

CAMBODIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with an elected parliamentary government. The ruling Cambodian People's Party (CPP) won all 125 National Assembly seats in the July 2018 national election, having banned the main opposition party in 2017. Prior to the victory, Prime Minister Hun Sen had already served in that position for 33 years. International observers, including foreign governments, international nongovernmental organizations (NGOs), and domestic NGOs criticized the election as neither free nor fair and not representative of the will of the people.

The Cambodian National Police (CNP) maintains internal security. The Royal Cambodian Armed Forces (RCAF) are responsible for external security and also have some domestic security responsibilities. The CNP reports to the Ministry of Interior, while the RCAF reports to the Ministry of National Defense. Civilian authorities maintained effective control over the security forces, which have at times threatened force against those who opposed Prime Minister Hun Sen and were generally perceived as an armed wing of the ruling CPP.

Significant human rights issues included: torture by the government; arbitrary detention by the government; political prisoners; arbitrary interference in the private lives of citizens, including pervasive electronic media surveillance; the absence of judicial independence; censorship and selectively enforced criminal libel laws; interference with the rights to peaceful assembly and freedom of association; restrictions on political participation; pervasive corruption, including in the judiciary; trafficking in persons; and use of forced or compulsory child labor.

A pervasive culture of impunity continued. There were credible reports that government officials, including police, committed abuses with impunity, and in most cases the government took little or no action. Government officials and their family members were generally immune to prosecution.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings as of December.

As of October no suspects had been arrested in the case of the March 2018 violence in Kratie Province when security forces opened fire on persons protesting the transfer of land, decades before, to a rubber plantation. Several media outlets reported a death toll of two to six persons with another 40 injured. Shortly after the violence occurred, the government ordered local media to “correct” its news reports. Four NGOs and the UN Office of the High Commission on Human Rights (OHCHR) formed an investigation committee to tour the site. They found the company began demarcating its land and that a day later 150 soldiers, military police, and police burned down villagers’ houses, leading the villagers to block the main road and demand an immediate stop to the arson. According to the OHCHR report, the security forces opened fire to disperse the villagers. The OHCHR acknowledged that, because the security forces closed off the site of the shooting, there were no reliable counts of the dead or injured.

After the incident Kratie governor Sar Chamrong denied reports that security forces shot the protesters. National Police spokesperson Kirt Chantharith claimed villagers with homemade rifles injured as many as seven police officers while only two villagers were slightly injured, not by gunfire, but by bamboo sticks.

Although the law requires police, prosecutors, and judges to investigate all complaints, including those of police abuse, in practice there was impunity for government officials and family members for human rights abuses. 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 on protecting or respecting human rights.

b. Disappearance

There were no reports of disappearances by or on behalf of the government authorities during the year. The Venerable Meas Vichet, a well-known monk and social activist, disappeared in 2017 in Krobei Riel commune, Siem Reap Province, after being detained by security officials. Early in the year, Vichet was found wandering the streets. As of October, Vichet was with his family and being treated for mental illness.

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 reportedly continued during the year.

There were credible reports military and police officials used physical and psychological abuse and occasionally severely beat criminal detainees, particularly during interrogation. For example, on April 18, Tith Rorn, an activist and son of a former elected Cambodia National Rescue Party (CNRP) commune councilor, died 72 hours after his arrest. His family and a local NGO that investigated the case concluded he had been beaten by prison officials. Authorities officially declared the death an accident, claiming Rorn fell and hit his head while heavily intoxicated. Eng Rotha, arrested on May 29 on suspicion of possessing drugs, was severely beaten by military police during his interrogation. His wife secretly took photographs of her husband's injuries when visiting him in the hospital following his beating. Freedom House reported the torture of suspects and prisoners was frequent, and security forces were frequently accused of using excessive force against detained suspects.

Prison and Detention Center Conditions

Prison conditions remained harsh and in many cases life threatening.

Physical Conditions: Overcrowding was a problem. According to the Ministry of Interior's General Department of Prisons (GDP), in 2017 authorities held more than 26,000 prisoners and detainees in 29 prisons designed to hold a maximum 11,000 prisoners. GDP officials reported the government's "war on drugs" had exacerbated overcrowding. The GDP declined to release updated figures; however, local media reported in July that authorities held 32,087 prisoners.

In most prisons there was no separation of adult and juvenile prisoners (including children living with incarcerated mothers) or of persons convicted of serious crimes, minor offenses, or in pretrial detention. According to media, in July there were 2,885 women in prison, including 33 who were pregnant and 114 with children younger than age three.

As of October the GDP did not report how many prisoners died in prison.

Local NGOs maintained that allowances for food and other necessities were inadequate in many cases. Observers continued to report that authorities misappropriated allowances for prisoners' food, exacerbating malnutrition and disease. Authorities did not provide updated figures on the number of prisons in which inmates had access to clean water, although as of 2016, 18 of 29 prisons

provided clean water. Prisons did not have adequate facilities for persons with mental or 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. According to a local NGO, “prisoner self-management committees,” groups of inmates organized and directed by prison guards, sometimes violently attacked other prisoners. NGOs reported significant drug use by prisoners, made possible by bribing guards.

The country had seven government and three private drug rehabilitation centers. Most observers agreed the majority of detainees in such facilities were there involuntarily, committed by police or family members without due process. According to the National Authority for Combating Drugs, no detainee was younger than age 18. Observers noted employees at the centers frequently controlled detainees with physical restraints and subjected them to intense physical exercise.

Administration: There were no legal provisions establishing prison ombudsmen. Prisoners could submit complaints about alleged abuse to judicial authorities through lawyers, but a large number of prisoners and detainees could not afford legal representation. The government stated it investigated complaints and monitored prison and detention center conditions through the GDP, which reportedly produced biannual reports on prison management. The GDP, however, did not release the reports despite frequent requests by civil society organizations.

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, before releasing inmates who had served their full term of imprisonment, or before allowing inmates to exit their cells. NGOs reported unequal punishment among the inmates, noting that wealthy prisoners were better treated than the poor. A local NGO reported there were at least five wealthy inmates enjoying special treatment from prison officials while others, especially human rights activists, received harsh treatment. Kung Raiya, a student who served one year in prison for a politically sensitive Facebook post in 2016, was arrested on July 9 for another Facebook post. In prison he conducted a two-day hunger strike after prison officials prohibited him from receiving books from visitors and did not provide sufficient time out of his cell.

Independent Monitoring: The government allowed, subject to preconditions and restrictions, international and domestic human rights groups, including the

International Committee of the Red Cross (ICRC) and the OHCHR, to visit prisons and provide human rights training to prison guards. Some NGOs reported limited cooperation from local authorities who, for example, made it difficult to gain access to pretrial detainees.

This was particularly true in high-profile cases such as that of opposition leader Kem Sokha, who was transferred to house arrest in September 2018 after a year in prison on pretrial detention, during which authorities permitted visits only by his wife and defense lawyers. Despite the family's requests for visits by the ICRC, the terms under which the government would allow such visits--including no direct access to the detainee--were unacceptable to the family. Even after his transfer to house arrest, the government continued to limit visits to his wife and defense lawyers and, prior to the November lifting of his house arrest restrictions, denied multiple requests for access to Kem Sokha by diplomatic missions and the United Nations.

The Ministry of Interior required lawyers, human rights monitors, and other visitors to obtain permission prior to visiting prisoners--often from multiple government agencies depending on the case--and sometimes the government required NGOs to sign a formal memorandum of understanding delineating their "roles" during prison visits.

Although some local independent monitoring groups were able to meet privately with prisoners, others were not. A local human rights NGO that provides medical care to prisoners reported the government periodically refused requests to visit convicted prisoners who were members of a political opposition party. Another NGO reported the government accused it of harboring political bias and using its visits to embolden political prisoners. The OHCHR representatives reported they were usually able to visit prisons and hold private meetings when interviewing a particular prisoner of interest.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and limits pretrial detention to a maximum of 18 months; however, the government in some cases did not respect these prohibitions, notably with the arbitrary detention of former CNRP leader Kem Sokha well beyond the legal limit. As of November, Kem Sokha had spent 26 months in pretrial detention before the government partially lifted judicial restrictions, effectively releasing him from house arrest, but not allowing him to travel abroad or engage in political activity. In addition, the charges of treason against him still stand and he remains under court supervision.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, unless police apprehend a suspect while 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 they must file charges or release a suspect. 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. Nevertheless, authorities routinely held persons for extended periods before charging them.

There was a bail system, but many prisoners, especially those without legal representation, had no opportunity to seek release on bail. Authorities routinely denied bail for politically sensitive cases.

Arbitrary Arrest: As of October local human rights NGOs reported arbitrary arrests involving at least 29 persons. The actual number of arbitrary arrests and detentions was likely higher, since many victims in rural areas did not file complaints due to the difficulty of traveling to human rights NGO offices or due to concern for their family's security. Authorities took no legal or disciplinary action against persons responsible for the illegal detentions.

In July the government transferred 48 patients with mental health disorders from the overcrowded Prey Speu social affairs center to the Mental Health Rehab Center in Kandal Province. As of July 2018, authorities at Prey Speu reported 585 persons remained in detention following the Phnom Penh city government's 2017 roundup of 1,727 homeless persons, beggars, persons with mental disabilities, and persons engaged in prostitution. Authorities initially placed 1,560 detainees, including 262 children, in Prey Speu without adequate medical treatment or food. The facility, operated by the Ministry of Social Affairs, Veterans, and Youth, was notorious for abuses.

Pretrial Detention: Under the law police may arrest and detain accused persons for a maximum of 24 hours before allowing them access to legal counsel, but authorities routinely held prisoners incommunicado for several days before granting them access to a lawyer or family members. Government officials said such prolonged detentions were frequently the result of the limited capacity of the court system. The law allows for a maximum pretrial detention of six months for misdemeanors and 18 months for felonies, but NGOs reported authorities held some accused in pretrial detention for longer than the legal maximums. Authorities occasionally held pretrial detainees without legal representation.

Detainees' Ability to Challenge Lawfulness of Detention before a Court: A backlog of court cases and long delays in obtaining judicial rulings interfered with a person's right to challenge in court the legal basis or arbitrary nature of his or her detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government did not respect judicial independence. In practice the government exerted extensive control over the courts, and court decisions were often subject to political influence. Judicial officials, up to and including the chief of the Supreme Court, often simultaneously held positions in the ruling party, and observers alleged only those with ties to the CPP or the executive received appointments to the judiciary. At times the outcome of trials appeared predetermined. For example, Prime Minister Hun Sen declared shortly before the 2017 Supreme Court hearing on the dissolution of the main opposition party, the CNRP, that he was "99.99 percent certain" the court would decide to dissolve the opposition party.

Corruption among judges, prosecutors, and court officials was widespread. The judicial branch was very inefficient and could not assure due process.

Observers alleged the Bar Association of Cambodia heavily favored admission of CPP-aligned members at the expense of nonaligned and opposition attorneys and at times admitted unqualified individuals to the bar solely due to their political affiliation. Impartial analysts revealed that many applicants to the bar paid high bribes for admittance.

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. There were widespread allegations that rich or powerful defendants, including members of the security forces, often paid victims and authorities to drop criminal charges. These allegations were supported by NGO reports and instances of rich defendants appearing free in public after their high-profile arrests were reported in the media without further coverage of court proceedings or final outcomes of the cases. Authorities sometimes urged victims or their families to accept financial restitution in exchange for dropping criminal charges or for failing to appear as witnesses.

Trial Procedures

The law provides for the right to a fair and public trial; however, the judiciary rarely enforced this right.

Defendants are by law required to be promptly informed of the charges against them, presumed innocent, and have the right of appeal, but they often resorted to bribery rather than rely on the judicial process. Trials are not always public and frequently face delays due to court bureaucracy. Defendants have the right to be present at their trials and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. Courts have, however, convicted suspects in absentia as authorized by law. In felony cases, if a defendant cannot afford an attorney, the law requires the court to provide the defendant with free legal representation; however, the judiciary was not always able to provide legal counsel, and most defendants sought assistance from NGOs, pro bono representation, or “voluntarily” proceeded without legal representation. In the absence of the defense attorneys required in felony cases, trial courts routinely adjourned cases until defendants could secure legal representation, a process that often took months. Trials were typically perfunctory, and extensive cross-examination usually did not take place. NGOs reported sworn written statements from witnesses and the accused in many cases constituted the only evidence presented at trials. The courts offered free interpretation.

There was a critical shortage of trained lawyers, particularly outside the capital. The right to a fair public trial often was denied de facto for persons without means to secure counsel. A report by the International Commission of Jurists indicated the high cost of bribes needed to join the bar association was partly responsible for keeping the number of trained lawyers low, which helped raise lawyers’ income whether earned through legal or illegal means.

Authorities sometimes allegedly coerced confessions through beatings or threats or forced illiterate defendants to sign written confessions without informing them of the contents. Courts accepted such forced confessions as evidence during trials despite legal prohibitions against doing so. According to a human rights NGO, which observed the appellate courts from November 1, 2016, to October 31, 2017, out of 340 cases involving 558 defendants, 20 defendants were threatened and 40 defendants were tortured to confess. The difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh meant that defendants were present at less than one-half of all appeals.

Political Prisoners and Detainees

As of October a local human rights NGO estimated authorities held at least 65 political prisoners or detainees, 56 of whom were charged with “plotting against the state” or “attack against the state,” which carry a prison sentence of up to 10 years for private citizens (longer for government employees). The charges were

based on accusations that the individuals were planning public demonstrations to coincide with opposition CNRP leader Sam Rainsy's possible return from exile, or for posting statements to social media in support of Rainsy or the CNRP. An additional 48 individuals were similarly charged but have not been arrested. NGOs warned these charges marked an escalation from the criminal charge of "incitement" leveled against most of the remaining political prisoners, which carries a two-year maximum prison sentence.

On November 10, the government partially lifted judicial restrictions on Kem Sokha, releasing him from what had been effectively house arrest. Sokha was allowed to travel outside his home after spending 26 months in pretrial detention, eight months longer than the maximum 18 months authorized under law, following his 2017 arrest on charges of treason. As of November, Sokha was not permitted to exercise his political rights and was restricted from traveling outside the country. The government's case against Sokha centered on a 2013 video of him telling an audience in Australia of his party's work in grassroots organizing with advice from foreign experts. The government claimed this amounted to Sokha "confessing" that a foreign country had instructed him on how to foment a "color revolution" in the country. Legal experts said there has been no progress in the government's investigation. In September 2018 the government transferred Sokha from prison to what amounted to house arrest, although there was no legal basis for "house arrest" under the country's law. Authorities prevented Sokha from leaving a roughly three-block radius surrounding his house; meeting with CNRP leaders, journalists, and foreigners; and participating in any political activity or gatherings.

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were credible reports the government misused international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country. In June Cambodian translator and fixer Rath Rott Mony was sentenced to two years in prison for his involvement in a documentary film project about child sex-trafficking. He had been arrested in Bangkok in 2018 and extradited at the request of Cambodian authorities. Local and international NGOs decried the arrest and conviction as politically motivated retribution solely for exposing the truth about an embarrassing issue for the government.

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. Some administrative and judicial remedies were available. NGOs reported, however, that public distrust in the judicial system due to corruption and political control deterred many from filing lawsuits and authorities often did not enforce court orders.

Property Restitution

Forced collectivization and the relocation of much of the population under the Khmer Rouge 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 contest for five years prior to the 2001 promulgation of a law on restitution has the right to apply for a definitive title to that property. Most citizens, however, continued to lack the knowledge and means to obtain 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. Land speculation in the absence of clear title fueled disputes in every province and increased tensions between poor rural communities and speculators. Some urban communities faced forced eviction to make way for commercial development projects.

Authorities continued to force inhabitants to relocate from land in dispute, 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 selling their land at below-market values. As of June a local NGO reported 35 new cases of land grabbing and forced evictions, affecting 2,516 families.

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

Although the law provides for the privacy of residence and correspondence and prohibits illegal searches, NGOs reported police routinely conducted searches and seizures without warrants. The government routinely leaked personal correspondence and recorded telephone calls of opposition and civil society leaders to government-aligned media. In September two CNRP members were arrested and charged with incitement and defamation after making posts on Facebook critical of the government; police later read aloud their private conversations in court. Local authorities reportedly entered and searched community-based organizations and union offices.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. Since 2017, however, the government has carried out a sustained campaign to eliminate independent news media and dissenting voices in the country and enacted ever-greater restrictions on free expression; many individuals and institutions reported widespread self-censorship.

Freedom of Expression: The constitution grants freedom of expression except where it adversely affects public security. The constitution also declares the king is “inviolable,” and a Ministry of Interior directive implementing the criminal defamation law reiterates these limits and prohibits publishers and editors from disseminating stories that insult or defame the king, government leaders, or public institutions.

Election laws require civil society organizations to remain “neutral” during political campaigns and prohibit them from “insulting” political parties in the media. Although campaign laws require news outlets to give equal coverage to each party participating in an election, there was no evidence of the law’s enforcement during the 2018 election; news outlets gave significantly greater coverage to the CPP than to other parties.

The government used the penal code to arrest and prosecute citizens on disinformation and incitement charges, which carry a maximum sentence of three years’ imprisonment. Judges also can order fines, which may lead to jail time if not paid. Police and courts interpreted “incitement” broadly, leading to more than 40 arrests for statements posted to social media during the year.

In February 2018 the government adopted a new *lese-majeste* (royal insult) law that led to the arrest of at least three citizens. On January 9, Ieng Cholsa was sentenced to three years in prison for Facebook posts deemed insulting to the king. The government used criminal defamation laws to pursue perceived opponents. In September self-exiled former CNRP leader Sam Rainsy was charged with public defamation and incitement to commit felony when he accused Hun Sen of using the king as a hostage and a puppet.

Press and Media, Including Online Media: The government, military forces, and the ruling political party continued to own or otherwise influence newspapers and broadcast media; there were few significant independent sources for news. The three largest pro-CPP newspapers did not criticize the government for politically motivated acts or human rights issues. In 2017 the

government shuttered 32 FM radio frequencies across 20 provinces, affecting stations relaying independent news--Radio Free Asia (RFA), Voice of America, and the Voice of Democracy.

The May 2018 National Election Committee (NEC) code of conduct for the September 2018 election established a maximum fine of 30 million riel (\$7,500) for reporters who interviewed any voter near a polling station or who published news that could affect political stability or cause the public to lose confidence in the election.

Violence and Harassment: Threats and violence against journalists and reporters remained common. On January 30, Sim Chhivchhean, a reporter for the Cambodia Media Association for Freedom, was beaten unconscious while reporting on illegal fishing in Siem Reap Province. On February 4, a group of about 20 men stoned and beat Sorn Sithy to death. The motive was unknown as of October, but Sithy had been working for a year for BTBP TV online, covering social issues.

As of October, two former RFA journalists arrested in 2017 on charges of treason (charges which observers said were politically motivated), to which authorities later added charges of distribution of pornography, were awaiting the conclusion of their trial after several court hearings. On October 3, the court referred the case back to investigators for more evidence collection. NGOs and observers argued that the case against the two journalists was politically motivated and pointed to the prolonged trial and the confiscation of their passports as proof of government intimidation of the media.

Censorship or Content Restrictions: The law prohibits prepublication censorship, and no formal censorship system existed. The government, however, used other means to censor media, most notably through its control of permits and licenses for journalists and media outlets not controlled directly by the government or the CPP. Private media admitted to practicing some degree of self-censorship, in part from fear of government reprisal. Reporters claimed that newspaper editors told them not to write on topics that would offend the government and have also reported self-censoring due to the chilling effect of recent criminal cases against journalists.

Libel/Slander Laws: The government used libel, slander, defamation, and denunciation laws to restrict public discussion on issues it deemed sensitive or against its interests. In December 2018 CNRP leader Sam Rainsy was convicted of libel and ordered to pay one million dollars in damages to Prime Minister Hun Sen after publicly accusing the prime minister of accepting bribes.

Rainsy has been living in exile since 2014, when he fled the country to avoid previous libel charges filed against him.

National Security: The government continued to cite national security concerns to justify restricting citizens' rights to criticize government policies and officials.

Internet Freedom

There were credible reports that government entities monitored online communications.

The telecommunications law was widely criticized by leading civil society and human rights activists, who stated it provides the government broad authority to monitor secretly online public discussion and communications using private telecommunication devices. The law gives the government legal authority to monitor every telephone conversation, text message, email, social media activity, and correspondence between individuals without their knowledge or consent. Any opinions expressed in these exchanges that the government deemed to violate its definition of national security could result in a maximum 15 years' imprisonment.

The government has the authority to shut down any social media page or website that publishes information leading to "turmoil in the society that undermine[d] national defense, national security, national relations with other countries, the economy, social order, discrimination, or national culture or tradition." For example, three days before the 2018 national election the government ordered local telecommunication companies to block several independent news websites, including Voice of America in Khmer, RFA Khmer, and Voice of Democracy.

A "cyber war team" in the Council of Ministers' Press and Quick Reaction Unit was responsible for monitoring and countering "incorrect" information from news outlets and social media. The prime minister has threatened that within four minutes his cyber experts could identify, to within five feet, the telephone of anyone who posted a defamatory Facebook post.

Academic Freedom and Cultural Events

There were no formal or overt government restrictions on academic freedom or cultural events, although scholars tended to exercise caution when teaching political subjects due to fear of offending politicians. Many individuals in academia resorted to self-censorship or expressed their opinions anonymously.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

As of October more than 150 CNRP members had been detained or summoned to court for questioning related to their participation in mostly informal gatherings over meals. NGOs reported that during questioning the government accused the opposition officials of violating the 2017 Supreme Court decision to dissolve and ban the CNRP.

The law requires all nongovernmental groups to register and requires advance notification for protests, marches, or demonstrations, although authorities inconsistently enforced this requirement. 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.

There were credible reports the government prevented associations and NGOs from organizing human rights-related events and meetings, because those NGOs failed to receive permission from local authorities; however, the law does not require preapproval of such events. Authorities cited the need for stability and public security--terms left undefined in the law and therefore subject to wide interpretation--as reasons for denying permits. Government authorities occasionally cited the law to break up meetings and training programs deemed hostile to the government. Some NGOs and unions complained that police were carefully monitoring their activities and intimidating participants by sending uniformed police to stand outside their offices during meetings.

Despite these restrictions, the press reported a number of unauthorized public protests, most related to land or labor disputes. In at least one case, it was reported that local authorities forcibly dispersed protesters, leading to one protester being critically injured after police opened fire. In other cases, police

arrested and charged some demonstrators for trespassing on private property and protesting without a valid permit.

According to a local NGO, as of June there had been 71 cases of violations of freedom of assembly. Another human rights NGO recorded 99 cases of government abuse on the freedom of assembly in the period from April 2018 to March 2019.

On July 10, the authorities detained seven persons for paying tribute to the government critic Kem Ley on the third anniversary of his death. The authorities did not allow NGOs to assemble outside or lay floral wreaths at the Caltex Bokor petrol station where Kem Ley was shot dead.

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.). The law requires all associations and NGOs to be politically neutral, which not only restricts the right to association but also restricts those organizations' rights to free expression.

Vaguely worded provisions in several laws prohibit any activity that may "jeopardize peace, stability, and public order" or harm "national security, national unity, traditions, and the culture of Cambodian society." Civil society organizations expressed concern these provisions created a substantial risk of arbitrary restriction of the right of association. According to critics, the laws on associations and trade unions establish heavily bureaucratic, multistep registration processes that lack both transparency and administrative safeguards, rendering registration processes vulnerable to politicization. These laws also impose burdensome reporting obligations on activities and finances, including the disclosure of all successful funding proposals, financial or grant agreements, and bank accounts.

The local NGO consortium Cooperation Committee for Cambodia reported in 2018 that NGOs generally lacked guidance from the government on how to comply with the requirements.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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

Exile: Some government critics and opposition politicians have gone into self-imposed foreign exile. In some cases the government subsequently took steps to block exiles' return.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Refoulement: In June the government deported four Montagnards to Vietnam, after one requested to return to Vietnam and the other three were declared ineligible for asylum status.

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 system, however, is not equally accessible to all refugees and asylum seekers and is not transparent. Asylum seekers who enter the country without documentation or overstay their visas are vulnerable to deportation.

Freedom of Movement: The freedom of movement of persons admitted to the country as refugees is often restricted because they lack documents needed for travel (see below).

Employment: The law allows refugees to work and operate a business. Refugees, however, are generally not provided with residence cards, making it difficult to exercise these rights.

Access to Basic Services: Persons granted refugee status require residence cards. In practice, however, refugees are instead provided with refugee cards, which are not recognized, greatly limiting refugees' access to basic services.

g. Stateless Persons

The country had habitual residents who were de facto stateless. There were no recent, reliable data on the number or demography of stateless persons; however, UNHCR reported they were primarily ethnic Vietnamese. The government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality (see section 6, Children). The most

common reason for statelessness was lack of proper documents from the country of origin. On August 21, local media reported the government had rejected a request from Vietnam to provide Cambodian citizenship to these persons.

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 held by secret ballot and based on universal and equal suffrage. By law, however, the government has the ability to dissolve parties and ban individuals from party leadership positions and political life more broadly. The law also bars parties from using any audio, visual, or written material from a convicted criminal.

As of October only nine of 118 CNRP officials barred from political activity from 2017-22 had applied for and been granted a restoration of their political rights. Local experts and opposition party members complained the “rehabilitation” process is arbitrary, creates a false appearance of wrongdoing on the part of the banned politicians, and puts the prime minister in the position of being able to choose his own political opponents. The original ban on political activity followed the Supreme Court’s 2017 dissolution of the CNRP, a decision a number of observers decried as driven by political bias, noting that the decision to ban the CNRP was based on the accusation that its leader had committed “treason” before its leader was convicted on any charges. Along with the dissolution of the CNRP, 5,007 elected officials from the party were removed from their positions and replaced with ruling party CPP officials. As a result, the CPP now dominates all levels of government from districts and provincial councils to the national assembly.

Elections and Political Participation

Recent Elections: The most recent national election occurred in July 2018 and included participation by 20 political parties; however, the election excluded the country’s main opposition party, the CNRP. The 19 opposition parties that competed in the election had limited support, and many were newly established.

Given the decline in independent media outlets, government-controlled news outlets provided the majority of content and coverage prior to the election. This

was particularly the case in rural areas, where voters had less access to independent media.

Approximately 600,000 of the ballots cast were invalid, compared with an estimated 100,000 in the previous election. Observers argued this was a sign of protest; given the pressure to vote and the absence of the CNRP from the ballot, many voters chose to intentionally invalidate their ballots rather than vote for any party. According to government figures, nearly seven million citizens, representing 83 percent of eligible voters, went to the polls. The ruling CPP received 4.8 million votes, winning all 125 seats in the National Assembly. Government statistics could not be verified due to a lack of independent observers.

Most independent analysts considered the entire election process seriously flawed. Most diplomatic missions to the country declined to serve as official observers in the election. Major nonstate election observation bodies, including the Carter Center and Asian Network for Free Elections, also decided against monitoring the election after determining the election lacked basic credibility. The NEC accused the international community of bias, arguing the international community supported the NEC only when the CNRP was on the ballot. Although nominally independent, the government installed closed-circuit television cameras in the NEC, enabling it to observe the committee's proceedings. With no credible, independent observers present, election results could not be independently verified.

Political Parties and Political Participation: As of July the government confirmed 44 political parties were registered with the Ministry of Interior. Excepting the CPP, political parties suffered from a wide range of legalized discrimination, selective enforcement of the law, intimidation, and biased media coverage. These factors contributed significantly to the CPP's effective monopolization of political power. Membership in the CPP was a prerequisite for many government positions. After the dissolution of the CNRP, the government continued suppressing dissenting voices. As of June according to a local NGO, there had been 29 incidences of threats to political activists.

Participation of Women and Minorities: No laws limit the participation of women and members of ethnic minorities in the political process, but cultural traditions limited women's role in politics and government. Despite repeated vows by the CPP to increase female representation, the number of female candidates elected in the July 2018 national election declined from 20 percent in 2013 to 15 percent. The 2017 local elections saw participation for the first time of the Cambodia Indigenous People's Democracy Party.

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 penalties for them. The anticorruption law establishes 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 and was considered ineffective in combating official corruption. Instead, the ACU focused on investigations of opposition figures, leading to a widespread perception the unit served the interests of the ruling CPP. The ACU has never investigated a high-level member of the ruling party, despite widespread allegations of corruption at senior levels of the party and government. For example, according to a July 2018 al-Jazeera investigative report, the director general of the country's taxation department violated the Australian Corporations Act and evaded Australian tax, but Cambodian authorities neither investigated nor prosecuted him. Civil servants must seek clearance and permission from supervisors before responding to legislative inquiries about corruption allegations.

Corruption was endemic throughout society and government. There were reports police, prosecutors, investigating judges, and presiding judges took bribes from owners of both legal and 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.

Transparency International's 2017 Global Corruption Barometer report noted the judiciary remained the most corrupt sector of government for the fourth year in a row, followed by law enforcement.

Financial Disclosure: The law requires public servants, including elected and appointed officials, to disclose their financial and other assets. The ACU is responsible for receiving the disclosures, with penalties for noncompliance ranging from one month to one year in prison. Senior officials' financial disclosure statements were not publicly available and remained sealed unless allegations of corruption were filed. Only one financial disclosure statement has ever been unsealed, that of the then National Assembly vice president Kem Sokha.

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

There were multiple reports of a lack of official cooperation with human rights investigations and in some cases, intimidation of investigators by government officials. The government threatened legal action against two NGOs over the publication of a report on the negative effects of microlending on loan recipients.

Domestic and international human rights organizations reported intensifying harassment, surveillance, threats, and intimidation from local officials and persons with ties to the government. Several civil society and labor organizations reported that police raided their offices.

Approximately 25 human rights NGOs operated in the country, and a further 100 NGOs focused on other areas included some human rights matters in their work, but only a few actively organized training programs or investigated abuses.

The United Nations or Other International Bodies: The government generally permitted visits by UN representatives. The government, however, often turned down high-level meetings with UN representatives and denied them access to opposition officials, including Kem Sokha. In May Rhona Smith, the UN special rapporteur on human rights in Cambodia, conducted a 10-day mission to the country. In her meetings with the ACU, National Assembly, the NEC, the Cambodian Human Rights Committee (CHRC), and NGOs, she raised serious concerns about corruption, restrictions on media, political participation, freedom of expression, the lengthy detention of Kem Sokha, and laws on political parties. Government spokespersons regularly chastised UN representatives publicly for their remarks on a variety of human rights problems.

Government Human Rights Bodies: There were three government human rights bodies: Separate committees for the Protection of Human Rights and Reception of Complaints in the Senate and National Assembly and the CHRC, which reported to the prime minister's cabinet. The CHRC submitted government reports for participation in international human rights review processes, such as the Universal Periodic Review, and issued responses to reports by international organizations and government bodies, but it did not conduct independent human rights investigations. Credible human rights NGOs considered the government committees of limited efficacy and criticized their role in vocally justifying the government crackdown on civil society and the opposition.

The Extraordinary Chambers in the Courts of Cambodia (ECCC) continued to investigate and prosecute leaders of the former Khmer Rouge regime who were most responsible for the atrocities committed between 1975 and 1979. The ECCC is a hybrid tribunal, with both domestic and international jurists and staff; it is governed by both domestic law and an agreement between the government and the United Nations. On June 28, the international and Cambodian coinvestigating judges each filed separate and conflicting recommendations on whether to move forward with the case against Yim Tith. As in the cases against Meas Muth and Ao An in 2018, the international coinvestigating judge recommended indictment, while the Cambodian coinvestigating judge argued the court lacked the jurisdiction to indict. As of October the ECCC had not announced if it would proceed with any of the final three cases. On August 4, Nuon Chea died at the age of 93 while the court considered the appeal of his November 2018 conviction for genocide, crimes against humanity, and grave breaches of the Geneva Conventions of 1949.

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

Women

Rape and Domestic Violence: Rape and domestic violence were significant problems. The law criminalizes rape and assault. Rape is punishable by five to 30 years' imprisonment. 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 or domestic violence law were rare. The law criminalizes domestic violence but does not set out specific penalties. The penal code assigns penalties for domestic violence ranging from one to 15 years' imprisonment.

Rape and domestic violence were likely underreported due to fear of reprisal, social discrimination, and the distrust of the judiciary. Women comprised a very small proportion of judicial officials: 14 percent of judges, 12 percent of prosecutors, and 20 percent of lawyers, which likely contributed to underreporting of rape and domestic abuse. NGOs reported authorities inadequately enforced domestic violence laws and avoided involvement in domestic disputes.

Some rape and domestic violence ended in death: A local NGO reported 10 killings in a January-June 2018 investigation of 39 cases of domestic violence and 18 of rape. In these 57 cases, authorities arrested only 23 perpetrators. According to a 2017 report by a human rights NGO, neither the authorities nor the public generally regarded domestic violence as a criminal offense.

The Ministry of Information and the Ministry of Women's Affairs implemented a code of conduct for media reporting on violence against women, which bans publication of a survivor's personal identifiable information, photographs of victims, depictions of a woman's death or injury, depictions of nudity, and the use of certain offensive or disparaging words against women. The Ministry of Women's Affairs also operated a reporting system within the government to increase accountability and transparency in the government's response to violence against women.

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 riels (\$24 to \$122). A 2017 study by CARE International found that nearly one-third of female garment workers experienced sexual harassment at their workplace during the previous 12 months.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution provides for equal rights for women, equal pay for equal work, and equal status in marriage. The government did not effectively enforce the law. For the most part, women had equal property rights, the same legal status to initiate divorce proceedings, and equal access to education; however, cultural traditions and child-rearing responsibilities limited the ability of women to reach senior positions in business and government or even participate in the workforce (see section 7.d.).

Children

Birth Registration: By law children born to one or two ethnic Khmer parents are citizens. A child derives citizenship by birth to a mother and father who are not ethnic Khmer if both parents were born and living legally in the country or if either parent acquired citizenship through other legal means. Ethnic minorities are considered citizens. The Ministry of Interior administered the birth registration system, but not all births were registered immediately, primarily due to lack of public awareness of the importance of registering births and corruption in local government.

Failure to register births resulted in discrimination, including the denial of public services. Children of ethnic minorities and stateless persons were disproportionately unlikely to be registered. NGOs that service disenfranchised communities reported authorities often denied books and access to education and health care for children without birth registration. NGOs stated such

persons, when adults, were often unable to gain employment, own property, vote, or access the legal system.

Education: Education was free, but not compulsory, through grade nine. Many children left school to help their families in subsistence agriculture or work in other activities. Others 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 significantly for girls after primary school in urban areas, while secondary school enrollment for boys dropped significantly in rural areas.

Child Abuse: Child abuse was common, and legal action against perpetrators was rare, according to observers. According to UNICEF's *Violence Against Children Report*, approximately one in two Cambodian children had experienced extreme violence. Child rape continued to be a serious problem, and reporting of the crime rose in the past several years.

Early and Forced Marriage: The legal minimum age of marriage for both men and women is 18; however, children as young as 16 may legally marry with parental permission.

Sexual Exploitation of Children: Sexual intercourse with a person younger than age 15 is illegal. The government continued to raid brothels to identify and remove child sex-trafficking victims, although the majority of child sex trafficking was clandestine, occurring in beer gardens, massage parlors, beauty salons, karaoke bars, retail spaces, and noncommercial sites. Police continued to investigate cases of child sex trafficking occurring in brothels or cases where victims filed complaints directly, but police did not typically pursue more complicated cases, for example, those involving online sexual exploitation. Undercover investigation techniques were not allowed in trafficking investigations, which impeded officials' ability to hold child sex traffickers accountable.

The country remained a destination for child sex tourism. The government used the law to prosecute both sex tourists and citizens for the sexual exploitation of children. The law provides penalties ranging from two to 20 years in prison for commercial sexual exploitation of children. The law also prohibits the production and possession of child pornography.

Local human rights organizations and local experts reported concern regarding the government's failure to impose appropriate punishments on foreign residents and tourists who purchase or engage in sex with children. Endemic

corruption at all levels of the government severely limited the ability of officials to hold child sex traffickers accountable, and the government took no action to investigate or prosecute complicit officials.

Displaced Children: Displaced children represented a serious and growing problem--particularly because outward migration of workers continued, and greater numbers of children were left behind. The government offered limited, inadequate services to street children at a single rehabilitation center in Phnom Penh. A local NGO estimated there were 1,200 to 1,500 displaced street children in Phnom Penh with no relationship to their families and 15,000 to 20,000 children who worked on the streets but returned to families in the evenings.

Institutionalized Children: NGOs and other observers alleged many private orphanages were mismanaged and populated by sham orphans to lure donations from foreigners. From 36,000 to 49,000 children lived in residential care institutions or orphanages, according to UNICEF and research conducted by Columbia University. Approximately 80 percent of these children had at least one living parent. The study also found that residential care resulted in lower developmental and health outcomes for children and put them at higher risk for future exploitation. There were no state-supported or -implemented orphanages or other child protection programs that provided safe alternatives for children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.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 *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with physical or intellectual disabilities; the law was not effectively

enforced. The law does not address access to transport. The Ministry of Social Affairs, Veterans, and Youth 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.

Persons with disabilities faced significant societal discrimination, especially in obtaining skilled employment.

Children with limited physical disabilities attended regular schools. According to a Ministry of Education report, approximately 19,000 children with disabilities attended primary schools in the academic year 2015-16. The ministry worked on training teachers how to integrate students with disabilities into the class with nondisabled students. Children with more significant disabilities attended separate schools sponsored by NGOs in Phnom Penh; education for students with more significant disabilities was not available outside of Phnom Penh.

Although there are no legal limits on the rights of persons with disabilities to vote or participate in civic affairs, the government did not make any concerted effort to assist their civic engagement.

National/Racial/Ethnic Minorities

Experts acknowledged an increase in negative attitudes towards the rising number of Chinese nationals in the country, in part due to a perceived link between Chinese and criminal activity, particularly in Sihanoukville. Khmer-language newspapers were filled with stories of crimes committed by Chinese residents and business owners, including gang violence, counterfeiting, pornography, drunk driving, and drug possession. During the year the government signed several law-enforcement cooperation memoranda of understanding with China to combat crime committed by Chinese citizens in the country.

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

No law criminalizes consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; however, societal discrimination persisted, particularly in rural areas.

In general, LGBTI persons had limited job opportunities due to discrimination and exclusion. LGBTI persons were occasionally harassed or bullied for their work in the entertainment and commercial sex sectors.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law broadly provides for the right of private-sector workers to form and join trade unions of their own choice, the right to bargain collectively, and the right to strike. Nevertheless, the law puts significant restrictions on the right to organize, limits the right to strike, curbs the right to assemble, facilitates government intervention in internal union affairs, excludes certain categories of workers from joining unions, permits third parties to seek the dissolution of trade unions, and imposes minor penalties on employers for unfair labor practices.

Onerous registration requirements amount to a requirement for prior authorization for union formation. Union registration requirements include filing charters, listing officials and their immediate families, and providing banking details to the Ministry of Labor and Vocational Training. The law forbids unregistered unions from operating. Civil servants, teachers, workers employed by state-owned enterprises, and workers in the banking, health care, and informal sectors may form only “associations,” not trade unions, affording them fewer worker protections than unionized trades. The law also prohibits workers who have been convicted of a crime from union leadership, management, or administration, and restricts illiterate workers and those younger than age 18 from holding union leadership.

Some employers reportedly refused to sign notification letters to recognize unions officially or to renew short-term contract employees who had joined unions. (Approximately 80 percent of workers in the formal manufacturing sector were on short-term contracts.) Employers and local government officials often refused to provide necessary paperwork for unions to register. Labor activists reported many banks refused to open accounts for unregistered unions, although unions are unable by law to register until they provide banking details. Provincial-level labor authorities reportedly indefinitely stalled registration applications by requesting more materials or resubmissions due to minor errors

late in the 30-day application cycle, although anecdotal evidence suggested this practice has decreased, particularly for garment- and footwear-sector unions.

Workers reported various obstacles while trying to exercise their right to freedom of association. There were reports of government harassment targeting independent labor leaders, including the use of spurious legal charges. Several prominent labor leaders associated with the opposition or independent unions had charges pending against them or were under court supervision. On May 28, the Appeals Court acquitted six prominent union leaders who had been criminally charged for their alleged involvement in a violent wage protest in 2014. In July, however, the court convicted a newly elected president of the Coalition of Cambodian Apparel Workers Democratic Union of violence related to protests in 2016.

Reports continued of other forms of harassment. For the first half of the year, some NGOs and unions complained that police were monitoring their activities and intimidating participants by sending uniformed police to stand outside their offices during meetings (see section 2.b.).

The International Labor Organization (ILO) noted reports of antiunion discrimination by employers through interference with and dismissal of members of independent unions, as well as through the creation of employer-backed unions. Although the law affords protection to union leaders, many factories successfully terminated elected union officials prior to the unions' attainment of formal registration.

The law stipulates that workers can strike only after meeting several requirements, including the successful registration of a union; the failure of other methods of dispute resolution (such as conciliation, mediation, and arbitration); completion of a 60-day waiting period following the emergence of the dispute; a secret-ballot vote of the absolute majority of union members; and seven days' advance notice to the employer and the Ministry of Labor and Vocational Training. Strikers can be criminally charged if they block entrances or roads or engage in any other behavior interpreted by local authorities as harmful to public order. A court may issue an injunction against the strike and require the restart of negotiations with employers.

There were credible reports of workers dismissed on spurious grounds after organizing or participating in strikes. Unions initiated most strikes without meeting all the requirements stated above, making them technically illegal, according to Better Factories Cambodia (BFC). Participating in an illegal strike, however, is not in itself a legally acceptable reason for dismissal. In some cases employers failed to renew the short-term contracts of active

unionists; in others, they pressured union personnel or strikers to accept compensation and quit. Government-sponsored remedies for these dismissals were generally ineffective.

The Ministry of Labor and Vocational Training's Strike Demonstration Resolution Committee reported that during the first half of the year, 16,585 workers conducted 26 strikes and demonstrations, compared with 28 strikes involving 4,617 workers in the same period of 2018. The report said the committee resolved 16 of the 26 cases successfully while 10 others went to the Arbitration Council.

During the year, the government restricted workers' right to assembly. On January 2, police pulled down a public display by a group of associations and unions marking the anniversary of a violent government crackdown on a 2014 strike. Phnom Penh municipal authorities initially denied a request by 12 associations and unions to celebrate the March 8 Women's Day at the National Stadium, but the government eventually allowed these groups to hold a celebration inside the stadium, although it deployed large numbers of riot police to prevent them from leaving the area.

The resolution of labor disputes was inconsistent, largely due to government officials' ability to classify disputes as "individual" rather than "collective" disputes. The Arbitration Council only hears collective disputes. Unions reported progress in "minority" unions' ability to represent workers in collective disputes. The Arbitration Council noted it received 68 cases in the first seven months of the year, up from 28 cases for the same period last year, reflecting the ability of minority unions to represent workers in disputes.

There is no specialized labor court. Labor disputes that are designated "individual" disputes may be brought before the courts, although the judicial system was neither impartial nor transparent.

The law places significant, detailed reporting responsibilities and restrictions on labor unions. Union representatives feared many local chapters would not be able to meet the requirements.

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. Officials reported difficulties in verifying working conditions and salaries in the informal fishing, agricultural, construction, and domestic-service sectors. Legal penalties for

forced labor were stringent, including imprisonment and fines, but these penalties were insufficient to deter violations. Although the government made efforts to highlight the problem of forced labor, the extent to which these efforts were effective remained unclear. Moreover, there was some evidence that employers, particularly those operating brick kilns, were violating the law prohibiting forced or bonded labor, and that some local government authorities were turning a blind eye to such abuses. The majority of brick-factory workers did not have access to the free medical care provided by the National Social Security Fund, because those factories were not registered as fund members.

Third-party debt remained an important issue driving forced labor. According to an August report from human rights group LICADHO (Cambodian League for the Promotion and Defense of Human Rights), two million Cambodians have loans to microfinance lenders, and levels of debt have “skyrocketed” in recent years, leading to child labor and bonded labor. According to a 2017 survey, 48 percent of 1,010 construction workers in Phnom Penh had debts; 75 percent of the debtors owed money to microfinance lending operations or banks, and 25 percent owed money to family members.

Because most construction companies and brick factories operate informally and without registration, workers in those sectors have few benefits. They are not entitled to a minimum wage, lack insurance, and work weekends and holidays with few days off.

Forced labor, usually related to overtime work, remains an issue in factories making products for export. Unions and workers reported some factory managers had fired workers who refused to work overtime.

Children were also at risk of forced labor (see section 7.c.).

Also see the Department of State’s annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes 15 as the minimum age for most employment and 18 as the minimum age for hazardous work. The law permits children age 12 to 15 to engage in “light work” that is not hazardous to their health and does not affect school attendance; an implementing regulation provides an exhaustive list of activities considered “heavy work.” These include agriculture, brickmaking, fishing, tobacco, and cassava production. The law limits most work by children age 12 to 15 to a maximum of four hours on school days and seven hours on nonschool days and it prohibits work between 8 p.m. and 6 a.m.

In May 2018 the Ministry of Labor and Vocational Training issued a regulation that provided clear definitions of household work and set the minimum age for household work at 18. The regulation, however, does not specify rights for household workers employed by relatives. While the regulation extends minimum age protections to domestic workers, the labor code does not apply to children outside of formal employment, so children participating in other forms of informal employment are not protected under existing minimum age laws.

The law stipulates fines of up to 60 times the prevailing daily base wage for persons convicted of violating the country's child labor provisions, but they were not sufficient to deter violations, and such sanctions were rarely imposed.

The Department of Child Labor, part of the Ministry of Labor and Vocational Training, employed an insufficient number of inspectors to effectively enforce the law. Child labor inspections were concentrated in Phnom Penh and provincial, formal-sector factories producing goods for export, rather than in rural areas where the majority of child laborers work. In addition, the National Committee on Countering Child Labor reported the labor inspectorate does not conduct inspections in hospitality or nightlife establishments after business hours because the inspectorate lacks funds to pay inspectors overtime. In 2018 the government imposed penalties on 10 firms for violations of child labor standards, which was significantly lower than the reported prevalence of child labor in the country.

Inadequate training also limited the capacity of local authorities to enforce these regulations, especially in rural areas and high-risk sectors.

Children were vulnerable to the worst forms of child labor, including in agriculture, brick making, and commercial sex (also see section 6, Children). On March 9, a nine-year-old girl lost her arm in a brick-molding machine in a brick kiln in Kandal Province's Ksach Kandal district. No criminal action was taken against the owner of the brick kiln. Poor access to basic education and the absence of compulsory education contributed to children's vulnerability to exploitation. Children from impoverished families were at risk because some affluent households reportedly used humanitarian pretenses to hire children as domestic workers whom they abused and exploited. Children were also forced to beg.

Child labor in export-sector garment factories declined significantly in recent years. Some analysts attributed the decline to pressure from BFC's mandatory remediation program. Since 2015 the BFC has found fewer than 20 child workers per year in a pool of approximately 550 such factories. In its latest

available report for May 1, 2017, to June 30, 2018, the BFC discovered only 10 children younger than age 15 working in export garment factories. The BFC and others expressed concern, however, that child labor and other abuses may be more prevalent in factories making footwear and travel goods for export, since these sectors do not fall under BFC's mandate for monitoring.

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on race, color, sex, disability, religion, political opinion, birth, social origin, HIV-positive status, or union membership. The law does not explicitly prohibit employment discrimination based on sexual orientation or gender identity, age, language, or communicable disease. The constitution stipulates that citizens of either sex shall receive equal pay for equal work.

The government generally did not enforce these laws. Penalties for employment discrimination include fines, civil, and administrative remedies. Penalties were not sufficient to deter violations.

Harassment of women was widespread. A BFC report in March 2018 said more than 38 percent of workers surveyed felt uncomfortable "often" or "sometimes" because of behavior in their factory, and 40 percent did not believe there was a clear and fair system for reporting sexual harassment in their factory.

e. Acceptable Conditions of Work

The Ministry of Labor and Vocational Training is responsible for enforcing labor laws, but the government did not effectively enforce the law. Penalties were seldom assessed and were insufficient to address problems. Outside the export garment industry, the government rarely enforced working-hour regulations. The government enforced standards selectively due to poorly trained staff, lack of necessary equipment, and corruption. Ministry officials admitted their inability to carry out thorough inspections on working hours and said they relied upon the BFC to do such inspections in export-oriented garment factories.

The Ministry of Labor and Vocational Training, however, did conduct training and testing for more than 600 labor inspectors during the year and stated that each inspector was required to pass a test to stay on the job.

Work-related injuries and health problems were common. On June 23, a Chinese-owned and -designed facility collapsed in Sihanoukville, killing 26 local workers and injuring 26 others. Those victims and their families could not get full compensation from the National Social Security Fund (NSSF) because the construction company was not registered.

There was insufficient inspection of construction worksites by the government. Occupational safety and health laws for the construction industry have penalties that are not sufficient to deter violations.

The minimum wage covered only the garment and footwear sector. It was more than the official estimate for the poverty income level.

By law workplace health and safety standards must be adequate to provide for workers' well-being. Labor inspectors assess fines according to a complex formula based on the severity and duration of the infraction, as well as the number of workers affected. Labor ministry inspectors are empowered to assess these fines on the spot, without the cooperation of police, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. The number of inspectors was insufficient to effectively enforce the law. In June the government ordered provincial officials to inspect brick kilns for child and bonded labor, and it launched a campaign to eliminate child labor in brick kilns by the end of the year.

Mass fainting remained a problem. The NSSF noted that 417 workers in five factories reportedly fainted during the first six months of the year, down from 1,350 workers during the same period in 2018. Observers reported excessive overtime, poor health, insufficient sleep, poor ventilation, lack of nutrition, pesticides in nearby rice paddies, and toxic fumes from production processes all continued to contribute to mass fainting.

Compliance with safety and health standards continued to be a challenge in the garment export sector largely due to improper company policies, procedures, and poorly defined supervisory roles and responsibilities.

The NSSF reported that during the first half of the year, 24 workers died in traffic accidents on the way to or from work, an increase from eight in the same period in 2018. The accidents injured 920 others, an increase from 62 during the same period in 2018. Workers' unsafe transportation was a big concern for stakeholders of the garment industry. On April 4, five workers lost their arms in a crash when the truck they were riding on collided with another truck.

Workers and labor organizations raised concerns that the use of short-term contracts (locally known as fixed duration contracts) allowed firms, especially in the garment sector where productivity growth remained relatively flat, to avoid certain wage and legal requirements. Fixed duration contracts also allowed employers greater freedom to terminate the employment of union organizers and pregnant women simply by failing to renew their contracts. The law limits such contracts to a maximum of two years, but more recent directives allow employers to extend this period to up to four years. The Arbitration Council and the ILO disputed this interpretation of the law, noting that after 24 months, an employee should be offered a permanent “unlimited duration contract.” (Also see section 7.a.).

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 may work a maximum two hours of overtime per day. The law prohibits excessive overtime, states that all overtime must be voluntary, and provides for paid annual holidays. Workers in marine and air transportation are not entitled to social security and pension benefits and are exempt from limitations on work hours prescribed by law.

Workers reported overtime was often excessive and sometimes mandatory; many complained that employers forced them to work 12-hour days, although the legal limit is 10, including overtime. Workers often faced dismissal, fines, or loss of premium pay if they refused to work overtime.