

CAMBODIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with an elected parliamentary form of government. In the National Assembly election in 2013, the Cambodian People's Party (CPP) captured 68 seats, while the opposition Cambodia National Rescue Party (CNRP) won 55 seats. International and local nongovernmental organization (NGO) observers assessed the election process suffered numerous flaws. The most recent elections held were for commune councilors on June 4, and the two major parties accepted the results. International and local observers deemed the elections perhaps the fairest in the country's history, although most independent analysts noted the electoral process suffered numerous flaws that benefitted the ruling party, which won a plurality in more than two-thirds of the communes.

Civilian authorities maintained effective control over the security forces, although security forces often threatened force against those who opposed Prime Minister Hun Sen.

On September 3, the government arrested and detained CNRP President Kem Sokha on allegations of treason. On November 16, the CPP-dominated Supreme Court formally dissolved the CNRP on the same grounds and banned its leadership from electoral politics for five years. Many other opposition members, including members of civil society and independent media, were in detention, in hiding, or had fled the country fearing arrest.

The most significant human rights issues included: extrajudicial killings; at least one disappearance by local security forces; continued prisoner abuse in government facilities; arbitrary arrests by the government, including the warrantless arrest of the CNRP leader Kem Sokha; increased restrictions on freedoms of speech, assembly, and association including on press freedom and online expression; the use of violence and imprisonment--both actual and threatened--to intimidate the political opposition and civil society as well as to suppress dissenting voices; corruption; violence against women and lesbian, gay, bisexual, transgender and intersex persons; child abuse; and forced labor.

Although the government prosecuted some officials who committed abuses, including those involved in corruption, most abuses persisted with impunity.

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

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

As of July the local nongovernmental organization (NGO) Cambodia Human Rights and Development Organization (ADHOC) reported four cases of extrajudicial killings.

In March the court sentenced Oeuth Ang to life imprisonment for the July 2016 murder of Kem Ley, an outspoken and popular social and political analyst. Police arrested Oeuth Ang, who claimed he killed Kem Ley because of a 12-million riel (\$3,000) unpaid debt. Members of both Kem Ley's and the killer's families said the two men did not know each other. Noting this and other anomalies in the case, including the impoverished assailant's possession of an expensive handgun, many observers believed a third party hired Oeuth Ang.

The Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal, was established to hold accountable senior leaders and those most responsible for crimes committed by the Khmer Rouge regime from 1975-1979. The ECCC continued its investigations and trials during the year (see section 5).

b. Disappearance

The Venerable Meas Vichet, a well known monk, went missing on June 18 in Krobei Riel Commune, Siem Reap Province. A priest who was with him before his disappearance reported that Krobei Riel security officials detained them, forcibly removed their clothes, and beat them, claiming they had information on the murder of Kem Ley. At year's end Meas Vichet remained missing.

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

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

There were credible reports military and police officials used physical and psychological abuse and occasionally severely beat criminal detainees, particularly during interrogation. As of July, ADHOC reported 10 cases of torture of detainees

and prisoners, compared with 15 instances during all of 2016. NGOs reported it was common for police to abuse detained suspects until they confessed to a crime.

As of July, ADHOC reported 13 alleged physical assaults against civilians by local authorities, government agents, or private bodyguards of government officials.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. Conditions remained harsh and in many cases life threatening.

Physical Conditions: Overcrowding was a problem. According to the Ministry of Interior's General Department of Prisons (GDP), as of July authorities held more than 26,000 prisoners and detainees in 29 prisons designed to hold a maximum of 11,000 prisoners. GDP officials reported the government's "war on drugs" had exacerbated overcrowding.

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, of 21,989 prisoners held in 2016, approximately 34 percent were in pretrial detention and 29 percent had received a final verdict; approximately 8 percent of prisoners were women; and 4 percent were minors. According to a local NGO, there were several pregnant women in prison as well as children living with their incarcerated mothers.

The GDP reported 76 prisoners died and three escaped in 2016. Local NGOs maintained that allowances for prisoner food and other necessities were inadequate in many cases. Observers continued to report authorities sometimes misappropriated allowances for purchasing prisoners' food, exacerbating malnutrition and disease. Prisoners and detainees had access to clean water in only 18 of 29 prisons. 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," organized groups of inmates created and directed by prison guards, sometimes violently attacked other prisoners. There was reported drug use in the prisons made possible by bribing prison officials.

There were seven government and three private drug rehabilitation centers in the country. 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 18 years. 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. Authorities routinely allowed prisoners and detainees access to visitors, although rights organizations confirmed families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities. There were credible reports officials demanded bribes before allowing prisoners to attend trials or appeal hearings and before releasing inmates who had served their full term of imprisonment.

Prisoners could submit uncensored complaints regarding alleged abuse to judicial authorities through lawyers, but a large number of prisoners and detainees could not afford legal representation. The government investigates complaints and monitors prison and detention center conditions through the GDP, which produced biannual reports on prison management. The GDP did not release the reports despite frequent requests by civil society organizations.

Independent Monitoring: The government allowed, subject to preconditions and restrictions, international and domestic human rights groups, including the International Committee of the Red Cross and the Office of the UN High Commissioner for Human Rights (OHCHR), to visit prisons and/or provide human rights training to prison guards. Some NGOs reported cooperation by local authorities occasionally was limited, making it difficult to gain access to pretrial detainees. This was particularly true in high-profile cases such as the detention of opposition leader Kem Sokha and the earlier arbitrary detention of five ADHOC staffers. The Ministry of Interior required lawyers, human rights monitors, and other visitors to obtain permission prior to visiting prisoners--often from multiple government agencies that differed according to each 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 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 ADHOC staffers for 427 days on politically motivated charges.

Role of the Police and Security Apparatus

The General Commissariat of the National Police, under Ministry of Interior supervision, manages all civilian police units. Police forces are divided into those with authority to make arrests, those without such authority, and judicial police, whose authority only extends to enforcing court warrants. The government permitted military police to arrest civilians if the officers met the training and experience requirements to serve as civilian police, if civilians were on military property, or when authorized by local governments. The military police, however, sometimes engaged in 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 reports police officials committed abuses with impunity, and in most cases the government took little or no action. Government officials and their family members were also frequently immune from prosecution.

As of October, one local human rights organization tracked 34 instances of impunity, although it claimed that in reality the number was significantly higher. 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 a suspect is caught 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 accused persons may be arrested and detained for a maximum of 24 hours before being allowed 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 frequently was a result of the limited capacity of the court system. The government did not provide access to a lawyer for indigent detainees.

Arbitrary Arrest: As of July local human rights NGO Licadho cited at least 38 arbitrary arrests, mostly of women participating in the “Black Monday” campaign, which began as a protest of the government’s detention of five current and former employees of ADHOC, but which the government claimed was intended to incite a “color revolution”--the government’s term for a mass movement in opposition to its rule. Two of the 38 arrests resulted in formal charges and conviction. The Cambodian Center for Human Rights (CCHR) and ADHOC recorded 35 arbitrary arrests of 21 different persons from May 2016 to March. The actual number of arbitrary arrests and detentions was likely higher because some victims in rural areas did not file complaints due to the difficulty of traveling to human rights NGOs’ offices or concern for their family’s security. Authorities took no legal or disciplinary action against persons responsible for the illegal detentions.

During the year Phnom Penh municipal authorities temporarily arrested dozens of homeless persons, persons with mental disabilities, drug users, or persons engaged in prostitution during systematic sweeps of city streets. Authorities placed the detainees in Prey Speu rehabilitation facility operated by the Ministry of Social

Affairs, Veterans, and Youth located 15 miles from Phnom Penh. The center was notorious for abuses that led to the death of two detainees in 2015.

Pretrial Detention: The law allows for pretrial detention for a maximum of six months for misdemeanors and 18 months for felonies. In 2016 the Ministry of Interior reported 7,495 pretrial detainees were in custody. 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.

Detainee's 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 their detention.

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 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 a Supreme Court hearing on the dissolution of the opposition CNRP that he was "99.99 percent certain" how the court would rule. There were reports local CPP leaders received orders to evict their CNRP counterparts even before the ruling was issued. In an earlier example, observers at the 2015 trial of 11 opposition activists on charges of insurrection reported that, shortly after judges retired to deliberate, judicial police surrounded the trial court and prepared to transfer the suspects to prison, indicating a guilty verdict was a foregone conclusion (see Political Prisoners and Detainees below).

A shortage of judges and courtrooms delayed many cases, according to NGO reports. NGOs also believed court officials focused on cases that might benefit them financially. Court delays or corrupt practices often allowed accused persons to escape prosecution. 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 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 sometimes 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 lacked the resources 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 Phnom Penh. The right to a fair public trial often was denied de facto for persons without means to secure counsel. According to the bar association, as of October there were 1,019 lawyers (206 female) throughout the country, compared with 869 in 2016. 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 in turn provided that existing lawyers had adequate opportunities for remuneration through legal or illegal channels.

NGOs reported sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. Authorities sometimes 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. 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 November a local human rights NGO estimated authorities held at least 24 political prisoners or detainees.

On September 3, police arrested opposition CNRP President Kem Sokha 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.

Following Kem Sokha's arrest, Prime Minister Hun Sen threatened to prosecute anyone involved in "protecting" the alleged traitor. He also threatened to reopen investigations into the killing of five trade unionists at a 2014 opposition-led rally in which thousands of garment workers protested the outcome of the disputed 2013 national elections. The prime minister's threats targeted seven former CNRP members of parliament, including former CNRP vice president and protest leader Mu Sochua, all of whom were arrested following the protest on charges ranging from holding an illegal demonstration to violent insurrection. Also under threat were at least five prominent independent trade union leaders, all of whom were charged with insurrection and placed under court supervision. Although the security services were widely believed to have ordered and carried out the killings, the prime minister blamed the opposition for the violence, and he threatened action against the protest leaders. The prime minister and his lieutenants also publicly warned other opposition members they were subject to arrest for "collaborating" with Kem Sokha. The Supreme Court's dissolution of the CNRP on November 16 effectively outlaws any participation in or identification with the party.

Separately on August 23, the Appeals Court agreed to split the appeal case of 11 CNRP activists jailed in 2015 for their alleged role in a 2014 protest that resulted in the injury of six protesters and 39 Daun Penh District security guards. The court ruled that one case would review the verdict and a second case would consider allegations of improper legal procedures. Some observers asserted the court reached verdicts without any evidence linking the activists to the alleged crimes and saw the convictions as punishment for the activists' criticism of the country's border demarcation with Vietnam, a politically charged issue.

National Assembly member Um Sam An, arrested in April 2016, remained imprisoned for accusing the government of selling land to Vietnam and of publicizing on Facebook what the government claimed were faked border maps--charges widely seen as politically motivated. Senator Hong Sok Hour, convicted on similar charges, received a pardon after apologizing to and praising the leadership of the prime minister. Both legislators had their immunity from prosecution stripped by the National Assembly on an irregular vote that fell short of the two-thirds majority required by the constitution, the same method the National Assembly used to strip Kem Sokha of his immunity.

Opposition politicians and civil society organizations reported authorities often arbitrarily denied access to prisoners whose incarceration they believed to be politically motivated. In the case of Kem Sokha, prison officials did not allow representatives of the CNRP, civil society, or foreign missions to visit him. He was only allowed visits by his legal team and wife, and prison authorities made audio and video recordings of these visits.

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

In October the Ministry of Interior suspended a prominent local NGO advocating for land rights, ostensibly for alleged violations of the Law on Associations and Nongovernmental Organizations (LANGO), promulgated in 2015. The executive director was called in for questioning by the Ministry of Interior and the Ministry of Labor and Vocational Training.

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 contention for five years prior to the 2001 promulgation of the law has the right to apply for a definitive title to that property. Most citizens, however, continued to lack the knowledge and means to obtain adequate formal documentation of land ownership.

Provincial and district land offices continued to follow pre-2001 land registration procedures, which did not include accurate land surveys or opportunities for public comment. 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 exchanging their land for compensation at below-market values. As of July, ADHOC reported 45 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. The poor often had no legal documents to support their land claims. 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 politically neutral National Election Committee and routinely leaked personal correspondence and surreptitiously recorded telephone calls of opposition and civil society leaders to government-aligned media. Police, who arrested Kem Sokha on September 3, reportedly entered his house by force without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Although the constitution provides for freedom of expression, including for the press, the government did not always respect these rights.

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 country’s criminal defamation law reiterates these limits and prohibits publishers and editors from disseminating stories that insult or defame not just the king, but also government leaders and institutions.

Election laws contain provisions that require civil society organizations to remain “neutral” during political campaign periods and prohibit them from “insulting” political parties through media.

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.

Local human rights NGOs, media, and several independent analysts continued to express concern publicly about government actions targeting their work, including the arrests of ADHOC officials. On September 13, authorities arrested Dem Kundy and Hun Vannak, who worked for the NGO Mother Nature, on charges of incitement to commit a felony and violating privacy for filming sand-dredging operations in Koh Kong Province, a politically sensitive environmental issue.

Press and Media Freedom: A majority of Khmer-language newspapers received financial support from persons closely associated with the ruling CPP.

On September 4, *The Cambodia Daily*, an independent English language newspaper that had published uninterrupted since 1993, ceased operations a week after it received a warning from the government to pay tax arrears calculated at more than \$6 million. The newspaper’s director of press claimed the government used the charge of tax evasion as a pretext to shutter independent press freedom in the country. Tax authorities refused to present detailed information about the tax charges, and information about the arrears quickly leaked to government-

controlled media, despite laws calling for the government to attempt to resolve issues of tax noncompliance privately.

The three largest pro-CPP newspapers never criticized the government for politically motivated or human rights problems. As of August no pro-opposition newspapers published regularly, and the government restricted critical voices on electronic publications and social media.

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. In August the government shut down CNRP-aligned Moha Nokor radio station and closed all stations broadcasting content from the Voice of America (VOA) and Voice of Democracy (VOD), claiming the stations violated the law by committing tax evasion and for failing to obtain permission from the Ministry of Information before airing new content. According to an NGO that monitors media, the government routinely used state and state-influenced private television stations to promote the activities of the government and the CPP and to criticize the opposition, while not granting the opposition parties equal access. On September 12, Radio Free Asia (RFA) announced closure of its office in the country, citing legal harassment and a government crackdown on independent media prior to national elections. On November 14, authorities arrested two former RFA journalists on charges of espionage and for allegedly helping foment a “color revolution” in the country. The charges were widely seen as politically motivated.

Authorities never permitted the CNRP to open a television station, despite a 2014 agreement from the government to allow it.

Violence and Harassment: Threats and violence against journalists and reporters remained common. In May local authorities in Ratanakiri Province briefly detained six journalists for reporting on illegal logging in the Seima Biodiversity Conservation Area. On August 28, authorities charged two *Cambodia Daily* reporters with “inciting violence” for election-related coverage in Ratanakiri.

Censorship or Content Restrictions: The law prohibits prepublication censorship, and no formal censorship system existed. The government, however, increasingly used other means to censor the media and social media following the assassination of Kem Ley, the arrest of some government critics, and by threats from the government, including the prime minister. Methods included harassment and intimidation. Because the government controls permits and licenses for journalists,

most media outlets not directly controlled by the government or CPP practiced self-censorship to some degree. Some reporters and editors continued to self-censor their reporting due to fear of government reprisal. Some media agencies reported receiving calls from the Ministry of Interior threatening to revoke their licenses if they did not cease broadcasting opposition-produced content and programs produced by VOA, RFA, and VOD.

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. Prime Minister Hun Sen launched a lawsuit against political analyst and commentator Kim Sok for his online accusation that the government was complicit in the murder of Kem Ley. In August the courts sentenced Kim Sok to 18 months in prison and fined him 800 million riels (\$200,000).

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, censored online content, and there were credible reports government entities monitored private online communications. According to the Ministry of Posts and Telecommunications, more than 31 percent of the population had internet access, primarily those living in urban areas.

The telecommunications law was widely criticized by leading civil society and human rights activists, who stated it provides the government broad authority secretly to monitor online public discussion and communications using private telecommunication devices. According to Licadho the law gave 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 maximum imprisonment of 15 years.

As of October a local human rights NGO stated authorities arrested at least five persons for content they posted online. One woman was threatened by the

government in April for posting online a video of herself throwing a shoe at a billboard depicting the prime minister.

A “Cyber War Team” in the Council of Ministers’ Press and Quick Reaction Unit is responsible for monitoring and countering “incorrect” information from news outlets and social media. The Quick Reaction Unit was responsible for publishing 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.

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 May 2016 the Ministry of Education reminded public and private education institutions the education law strictly prohibits all political activities and discussions on school campuses. Senior government officials again reminded public education institutions of the law in the months leading up to the June 4 local commune council elections. Many activists asserted the law aims to stifle youth support of the opposition, adding that most school principals supported the CPP. Government officials appeared to exempt some large campus-based organizations affiliated with the ruling party, however, including one run by the prime minister’s son, stating these were “extracurricular” groups that promoted “humanitarian causes.” In August a district governor in Battambang Province dismissed a vice principal of a high school for allegedly teaching students about “politics.”

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 LANGO requires all groups to register and also 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 occasionally prevented associations and NGOs from organizing public events, arguing the groups had not registered. Regulations promulgated before the June 4 commune council elections allowed civil servants to campaign after working hours, but did not grant the same freedoms to employees of NGOs or others working in civil society. Following the September 3 arrest of opposition leader Kem Sokha, many provincial governments prohibited meetings, events, and demonstrations by the opposition CNRP even before its forced dissolution on November 16.

Authorities cited the need for stability and public security--terms not defined in the law and therefore subject to wide interpretation--as reasons for denying permits. Government authorities also occasionally cited provisions of the law to prevent associations and NGOs from organizing public events or to break up meetings and training deemed hostile to the government. At the same time, the government routinely allowed progovernment demonstrators to gather.

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 of 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 2016 to March 2017, there were 60 incidents of NGOs prevented by authorities from holding meetings, training, or gatherings due to LANGO provisions. The report also recorded 246 restrictions of fundamental freedoms by the government and third-party entities linked to the government between April and September. 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 October 27, 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 the 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 hearings of opposition leader Kem Sokha following his September 3 arrest. Minister of Defense Tea Banh publically called for “crushing the opposition” warning the military would “smash the teeth of protesters” planning to demonstrate against June 4 commune election results. Minister of Social Affairs Vong Sauth said demonstrators who dispute the upcoming 2018 elections would be “hit with ...bamboo poles.” The commander of the prime minister’s bodyguards, General Hing Bun Heng, threatened to use force to “crush” any demonstration, citing his possession of “100 tanks.”

Minister of Interior Sar Kheng also instructed provincial governors and police chiefs to block opposition supporters from traveling to the capital and to prevent any demonstrations. Khoung Sreng said authorities would not allow “anarchic” protests in the city and that security forces in all 12 districts of the capital needed to be on alert: “The toughest measures will be applied on the people protesting against the court and [we] won’t forgive those people,” Khoung Sreng said. The threats against peaceful protests followed months of warnings against protesting election results. Prime Minister Hun Sen threatened that a CNRP victory in June commune elections would lead to “civil war.”

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 LANGO 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 Prime Minister Hun Sen ordered the Ministry of Interior to dissolve The Situation Room, a consortium of 40 of the country’s most prominent human rights NGOs, after they issued findings on the conduct of the June 4 commune 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.

Vaguely worded provisions in the LANGO, the Law on Trade Unions (TUL), and Amended Political Parties Law prohibit any activity that may “jeopardize peace, stability, and public order” or harm “national security, national unity, traditions, and 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 LANGO and TUL (see section 7.a.) establish heavily bureaucratic, multistep registration processes that lack both transparency and administrative safeguards, rendering the 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. As of August the Ministry of Economy and Finance had summoned six civil society and media organizations to prove their compliance with local tax laws. This included ADHOC, Licadho, the Committee for Free and Fair Elections in Cambodia, *The Cambodia Daily*, VOA, and RFA.

On September 15, the Ministry of Interior nullified the registration of Mother Nature, a local NGO working on environmental protection, without providing justification to the organization. In late September the government began requiring all NGOs to report their management structures, funding sources, and other details to the Ministry of Interior. On August 23, the government abruptly ejected the National Democratic Institute (NDI) and its foreign staff from the country, claiming the organization had failed to register properly under the LANGO. NDI had submitted its registration documents more than 18 months prior to its ejection and had failed to receive a reply from government authorities despite a clause in the law that notification was to be given within 45 days of document submission.

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 2016 the government ordered immigration officials to take unspecified legal action to prevent former opposition leader Sam Rainsy from returning to the country. He had gone into exile in France in 2015, when the government issued a warrant for his arrest on charges of defamation while he was outside of the country. Thun Saray, the president of ADHOC, escaped the country and remained in Canada under self-imposed exile due to fear of being targeted by the government. Following the arrest of Kem Sokha, nearly every senior leader of the CNRP went into hiding or exile, with acting CNRP President Pol Ham and Parliamentary Whip Son Chhay the only two prominent leaders remaining in the capital while many lower-level party activists reported increased police surveillance and intimidation.

Protection of Refugees

Refoulement: Stating they were “economic migrants,” the government returned at least 140 Montagnard asylum seekers to Vietnam since 2015, including 13 in August, without conducting proper refugee status determinations. In August, Rhona Smith, UN special rapporteur on human rights in Cambodia, released a statement following her two-week mission to the country in which she stated the office of the UN High Commissioner for Refugees (UNHCR) acknowledged the legitimacy of the asylum claims of 36 Vietnamese Christian Montagnards and had decided to find a solution outside of the country and that the government had not agreed to settle them in country or facilitate their transit to the third country. In October the government cooperated in sending seven of the 36 Montagnards to the third country, claiming the remaining 29 had weak asylum claims. The government dismissed the special rapporteur’s statement and condemned her for what it described as interference in its domestic affairs.

The government increased monitoring at the UNHCR-managed compound that provides support to Montagnard asylum seekers. In April authorities forcibly removed a pregnant woman and her husband from the premises and took them to an immigration center for questioning. The family was awaiting final refugee status determination, and authorities later released them.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government failed to grant equal access to that system for all asylum seekers. In particular, authorities routinely denied access by Montagnard asylum seekers from Vietnam since 2014. During the year the Refugee Department at the Ministry of Interior recognized three Montagnards as refugees and took proactive steps to deport the 29 persons it claimed had weak asylum claims. Some NGOs attributed the government's lack of commitment to granting asylum to Montagnards to pressure from the government of Vietnam.

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, the government since 2014 has accepted for domestic resettlement seven refugees detained while seeking asylum in Australia. The last refugee arrived in April. 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 countries. Although the three Rohingya refugees decided to stay in the country, no effective pathway to citizenship existed for them.

Stateless Persons

The country had habitual residents who were de facto stateless. There was no recent, reliable data on the number or demography of stateless persons; however, UNHCR reported that 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 during the year, each time expanding the grounds on which the government could dissolve parties

on vague grounds such as “incitement” or “national security.” One amendment also bans individuals from party leadership positions once convicted on felony charges. In view of the law’s vague language, many experts were unsure whether the prohibition applies only to convicted persons or more broadly to anyone charged with a crime. The amendments also restrict political parties from using any audio, visual, or written material from a convicted criminal. The amendments authorized the court to dissolve political parties found guilty of violating the law, allowed for seats belonging to a dissolved party to be distributed to other parties in the event of such dissolution, and allowed party leaders to be banned from politics under specific circumstances.

On November 16, 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, including 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 is a CPP party leader, of political bias and questioned its decision and lack of adherence to even flawed legal norms. For instance, the decision to ban the CNRP came before its leader was convicted of alleged treason charges.

Elections and Political Participation

Recent Elections: The most recent elections, held on June 4, were for commune councilors, and the two major parties accepted the results. Seven million citizens, representing 90 percent of eligible voters, went to the polls. The ruling CPP won a plurality of the vote in 1,156 communes, giving it the right to name the commune council chief in each of those communes, while the opposition CNRP won in 489 communes. Local electoral watchdog The Situation Room released a statement that the election process was significantly improved and more transparent than previous local elections in terms of voter registration and voter-list management, candidate registration, polling and counting processes, and the announcement of electoral results. Nonetheless, it stated the conduct of the election campaign, results management, and electoral dispute resolution needed improvement.

In the 2013 National Assembly election, the CPP won 68 seats and the opposition CNRP won 55 seats. International and local NGOs assessed the election process suffered numerous flaws, including problems with the voter registry, unequal access to media, and the issuance of an unusually large number of temporary

official identification cards to voters. Despite these concerns the two parties ultimately agreed to abide by the official results and took their seats in parliament.

Political Parties and Political Participation: Amendments to the election law barring convicted criminals from leading a political party were widely seen by observers and NGOs as aimed at blocking Sam Rainsy from competing in the upcoming national election. Rainsy was convicted in absentia on a number of different politically motivated charges, including defamation.

Twelve parties were able to register and compete in the commune council elections. National Television of Cambodia allocated time to each of the 12 for advertising. Before the campaign began, the National Election Committee officially asked all privately owned television stations to report how much paid time they would make available to all parties for campaign advertising. No station indicated it would provide any such time. On the very last day of the campaign, however, the CPP reportedly purchased eight hours of advertising time from those stations. The stations blamed the CNRP for failing to contact them before the campaign started.

The Khmer National Unity Party (KNUP) was the only political party besides the CPP or CNRP to win control of a commune council in the June 4 election. The KNUP had been a government coalition partner, but the government removed KNUP leader Bun Chhay from office following leaked audio of him allegedly discussing aligning with the CNRP. Authorities subsequently arrested him on a decade-old charge of producing illegal drugs. To ensure that the KNUP could contest elections following his arrest, Bun Chhay formally left the party.

The government used the four amendments it enacted to the Law on Political Parties during the year to target the CNRP and its leaders, and the Supreme Court cited all these amendments when it dissolved the CNRP on November 16. The CNRP's 55 seats in the National Assembly were redistributed to six minor parties that participated in the previous parliamentary elections but failed to win a single seat at the time. At the local level, 5,007 CNRP commune councilors were forced to give up their seats to the ruling party. CNRP councilors were offered the opportunity to retain their seats only if they defected to the CPP and publicly called Kem Sokha a traitor.

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 both

major political parties to increase female representation, the number of female candidates elected in the June commune council elections actually declined from the 2012 result. The June elections also saw participation by 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. By contrast the ACU has never investigated a high-level member of the ruling party. Civil servants must seek clearance and permission from supervisors before responding to legislative branch 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 illegal businesses. Citizens frequently and publicly complained about corruption. Meager salaries contributed to "survival corruption" among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials.

According to Transparency International's 2016 Corruption Perceptions Index, the country was among the most corrupt in the world. The 2016 Global Corruption Barometer report noted the judiciary remained the most corrupt sector three years in a row, followed by law enforcement and government officials. In July, two officials from the Ministry of Mines and Energy, found guilty of corruption, walked free after a judge gave them credit for time already served and suspended the remainder of their sentences. There was some improvement in government efforts to combat corruption in education.

Financial Disclosure: The law subjects public servants, including elected and appointed officials, to financial and asset disclosure. The ACU is responsible for

receiving the disclosures, with penalties for noncompliance ranging from one month to one year in prison. Senior officials' financial disclosure statements were not publicly available and remained sealed unless allegations of corruption were filed. Only one financial disclosure statement has ever been unsealed, that of then CNRP vice president Kem Sokha. In June the ACU demanded that all commune chiefs and councilors declare their assets, which observers saw as a way to intimidate councilors from the CNRP.

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

There were multiple reports of lack of cooperation and, in some cases, intimidation by government officials, including for example, the cases against ADHOC employees (see section 1.e.).

Domestic and international human rights organizations reported intensifying levels of harassment, surveillance, threats, and intimidation from local officials and persons with ties to the government. These took the form of restrictions on and disruptions of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, surveillance on work and personal activities, and bureaucratic obstruction justified by legal provisions.

Approximately 25 human rights NGOs operated in the country and a further 100 NGOs focused on human rights as part of their work in other areas, 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 August Rhona Smith, the UN special rapporteur on human rights in Cambodia, conducted her fourth visit to the country. In her meetings she discussed threats by the minister of social affairs to crack down on civil society; amendments to the law on political parties; disadvantaged and marginalized groups, such as women, indigenous peoples, and victims of racial and ethnic discrimination; and the use of provisional detention. The government regularly chastised UN representatives publicly for their remarks on a variety of human rights problems. The government routinely denied official visit requests by other UN special rapporteurs.

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 Cambodian Human

Rights Committee, which reported to the prime minister's cabinet. The committees did not hold regular meetings or conduct transparent operations. The Cambodian Human Rights Committee submitted government reports for participation in international human rights review processes, such as the Universal Periodic Review, and issued responses to reports by international 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 government continued to host the Extraordinary Chambers in the Courts of Cambodia (ECCC), created in 2006 to investigate and prosecute the most senior leaders of the former Khmer Rouge regime who were most responsible for the atrocity crimes committed between 1975 and 1979, when nearly one quarter of the country's population perished. 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. In November 2016 the Supreme Court Chamber upheld the conviction of Nuon Chea and Khieu Samphan for crimes against humanity. Both individuals faced additional charges, including genocide, in a second trial that concluded in June. The court still must render a verdict.

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

Women

Rape and Domestic Violence: 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 and the domestic violence law were rare. The domestic violence law criminalizes domestic violence but does not set out specific penalties. The penal code can be used to punish domestic violence offenses, with penalties ranging from one to 15 years' imprisonment.

Local and international NGOs reported violence against women, including domestic violence and rape, was common. Rape and domestic violence were likely underreported due to the victims' fear of reprisal by perpetrators, discrimination from the community, and their distrust of the judiciary system.

NGOs reported authorities did not aggressively enforce domestic law on perpetrators and avoided involvement in domestic disputes.

In July 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 information, including pictures of victims; depictions of women's death, injury, or nudity; and the use of certain offensive or disparaging words against women. The Ministry of Women's Affairs first 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 also coordinated with several 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 conducted during the year by CARE International 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, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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 and some jobs; however, cultural traditions and child rearing responsibilities limited the ability of women to reach senior positions in business or even participate in the workforce.

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 were 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 parental delay. It was common not to register children until a need arose.

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 often were unable to access 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, worked in other activities, began school at a late age, or did not attend school at all. The government did not deny girls equal access to education, but families with limited resources often gave priority to boys, especially in rural areas. According to international organization reports, enrollment dropped significantly for girls after primary school in urban areas, while postprimary 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. Child rape continued to be a serious problem.

Early and Forced Marriage: The legal minimum age of marriage for both men and women is 18 years; however, children as young as 16 years may legally marry with parental permission. Child marriage was not considered a problem.

Sexual Exploitation of Children: Sexual intercourse with a person younger than 15 years 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 did not typically pursue more complicated cases. The government did not issue formal guidance allowing the use of undercover investigation techniques in trafficking investigations, and the lack of explicit authority continued to impede 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 15 years in prison

for commercial sexual exploitation of children. The law also prohibits the production and possession of child pornography.

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 sex with children. Endemic corruption at all levels of the government severely limited the ability of individual officials to make progress in holding 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. A local NGO estimated the number of displaced at about 1,200 to 1,500 street children in Phnom Penh with no relationship with their families and 15,000 to 20,000 children who worked on the streets but returned to families in the evenings. NGOs and other observers alleged many private orphanages were mismanaged and populated by sham orphans to lure donations from foreigners.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.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. It includes persons with mental and intellectual disabilities in the definition of persons with disabilities. The law does not address accessibility with respect to air travel or other transportation. 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, up from one state station in 2016.

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 limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the government did not make any concerted effort to assist their civic engagement.

National/Racial/Ethnic Minorities

The rights of minorities under the nationality law are not explicit; constitutional protections extend only to “Khmer people.” Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were generally accepted in society, but societal animosity continued toward ethnic Vietnamese, who were widely deemed a threat to the country’s political system, security, and culture. During the year officials conducted roundups of ethnic Vietnamese they alleged were illegal migrants. The government also initiated a review of a number of ethnic Vietnamese persons, many of whom had been living in the country for decades, with the aim of deporting those who could not prove Cambodian citizenship. An inability to speak Khmer was considered prima facie evidence a person was not a citizen.

Indigenous People

In support of efforts by indigenous communities to protect their ancestral lands and natural resources, the Ministry of Land issued new communal land titles to seven indigenous communities during the year. As of June the CCHR reported only 18 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 laws criminalize consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, although some societal discrimination and stereotyping persisted, particularly in rural areas.

In general LGBTI persons had limited job opportunities due to discrimination and exclusion. LGBTI persons were frequently harassed and bullied because of their appearance and 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. The general population, however, typically treated persons involved in consensual same-sex relationships with fear and suspicion.

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. Onerous, new union registration rules amount to a requirement for prior authorization for union formation. The National Assembly adopted a new Law on

Trade Unions (TUL) in April 2016. Four sets of implementing regulations were issued as of August, but at least five more remained to be issued.

The TUL imposes new limits on 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. New registration requirements include filing charters, listing officials and their immediate families, and providing banking details to the Ministry of Labor and Vocational Training. The TUL forbids unregistered unions from operating. The TUL also prohibits unions that represent less than one-third of workers from entering collective bargaining agreements or collective dispute resolution mechanisms. Under the TUL civil servants, teachers, workers employed by state-owned enterprises, and workers in the banking, health care, and informal sectors may only form associations, not trade unions.

The low rate of unionization was demonstrated by a survey conducted in April by the Building and Wood Workers' Trade Union Federation of Cambodia (BWTUC), which showed that 91 percent of 1,010 construction workers across Phnom Penh worksites did not belong to any union or association. Unionization rates varied dramatically across industries. In hospitality industries unionization approached 20 percent. Even in the formal apparel and footwear sector, union penetration rates were estimated at only 20-30 percent, and many of these unions represented factory and CPP interests above those of workers.

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 negotiation, mediation, or 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 labor ministry. Strikers are liable to criminal penalties if they block entrances, roads, or engage in any other behavior interpreted by local authorities as harmful to public order. The TUL states that a strike decision requires approval by an absolute majority of union members attending a strike meeting, which itself must include an absolute majority of the total union members. Once a union has successfully carried out a strike vote, the court may issue an injunction against the strike and require the restart of negotiations with employers.

State 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 were affiliated with the ruling party, and only a minority were affiliated with the opposition party or worked independently.

Workers reported various obstacles while trying to exercise their right to associate freely. Some employers reportedly refused to sign notification letters to officially recognize unions (a situation for which the government offered no official redress) or to renew the short-term contract employees who had joined unions (approximately 80 percent of workers in the formal manufacturing sector are on short-term contracts). For a union to register, it must also collect documentation from employers and local government officials, who often simply refuse to provide necessary paperwork. Provincial-level labor authorities have reportedly kept registration applications in abeyance indefinitely by requesting more materials or resubmissions due to minor errors late in the 30-day application cycle. Workers also reported that, in accordance with TUL provisions, unions are unable to register until they provide banking details; yet, many banks will not open accounts for unregistered unions.

Public-sector worker associations continued to face significant obstacles. For example, twice during the year the government denied requests from the Cambodian Independent Teachers Association for permission to march. Another public-sector association, the Cambodian Independent Civil Servants Association, reported fears of harassment, discrimination, and demotion, all of which deterred individuals from joining.

The International Labor Organization (ILO) noted reports of antiunion discrimination by employers through interference with and dismissals of members of independent unions, as well as through creation of employer-backed unions. The 2017 ILO Committee on Application of Standards called on the government to ensure that freedom of association can be exercised in a climate free of intimidation and violence against workers; acts of antiunion discrimination are swiftly investigated and remedied with dissuasive sanctions applied; and workers can register trade unions through simple, objective, and transparent processes.

The resolution of collective disputes was inconsistent, with a recent proliferation of dispute resolution bodies. International brands have commented publicly on how the neutering of a previously effective dispute resolution mechanism led to

difficulties, as workers have begun to bring their collective disputes directly to brands for resolution.

Individual labor disputes may be brought before the courts, although the judicial system is neither impartial nor transparent. There is no specialized labor court.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders in garment factories and other enterprises. Better Factories Cambodia's (BFC) January Transparency Database Report obtained information from 480 factories working in the export sector and recorded a slight increase in noncompliance with freedom of association rights, including the right of unions to join federations and confederations of their choice; rights of workers to join unions of their choice; coercion of employees to join employer-sponsored unions; and in the number of factories whose management had taken steps to control union activities. BFC recorded a 1 percent increase in the number of factories where workers' freedom to join and form unions had been violated.

BFC, an ILO program that inspects all factories holding export licenses, found in its May 2016 to April report that 6.8 percent of factories deducted union dues without the free consent of workers, or prevented workers from forming or joining a union by threatening employment termination. BFC's coverage is limited to the export sector; so the actual level of union harassment was likely significantly higher, particularly in unregistered factories. A survey of garment workers conducted by the Micro-Finance Organization found workers in unregistered unions were also more likely to receive less than minimum wages.

There were credible reports of workers dismissed on spurious grounds after organizing or participating in strikes. While the majority of strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases employers pressured either union personnel or strikers to accept compensation and quit, arguing that their short-term contracts had ended. The union movement did not generally find government-sponsored remedies for these dismissals effective.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

The government did not effectively enforce the law in all cases. Officials reported particular difficulties in verifying working conditions and salaries in the informal

fishing, agricultural, construction, and domestic sectors. Penalties prescribed under law 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.

In December 2016, when Licadho released its report on conditions of child and bonded labor in brick kilns, the minister of labor and vocational training told local media he would consider defamation charges if the report was proven untrue. In July, after undertaking its own investigation of the brick industry, a ministry spokesperson denied child or bonded labor existed in the factories. Provincial labor officers contradicted these reports, however, when they told visiting foreign government officials in February that debt bondage in the brick kilns was pervasive to the point of ubiquity. In August the prime minister spoke out against CNN when it reported on labor conditions in the country's brick industry.

Third-party debt remained an important issue driving forced labor. According to the findings of a BWTUC survey conducted during the year, 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.

Children from impoverished families were at risk because affluent households used humanitarian pretenses to hire children as domestic workers, only to abuse and exploit them (see section 7.c.). Children were also subjected to forced begging. In September the Ministry of Labor and Vocational Training's director of child labor acknowledged the ministry lacked resources to inspect for child labor in domestic service.

BFC reported forced labor in six export-sector textile and apparel factories in 2016-17. Most of these cases related to forced overtime work, in which workers were required to obtain written approval from foreign supervisors before they could leave the factory. Workers complained they feared termination if they refused to work overtime.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law permits children between 12 and 15 years to engage in “light work” that is not hazardous to their health and does not affect school attendance. The law limits work by children between 12 and 15 years to 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 Ministry of Labor and Vocational Training is responsible for child-labor inspections in both the formal and informal sectors of the economy. Labor inspectors did not enforce labor standards in the informal sector or in unlicensed workplaces. In the formal sector, sources reported labor inspectors conducted routine inspections only in registered garment and footwear factories, where the incidence of child labor remained extremely low. In industries with the highest risk of child labor, including agriculture, construction, and hospitality, labor inspections were generally complaint driven.

The labor law stipulates a fine of 31 to 60 times the prevailing monthly wage for defendants convicted of violating the country’s child labor provisions. The government suspended all child labor inspections during the first half of the year as the Ministry of Labor and Vocational Training reported it was not ready to take over the work of World Vision’s Eliminating Exploitative Child Labor through Education and Livelihoods project. In May the director of child labor reported the inspectorate would begin fulfilling its child labor function again, although with a more limited mandate. The department worked with migrant workers in Banteay Meanchey Province at the border of Thailand to remove approximately 500 child laborers. Officials also made two visits to sugar plantations in Koh Kong, where they reported no child labor but said they had raised health and education concerns.

Child labor was most widespread in agriculture, including sugarcane and rubber production, logging, shrimp processing, and fishing, as well as in brick manufacture, salt production, domestic service, car repair, textiles, slaughterhouses, and the production of alcoholic beverages. Children also worked as beggars, street vendors, shoe polishers, and scavengers.

BFC confirmed four cases of child labor in export-sector garment and footwear factories from May 2016 to April, compared with 16 in 2015-16; 30 in 2014-15; and 74 in 2013-14. In one of the four cases identified, the factories refused to participate in the mandatory remediation program.

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 based on HIV-positive status. 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 under law 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).

According to a BWTUC survey, daily pay for male construction workers was 20.2 percent higher than for women performing similar work. BFC reported that in the garment and footwear sector, factory management discriminated heavily against men with respect to hiring and benefits, generally without legal consequence. BFC reported 9 percent of export-licensed factories discriminated based on gender, down from 10 percent in 2016. Causes included factory reluctance to hire men due to perceived behavioral problems, as well as discrimination against women due to concerns about pregnancy or maternity leave.

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. The Garment Manufacturers Association of Cambodia disputed the results, claiming the actual numbers were far lower. Independent unions generally supported the report's claims, noting they were consistent with their own experience.

e. Acceptable Conditions of Work

The law gives the Labor Union Authority responsibility to establish a minimum wage based on recommendations from the Labor Advisory Committee, a tripartite group composed of representatives from the government, unions, and employer organizations. The minimum wage has been the subject of political interference since 2013, when some sections of the union movement agitated for higher wages amid the general civic instability surrounding contested elections.

The 1997 Labor Law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a rate of 130 percent of daytime wages for nightshift work and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees are permitted to work up to a maximum of two hours of overtime each day. The law prohibits excessive overtime, states that all overtime must be voluntary, and provides for paid annual holidays.

The government did not effectively enforce hours and overtime regulations. Workers reported overtime was often excessive and sometimes mandatory. Outside the garment industry, the government rarely enforced working-hour regulations. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

Workplaces are required to have health and safety standards adequate to provide for workers' well-being. Ministry of Labor and Vocational Training 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.

Workers in marine and air transportation are not entitled to social security and pension benefits and are exempt from the limitations on work hours prescribed by law. An April survey conducted by 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). Human Rights Watch reported in 2016 that garment workers employed in unregistered factories--most often subcontractors for larger, export-oriented factories--were far more vulnerable to abusive labor practices that violate local and international law.

The government enforced existing standards selectively due to poorly trained staff, lack of necessary equipment, and corruption. Labor ministry officials readily admitted their inability to carry out thorough inspections on working hours. The ministry's Department of Labor Inspection issued 330 warnings about violations in the first six months of the year, up from 183 warnings in the same period in 2016. It also levied fines on 27 entities, up from 19 in 2016, and sued two enterprises in court. The ministry reported it employed 499 labor inspectors plus 87 NSSF

inspectors across the country, a number far from sufficient to conduct thorough inspections. Penalties were insufficient to address problems. Although the ministry often decided in favor of employees, it rarely used its legal authority to penalize employers who defied its orders.

There is also a concern that the use of short-term contracts (locally known as fixed duration contracts or FDCs) allows firms, especially in the garment sector where productivity growth is relatively flat, to avoid certain wage and legal requirements. FDCs are limited to 24 months in duration, and the Ministry of Labor and Vocational Training has interpreted this to mean 24 consecutive months, which allows employers to keep workers on FDCs--most often of three-month duration--indefinitely, provided there is some break in employment every 24 months. The Arbitration Council and the ILO have disputed this interpretation of the law, insisting that after 24 months, an employee must be offered a permanent "unlimited duration contract." The Ministry of Labor and Vocational Training interpretation has had the effect of significantly depressing unionization efforts, as workers on temporary contracts report intimidation and threats of dismissal as reprisal for union activity.

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 NSSF reported that during the first six months of 2016, 23,094 workers suffered work-related injuries, up from 16,080 injuries in 2015, and that 108 workers died on the job during the year to October, compared with 84 deaths in the same period in 2016. Of the 108 deaths, the NSSF reported 25 died in traffic accidents. Local media reported at least four industrial boiler explosions at garment factories, which killed three workers and injured 34 others. Experts at the Ministry of Industry and Handicraft blamed the blasts on individual employees' negligence. The same experts, however, also noted the government's lack of tools and instruments to conduct effective inspections.

In its annual report covering the period May 2016-April, BFC reported that many occupation safety and health (OSH) problems were a growing challenge for garment factories in the export sector due to improper company policies, procedures, and poorly defined supervisory roles and responsibilities. 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.

Mass fainting remained a problem. The NSSF reported 415 workers fainted in eight factories from January to June, down from 538 in the same period in 2016. There were no reports of serious injuries due to fainting. Observers reported excessive overtime work, poor health, insufficient sleep, poor ventilation, lack of proper nutrition for workers, pesticide sprayed in nearby rice paddies, and toxic fumes from the production process all contributed to mass fainting.