associations and NGOs to be politically neutral.

The law prohibits prepublication censorship or imprisonment for expressing opinions; however, the government used the penal code to prosecute citizens on defamation, disinformation, and incitement charges. The penal code does not prescribe imprisonment for defamation but does for incitement or spreading disinformation, which carry maximum prison sentences of three years. Judges also can order fines, which may lead to jail time if not paid. Courts have broadly interpreted the crime of “incitement,” and senior government officials have threatened to prosecute opposition figures on incitement charges for acts including calling for a “change in government” by electoral means.

Press and Media Freedoms: All major political parties had reasonable and regular access to the print media. All major Khmer-language newspapers received financial support from individuals closely associated with the ruling CPP. There were an estimated 15 Khmer-language newspapers, compared with 20 in 2014, as news distribution increasingly moved to social media and other online sources. As of August there were no pro-opposition newspapers publishing regularly. Although the five newspapers with the largest circulation were considered pro-CPP, they nonetheless criticized the government in some general areas, particularly with regard to corruption and land acquisition. According to a media monitoring NGO, the government routinely used state television to promote the activities of the government and the ruling party and to criticize the opposition.

The government, military forces, and the ruling political party continued to influence broadcast media. There were 15 domestic television stations and more than 100 radio stations. The CPP controlled or strongly influenced most television and radio, although a few were independent or aligned with other parties. As part of the July 2014 deal ending the political impasse between the ruling and opposition parties, the government granted the CNRP a license to operate a television station, for which the CNRP continued to raise funds.

Violence and Harassment: Unlike in past years, when government forces attacked journalists, there were no reports the government used significant violence against journalists.

Censorship or Content Restrictions: There were some reports government agents harassed or intimidated journalists, publishers, or distributors, and reporters and editors privately admitted to some self-censorship due to fear of government reprisal.

Libel/Slander Laws: The government used libel, slander, defamation, and denunciation laws to restrict public discussion. On June 2, court officials filed a criminal complaint alleging “public defamation,” “malicious denunciation,” and “publication of commentaries in order to apply a constraint upon the judiciary” against Ny Chakrya, head of the human rights and legal aid section at ADHOC, related to his criticisms of alleged “procedural irregularities” in a land rights case.

National Security: The government regularly cited national security concerns to justify restricting citizens’ rights to criticize government policies and officials. In particular, the government routinely threatened to prosecute and arrest anyone who questioned the government’s demarcation of the country’s border with Vietnam or

suggested the government had ceded national territory to Vietnam (see section 1.e.).

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but there were credible reports the government monitored private online communications without appropriate legal authority. Internet access was widely available, particularly in urban centers, and more than 30 percent of citizens had access to the internet, many of them through mobile devices, according to the Ministry of Posts and Telecommunications. On September 22, the Ministry of the Interior announced it would begin enforcing rules requiring all SIM cards to be associated with an identifiable individual. Police justified the new rule as a necessary crime prevention measure. Civil society groups expressed concern, however, that the information could be used to stifle freedom of expression online.

In November 2014 the government announced the creation of a “Cyber War Team” inside the Council of Ministers’ Press and Quick Reaction Unit. The team is charged with monitoring and countering “incorrect” information from various news outlets and social media websites. The stated aim of the project was to “inform the public” and protect the government’s “prestige.” An NGO also alleged, without providing evidence, that the government installed surveillance equipment at internet service providers to monitor online traffic.

Academic Freedom and Cultural Events

In general there were no government restrictions on academic freedom or cultural events, although scholars tended to be careful when teaching political subjects due to fear of offending politicians.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly, but the government did not always respect this right.

The law requires an advance permit for protest marches or demonstrations. One provision requires five days’ notice for most peaceful demonstrations, while another requires 12 hours’ notice for impromptu gatherings on private property or

protests at designated venues and limits such gatherings to 200 persons. By law provincial or municipal governments may issue demonstration permits at their discretion. Lower-level government officials, particularly in Phnom Penh, generally denied requests unless the national government specifically authorized the gatherings. All levels of government routinely denied permits to groups critical of the ruling party. Authorities cited the need for stability and public security as reasons for denying permits, even though the law does not define the terms “stability” or “public security.” In some cases police forcibly dispersed groups assembled without a permit, sometimes causing minor injuries to demonstrators. The press reported numerous public protests, most related to land or labor disputes.

Credible reports indicated the government occasionally prevented associations and NGOs from organizing public events, arguing that the groups had not registered under the newly passed LANGO, although implementing directives on the law were not yet in place.

Freedom of Association

The constitution provides for freedom of association, but the government did not always respect this right, particularly with regard to workers’ rights (see section 7.a.).

Vaguely worded provisions in the LANGO prohibit any activity that may “jeopardize peace, stability, and public order” or harm “national security, national unity, good traditions, and good culture of the Cambodian national society.” Civil society organizations expressed concern the vaguely worded provisions created a substantial risk of arbitrary restrictions to the right of association. While few, if any, NGOs reported difficulties securing registration, the LANGO provides for a heavily bureaucratic, multistep registration process that lacked administrative safeguards, according to critics, thus rendering the process subject to politicization. The law also imposes burdensome reporting obligations on finances and activities. Additional obligations include the disclosure of all successful funding proposals, financial or grant agreements, and bank accounts held by associations and NGOs.

Provisions of the NEC laws could be interpreted to prohibit civil society representatives from joining political parties in their private capacity, although authorities have yet to enforce any such provisions.

On August 10, the Ministry of Education issued a directive banning all political activity at academic institutions. Government officials appeared to exempt several

large campus-based organizations affiliated with the ruling party, however, stating that these were “extracurricular” groups that promoted “humanitarian causes.”

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government failed to grant equal access to that system for all asylum seekers. In particular, authorities routinely denied access by Montagnard asylum seekers from Vietnam to the refugee registration process. The national asylum system had limited capacity, which resulted in long delays for some asylum seekers. In April the government deployed more than one thousand soldiers to the Vietnamese border at Ratanakiri-Dak Lak to prevent Montagnard asylum seekers from entering the country.

Refoulement: Stating that they were “economic migrants,” the government returned at least 50 Montagnard asylum seekers to Vietnam during the year without conducting refugee status determinations. As of September the United Nations High Commissioner for Refugees (UNHCR) reported that more than 200 Montagnards in Phnom Penh had stated their desire to register as asylum seekers, but that the Ministry of the Interior’s Refugee Department had refused to allow them to do so. In September government officials publicly stated they would expel the Montagnards, including 13 Montagnards already granted refugee status, if UNHCR failed to identify a third country for resettlement before the end of the year.

Employment: As of September the government granted refugee status to 83 persons. According to an NGO, the documentation granted by the government was

insufficient to allow these refugees to work, open a bank account, or avail themselves of public services.

Durable Solutions: Pursuant to a September 2014 deal with Australia, the government accepted for domestic resettlement five refugees who had been held on Nauru. Local media reported the four had largely been confined to a villa provided by the government and had not, contrary to assurances, been allowed to seek their own housing or integrate into society. At least one of the refugees subsequently requested to return to his country of origin. No effective pathway to citizenship existed for refugees.

Stateless Persons

The country had habitual residents who were de facto stateless, and the government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality. Under the nationality law, citizenship may be derived by birth to a mother and father who are not ethnic Khmer if both were born and living legally in the country, or if either parent has acquired citizenship.

A 2007 study commissioned by UNHCR estimated that several thousand potentially stateless persons lived in the country. This estimate was based on anecdotal evidence, and local UNHCR representatives did not consider the figure conclusive. The most common reason for statelessness was lack of proper documents from the country of origin.

UNHCR reported that the country's stateless population was primarily ethnic Vietnamese. According to an NGO, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, or the right to own land.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens generally exercised this right.

Elections and Political Participation

Recent Elections: The most recent national elections, held in 2013, were generally peaceful, and all parties participated without interference in a campaign largely

free of intimidation, in contrast to previous national elections. While there were only limited disturbances on election day, the voting process was fraught with irregularities, including allegations of an unexpectedly high number of temporary voter identification cards. By the government's own calculations, more than 9 percent of eligible voters could not vote due to problems with voter registration lists. Numerous civil society organizations identified the problem of disenfranchised voters well before the elections, but the NEC took no significant corrective action. Observers indicated the scale of electoral irregularities warranted an independent investigation, but a full and transparent investigation did not occur. The CNRP boycotted the National Assembly until July 2014, when it reached an agreement with the ruling CPP to reform the NEC. As part of the agreement, the two parties also agreed to move national elections to February 2018 to coincide with the dry season, with the aim of improving voter turnout. In August, however, the government announced elections would take place in July 2018 in apparent violation of the understanding.

Political Parties and Political Participation: On October 26, protesters attacked and beat two opposition members of parliament following a protest outside the National Assembly allegedly organized by the government. Social media users claimed they identified at least one of the attackers as a member of the prime minister's bodyguard unit. On November 3, three of the suspected perpetrators, all with military or police ties, surrendered to police. A government commission formed to investigate the attack said it would not investigate further suspects absent a court order, despite video evidence of the involvement of other perpetrators.

On November 13, the Phnom Penh Municipal Court ordered the arrest of opposition president Sam Rainsy, relying on a conviction from a defamation suit brought by Foreign Minister Hor Namhong in 2008. Opposition supporters argued that a royal pardon Rainsy received in 2013, which allowed him to return from self-imposed exile and participate in the 2013 election, vacated the verdict. The court issued the warrant only 24 hours after Prime Minister Hun Sen publicly warned Rainsy that his verbal attacks on the government could result in his prosecution. Subsequently, the National Assembly voted to remove Rainsy from the parliament, thus revoking his parliamentary immunity. The order for Rainsy's arrest came while he was outside the country, which observers said was evidence the government intended to deter the opposition leader from returning to the country.

Some NGOs and political parties alleged that membership in the dominant CPP provided material advantages such as gifts, access to government emergency aid, and economic land concessions. In June the government announced that its ambassadors serving overseas would also serve as CPP “committee directors” and would be charged with leading membership drives and fundraising efforts on behalf of the CPP in their countries of assignment. In November the country’s ambassador to South Korea told his country’s citizens living in South Korea they faced arrest and deportation if they participated in pro-opposition rallies organized by visiting opposition leaders.

Buddhist monks have historically faced difficulties in registering to vote and have otherwise been excluded from full participation in the electoral process. The supreme patriarch of the country’s Mohanikaya Buddhist sect called for monks to refrain from participating in the country’s elections and urged the government to enact laws codifying such prohibitions. The NEC reported that, despite its support for the voting rights of the clergy, the Ministry of the Interior refused to issue voter identification cards to monks.

The Ministry of the Interior approved the registration of three new political parties during the year.

Participation of Women and Minorities: Cultural traditions limited the participation of women in government, although women took part in the 2013 national elections. Women held 37 percent of civil service positions, 15 percent of the 61-seat Senate, and 20 percent of the 123-seat National Assembly and 14 percent of judgeships. One woman held a deputy prime minister post, while women comprised 16 percent of the country’s ministers, secretaries of state, and undersecretaries of state.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: The penal code defines various corrupt acts and specifies the applicable penalties for such acts. The anticorruption law provides the statutory basis for the National Council against Corruption and the Anticorruption Unit (ACU) to receive and investigate corruption complaints. The ACU did not collaborate frequently with civil society, lacked sufficient resources, and was

considered ineffective in combating corruption. According to a monitoring NGO, there were at least 217 instances of corruption involving political figures. Of these, 131 involved payment of a bribe or other inducement, 60 involved the misuse of state resources for political purposes, 18 involved nepotism and cronyism, three related to “abuse of power,” and the remaining five were uncategorized.

Corruption was endemic throughout all segments of society and branches of government. There were reports police, prosecutors, investigating judges, and presiding judges received bribes from owners of illegal businesses. Citizens frequently and publicly complained about corruption. Meager salaries contributed to “survival corruption” among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials.

On June 5, the Council of Ministers, an executive branch organ, issued a directive requiring civil servants to seek clearance and permission from supervisors before responding to legislative branch inquiries related to corruption allegations.

Financial Disclosure: Public servants, including elected and appointed officials, are subject to financial and asset disclosure provisions. The ACU is responsible for receiving the disclosures, with penalties for noncompliance ranging from one month to one year in prison. Spouses and dependent children are not subject to disclosure provisions. The ACU reported that of 5,255 government officials required to disclose their assets, the compliance rate was 99.9 percent. Financial disclosures of senior officials are not publicly available, however, and remained sealed until allegations of corruption were filed.

Public Access to Information: The National Archives Law allows unlimited access to informational documents in the public archive. The law, however, grants access to other unspecified government documents only after 20 years, and documents affecting national security and preservation of life may be released only after 40 and 120 years, respectively. Some NGOs reported difficulty accessing information because the government frequently failed to respond to requests.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and

responsive to their views, but there were multiple reports of lack of cooperation and, in some cases, intimidation by government officials.

There were approximately 30 human rights NGOs in the country and a further 100 NGOs focusing on human rights as part of their work in other areas, but only a small portion actively organized training programs or investigated abuses.

Domestic and international human rights organizations faced threats and harassment from local officials. These took the form of restrictions on and disruptions of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction.

The United Nations or Other International Bodies: The government generally cooperated with international bodies and permitted visits by UN representatives. Surya Subedi, the former UN special rapporteur on human rights in the country, visited once. His successor, Rhona Smith, postponed her first visit from May to September due to “logistical and administrative reasons,” which were widely interpreted to mean reluctance by government officials to meet with her. The government regularly chastised UN representatives publicly for their remarks on a variety of human rights problems.

Government Human Rights Bodies: The government had three human rights bodies: two separate Committees for the Protection of Human Rights and Reception of Complaints, one under the Senate and another under the National Assembly; and the Cambodian Human Rights Committee, which reported to the Prime Minister’s Cabinet. The committees did not hold regular meetings or conduct transparent operations. The Cambodian Human Rights Committee submitted government reports for participation in international human rights review processes, such as the Universal Periodic Review, and issued responses to reports by international government bodies, but it did not conduct independent human rights investigations. Credible human rights NGOs considered the government committees to have limited efficacy.

The government hosted the hybrid ECCC to try Khmer Rouge leaders and those most responsible for the abuses of the Khmer Rouge period (see section 1.a.). Some observers believed public comments by government leaders on matters related to the ECCC’s jurisdictional mandate constituted a form of political interference, but there was no evidence these comments inhibited the work of the court. At year’s end the court was conducting hearings related to later crimes of the regime, including the genocide of the Cham minority, forced marriages, rape,

internal purges, and charges arising out of crimes committed at certain security centers and worksites.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, religion, or social status; however, the government generally did not effectively enforce these prohibitions.

Women

Rape and Domestic Violence: The law criminalizes rape and assault. Local and international NGOs reported violence against women, including domestic violence and rape, was common. Rape is punishable by a prison sentence of between five and 30 years. Spousal rape is not specifically mentioned in the penal code, but the underlying conduct can be prosecuted as “rape,” “causing injury,” or “indecent assault.” Charges for spousal rape under the penal code and the domestic violence law were rare. The domestic violence law criminalizes domestic violence but does not set out specific penalties. The penal code can be used to punish domestic violence offenses, with penalties ranging from one to 15 years’ imprisonment. In a 2013 UN report, close to 20 percent of 1,863 men interviewed admitted to having raped a woman.

As of October ADHOC received 183 reports of rape, three of which resulted in the death of the victim. Of these, the courts tried 33 cases, local authorities mediated one case, and the remainder awaited trial. As of August ADHOC received 114 reports of domestic violence that resulted in serious injury, whereas another NGO documented 38 cases of rape and 38 cases of domestic violence as of June. Reported cases of rape and domestic violence increased compared with the same period in 2014, but were likely underreported because of women’s fear of reprisal by perpetrators. NGOs reported authorities did not aggressively enforce domestic law and avoided involvement in domestic disputes.

The government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. The Ministry of Women’s Affairs coordinated with an NGO and a local media outlet to produce radio and television programming on women’s issues.

Sexual Harassment: The penal code criminalizes sexual harassment, imposing penalties of six days’ to three months’ imprisonment and fines of 100,000 to

500,000 riel (\$25 to \$125). There were no arrests or prosecutions, however. The government continued a public awareness campaign specific to women promoting beer sales at entertainment venues because such female vendors were vulnerable to harassment. A 2013 study released by the International Labor Organization (ILO) reported that one in five female garment workers had been sexually harassed. There was no other information available on the incidence of sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children, manage their reproductive health, and have the information and means to do so, free from discrimination, coercion, or violence. Women have access to contraception and prenatal care as well as skilled attendance at delivery and postpartum care, but access was often limited due to income and geographic barriers. According to the 2014 Cambodia Demographic and Health Survey, the maternal mortality rate was 170 deaths per 100,000 live births. Major factors influencing high maternal mortality rates included a shortage of proper health facilities, medications, and skilled birth attendants. The modern contraceptive prevalence rate among married women between 15 and 49 years was approximately 39 percent. According to the survey, 12 percent of women between ages 15 to 19 years had given birth or were pregnant with their first child.

Discrimination: The constitution provides for equal rights for women, equal pay for equal work, and equal status in marriage. For the most part, women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions and child rearing responsibilities limited the ability of women to reach senior positions in business or even participate in the workforce. Men made up the vast majority of the military, police, and civil service.

Children

Birth Registration: By law citizenship may be derived by birth to a mother and father who are not ethnic Khmer if both parents were born and were living legally in the country or if either parent had acquired citizenship. Indigenous Khmer are considered citizens. The Ministry of Interior administered a modernized birth registration system, but not all births were registered immediately, primarily due to parental delay. In addition, children born from the mid-1970s to the mid-1990s often were not registered as a result of the civil war, Khmer Rouge atrocities, and subsequent Vietnamese occupation. Many of these unregistered persons, who later had families of their own, did not perceive a need for registration. It was common not to register young people until a need arose.

The failure to register births resulted in discrimination, including the denial of public services. A 2007 study commissioned by UNHCR on statelessness in the country found that the birth registration process often excluded children of ethnic minorities and stateless persons. NGOs providing services to disenfranchised communities reported that authorities often denied books and access to education and healthcare for children without birth registration. NGOs stated that such individuals often were unable to access employment, own property, vote, or use the legal system.

Education: Education was free, but not compulsory, through grade nine. Many children left school to help their families in subsistence agriculture, worked in other activities, began school at a late age, or did not attend school at all. The government did not deny girls equal access to education, but families with limited resources often gave priority to boys, especially in rural areas. According to international organization reports, enrollment dropped relatively sharply for girls after primary school in urban areas, while post-primary school enrollment for boys dropped relatively steeply in rural areas. Schools in many areas were remote, and transportation was a problem. This especially affected girls because of safety concerns in traveling between home and school.

Child Abuse: Child abuse was common and legal action against perpetrators was rare, according to observers. A 2014 study by UNICEF reported that 61 percent of female respondents and 58 percent of male respondents between ages 13 to 17 years were subjected to serious physical violence in the home. Child rape remained a serious problem. ADHOC received reports of 99 cases of rape and attempted rape committed against persons younger than 18 years.

Early and Forced Marriage: The legal minimum age of marriage for boys and girls is 18 years; however, children as young as 16 years may legally marry with parental permission. During the year 18 percent of women between 20 and 24 years married before age 18, and 2 percent married before age 16. Culturally, child marriage was not considered a problem. The government and a local NGO took steps to raise awareness of the legal minimum-age requirement.

Sexual Exploitation of Children: Sexual intercourse with a person younger than 15 years is illegal. During the year raids on brothels rescued underage girls trafficked for prostitution. Some children engaged in prostitution for survival. The country remained a destination for child sex tourism, although the prevalence of minors engaged in sex work dropped dramatically in the last decade. The government

used the Law on the Suppression of Human Trafficking and Sexual Exploitation to prosecute sex tourists victimizing children. The Trafficking in Persons Law provides penalties ranging from two to 15 years in prison for commercial sexual exploitation of children. The law also prohibits the production and possession of child pornography.

Displaced Children: The government offered limited, inadequate services to street children at a rehabilitation center. A domestic NGO estimated the number of displaced children remained similar to 2014, with 1,200 to 1,500 street children in Phnom Penh with no relationship with their families and an estimated 15,000 to 20,000 children who worked on the streets but returned to families in the evenings. An estimated 200 to 400 children lived with their families on the streets in Phnom Penh.

A 2014 government inspection found that 70 percent of 12,000 orphans living in state and private centers had parents or other relatives. The number of orphanages in the country increased from 155 in 2005 to 225 in 2014, of which the government operated only 23. NGOs and other observers alleged many private orphanages were mismanaged and populated by non-orphans in order to lure donations from foreigners.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/Cambodia.html.

Anti-Semitism

A small Jewish foreign resident community lived in Phnom Penh. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental and intellectual disabilities in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The law does not address accessibility with respect to air travel or other transportation. The MOSAVY has overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the ministries of health, education, public works and transport, and national defense. The government requested all television channels to adopt sign-language interpretation for all programming. As of September one major television station had sign-language interpretation. The Council of Ministers approved four subdecrees to support the law.

Programs administered by various NGOs resulted in substantial improvements in the treatment and rehabilitation of persons with disabilities, but they faced significant societal discrimination, especially in obtaining skilled employment.

Children with limited physical disabilities attended regular schools. Children with more significant disabilities attended segregated schools sponsored by NGOs in Phnom Penh. According to an NGO, education for students with more significant disabilities was not available outside of Phnom Penh.

There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the government did not make any concerted effort to assist their civic engagement. The MOSAVY is responsible for forming policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

National/Racial/Ethnic Minorities

The rights of minorities under the nationality law are not explicit; constitutional protections extend only to “Khmer people.” Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society, but societal animosity continued toward ethnic Vietnamese, widely deemed a threat to the country and culture. Some groups, including opposition political parties, made strong anti-Vietnamese statements and complained of political control of the CPP by the Vietnamese government, border encroachment, and other problems for which they held ethnic Vietnamese at least partially responsible.

Indigenous People

In support of efforts by indigenous communities to protect their ancestral lands and natural resources, the Ministry of Land issued communal land titles for eight indigenous communities in Ratanakiri and Mondulkiri provinces. NGOs have long criticized the slow implementation of communal titling and continued to call for a moratorium on land sales and land concessions affecting indigenous communities. International and local NGOs were active in educating the indigenous communities about the land registration process and providing legal representation in disputes.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

There were no laws criminalizing consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, although some societal discrimination and stereotyping persisted, particularly in rural areas. The government donated broadcast time for programming related to LGBTI rights.

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or healthcare. Consensual same-sex relationships, however, were typically treated with fear and suspicion by the general population, and there were few support groups to which cases involving discrimination could be reported. Unofficial discrimination against LGBTI persons persisted; however, a local NGO reported that discrimination was on the decrease due to the LGBTI community's effectiveness in raising awareness.

A local LGBTI rights organization reported more than 100 incidents of violence or abuse against LGBTI individuals, including domestic violence by family members. Stigma or intimidation may have inhibited further reporting of incidents.

HIV and AIDS Social Stigma

A 2010 Demographic and Health Survey noted that 21 percent of women and 18 percent of men reported discriminatory attitudes towards those living with HIV/AIDS. Following a September 2014 incident in which an unlicensed medical practitioner unwittingly infected approximately 290 villagers with HIV, the villagers reported widespread social stigma from fellow community members, some of whom refused to interact with the victims altogether.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of private-sector workers to form and join trade unions of their own choice without prior authorization, the right to strike, and the right to bargain collectively. While unions may affiliate freely, the law does not explicitly address their right to affiliate internationally. The law requires trade unions to file their charters and lists of their officials with the Ministry of Labor and Vocational Training (MOLVT).

Civil servants, including teachers, judges, and military personnel, as well as household workers, do not have the right to form or join a trade union. The ILO continued to request the government to ensure the right of public employees to freedom of association and collective bargaining. Personnel in the air and maritime transportation industries are free to form unions but are not entitled to social security and pension benefits and are exempt from the limitations on work hours prescribed by the labor law.

The law stipulates workers can strike only after several requirements have been met, including: the failure of other methods of dispute resolution (such as negotiation, mediation, or arbitration), a secret-ballot vote of the union membership, and seven-day's advance notice to the employer and the MOLVT. There is no law prohibiting strikes by civil servants, workers in public sectors, or workers in essential services. The law provides for the protection of strikers from reprisal. The law also provides for protections for union leaders from dismissal.

Regulations on collective bargaining grant collective bargaining rights to the union within an enterprise that has "most representative status," or the union that represents the largest number of workers in a bargaining unit, and require employers to negotiate if such a union proposes a collective bargaining agreement. These regulations also bind both parties to agree to an orderly bargaining process, make considered and reasonable offers and counteroffers, and require the employer to provide the union with facilities to conduct union activities and all information requested by the union that is relevant to the bargaining process. The Bureau of Labor Relations is responsible for facilitating the process of union registration and certification of most representative status for unions, in cases where there are multiple unions in an enterprise. The law, however, allows third parties to raise objections to granting a union most-representative status, which could be grounds for government refusal. The ILO noted that allowing third party objections runs

counter to internationally agreed labor rights related to freedom of association and collective bargaining.

Enforcement of the right of association, freedom from antiunion discrimination, and collective bargaining rights was inconsistent. The government's willingness to address violations of worker rights was sometimes limited by close relationships among government officials, employers, and union leaders, particularly those operating progovernment unions. These relationships also deterred union leaders from reporting cases of discrimination and hampered the independent operation of unions.

The government also did not devote sufficient resources to enforcement, particularly the provision of training and resources to ensure a functioning labor inspectorate. Through the first six months of the year, the Labor Inspection Department of the MOLVT issued warnings to 197 companies for violations of the labor law. Although the MOLVT often decided in favor of employees, it rarely used its legal authority to penalize employers who defied its orders. Of the 197 companies that received warnings, 29 received fines. During the first six months of the year, the MOLVT reported it received 118 cases of non-strike-related disputes and 58 cases of strike-related complaints, and its Department of Labor Disputes reportedly resolved 46 of these cases successfully. The Department of Labor Disputes sent the unresolved cases to the Arbitration Council.

Unresolved labor disputes may be brought to the Arbitration Council, an independent state body that interprets labor regulations in collective disputes, such as when multiple employees are dismissed. The parties may choose whether to consider the council's decisions as binding. If neither party objects to the arbitral award within eight days of issuance, it automatically becomes binding. Individual disputes may be brought before the courts, although the judicial system was neither impartial nor transparent (see section 1.e.). There is no specialized labor court. Some unions urged the government to expand the role of the Arbitration Council to include individual and collective-interest disputes and to make its decisions binding. From January to June, the Arbitration Council received 162 cases, compared to 174 cases during the same period in 2014. The council reported that of the 162 cases, the council resolved 87 by ordering an arbitration award, 29 were settled by the parties before an award was ordered, 22 were closed due to lack of participation or cooperation by the parties, the Arbitration Council facilitated a settlement in eight cases, and the remaining cases were pending.

Workers reportedly experienced obstacles in exercising their right to associate freely, as some employers reportedly refused to sign the notification letters officially recognizing a union. In addition, workers in the garment sector were hired as subcontractors, making unionization difficult. The majority of unions were affiliated with the ruling party, some were affiliated with the opposition party, and some were independent. Union leaders affiliated with the government did not act independently.

Organization among public-sector workers continued to face significant obstacles. The Cambodian Independent Teachers Association is registered with the Ministry of Interior as an “association” due to prohibitions on public-sector unions, and the government denied its requests for permission to march or protest, although the union reported no direct government interference in day-to-day activities. Some members feared their affiliation with the teachers association could hamper career advancement. Another public-sector association, the Cambodian Independent Civil Servants Association, alleged that fear of harassment, discrimination, or demotion deterred individuals from joining.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders in garment factories and other enterprises. Acts of antiunion discrimination, intimidation, and retaliation by employers almost always went unpunished. Better Factories Cambodia (BFC), an independent monitoring program for the garment and footwear sector, reported that from April 2014 to April, approximately 3 percent of the 393 factories it monitored engaged in antiunion activities. In some factories management appeared to have established or supported promanagement unions or compromised union leaders by jeopardizing their employment. Following violent labor protests in 2013, the Garment Manufacturers Association in Cambodia (GMAC) filed complaints in the Phnom Penh Municipal Court (PPMC) against six independent union federations, alleging the federations had incited workers to violent protests, which resulted in damage to factory property and production. The PPMC placed the union leaders under court supervision, barred them from joining or organizing any protests, and ordered them to report to the court on a monthly basis. As of September the order was still in effect.

Despite legal provisions protecting strikers from reprisals, there were credible reports of workers dismissed on spurious grounds after organizing or participating in strikes. While the majority of strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases employers pressured strikers to accept compensation and leave their employment.

Remedies exist for such dismissals, although no remedies were viewed as effective. The MOLVT may issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement. At times management failed to obey court orders for reinstatement.

The GMAC and eight union federations continued to convene quarterly meetings to discuss implementation of a 2012 memorandum of understanding that committed factories and workers to accept the rulings of the Arbitration Council.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

The government did not effectively enforce the law in all cases. In particular, government officials reported difficulties in verifying working conditions and salaries in the fishing, agricultural, construction, and domestic sectors due to the informal nature of their work. Penalties prescribed under law for forced labor were sufficiently stringent.

There were reports forced labor occurred in domestic service and in the informal sector, including forced child labor (see section 7.c.). There also were reports of forced labor in the fishing, agricultural, and construction sectors.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law allows children as young as 12 years to work in domestic service. The law permits children between 12 and 15 years to engage in "light work" that is not hazardous to their health and does not affect school attendance. The law limits work by children between 12 and 15 years to no more than four hours on school days and seven hours on non-school days, and prohibits work between 8 p.m. and 6 a.m. The government also banned employment of children in sectors that pose major safety or health risks to minors.

The MOLVT has responsibility for child-labor inspection in both the formal and informal sectors of the economy, but its labor inspectors played no role in the informal sector or in illegal industries, such as unregistered garment factories

operating without a license from the MOLVT and the Ministry of Commerce. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor was negligible), but in some industries with the highest child-labor risk, labor inspections were entirely complaint driven. In 2014, the latest year for which such data were available, there were 58 inspectors trained to conduct child labor inspections. Only inspectors trained in child labor inspection actively looked for child labor violations. In 2014 the MOLVT created 24 interdepartmental inspection teams to inspect compliance with various labor regulations. Each interdepartmental team included an inspector for child labor. Inspectors from the Department of Child Labor were trained on relevant laws and inspection techniques to identify child labor; however, the MOLVT lacked standardized guidelines for conducting labor inspections.

The Department of Child Labor reported that, due to budget constraints, it was only able to conduct inspections in and around Phnom Penh. The number of inspectors remained insufficient to enforce relevant laws and regulations. The labor law stipulates a fine of 31 to 60 times the prevailing monthly wage for defendants convicted of violating the country's child labor provisions. Such penalties were sufficient to deter violations, but were rarely enforced.

Child labor was most widespread in agriculture, brick making, portering, salt production, shrimp processing, fishing, domestic service, rubber production, car repair, textiles, logging, slaughterhouses, and the production of alcoholic beverages. Children also worked as beggars, street vendors, shoe polishers, and scavengers. Instances of child labor occurred in the garment, footwear, and hospitality sectors. BFC reported that from April 2014 to April, it confirmed 30 cases of child labor at the 390 factories covered in the report.

Children from impoverished families remained at risk for forced labor as affluent households sometimes utilized a humanitarian pretense to hire them as domestic workers, only to abuse and exploit them.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits employment discrimination on the basis of race, color, sex, belief, disability, religion, political opinion, birth, social origin, or union

membership. The Law on the Protection and the Promotion of the Rights of Persons with Disabilities and the Law on the Prevention and Control of HIV/AIDS (2002) explicitly prohibit discrimination based on HIV positive status. The law does not explicitly prohibit employment discrimination on the basis of sexual orientation and/or gender identity, age, language, communicable disease. The constitution stipulates that Khmer citizens of either sex shall receive equal pay for equal work.

The government generally did not have the capacity to enforce these laws. Penalties under law for employment discrimination included fines, civil and administrative remedies, and imprisonment. Due to limited awareness of the protections afforded by the laws and poor enforcement, the laws were not sufficient to deter violations. BFC reported that in the garment and footwear sectors, factory management heavily discriminated against men with respect to hiring and providing benefits. BFC estimated that from April 2014 to April, 10.6 percent of factories were guilty of some sort of discrimination during hiring. BFC estimated that 2.4 percent of factories engaged in gender discrimination, 2.4 percent discriminated based on union affiliation, while 1.9 percent discriminated against pregnant workers. The ILO noted with concern reports of antiunion discrimination by employers through interference and dismissals of members of independent unions, as well as through the creation of employer-backed unions (see section 7.a.).

e. Acceptable Conditions of Work

The law gives the MOLVT authority to establish a minimum wage based on recommendations from the Labor Advisory Committee, a tripartite group composed of representatives from the government, unions, and employer organizations. In October the MOLVT announced a new minimum wage for garment workers of 560,000 riel (\$140) per month, an increase of 48,000 riel (\$12) per month from the previous minimum wage. The new minimum wage for garment sector workers was scheduled to go into effect in 2016. The law does not mandate a minimum wage for any other sector. The World Bank defines the poverty level as 5,000 riel (\$1.25) per day.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a rate of 130 percent of daytime wages for nightshift work and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work a maximum of two hours of overtime each day. The law prohibits excessive

overtime, states that all overtime must be voluntary, and provides for paid annual holidays.

The law states that the workplace should have health and safety standards adequate to provide for workers' well-being. Penalties are specified in the law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions.

The government enforced existing standards selectively, in part because it lacked trained staff and equipment. The MOLVT's Department of Labor Inspection is the primary enforcement agency. The MOLVT has approximately 342 labor inspectors nationwide. Lack of financial resources, endemic corruption, and insufficient penalties for labor law violations hindered the government's enforcement of the law. Citing a lack of financial and human resources, the MOLVT did not conduct sufficient regular factory inspections.

Workers reported that overtime was often excessive and sometimes mandatory. Outside the garment industry, the government rarely enforced regulations on working hours. Involuntary overtime remained a problem, although the practice decreased during the year. Employers often coerced employees to work. Workers in the construction and manufacturing industries, among others, often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Work-related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. The informal sector, defined as businesses that did not register with the government, did not pay taxes, and did not hire significant numbers of employees, continued to provide the majority of non-farm employment. The National Social Security Fund (NSSF) reported that during the first six months of the year, there were 10,820 cases of work-related injuries, including 19 fatalities. During the same period, the NSSF reportedly fined seven companies that did not comply with the NSSF's rules and regulations and sued three others in court.

In its annual report, BFC cited fire safety as an area of particular concern. The report noted that 15 percent of visited factories kept their doors locked during working hours and 53 percent had obstructed access paths. Fire safety continued to be a concern during the year.

Mass faintings remained an issue. The NSSF reported that for the first six months of the year, 557 workers fainted in nine factories across the country while performing their jobs. No serious injuries were reported as a result of the fainting. Observers reported that poor ventilation, lack of proper nutrition for workers, and toxic fumes from the production process all contributed to the mass faintings.