

CAMBODIA 2018 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 29 national election, having banned the chief opposition party in November 2017. Prior to the victory, Prime Minister Hun Sen had already served for 33 years. International observers, including foreign governments and international nongovernmental organizations (NGOs), and domestic NGOs criticized the election as neither free nor fair and not representative of the will of the Cambodian people.

Civilian authorities maintained effective control over the security forces, which often threatened force against those who opposed Prime Minister Hun Sen and were generally perceived as an armed wing of the ruling CPP.

Human rights issues included unlawful or arbitrary killings carried out by the government or on its behalf; forced disappearance carried out by the government; torture by the government; arbitrary arrests by the government; political prisoners; arbitrary interference in the private lives of citizens, including pervasive electronic media surveillance; 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; and use of forced or compulsory child labor.

The government did not provide evidence of having prosecuted any officials for abuses, including corruption. A pervasive culture of impunity continued.

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 reports the government or its agents committed arbitrary or unlawful killings. As of July a local human rights NGO reported four extrajudicial killings.

In March 2017 the court sentenced Oeuth Ang to life imprisonment for the 2016 murder of Kem Ley, an outspoken and popular political analyst. As of July the case remained open and the government pledged to look for coconspirators,

although it took no action. Noting that the victim and killer were not acquainted and other anomalies, including the impoverished assailant's possession of an expensive handgun, many observers believed a third party hired Oeuth Ang.

On March 8, violence broke out 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 that on March 7, 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. 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.

b. Disappearance

The Venerable Meas Vichet, a well known monk and social activist who disappeared in June 2017 in Krobei Riel commune, Siem Reap Province, after security officials beat him, remained missing, and no new information on his case arose during the year to October.

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. As of July a local NGO observed physical assaults against

detainees and prisoners in nine cases. Journalist Kim Sok told local media following his release from detention that prison guards beat him whenever he disobeyed an order or opened books. Other detainees reported authorities forced them to walk for up to an hour with a bucket of water on their heads, or forced them to stand in the hot sun for several hours.

As of July a local NGO reported nine physical assaults against civilians not in detention by local authorities, government agents, or the private bodyguards of government officials.

Prison and Detention Center Conditions

Prison conditions remained harsh and in many cases life threatening. In February the International Labor Organization (ILO) requested the government to defend its practice of compulsory labor for detainees and urged the government to amend several laws to ensure they did not lead to incarceration involving forced labor.

Physical Conditions: Overcrowding was a problem. According to the Ministry of Interior's General Department of Prisons (GDP), in July 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.

In most prisons there was no separation of adult and juvenile prisoners; of male and female prisoners; or of persons convicted of serious crimes, minor offenses, or in pretrial detention. According to the GDP, in 2016 approximately 34 percent of detainees were in pretrial detention and 29 percent had received a final verdict, approximately 8 percent of prisoners were women, and 4 percent were minors. A local NGO indicated it witnessed pregnant women in prison as well as children living with incarcerated mothers. The same NGO reported that the number of infants and toddlers living with their mothers in prison had increased sharply since 2016 due to the government's campaign against drugs. According to one local NGO, the number of infants in prison rose from 30 in 2015 to 149 as of March.

During the year to October, the GDP did not report how many prisoners died in prison. In 2016, the most recent year on record, 76 died. 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 has 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 exercise.

Administration: There were no legal provisions establishing prison ombudspersons. 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 stated it investigated complaints and monitors 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. Kung Raiya, a student who served one year in prison for a politically sensitive Facebook posting, said he had to bribe prison guards approximately one dollar each time he met with imprisoned politicians or human rights activists.

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 OHCHR, to visit prisons or provide human rights training to prison guards. Some NGOs reported limited

cooperation from local authorities, but it was difficult to gain access to pretrial detainees. This was particularly true in high-profile cases such as that of opposition leader Kem Sokha, released on September 10 after a year in pretrial detention while 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.

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 individual 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. 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; however, the government did not respect these prohibitions, notably with the arbitrary detention of five Cambodian Human Rights and Development Association (ADHOC) staffers for 427 days on politically motivated charges. ADHOC is one of the country's oldest and most prominent human rights NGOs. Authorities released the ADHOC staffers on bail in July 2017; in September 2018 hearings on their case reconvened.

The government's pursuit of criminal defamation cases also led to a number of arrests. Provincial labor leader Sam Sokha, for example, was tried and found guilty in absentia in January of defaming Hun Sen after she was filmed throwing a shoe at his photograph. Although the UN High Commissioner for Refugees (UNHCR) gave her refugee status in Thailand, the Thai government repatriated her involuntarily at the Cambodian government's request in February, and she was serving a two-year prison sentence.

In February the government adopted a new “lese-majeste” (royal insult) law, which had led to the arrest of at least three citizens.

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 organized 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 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.

There were credible reports that police officials 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.

From January to July, one local human rights organization tracked nine instances of impunity affecting 10 victims. The NGO claimed the number of instances might be far higher, but victims feared filing reports ahead of the politically sensitive election. The Ministry of Interior is responsible for evaluating security force killings, and the law requires police, prosecutors, and judges to investigate all complaints, including those of police abuse. Judges and prosecutors, however, 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.

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. Authorities frequently cited this exception when arresting opposition political figures, even if the alleged offenses occurred years before. Critics accused the government of employing this practice to circumvent laws providing lawmakers with parliamentary immunity. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and

government holidays, before police 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 cases considered politically motivated.

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. According to government officials, such prolonged detention was frequently the result of the limited capacity of the court system. The government did not provide free access to lawyers for indigent detainees.

Arbitrary Arrest: As of July, one local human rights NGO reported at least six new cases of arbitrary arrest. 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.

As of July authorities at the crowded Prey Speu social affairs center reported 585 persons still 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 that led to the death of two detainees in 2015. According to Prey Speu authorities, 585 detainees remained in the facility following reintegration into the community of 1,100 of the original detainees.

Pretrial Detention: The law allows for a maximum pretrial detention of six months for misdemeanors and 18 months for felonies. Authorities occasionally held pretrial detainees without legal representation. NGOs reported that authorities held many accused of minor crimes in pretrial detention for longer than six months.

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.

Amnesty: The government traditionally offers a number of royal pardons during important national festivals. As of September the government had not timed any pardons to coincide with national festivals; however, the government offered several royal pardons to political prisoners following the July national elections. In August the government pardoned 14 opposition party leaders and four land activists. The government made clear through public pronouncements and allegedly through private harassment, however, that all of those pardoned could face rearrest if they engaged in activities the government deemed problematic.

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, which has the authority to promote, dismiss, and discipline judges at will. 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. 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 (BAC) 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. At times the outcome of trials appeared predetermined. For example, Prime Minister Hun Sen declared shortly before the November 2017 Supreme Court hearing on the dissolution of the main opposition party, the Cambodia National Rescue Party (CNRP), that he was "99.99 percent certain" the court would decide to dissolve the opposition party.

A shortage of judges and courtrooms delayed many cases, according to NGO reports. In August, BAC reported there were only 151 judges in the country. 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. As in past years, NGOs asserted 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 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 presumed innocent and have the right of appeal, but they often resorted to bribery rather than rely on the judicial process. Trials are often public and frequently face delays due to court bureaucracy. Court staffers reportedly undertook efforts to speed case processing. 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. 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 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 required defense attorneys 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. The courts offered free interpretation. The law extends these rights to all defendants.

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.

NGOs reported sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. 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, while they heard 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 August 1, a local human rights NGO estimated authorities held 21 political prisoners or detainees. In September, following the postelection pardons and several grants of bail, the same NGO estimated the number at five.

Among those released after the election was Kem Sokha, leader of the opposition CNRP. In September 2017 police arrested him on charges of treason. Several high-ranking CNRP officials went into hiding and most fled abroad. The government's case against Kem Sokha centered on a four-year-old video of the CNRP leader telling an audience in Australia of his party's work in grassroots organizing with advice from foreign experts. The government claimed this amounted to Kem Sokha "confessing" that a foreign country had instructed him on how to foment a "color revolution" in the country. Although authorities held him for one year, Kem Sokha's lawyers said there was no progress in the government's investigation, even though the court had questioned 13 witnesses, including various human rights activists, many of them claiming no relationship to Sokha. On September 10, the government transferred Sokha to what effectively amounted to house arrest, although there is no legal basis for "house arrest" under the country's law. Authorities prevented Sokha from leaving an estimated three-block radius surrounding his house; meeting with former CNRP leaders, journalists, and foreigners; and participating in any political activity or gatherings.

In April the appeals court upheld the conviction of 11 CNRP activists on charges of insurrection and sentenced them from seven to 20 years in prison. Authorities charged the 11 with participating in a 2014 protest that resulted in injury to six protesters and 39 Daun Penh District security guards.

In September Hun Sen released former CNRP National Assembly member Sam An along with 13 other CNRP leaders through royal pardons. They were arrested as long ago as 2016, convicted on various charges seen as politically motivated, and sentenced to prison terms as long as 30 months.

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; however, 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 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 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, 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 27 new cases of land grabbing and forced evictions, affecting 1,647 families. Another NGO reported 39 new property-related conflicts between businesspersons and villagers, including accusations of land grabbing, theft of natural resources, economic land concessions, social land concessions, and evictions. Some of those evicted successfully contested the actions in court, but the majority of cases remained pending.

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 installed closed-circuit television cameras in the National Election Committee (NEC). It also routinely leaked

personal correspondence and surreptitiously recorded telephone calls of opposition and civil society leaders to government-aligned media. Police, who arrested Kem Sokha in September 2017, reportedly entered his house by force without a warrant. Local authorities entered and searched community-based organizations and union offices with increasing regularity.

Section 2. Respect for Civil Liberties, Including:

The constitution provides for freedom of expression, including the press; however, in 2017-18 the government carried out a sustained campaign to eliminate independent news media in the country, and most individuals and institutions reported on the need for self-censorship.

a. Freedom of Expression, Including for the Press

Although the constitution provides for freedom of expression, including for the press, during the year the government spent much effort to weaken the independent press and enacted ever greater restrictions on free expression.

Freedom of Expression: The constitution grants freedom of expression except where it adversely affects public security. The constitution also declares that 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, and 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 year, and news outlets gave significantly greater coverage to the CPP than to other parties.

The government used the penal code to 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. Courts interpreted “incitement” broadly, and senior government officials threatened to prosecute opposition figures on incitement charges for acts including calling for a “change in government” by electoral means.

In February the government amended the law to criminalize royal insult. As of September the government had arrested at least three persons for insulting the monarch. On October 4, a court in Siem Reap convicted barber Ban Samphy, a member of the dissolved CNRP, to seven months' imprisonment after he allegedly shared a Facebook post about King Norodom Sihamoni in May. It was the first such conviction since the government adopted the royal insult law.

A statement released by 117 NGOs in June expressed concern over government suppression of their freedom of expression and privacy rights due to government monitoring of their private telephone calls and social media.

Press and Media Freedom: A majority of Khmer-language newspapers were either owned directly by or received financial support from persons closely associated with the ruling CPP. The government, military forces, and the ruling political party continued to influence broadcast media. The great majority of domestic radio and television stations operated under the control or influence of the CPP. The three largest pro-CPP newspapers never criticized the government for politically motivated acts or human rights issues. As of August no pro-opposition newspapers published regularly, and authorities never permitted the CNRP to open a television station, despite a 2014 agreement to allow it.

In May the NEC issued a code of conduct for the September election, telling reporters they would face a maximum penalty of a 30 million riel (\$7,500) fine if they interviewed any voter near a polling station, or if they published news that could affect political stability or cause the public to lose confidence in the election. Also in May the government appeared to engineer the sale of the country's last remaining independent newspaper to a Malaysian businessperson who advertised his business as "covert public relations."

In September 2017 the *Cambodia Daily*, one of two independent English-language newspapers, closed its offices after 25 years of operation. The government accused the newspaper of evading taxes amounting to 25.2 billion riel (\$6.3 million). Tax authorities, however, did not present detailed information about the charges, and information about the tax arrears leaked quickly to government-controlled media--despite legal requirements on the government to resolve tax noncompliance cases privately. In August 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.

Violence and Harassment: Threats and violence against journalists and reporters remained common. According to the Cambodian Center for Independent Media (CCIM), 38 percent of reporters said government authorities either verbally attacked or physically assaulted them in 2017.

In the May 2017 communal elections, authorities charged two *Cambodia Daily* reporters with “incitement” and violation of voter rights for allegedly asking individuals about their voting preferences. Both reporters fled the country; the case against them continued in absentia.

Authorities released two former RFA journalists on bail in September, after their November 2017 arrest on charges of treason, to which authorities later added charges of distribution of pornography.

Censorship or Content Restrictions: The law prohibits prepublication censorship, and no formal censorship system existed. The government increasingly used other means to suppress traditional and social media. In addition to threats, violence, harassment, arrests, and surveillance, the government used its control of permits and licenses for journalists and media outlets not controlled directly by the government or CPP. Private media admitted to practicing some degree of self-censorship, in part from fear of government reprisal. According to the CCIM, 67 percent of reporters felt afraid to report on political and human rights issues.

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. On August 17, authorities released Kim Sok after he served an 18-month prison sentence following a complaint lodged by Prime Minister Hun Sen. Hun Sen claimed that Sok accused him of responsibility for the killing of Kem Ley. As of September, Kim Sok had not yet paid 800 million riels (\$200,000) in fines and compensation to the prime minister; failure to pay could result in another two years’ imprisonment. Sok also faced charges of defaming the CPP, whom he accused of hiring murderers.

National Security: The government continued to cite 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 demarcation of the country’s border with Vietnam or suggested the government had ceded national territory to Vietnam.

Internet Freedom

The government restricted and disrupted access to the internet and censored online content, and there were credible reports of government entities monitored private online communications. According to the International Telecommunication Union, 34 percent of the population used the internet in 2017.

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.

In May the government issued an interministerial regulation entitled "Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia." The regulation gives the government authority to shut down any social media page or website that published information leading to "turmoil in the society that undermined national defense, national security, national relations with other countries, economy, social order, discrimination or national culture or tradition." The regulation was invoked for the first time three days before the July 29 national election, when 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 Quick Reaction Unit published several videos claiming civil society, independent media, and the opposition were colluding with foreign powers to overthrow the government. The government often used these videos as justification to crack down on those who opposed the rule of the prime minister. During the 2018 election campaign, the prime minister regularly threatened that his cyber experts could identify the telephone of anyone who posted a defamatory Facebook post within four minutes and to a range of five feet.

Academic Freedom and Cultural Events

In general 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. In July civil society activists criticized the government for vote buying when the Ministry of Education ordered schools shut for three days to allow students to return to their home provinces to vote. Critics considered the move significant in the context of an election where the government openly sought to boost voter turnout to bolster the election's legitimacy because it did not apply this policy equally across sectors. For example the government did not give factory workers extra days off work to vote.

b. 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.

The Law on Associations and Nongovernmental Organizations (LANGO) requires all groups to register and requires advance notification for meetings, training, 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 any 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 LANGO simply to break up meetings and trainings deemed hostile to the government.

Despite these restrictions the press reported numerous public protests, most related to land or labor disputes. In some cases police forcibly dispersed peaceful groups

assembled without a permit, sometimes causing minor injuries to demonstrators. In other cases police used force against demonstrators after they interfered with traffic, made threats or carried out acts of violence, or refused orders to disperse.

According to a joint report released in August by the CCHR, ADHOC, the American Center for International Labor Solidarity, and the International Center for Not-for-Profit Law, from April 2017 to March, there were 48 incidents of NGOs prevented by authorities from holding meetings, training, or gatherings due to LANGO provisions. The report also recorded 539 restrictions of fundamental freedoms by the government and third-party entities linked to the government between April 2017 and March, a 52 percent increase from the previous year. Although the vast majority of restrictions occurred in Phnom Penh, restrictions were documented in every province except Prey Veng and Kep. The government sometimes took legal action against peaceful protesters. On February 14, authorities arrested four union leaders and charged them with organizing an illegal strike at the Cosmo Textile Factory in Kandal Province. In October 2017 authorities arrested five persons who planned to distribute leaflets during the Water Festival to call for demonstrations to demand the government release political prisoners. On the same day, the Phnom Penh municipal court summoned Leng Seng Hong, president of the Cambodian Democratic Student Intellectual Federation, to appear in court on charges of incitement to commit felony for appealing to the public to protest if the CNRP was dissolved.

Senior government and military officials, including Prime Minister Hun Sen, Phnom Penh Governor Khoung Sreng, CPP spokesperson Sok Eysan, Council of Ministers spokesperson Phay Siphon, and armed forces Commander in Chief Pol Sarouen, warned the public not to gather or demonstrate in the capital during the trial of opposition leader Kem Sokha following his arrest in September 2017.

In April the NEC threatened to prosecute anyone who urged voters to boycott the elections. In June it sent a message to mobile phone subscribers forbidding “criticizing, attacking, or comparing their party policies to other parties.” Government officials threatened that persons who boycotted the election but inked their fingers to indicate they had voted would receive punishment.

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.

In June 2017 Prime Minister Hun Sen ordered the Ministry of Interior to dissolve the Situation Room, a consortium of 40 of the country's prominent human rights NGOs, after it issued findings on the conduct of the June 4 communal elections. The Situation Room was charged with violating the LANGO for failing to register as an NGO (although each of the 40 constituent NGOs were registered individually) and for violating the LANGO provisions on political neutrality. After COMFREL, the lead NGO in the Situation Room, announced it would unofficially observe election-day atmospherics without entering polling stations, it received a warning from the Ministry of Interior that any COMFREL volunteers found observing the election would be subject to legal penalties.

In September 2017 the government dissolved environmental NGO Mother Nature without explanation, simply issuing a letter stating the Interior Ministry's power to do so: "The Deputy Prime Minister and Minister of Interior (Sar Kheng) decides to cancel the Mother Nature organization...from the list of the nongovernmental organizations of the Ministry of Interior."

In August 2017 authorities forced the National Democratic Institute to cease operations in the country, after authorities found it did not properly register with the Ministry of Foreign Affairs (despite a valid memorandum of understanding with the NEC).

In September 2017 the Ministry of Interior also suspended the operations of land rights NGO Equitable Cambodia due to what the ministry alleged were violations of the organization's own bylaws and failures to update the ministry with the most recent staff roster. The ministry finally permitted the NGO to reopen in February.

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 (see section 7.a.) 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 July 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 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: In previous years government critics and opposition politicians often went into self-imposed foreign exile. In some cases the government subsequently took steps to block exiles' return. Thai authorities forcibly returned one local labor activist with refugee status in Thailand to Cambodia in February.

Protection of Refugees

Refoulement: Alleging that their claim to asylum was weak and that they were "economic migrants," the government began deportation proceedings against 29 Vietnamese Christian Montagnards. These were the latest cases in the refoulement of at least 140 Montagnard asylum seekers to Vietnam since 2015. Some NGOs attributed this policy to pressure from the Vietnamese government. Following a critical August 2017 statement by Rhona Smith, UN special rapporteur on human rights in Cambodia, in which she acknowledged the legitimacy of the asylum claims of 36 Vietnamese Christian Montagnards, the Cambodian government sent seven of the Montagnards to a third country. The government also dismissed the special rapporteur's statement and condemned her for interference in the country's domestic affairs.

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 (see above).

Employment: Persons granted refugee status do not have the right to work.

Access to Basic Services: Persons granted refugee status do not have access to basic services, including public and banking services.

Durable Solutions: By agreement with Australia, in 2014 the government began accepting for domestic resettlement seven refugees detained while seeking asylum in Australia. The last refugee arrived in April 2017. Of the seven, three who were Rohingya from Burma remained in the country, while the other four--one from Burma and three Iraqis--chose to return to their home countries. Although the three Rohingya refugees decided to stay in the country, no effective pathway to citizenship existed for them. During the year one of the remaining refugees threatened a hunger strike unless authorities reunited him with his family.

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.

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. Parliament amended the Law on Political Parties twice in 2017, expanding the grounds on which the government could dissolve parties and ban individuals from party leadership positions and political life more broadly. The amendments also bar parties from using any audio, visual, or written material from a convicted criminal.

In November 2017 the Supreme Court cited the new amendments in its decision to dissolve the opposition CNRP; distribute its existing seats in parliament and local

government to other parties, primarily the ruling CPP; and bar 118 named leaders of the CNRP from participating in political activity for five years. The prime minister claimed this redistribution upheld the country's constitutional commitment to multiparty democracy. A number of observers, however, accused the Supreme Court, whose chief justice was a CPP party leader, of political bias and questioned its decision and lack of adherence even to flawed legal norms. For instance the decision to ban the CNRP came before a court convicted its leader on any charges.

Elections and Political Participation

Recent Elections: The most recent election occurred on July 29 and included participation by 20 political parties; however, the election excluded the country's main opposition party, the CNRP. In addition 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 via the internet and received most of their news from media outlets owned or controlled by the Hun family and the CPP.

More voters chose to invalidate their ballots rather than vote for any opposition 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. Authorities deemed approximately 600,000 of the ballots cast invalid, compared with approximately 100,000 in the 2013 election.

Although six countries accepted the election as free, fair, and transparent, most observers 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 because those organizations determined 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. With no credible, independent observers present, election results could not be independently verified.

Political Parties and Political Participation: Similar to 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. Many observers complained the first-past-the-post system and the splintering of the opposition facilitated the CPP's absolute control of the National Assembly. Membership in the CPP was a prerequisite for many government positions.

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 national election declined from 20 percent in 2013 to 15 percent. The June 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 Anti-Corruption 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 actively headed corruption investigations against members of the political opposition, leading to a widespread perception the unit served the interests of the ruling CPP. The ACU had 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 *al-Jazeera* investigative report, the director-general of the country's taxation department violated the Australian Corporations Act and evaded Australian tax on major petroleum holdings, 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 businesses, both legal and illegal. 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 had ever been unsealed, that of then CNRP 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.

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 after the July election that police raided their offices and the taxation department investigated their accounts.

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. In March Rhona Smith, the UN special rapporteur on human rights in Cambodia, conducted a 10-day mission to the country. In her meetings with the National Assembly, the NEC, the Cambodian Human Rights Committee (CHRC), and NGOs, she raised serious concerns about restrictions on the media, political participation, freedom of expression, and the

redistribution of CNRP seats to the ruling party contending that “peace, stability, and development” cannot be separated from human rights obligations. The government often turned down high-level meetings with UN representatives and denied them access to opposition officials, including Kem Sokha. 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), created in 2006, continued to investigate and prosecute the most senior leaders of the former Khmer Rouge regime who were most responsible for the atrocities committed between 1975 and 1979, when nearly one-quarter of the country’s population was killed. The ECCC is a hybrid tribunal, having both domestic and international jurists and staff, and is governed by both Cambodian domestic law and an agreement between the government and the United Nations. On November 16, the ECCC convicted former Khmer Rouge senior leaders Nuon Chea and Khieu Samphan of genocide, crimes against humanity, and grave breaches of the Geneva Conventions of 1949. The court’s guilty verdicts were the first official acknowledgement that the Khmer Rouge regime’s crimes constituted genocide as defined under international law. As many as two million persons were believed to have died at the hands of the Khmer Rouge between 1975 and 1979.

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 domestic violence 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.

Local and international NGOs reported violence against women, including domestic violence and rape, was common. Victims of rape and domestic violence likely underreported it due to fear of reprisal by perpetrators, discrimination from the community, and their distrust of the judiciary system. Women comprised a very small proportion of judicial officials: 14 percent of judges, 12 percent of prosecutors, and 20 percent of lawyers, which likely was a mitigating factor for reporting by female survivors of rape and domestic abuse. NGOs reported authorities inadequately enforced domestic violence laws against perpetrators and avoided involvement in domestic disputes. Only 20 percent of domestic violence cases monitored from 2014 to 2016 resulted in criminal proceedings.

Rape and domestic violence frequently ended in death: a local NGO reported 10 killings in a January-June investigation of 39 cases of domestic violence and 18 of rape. Of all 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.

In July 2017 the Ministry of Information and the Ministry of Women’s Affairs began to implement a code of conduct for all media outlets for reporting on violence against women. The code banned publication of a survivor’s personal identifiable information, as well as 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 announced a reporting system within the government to increase accountability and transparency in the government’s response to violence against women. The Ministry of Women’s Affairs continued to coordinate with NGOs and local media outlets to produce radio and television programming on topics related to women.

Sexual Harassment: The penal code criminalizes sexual harassment, imposing penalties of six days’ to three months’ imprisonment and fines of 100,000-500,000 riels (\$25-\$125). A study by CARE International in 2017 found that nearly one-third of female garment workers experienced sexual harassment at their workplace during the last 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. 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 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. Indigenous Khmer are considered citizens. The Ministry of Interior administered an updated birth registration system, but not all births were registered immediately, primarily due to lack of public awareness of the importance of registering births and rampant corruption in local government. As of January the government no longer charged a fee to register births.

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 had risen in the past several years.

Early and Forced Marriage: The legal minimum age of marriage for both men and women is 18 years; however, children as young as age 16 may legally marry with parental permission. Parents, community members, and politicians did not consider child marriage a problem.

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 indirectly in beer gardens, massage parlors, beauty salons, karaoke bars, 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 exploiting children through sex trafficking. The law provides penalties ranging from two to 20 years in prison for commercial sexual exploitation of children. While the law also prohibits the production and possession of child pornography, it does not criminally prohibit offering a child for pornographic performances.

According to a local human rights organization, perpetrators with ties to the government were not held accountable under the law, 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: The government offered limited, inadequate services to street children at a rehabilitation center. Displaced children represented a serious and growing problem--particularly because outward migration of workers continued, and greater numbers of children were left behind. 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. Residential care resulted in lower developmental and health outcomes for children and put them at higher risk for future exploitation. There was no state-supported or -implemented child protection program 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.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 www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities, including mental and intellectual disabilities. The law does not address accessibility 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. The government requested all television stations to adopt sign-language interpretation for all programming. As of June, two major television stations--one state run and one private--had done so in their news programming.

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.

There are no legal limits 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.

National/Racial/Ethnic Minorities

Experts acknowledged an increasing backlash against the growing Chinese economic role and rising number of Chinese in the country. 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. In September the Ministry of Interior announced it would design a task force to cope with Chinese-dominated crime.

Indigenous People

In November a local NGO reported that only 26 of 458 indigenous communities had received land titles from the government.

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. There were no reports of government discrimination based on sexual orientation in employment, citizenship, access to education, or health care. During the year the visibility of lesbian women in media increased.

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

HIV and AIDS Social Stigma

Studies showed a significant share of the population held discriminatory attitudes towards persons with HIV/AIDS.

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, the right to strike, and the right to bargain collectively. The law, however, limits the right to strike, facilitates government intervention in internal union affairs, excludes certain categories of workers from joining unions, and permits third parties to seek the dissolution of trade unions, while imposing only minor penalties on employers for unfair labor practices.

Onerous union registration rules 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. The law also specifies that only unions that have “most representative status” (MRS)--the largest union in a workplace, provided it also represents at least 30 percent of workers in an enterprise--may represent workers in collective bargaining. 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.

As of September the Ministry of Labor and Vocational Training had issued eight sets of implementing regulations to the 2016 Law on Trade Unions; at least one more remained unissued. In July, for example, the ministry issued a regulation clarifying that all trade unions can represent their members in collective dispute resolution processes. The ministry also issued a regulation on the election of shop stewards, as well as regulations requiring unions and employer associations to submit two annual reports to their members and the ministry, one on finance and one on its activities. Many unions expressed concern they would not be able to comply with the financial reporting regulations, which require all local unions to maintain daily, weekly, and annual financial records, as well as physical copies of all receipts. Union representatives feared local chapters would not have adequate capacity to meet the requirements.

The law stipulates workers can strike only after several requirements have been met, 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 union membership; and seven days' advance notice to the employer and the Ministry of Labor and Vocational Training. Strikers are liable to criminal penalties if they block entrances or roads, or engage in any other behavior interpreted by local authorities as harmful to public order. Once a union has successfully carried out a strike vote, which requires the consent of a majority of voting members, with 50 percent of union members forming a quorum, the court may issue an injunction against the strike and require the restart of negotiations with employers.

Government enforcement of the right to association, including freedom from antiunion discrimination, and of collective bargaining rights, was highly inconsistent. Close relationships among government officials, employers, and union leaders, particularly those operating progovernment unions, limited the government's willingness to address violations of workers' rights. These relationships hampered the independent operation of unions, since the majority of the country's union federations had affiliation with the ruling party, and only a minority were affiliated with opposition parties or worked independently.

The resolution of collective disputes was also inconsistent, largely due to a provision in the Law on Trade Unions that was interpreted to allow only MRS unions to represent members in collective disputes. After the Ministry of Labor and Vocational Training issued a regulation in July clarifying minority unions could represent their members in collective dispute resolution procedures, the

Arbitration Council--an independent body that hears and resolves collective labor disputes--resolved at least one collective dispute brought by a non-MRS union; however, some activists complained the regulation goes too far in interpreting the law, to the point of contradicting it. Prior to July the number of cases reaching the independent Arbitration Council had dropped from more than 30 per month prior to the Law on Trade Unions being passed to approximately two per month afterwards, causing many outside observers to express concerns.

Individual labor disputes may be brought before the courts, although the judicial system was neither impartial nor transparent. There is no specialized labor court. The Arbitration Council requested that the Ministry of Labor and Vocational Training permit it to run a pilot project adjudicating certain types of individual disputes, although unions expressed concern the government considers collective disputes as individual disputes in order to diminish the value of union membership.

Workers reported various obstacles while trying to exercise their right to free 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; the Cambodian Labor Confederation reported at least 20 union leaders faced criminal charges.

In July the Phnom Penh municipal court dropped “breach of trust” charges against prominent labor activist Mouen Tola, which outside observers believed were politically motivated, and for which he faced a large fine and a maximum three years’ imprisonment. The court dismissed the case after an international outcry.

Reports continued of other forms of harassment; for instance police raided at least one labor advocacy NGO twice since July, reportedly searching for registration papers, tax documents, foreign worker visas, and proof of a building lease. Some unions and NGOs reported that government officials pressured their property owners to break the organization’s lease. Several unions reported harassment and intimidation from local government officials while attempting to hold routine meetings and workshops--particularly in the period preceding the July election.

Some employers reportedly refused, with impunity, to sign notification letters to recognize unions officially or to renew the 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 that 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 kept registration applications in abeyance indefinitely by requesting more materials or resubmissions due to minor errors late in the 30-day application cycle, although anecdotal evidence suggested this practice had decreased by midyear, particularly for garment and footwear sector unions. The Building and Wood Workers Trade Union Confederation (BWTUC), on the other hand, successfully registered in August on its fifth attempt, after having initially filed its application in January. As of November only 12 of its 42 local union members had been able to register.

Unionization rates varied across economic sectors. In the hospitality industry, it approached 20 percent. In the formal apparel and footwear sector, despite the great number of unions, unionization rates were estimated at only 20-30 percent. Many of these unions represented the interests of factory owners and the CPP over those of workers. In 2017 a BWTUC study showed only 9 percent of 1,010 construction workers across Phnom Penh worksites belonged to a union or association.

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 failed to renew the short-term contracts of active unionists; in others they pressured union personnel or strikers to accept compensation and quit. The union movement did not generally find government-sponsored remedies for these dismissals effective.

The 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 ILO-International Finance Corporation Better Factories Cambodia (BFC) program found ongoing concerns with workers' ability to form and join unions freely, management interference with unions, and employer control of unions. The BFC's coverage was limited to the export sector, so the actual level of union harassment was likely significantly higher, particularly in unregistered factories.

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 particular 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.

Although the government made efforts to highlight the problem of forced labor domestically, the extent to which these efforts were effective remained unclear. Moreover, there was some evidence employers worked with local law enforcement authorities to subject workers to bonded labor, including in the brick industry. For example a 2016 report from the local human rights NGO LICADHO highlighted reports of child and bonded labor in brick kilns, including some evidence that employers used local authorities to keep workers in bonded labor. Although the government initially denied the reports and threatened to prosecute individuals for defamation if the report was proven untrue, in May the National Committee for Counter Trafficking reported it had shut down three brick factories for child labor violations and was investigating as many as 100 more.

Third-party debt remained an important issue driving forced labor. According to the findings of a BWTUC survey conducted in 2017, 48 percent of 1,010 construction workers in Phnom Penh had debts; 75 percent of the debtors owed money to microfinance or banks, and 25 percent owed money to family members.

Forced labor, usually related to overtime work, occurred in six of 395 export-sector textile and apparel factories, approximately the same rate as in 2017. Workers were required to obtain written approval from foreign supervisors before they could leave the factory and complained they feared termination if they 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 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 as the minimum age for hazardous work. The law permits children between ages 12 and 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 work by children between ages 12 and 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. Minimum age protections do not apply to domestic workers.

The law stipulates fines of 31 to 60 times the prevailing daily base wage for persons convicted of violating the country’s child labor provisions. In 2017 the Department of Child Labor, part of the Ministry of Labor and Vocational Training, received funding from the government for the first time. The government appropriated 40 million riel (\$10,000) for child labor enforcement operations and implementation of the National Social Protection Strategy, although none of the stakeholders involved in counter-child labor efforts believed this amount was sufficient. The department employed 33 inspectors based in Phnom Penh and one child labor inspector in each of the country’s 25 provinces. 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. The department began unannounced complaints-based and follow-up inspections during the year, although these were infrequent. In 2017 the government imposed penalties on 42 occasions for child labor violations, which was significantly lower than the reported prevalence of child labor in the country.

Inadequate training limited the capacity of local authorities to enforce these regulations, especially in rural areas and high-risk sectors, and the thoroughness of inspections was questionable. For example ministry inspectors visited various brick factories in 2017 but found no child labor violations, despite numerous reports of children working in brick factories. In addition sanctions for labor violations, including those related to child labor, were rarely imposed in accordance with the law.

Children were vulnerable to involvement in the worst forms of child labor, including in agriculture, brick making, and commercial sex (also see section 6, Children). 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 subjected to forced begging.

Child labor in export-sector garment and footwear factories declined significantly in recent years. Some analysts attributed the decline to pressure from the BFC's mandatory remediation program. Since 2015 the BFC had found fewer than 20 child workers per year in a pool of approximately 800 factories. In its latest synthesis report for May 1, 2017-June 30, 2018, the BFC discovered 10 cases of children younger than age 15 working in factories.

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 and Occupation

The law prohibits employment discrimination based on race, color, sex, disability, religion, political opinion, birth, social origin, or union membership. Two separate laws explicitly prohibit discrimination against HIV-positive persons. 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. Fines for workplace discrimination ranged from 2.5 to 3.6 million riels (\$625 to \$900).

Women and men continued to face employment discrimination in various industries. According to a BWTUC survey, daily wages for male construction workers was 20.2 percent higher than for women performing similar work. In the garment and footwear sector, the BFC reported factory management discriminated heavily against men in hiring and benefits due to perceived behavioral problems, and generally without legal consequence. The BFC reported 7 percent of export-licensed factories discriminated based on gender in their hiring decisions, while 2 percent reportedly terminated or forced pregnant women to resign.

In a January report, the BFC found that 37 factories (8 percent of the national total) had negligible discriminatory practices, 10 factories did not dismiss pregnant women, and eight factories did not discriminate against workers based on union membership.

Harassment of women was widespread. A large-scale research project conducted by Care International found that one-third of women in the garment industry suffered some form of sexual harassment in the previous 12 months. According to

a BFC report in March, more than 38 percent of workers surveyed felt uncomfortable “often” or “sometimes” because of behavior in the factory, and 40 percent of workers did not believe there was a clear and fair system for reporting sexual harassment in their factory.

e. Acceptable Conditions of Work

Prior to June the law did not mandate a minimum wage for any sector except the garment sector. The Law on the Minimum Wage passed in June expands the minimum wage to cover new sectors or the entire formal economy, although there are no time-bound requirements for the law to do so; the new provisions had not entered into effect during the year. The Law on Minimum Wage also establishes a National Minimum Wage Council with representatives from the government, unions, and employer organizations to conduct research into and provide recommendations on the minimum wage. As of November the government had not clarified how membership of the new tripartite wage body would be chosen. Informal-economy worker associations and civil society organizations criticized the law for failing to cover workers in the informal economy. The minimum wage for 2019, however, was set in October under the old Labor Advisory Council system, which sets wages only for the garment and footwear sector. The minimum wage was more than the official estimate for the poverty income level.

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.

In June, after at least nine factories shut their doors abruptly in the first half of the year without paying more than 88 billion riel (\$22 million) in wages due or required severance payments to workers, the government amended the law to eliminate severance for employees on unlimited duration contracts. Instead, the amended law requires payments equal to 15 working days’ wages, paid every six months, to all employees on unlimited duration contracts.

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 necessary cooperation of police, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions.

The Ministry of Labor and Vocational Training is responsible for enforcing labor laws, but the number of labor inspectors was insufficient to conduct thorough inspections. Penalties were seldom assessed and were insufficient to address problems. The government did not effectively enforce working-hour and overtime regulations. Outside the 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 implicitly relied upon the BFC to do so in export-oriented garment factories.

Workers reported overtime was often excessive and sometimes mandatory; many complained employers forced them to work 12-hour days, although the legal limit is 10 including overtime. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime. 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 24 months. Employers regularly hired workers on fixed duration contracts--most often of three-month duration--indefinitely. The Ministry of Labor and Vocational Training interpreted the law to allow for such serial short-term contracts, provided there was some break in employment every 24 months. The Arbitration Council and the ILO disputed this interpretation of the law, noting that after 24 months, an employee must be offered a permanent "unlimited duration contract." (Also see section 7.a.).

An April 2017 survey conducted by the BWTUC estimated there were 200,000 citizens working in the construction industry; 89 percent of 1,010 respondents did not have contracts, most never received bonuses or severance pay, and only 9 percent were enrolled with the National Social Security Fund (NSSF). 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 small-scale factories and cottage industries were poor and often failed to meet international standards. The Department of Occupational Safety and Health (OSH) reported 2,533 work-related injuries in the first six months of the year, up slightly from 2017; of these injuries, 444 were the result of road accidents, since employers often transported garment workers to and from work in the back of unsafe open-bed trucks.

Mass fainting remained a problem. The NSSF reported 1,350 workers fainted in 13 factories in the first six months of the year, up from 415 workers fainting in eight factories in the same period in 2017. There were no reports of serious injuries due to fainting. Observers reported excessive overtime, poor health, insufficient sleep, poor ventilation, lack of nutrition, pesticide in nearby rice paddies, and toxic fumes from the production process all contributed to mass fainting.

The BFC reported that complying with OSH standards was a growing challenge in the garment export sector largely due to improper company policies, procedures, and poorly defined supervisory roles and responsibilities. The BFC reported increased noncompliance in every OSH variable measured, including exposure to chemicals and hazardous substances, emergency preparedness, OSH management systems, welfare facilities, worker environment, worker protection, and worker accommodations.