

CAMBODIA

Cambodia is a constitutional monarchy with an elected government and a population of approximately 14 million. In the most recent national elections, held in 2008, the Cambodian People's Party (CPP), led by Prime Minister Hun Sen, won 90 of 123 National Assembly seats. Most observers assessed that the election process improved over previous elections but did not fully meet international standards. The CPP consolidated control of the three branches of government and other national institutions, with most power concentrated in the hands of the prime minister. Although civilian authorities nominally controlled the security forces, in many instances security forces acted under directives of CPP leadership.

Members of security forces committed arbitrary killings and acted with impunity. Detainees were abused, often to extract confessions, and prison conditions were harsh. Human rights monitors reported arbitrary arrests and prolonged pretrial detention, underscoring a weak judiciary and denial of the right to a fair trial. Land disputes and forced evictions, sometimes violent, continued. The government restricted freedom of speech and of the press through defamation and disinformation lawsuits and at times interfered with freedom of assembly. Corruption was endemic. Civil society expressed significant concern that the draft Law on Associations and Nongovernmental Organizations (NGOs) could seriously constrain the ability of NGOs to operate. Domestic violence and child abuse occurred, education of children was inadequate, and trafficking in women and children persisted. The government offered little assistance to persons with disabilities. Antiunion activity by employers and weak enforcement of labor laws continued, and child labor in the informal sector remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings; however, security forces reportedly committed arbitrary killings, although fewer than in previous years.

The NGO Cambodian Human Rights and Development Association (ADHOC) reported 12 arbitrary killings, four of which were allegedly committed by police,

three by military police officers, and five by soldiers. Police arrested suspects in three cases.

On January 10, a local human rights organization reported that two commune police officers in Kandal Province, Chil Sarath and Sun Vantha, beat Lon Chhun Leng. The victim subsequently died from his injuries. The perpetrators reportedly had a public dispute with the victim earlier the same evening at a wedding party. The victim's family filed a complaint with the provincial court. At year's end, the case was pending, no hearing date had been set, and the two commune police officers remained free.

On March 22, a group of police officers led by Nov Hach, police chief of Me Sang District in Prey Veng Province, reportedly shot Chhoeun Chheang during an arrest attempt. In 2005 the provincial court had convicted Chhoeun in absentia on robbery charges and issued a warrant for his arrest. According to a local human rights organization, police reportedly were carrying out the warrant when the victim was shot and then abandoned; he subsequently died from his wounds. There was no reported investigation of the shooting.

On April 16, Sok Ry, deputy police chief of Trapeang Phlong commune in Kampong Cham Province, allegedly shot robbery suspect Horm Vanda during an arrest attempt. The victim's family filed a complaint with the provincial court. At year's end, the case was pending, no hearing date had been set, and the deputy police chief remained free.

On April 26, community activist Pech Sophon was shot and killed in front of his house in Samlot District in Battambang Province by a group of unknown persons. According to a local human rights organization, the victim was an active leader in his community's land dispute with local authorities, the military, and a private company. Police investigated the killing but did not release information about the investigation.

On July 20, the appeals court upheld the decision of the Takeo Provincial Court to dismiss a complaint made by the family of fisherman Mao Sok, who died in March 2009 while in custody of the Takeo Provincial Fishery Department.

There were no developments in the following cases: the April 2009 death of Kong La while in custody of the Mong Russei District police in Battambang Province; the June 2009 death of Loeung Saroeun, who was immolated by a soldier in the

military's 14th Intervention Brigade in Pursat Province; and the July 2009 death of Soy Sokhorn, who was shot and killed by a Phnom Penh military police officer.

There were no developments in the following 2008 cases: the killing of Buern Soksina in Preah Vihear Province, the death resulting from a beating by security forces of a villager in Preah Vihear Province, the death of a bystander in Phnom Penh shot by a military police officer, the deaths of former CPP activist Cheang Sorm and Norodom Ranariddh Party deputy chief Sok Run, or the killing of journalist Khem Sambo and his son.

Mines dating from the Indochina conflict and Khmer Rouge period continued to cause casualties. According to the Cambodia Mine/UXO Victim Information System, from January to November, mines and unexploded ordnance caused 70 deaths, 41 amputations, and 149 other injuries. The government's Cambodian Mine Action and Victim Assistance Authority continued to take steps to prevent civilian casualties caused by land mines and unexploded ordnance, including a mine clearance program and distribution of prevention materials such as leaflets, books, and signs. Information about the danger of mines and unexploded ordnance is a mandatory component of student curriculum in public schools, and provincial mine-action units conducted regular meetings with villagers at the commune and village levels to share information.

On March 25, a mob attacked three men after the three allegedly hit two young women and stole their motorbike in Phnom Penh. According to press reports, police initially chased and subdued the three suspects, but then a mob of more than 400 persons forcibly removed the suspects from police custody and attacked them with sticks, steel pipes, and rocks, killing two. Police stood by throughout the incident. The mob left for dead the third man, Sok Siek, but he regained consciousness, and police arrested him and charged him with robbery. Police declared that they could not investigate the case of mob violence, because there were too many persons involved and no way to determine who was responsible, despite photographs of the attack.

During the year local organizations reported at least two other mob killings.

There were no developments in the February 2009 killing of Hang Heoun, accused of sorcery, in Sandan District, Kampong Thom Province. The seven alleged perpetrators remained in pretrial detention, and no trial date was set.

There were no developments in two other mob killings reported in 2009 or the two mob killings in 2008.

b. Disappearance

There were no reports of politically motivated disappearances.

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, although the number of incidents decreased from 2009.

There were credible reports that military and civilian police officials used physical and psychological torture and on occasion severely beat criminal detainees, particularly during interrogation. During the year nongovernmental organizations (NGOs) reported that authorities allegedly tortured at least 111 prisoners: 93 in police custody and 18 in prisons. Kicking, punching, and pistol whipping were the most common methods of physical abuse, but techniques also included electric shock, suffocation, caning, and whipping with wire. The NGOs reported that it was not uncommon for police to torture detained suspects until they confessed to a crime. Courts used forced confessions as legal evidence during trial despite admissibility prohibitions under the law.

On February 5, two persons reported that Svay Chrum District police officers beat them while in police custody to obtain a confession for a robbery the two claimed they did not commit. Police later released them without charges. There was no investigation into their complaints.

On May 15, three Thnoat Chum commune police allegedly beat and administered electric shocks to a person to obtain his confession for street fighting. The victim, who was seriously injured and lost consciousness as a result, claimed he was not involved in the fighting. He filed a complaint with the provincial court, which charged one commune police officer. At year's end, the case was pending and no hearing date had been set; the police officer remained free.

Five persons from the village of Tumnob Teuk, who reported in 2009 that military police from the Bavel District in Battambang Province beat, kicked, and administered electric shocks to them to extract confessions for a robbery they

claimed they did not commit, remained in jail despite being acquitted of the robbery charges by the Battambang Provincial Court. The prosecutor filed an appeal of the acquittals; at year's end, no hearing date had been set.

ADHOC reported 89 cases of physical assault on civilians by local authorities, government agents, or private bodyguards during the year, compared with 100 cases in 2009.

There were 11 government-operated drug rehabilitation centers. Most observers agreed that the majority of detainees in such facilities were there involuntarily, committed to the facilities by law enforcement authorities or family members, and that as many as one-third of detainees were under the age of 18. Employees of the centers frequently used involuntary methods to "control" detainees, including tying detainees up or submitting them to intense exercise and electric shocks. Government leaders acknowledged the importance of treating drug addiction as a medical rather than criminal matter, but there was little reported action to follow up such statements.

In contrast with 2009, there were no reported cases that the government forced drug addicts to accept treatment with the controversial herbal substance Bong Sen without informed consent.

There were no new developments in the 2008 reported cases of detainee abuse by authorities at two Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) rehabilitation centers. At year's end, one center remained closed, while another was being used to hold homeless persons and some drug users and sex workers.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. Conditions remained harsh and at times were life threatening. Government efforts to improve them continued to be hampered by a lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, medical and sanitation problems, food and water shortages, malnutrition, and poor security.

According to the Ministry of Interior Prison Department, there were 14,043 prisoners and detainees, including 915 women and 772 juveniles. There were 25 prisons in the country, which were designed to hold between 8,000 and 11,000

persons. There were reports at some prisons that cells of 40 by 20 feet held up to 110 prisoners. At the Correctional Center 1 prison, 26-by-26-foot cells held an average of 50 prisoners. In some prisons authorities used shackles and held prisoners in small, dark cells as a form of punishment.

The Prison Department reported 83 prisoners and detainees died while in custody. Police claimed that they investigated the deaths and found evidence of preexisting conditions or other illness.

On January 21, the Phnom Penh Municipal Court dismissed the wrongful death complaint filed by family of prisoner Heng Touch, who died in 2008 after sustaining injuries in prison under suspicious circumstances. The family did not appeal the dismissal.

There were no developments in the 2008 deaths of prisoners Yan Sok Kea and Bun Vannarith while in police custody, or an elderly woman confined in a MOSAVY rehabilitation facility.

The government increased ration allowances for prisoner food and other necessities, but allowances remained inadequate. Observers continued to report that ration allowances for purchasing prisoners' food sometimes were misappropriated, exacerbating malnutrition and disease.

In most prisons there was no separation of adult and juvenile prisoners, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. Pretrial detainees were routinely held together with convicted prisoners. According to government statistics, an estimated 34 percent of prisoners held in municipal and provincial prisons were pretrial detainees.

Prisoners and detainees were routinely allowed access to visitors, although rights organizations confirmed that families sometimes had to bribe prison officials to visit prisoners or provide food and other necessities. NGOs also confirmed accounts that prisoners whose families bribed prison authorities received preferential treatment, including access to visitors, transfer to better cells, and the opportunity to leave cells during the day.

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

Prisoners and detainees were allowed to observe their own religion.

Complaints about alleged abuse could be submitted to judicial authorities through lawyers without censorship; however, a large number of prisoners and detainees could not afford legal representation. The government investigated such complaints and monitored prison and detention center conditions through the Ministry of Interior's General Department of Prisons, which produced biannual reports on the management and development of prisons in the country. These and other investigation reports reportedly were available to the public upon request.

The government generally continued to allow 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 (UNHCHR), to visit prisons and provide human rights training to prison guards. Some NGOs reported that at times cooperation from local authorities was limited, making it difficult to gain access to pretrial detainees. The Ministry of Interior continued to require that lawyers, human rights monitors, and other visitors obtain permission prior to visiting prisoners; the ministry withheld such permission in some politically sensitive cases. In some instances officials continued to permit NGOs to interview prisoners in private. UNHCHR representatives reported they usually were able to have a private meeting when interviewing a particular prisoner of interest.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, at times the government did not respect these prohibitions. The criminal procedures code allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. One in every 10 detainees in pretrial detention was held longer than the legal time limit, sometimes without legal representation or trial. During the year the Ministry of Interior reported having 210 persons in pretrial detention in excess of the legal time limit permitted for the charged offense. Additionally, some courts lost case files during pretrial detention periods, delaying court procedures.

ADHOC reported at least 75 cases of illegal arrest or detention during the year. ADHOC stated that victims in 21 illegal detention cases subsequently were freed following detainee complaints, interventions by human rights NGOs, or payment of bribes. ADHOC believed that the actual number of arbitrary arrests and detentions was somewhat higher, because some victims in rural areas did not file complaints due to difficulty in traveling to the NGO's offices or concern for their

family's security. According to ADHOC, authorities took no legal or disciplinary actions against the persons responsible for the illegal detentions.

Throughout the year Phnom Penh municipal authorities arrested dozens of persons--usually the homeless, mentally ill, drug users, or commercial sex workers--during systematic street sweeps. Detainees typically lost all money and belongings in the course of a sweep. Authorities called the street sweeps part of an effort to "regulate society." Occasionally authorities placed the detainees in a MOSAVY-operated rehabilitation facility 15 miles from Phnom Penh. Detainees were told they were free to leave but would not be provided transportation if they left the rehabilitation center.

Role of the Police and Security Apparatus

The General Commissariat of the National Police, which is under the supervision of the Ministry of Interior, manages all civilian police units. The police forces are divided into those who have the authority to make arrests, those without such authority, and the judicial police. Military police were permitted to arrest civilians if the officers met the training and experience requirements to serve as judicial police, if civilians were on military property, or when authorized by local governments. In practice, however, the military police sometimes engaged in regular civilian law enforcement activities under the authority and direction of provincial or local governments.

Police officials killed citizens and committed other abuses with impunity, and in most cases the government took little or no action. The law requires police, prosecutors, and judges to investigate all complaints, including those of police abuses; however, in practice judges and prosecutors rarely conducted an independent investigation as part of a public trial. Presiding judges usually passed down verdicts based only on written reports from police and witness testimonies. In general police received little professional training. Police who failed to prevent or respond to societal violence were rarely disciplined.

On March 7, Oddar Meanchey forestry officials claimed that persons from a group of 200 military families shot at them when they attempted to remove the families from a protected forest area. The Forestry Administration had announced the week before that it was seeking the arrest of a village chief and a Royal Cambodian Armed Forces officer who they claimed had illegally convinced the families to settle in the protected area.

On March 8, villagers evicted in 2009 from disputed land in Kraya commune, Kampong Thom Province, attempted to return to their former farmland that had been converted into a rubber plantation owned by a Vietnamese company. Police assigned to guard the plantation opened fire on the villagers, wounding three, after the villagers allegedly attacked them with knives. The provincial government had resettled the evictees on land near the site, but villagers claimed they had not received land suitable for planting crops.

On August 20, the Siem Reap Provincial Court convicted nine villagers from Chi Kraeng commune of forming an illegal armed force and sentenced them to three years in prison. The court convicted three additional villagers from the same commune for attempting to confine court officials and sentenced them to three years in prison. The villagers were arrested in March 2009 during a land dispute in which police opened fire on a crowd of protesters, injuring three. The court revised the sentences of all 12 villagers to 17 months, equivalent to time served, but the villagers remained in prison pending the possibility of appeal by the prosecutor or to face additional charges. Despite calls from the Ministry of Justice for provincial authorities to take action against the shooters in the case, at year's end no action had been taken.

There was no development in the June 2009 case in which a Ratanakiri provincial police sergeant shot and wounded a villager during a protest over an economic land concession.

There were no developments in the 2008 case of Brigade 70 Major Meur Bora, who reportedly beat two men following a minor traffic accident, or in the 2008 case of an alleged government bodyguard who shot and killed a woman in a bar.

Arrest Procedures and Treatment While in Detention

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, but police may arrest without a warrant anyone caught in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before charges must be filed. 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. However, authorities routinely held persons for extended periods before charging them. There was a functioning bail system; however, many prisoners, especially those without legal representation, had no opportunity to seek release on bail. Under the criminal procedures code,

accused persons may be arrested and detained for up to 24 hours before being afforded access to legal counsel, but prisoners routinely were held for several days before gaining access to a lawyer or family members. According to government officials, such prolonged detention largely was a result of the limited capacity of the court system.

On May 29, police in Phnom Penh arrested Leang Sokchhoeun and reportedly held him incommunicado for 33 hours, during which time he was also transported to Takeo Province. Leang's lawyer and family reported making multiple requests to speak with Leang after the expiration of the 24-hour detention period permitted by law, but police denied all requests (see also section 2.a.).

There were no developments in the case of police officer Priep Pov, who remained in hiding after he was sentenced in absentia to one year in prison in April 2009.

Amnesty

The king may grant amnesty in certain cases, which he often does during important Buddhist religious ceremonies and national holidays. The Ministry of Interior reported that King Norodom Sihamoni pardoned 154 persons during the year.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government generally did not respect judicial independence in practice. The courts were subject to influence and interference by the executive branch, and there was widespread corruption among judges, prosecutors, and court officials.

A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and the government did not provide for due process.

Observers reported that many cases were pending due to a shortage of judges and courtrooms. Observers also speculated that court officials might have been focusing on cases from which they could gain financial benefits.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel were often effectively denied the right to a fair trial. According to the bar association, approximately 30 percent of

the country's 751 lawyers provided pro bono legal counsel to poor persons, which was inadequate to cover the basic legal rights of all of the country's poor.

Sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. The accused person's statements sometimes were coerced through beatings or threats, and illiterate defendants often were not informed of the contents of written confessions that they were forced to sign. In cases involving military personnel, military officials often exerted pressure on judges of civilian criminal courts to have the defendants released without trial.

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials or members of their families who committed crimes often enjoyed impunity.

In many criminal cases, rich or powerful defendants, including members of the security forces, usually paid money to victims and authorities to drop criminal charges against them. Authorities were known to urge victims or their families to accept financial restitution in exchange for dropping criminal charges or failing to appear as witnesses.

Trial Procedures

Trials are public. Juries are not used; the presiding judge possesses the authority to pass a verdict. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. In felony cases, if a defendant cannot afford an attorney, the court is required to provide the defendant with free legal representation; however, the judiciary often lacked the resources to provide legal counsel, and most defendants sought assistance from NGOs or went without legal representation. Trials based on the civil code system typically were perfunctory, and extensive cross-examination usually did not take place. Defendants and their attorneys have the right to examine government-held evidence relevant to their cases; however, on rare occasions it was difficult for them to obtain such access, especially if the case was political or involved a high-ranking government official or well-connected member of the elite.

Defendants are entitled by law to the presumption of innocence and the right of appeal, but due to pervasive corruption, defendants often were expected to bribe judges to secure a favorable verdict. A citizen's right to be present at his appeal often was limited by difficulty in transferring prisoners from provincial prisons to

the appeals court in Phnom Penh. Consequently, more than half of all appeals were heard without the presence of the defendant.

There was no development in the case of Thach Saveth. In 2009 the appeals court upheld Thach's 2005 conviction for killing labor leader Ros Sovannareth. Thach's lawyer appealed to the Supreme Court; as of year's end, no trial date had been set. Many observers, including local NGOs and the International Labor Organization (ILO), reported procedural irregularities in the case and a lack of evidence linking Thach to the crime.

There were no developments in the case of Born Samnang and Sok Sam Oeun, who remained free on bail after the Supreme Court remanded their case to the appeals court in 2008. The two were convicted in 2004 for the killing of labor leader Chea Vichea. The case remained with the appeals court for reinvestigation and retrial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The country has a judiciary in civil matters, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Generally, there are both administrative and judicial remedies. Enforcing a court order for a civil or criminal case often was a problem. Persons sporadically turned to vigilante justice.

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

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

There continued to be reports of authorities entering private properties without proper judicial authorization. Due to forced collectivization during Khmer Rouge rule and the return of hundreds of thousands of refugees, land ownership was often unclear. The land law states that any person who peacefully possessed private or state private property (not state public land) 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 of the country's impoverished population 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 and opportunities for public comment. The Cadastral Commission failed to implement the identification and demarcation of state land, leading to land conflicts, arbitrary evictions, and ill-defined, uncontrolled state development. Land speculation, often in the form of land concessions, continued to fuel disputes in every province and increased tensions between poor rural communities and speculators. Urban communities faced forced eviction to make way for commercial development projects.

The Cadastral Commission continued to perform its functions slowly. The courts remained responsible for resolving disputes in cases where land was registered or disputants were given land titles. The National Authority for Land Dispute Resolution was ineffective, and confusion existed over its jurisdiction, which overlapped with that of the national and provincial cadastral commissions. Implementation of social land concessions for landless citizens was limited.

Cases of inhabitants being forced to relocate continued to occur when officials or businesspersons colluded with local authorities; the number of cases reported increased from 2009. Some persons also used the court system to intimidate the poor and vulnerable into exchanging their land for compensation below market value. ADHOC reported receiving 202 land-related cases during the year. During the same period, another NGO received 75 land-related cases in Phnom Penh and 13 provinces, affecting 7,040 families. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those expelled successfully contested these actions in court, but the majority of the cases in the courts were being processed at year's end.

On March 19, violence broke out when authorities tried to carry out a Supreme Court-ordered eviction of families from a 162-acre plot of land in Udong District, Kampong Speu Province. Kuo Sheng, the Taiwanese owner of Meng Keth Company, claimed that he purchased 551 acres of land from 1997 to 2000 to plant trees and build a factory. A representative of the company stated that it would compensate villagers who could show a copy of their land documents. Village representatives insisted that none of the villagers sold their land to the company. Police and villagers attacked one another when the authorities attempted to evict villagers with force.

On May 25, a group of military police, provincial police, and soldiers burned the houses of more than 100 villagers in O'Ampil Village, Anlong Veng District, Oddar Meanchey Province. Authorities claimed that the land was part of the Kulen Prumtep Wildlife Sanctuary and that a court ordered the eviction. Military and police agents burned the homes after the villagers refused to leave. Villagers maintained that they purchased the land from the Ministry of Environment in 2000 and that the eviction order should not have been enforced because there were cases pending in the court.

In July 42 HIV/AIDS-affected families that were forcibly relocated from the Borei Keila neighborhood in Phnom Penh to the Tuol Sambo resettlement site in June 2009 received new concrete houses built by the NGO Caritas Cambodia. NGOs reported that six families entitled to apartments at Borei Keila had not yet received them.

In March Sam Rainsy Party parliamentarian Son Chhay received a court order from the Siem Reap Provincial Court instructing him to vacate his land. The Supreme Court upheld a 2009 lower-court decision ordering Son Chhay to sell 7.8 acres of his land to a government agency for an amount reportedly below the market price.

There were no developments in the case of Chea Sam Ath, who allegedly posed as a local village chief and ordered soldiers to shoot villagers protesting eviction in Malai District, Banteay Meanchey Province, in 2008. The investigation continued; Chea Sam Ath reportedly relocated to Oddar Meanchey Province.

In May the Ratanakiri Provincial Court announced that it would appoint a new judge, the third in the long-running dispute between Jarai ethnic minority villagers from Kong Yu and Kong Thom and businesswoman Keat Kolney. The villagers had filed a civil complaint against Keat Kolney, accusing her of tricking them into thumbprinting transfer documents for 1,112 acres of land in Pate commune, O'Yadau District, Ratanakiri Province, in 2004. At year's end, the civil case remained unresolved.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, these rights were not always respected in practice.

The constitution requires that free speech not adversely affect public security. The constitution also declares that the king is "inviolable," and a Ministry of Interior directive conforming to the defamation law reiterates these limits and prohibits publishers and editors from disseminating stories that insult or defame government leaders and institutions.

The 1995 press law prohibits prepublication censorship or imprisonment for expressing opinions. However, the government continued to use the older UN Transitional Authority in Cambodia (UNTAC) law to prosecute journalists and others on defamation, disinformation, and incitement charges. A 2006 amendment to the UNTAC law eliminates imprisonment for defamation but not for incitement or spreading disinformation, which carry prison sentences of up to three years. Judges also can order fines, which may lead to jail time if not paid.

On March 12, the Phnom Penh Municipal Court charged opposition party leader Sam Rainsy with disinformation and forgery of public documents under articles 62 and 49 of the UNTAC law. The government charged that maps presented by Rainsy in February during his public commentary about border demarcation with Vietnam were falsified. Although Rainsy remained in self-imposed exile in France, on September 23, the court convicted Rainsy in absentia, sentencing him to 10 years in prison, a fine of five million riels (approximately \$1,180), and additional compensation of 60 million riels (\$14,150).

Also in March, Kao Kim Hourn, Ministry of Foreign Affairs secretary of state and president of the University of Cambodia, filed a defamation complaint against Bun Tha, editor in chief of the newspaper *Khmer Amatak* (Immortal Khmer), for publishing articles criticizing fees charged to scholarship applicants at the university. The articles claimed the fees were unfair and implied corruption might be involved. Kao Kim Hourn stated in his complaint that the editor failed to seek comment from the university for the articles and that the fees had a legitimate use in funding housing for scholarship recipients and paying teacher salaries. The case was withdrawn in August, after the editor wrote an apology to Kao Kim Hourn.

On May 29, police from the Ministry of Interior's Internal Security Department arrested Leang Sokchoeun, an employee of a local human rights NGO, on charges of disinformation, allegedly in connection with a series of leaflet distribution activities in Takeo Province. The leaflets reportedly contained criticism of the relationship between the government and Vietnam; the prosecutor claimed that the content was insulting to the government and to former king Norodom Sihanouk.

Leang maintained his innocence and said he had only a tenuous connection to others allegedly involved in the incident. On August 30, the Takeo Provincial Court convicted Leang and three others on disinformation charges and sentenced Leang to two years in prison. Leang's family appealed the verdict; at year's end, no date to hear the appeal had been set.

On December 19, the Phnom Penh Municipal Court convicted Seng Kunnaka of the UN World Food Program in Phnom Penh and sentenced him to six months in prison. He was charged with incitement under article 495 of the new penal code for printing and sharing a Web article critical of senior government officials. At year's end, Seng was serving his sentence in prison.

There were developments in several 2009 cases during the year. On January 27, the Svay Rieng Provincial Court convicted Sam Rainsy in absentia on charges of inciting racial hatred and destruction of public property in connection with an October 2009 incident in which a group of villagers uprooted wooden stakes demarcating the border with Vietnam. The court sentenced Rainsy to two years in prison and a fine of eight million riels (\$1,890). The court also convicted two villagers who participated in uprooting the border stakes and sentenced each to one year in prison. Rainsy and the villagers appealed the decisions. On October 5, the appeals court upheld the lower court verdict and sentence against Rainsy. The verdict against the villagers was also upheld, but the remainder of their one-year sentences was suspended, and the villagers were released after serving nearly 10 months in prison. Rainsy appealed his verdict to the Supreme Court; as of year's end, no trial date had been set.

Also in January the government granted permission for the pro-opposition newspaper *Moneaksekar Khmer* (Khmer Conscience) to resume publication after a six-month hiatus. The government had accused editor Dam Sith of defamation, disinformation, and incitement but dropped the charges after Dam Sith apologized and closed the newspaper in June 2009.

On April 13, the government agreed to the king's pardon of Hang Chakra, the publisher of the pro-opposition newspaper *Khmer Machas Srok* (Khmer Owners of the Land). Hang served nine months of a 12-month sentence for disinformation in connection with a series of articles that alleged corruption among Deputy Prime Minister Sok An's advisers and staff.

On June 2, the Supreme Court upheld the defamation verdicts of the trial court and appeals court against opposition parliamentarian Mu Sochua. Prime Minister Hun

Sen sued Mu in April 2009, stating that comments Mu made in a press conference and her subsequent efforts to attract international support defamed him. The court ordered Mu to pay a fine of eight million riels (\$1,890) plus compensation to the prime minister of 8.5 million riels (\$2,000), but Mu refused to pay. On July 15, the Phnom Penh Municipal Court asked the National Assembly to dock Mu's salary as a lawmaker to cover the compensation owed to the prime minister; the National Assembly approved the request on July 29 and began deducting four million riels per month from Mu's salary. On August 9, the court issued a similar request to dock Mu's salary to cover the fine owed in the case, which also was approved.

In a continuation of the 2008 defamation suit filed in France by Foreign Minister Hor Namhong against Sam Rainsy, on May 20, the French appeals court upheld the January 2009 guilty verdict against Rainsy and ordered him to pay 2,000 euros (\$2,650) to the foreign minister.

All major political parties had reasonable and regular access to the print media. All major Khmer-language newspapers received financial support from political parties and were politically aligned. There were an estimated 20 Khmer-language newspapers published regularly. In prior years at least four major newspapers supported opposition parties. During the year, due in part to financial difficulties, only one pro-opposition newspaper was publishing regularly. Another pro-opposition media outlet maintained a Web site but only sporadically published a newspaper. Although the three newspapers with the largest circulations were considered pro-CPP, most newspapers criticized the government, particularly on corruption and land grabbing. The prime minister, royalist party leaders, and opposition party leaders frequently came under attack.

The government, military forces, and ruling political party continued to dominate the broadcast media and influence the content of broadcasts. There were nine domestic television stations and approximately 50 radio stations. All television stations and most radio stations were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties. On July 8, the pro-CPP *Deum Ampil* (Tamarind Tree) media outlet, which included a daily newspaper, Web site, and radio station, closed after a dispute between publisher Soy Sopheap and the outlet's principal financial backer. Several days later the financial backer, the owner of a large development company, opened a new progovernment media outlet under the name Nokor Wat Media Center.

Journalists, publishers, and distributors were also subject to other forms of harassment and intimidation, including claims of illegal temporary detention, and

most reporters and editors privately admitted to some self-censorship due to fear of government reprisals.

In March, Rin Bora, a soldier from Battalion 503, seriously assaulted *Reaksmev Kampuchea* journalist Vong Thou for allegedly taking unfavorable photographs of gambling in the Poipet area. After the journalist filed a complaint with police, the perpetrator admitted the crime. The journalist dropped his complaint after Rin Bora apologized and paid civil compensation; the government did not pursue criminal action after the civil complaint was dropped.

The government-controlled national television and radio stations broadcast live segments of the verdict in the first trial at the Khmer Rouge Tribunal (see section 5) and taped National Assembly sessions; however, in some instances National Assembly broadcasts were heavily edited. National radio and television stations broadcast some human rights, social action, public health, education, and civil society programming produced by domestic NGOs.

Internet Freedom

There were no reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

According to the Ministry of Posts and Telecommunications, there were 173,675 Internet subscribers, approximately 1 percent of the total population. Most subscribers were in Phnom Penh and Siem Reap. In urban areas Internet access was widely available through Internet cafes.

Academic Freedom and Cultural Events

In general there were no legal impediments to academic freedom. However, scholars tended to be careful when teaching politically related subjects due to fear of offending politicians.

In July the Ministry of Education banned two general knowledge textbooks by Pen Puthspha. Both books contained questions and answers referring to corruption within government as an impediment to development in the country and alleged that the government does not respect human rights. Police and other government authorities collected copies of the books on sale in bookstores and warned vendors

not to display or sell the volumes. Pen stated that he received anonymous telephone threats.

In contrast with 2009, there were no reports of government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly, but at times the government did not respect this right in practice.

On January 13, the Ministry of Education prohibited the assembly on school grounds of teachers, education officers, and school leaders to discuss social conditions or political topics. The order states that gatherings for such purposes are a violation of the national law on education.

The law requires that a permit be obtained in advance of a protest march or demonstration. One provision requires five days' advance notice for most peaceful demonstrations, while another requires 12 hours' notice for impromptu gatherings on private property or at the peaceful protest venue in each province and limits such gatherings to 200 persons. By law provincial or municipal governments hold primary responsibility for deciding whether to issue demonstration permits. In practice, particularly in Phnom Penh, lower-level government officials believed the national government to be the deciding authority and denied requests unless the national government specifically authorized the gatherings. The government routinely did not issue permits to groups critical of the ruling party or of countries with which the government had friendly relations. Authorities cited the need for stability and public security as reasons for denying permits. However, the law does not define the terms stability or public security to assist authorities in implementing the law. Police forcibly dispersed groups that assembled without a permit, in some instances causing minor injuries to some demonstrators.

On March 1, police from Phnom Penh's Dangkor District prevented a group of more than 100 villagers from marching to the prime minister's residence in Takhmao to draw attention to their continuing land dispute with Ministry of Interior official In Samon. Police arrested eight villagers, detaining them for hours and threatening imprisonment, until the villagers agreed to thumbprint documents dropping their complaints over the land. Observers from several human rights

organizations also reported that police temporarily confiscated their cameras and deleted all pictures of the day's events before returning the cameras.

On August 8, officials forcibly dispersed a gathering of more than 50 villagers from Battambang Province who assembled in front of the prime minister's home in Phnom Penh to protest a land dispute between 400 families and members of the military. Unidentified plainclothes officials dragged villagers from a park and forced them to board a bus chartered by the government to return the villagers to Battambang. In some cases officials shoved and crushed villagers into the bus with little regard for safety. The bus then reportedly dropped the villagers nearly 20 miles from their community.

During the year ADHOC reported 183 protests, most of which were related to land or labor disputes.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice; however, the government did not effectively enforce the freedom of association provisions of the law (see section 7.a.).

Membership in the Khmer Rouge, which ruled the country from 1975 to 1979 and after its overthrow conducted an armed insurgency against the government, is illegal, as is membership in any armed group.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government generally did not provide protection or assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern, but it generally allowed humanitarian organizations to provide such protection and assistance. The government

cooperated with the UN High Commissioner for Refugees (UNHCR) to provide protection and assistance to Montagnard asylum seekers.

The constitution prohibits forced exile, and the government did not employ it.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In December 2009 the government issued a subdecree by which it assumed sole responsibility for the refugee-status determination process, taking final control of what had been a jointly managed process with the UNHCR since 2008. The UNHCR continued to provide training and other technical assistance, and it participated in interviews and made recommendations to the government on asylum cases.

A 2005 memorandum of understanding with the UNHCR and the government of Vietnam to resolve the situation of Montagnards under UNHCR protection remained in effect. Asylum seekers who reached the UNHCR Phnom Penh office were processed with government cooperation. During the year two Montagnards and 47 other new arrivals sought asylum; in addition, two children were born to asylum seekers in the country, one Montagnard and one non-Montagnard. According to the UNHCR, 12 Montagnards and two other refugees departed for a third country, while authorities returned seven rejected Montagnard asylum seekers to Vietnam. There were 65 Montagnards in the remaining UNHCR protection site in Phnom Penh, which was a limited-access site; Montagnard refugees and asylum seekers there under UNHCR protection could leave only with UNHCR permission and escort. According to the UNHCR, during the year no refugees requested local integration.

The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

There were no reported cases of government abuse or mistreatment of refugees or asylum seekers, and restriction of movement was applied only in the case of the Montagnards under the special processing agreement.

There were no developments in the case of the 20 Uighur asylum seekers forcibly deported to China in December 2009.

Stateless Persons

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

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

The UNHCR stated that the country's potentially stateless population included mostly ethnic Vietnamese. According to an NGO, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, and land ownership.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage. Suffrage is voluntary for all citizens age 18 years and older.

Elections and Political Participation

The most recent national elections, held in 2008 for the National Assembly, were peaceful overall, with a process that was generally considered an improvement over past elections. However, observers noted that the elections did not fully meet international standards. Although some election day irregularities persisted, they were low in number and did not appear to affect the outcome or distort the will of the electorate.

In May 2009 the country held indirect elections for 374 provincial and 2,861 district council seats for the first time in its history as part of the government's decentralization and deconcentration initiative. Voting was limited to the 11,353 commune councilors elected in the 2007 commune elections. The CPP won 302 provincial seats and 2,249 district seats; the remainder were split among various royalist and opposition parties.

Parties could register, and individuals were free to declare their candidacy without restrictions.

Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid.

Traditional culture limited the role of women in government; however, women took part in the May 2009 indirect provincial and district council elections. There were 28 women in the 123-seat National Assembly and nine women in the 61-seat Senate. There was a female deputy prime minister and 45 female ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisers, and there were 31 female judges and prosecutors in the municipal and provincial courts, appeals court, and Supreme Court. Although there were no female governors, the government appointed women as deputy governors in all of the 23 provinces and the Phnom Penh Municipality. The National Election Committee reported that women held 15 percent of commune council seats, 13 percent of district council seats, and 10 percent of provincial council seats.

There were five members of minorities--four Cham and one other ethnic minority--in the National Assembly. There also were three members of minorities in the Senate. At least eight officials in senior positions in the government were from minority groups.

Section 4 Official Corruption and Government Transparency

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

On January 20, the government promulgated a new penal code that defines various corrupt acts and specifies the applicable penalties for such acts. The penal code entered into full effect on December 21. On April 17, the government promulgated

an anticorruption law, which provides the statutory basis for the establishment of a National Council against Corruption and an anticorruption unit to receive and investigate corruption complaints. Pursuant to the law, the government appointed 11 council members in June. Fourteen investigators for the anticorruption unit were appointed in August, and it began receiving complaints the same month.

Corruption was considered endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of government. There were reports that police, prosecutors, investigating judges, and presiding judges received bribes from owners of illegal businesses. Reported public experience with corruption was widespread, indicating many corrupt practices were not hidden. Meager salaries contributed to "survival corruption" among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials. In April the Phnom Penh Municipal Court convicted and sentenced a Justice Ministry official to eight years in prison for accepting bribes.

Under the anticorruption law, public servants are subject to financial disclosure provisions.

The National Archives Law allows unlimited access to informational documents in the public archive. However, the law grants access to other unspecified government documents only after 20 years, and documents affecting national security and preservation of personal lives may be released only after 40 and 120 years, respectively. Some NGOs reported that in practice it was difficult for them to access information; the government frequently did not or could not answer requests for information.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often cooperated with human rights workers in performing their investigations; however, there were multiple reports of lack of cooperation and, in some cases, intimidation by local government officials.

There were approximately 40 human rights NGOs in the country, but only a small portion of them were actively involved in organizing training programs or investigating abuses.

Domestic and international human rights organizations faced threats and harassment from local officials. These took the form of restrictions on and disruptions of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction. NGO public interest lawyers reported being denied access to detained clients in some human rights abuse cases, and an NGO reported that government officials warned that the NGO's representatives might be charged with disinformation and incitement if they spoke to the media about the cases.

On January 1, ADHOC employees returned to work in Ratanakiri Province, after they had departed in August 2009 following statements by a local judge that charges would be deferred if they left the province. No additional charges were filed against the workers upon their return, although an investigation continued in the land dispute involving local villagers, including original charges filed in 2009 against the ADHOC employees.

On December 15, the government released for public comment a draft Law on Associations and Nongovernmental Organizations. International and domestic NGOs expressed significant concerns about the draft law, which includes language that imposes burdensome reporting requirements on NGOs, prevents associations with fewer than 21 members from attaining legal status, erects burdensome barriers to the registration of foreign NGOs, requires foreign NGOs to collaborate with the government, and outlaws unregistered NGOs without adequate due diligence. Foreign governments expressed concern that the proposed law would greatly increase the government's regulation of both civil society and foreign NGOs.

There were no developments in the 2009 cases involving three employees of the local NGO Independent Democracy of Informal Economic Association and one Sam Rainsy Party commune councilor charged with incitement. All of those arrested remained free on bail and were awaiting trial; no date had been set by year's end.

The government cooperated with international governmental bodies and permitted visits by UN representatives. The UN special rapporteur for human rights in Cambodia, Surya Subedi, made visits in January and June, during which Subedi met with the prime minister and other senior government officials.

The government had three human rights bodies: two separate Committees for the Protection of Human Rights and Reception of Complaints--one under the Senate and another under the National Assembly--and a Cambodian Human Rights

Committee that reported to the prime minister's cabinet. The committees did not have regular meetings or a transparent operating process. The Cambodian Human Rights Committee submitted government reports for participation in international human rights review processes, such as the Universal Periodic Review, and issued responses to reports by international government bodies, but it did not conduct independent human rights investigations. Credible human rights NGOs considered the government committees to have limited efficacy.

The government hosted the hybrid Extraordinary Chambers in the Courts of Cambodia (ECCC), which was administered jointly with the UN to try Khmer Rouge leaders and those most responsible for the abuses of the Khmer Rouge period. There were no allegations of corruption in the court's administration during the year. Some observers believed that public comments by government leaders on matters related to the ECCC's jurisdictional mandate constituted a form of political interference; however, there was no evidence that the work of the court was inhibited in any way, and national authorities successfully fulfilled their responsibilities to apprehend and hand over to the tribunal all individuals indicted by the ECCC.

On July 26, the ECCC convicted Kaing Guek Eav (alias Duch), the former Khmer Rouge director of the S-21 torture prison (Tuol Sleng) who was charged with crimes against humanity and grave breaches of the 1949 Geneva Convention (war crimes), premeditated murder, and torture. The court sentenced him to 35 years in prison but subtracted five years to compensate for the period of unlawful detention that Duch spent in military detention. With 11 years already served, Duch therefore faced an additional 19 years in prison. The defense counsel announced it would appeal the verdict to the ECCC's Supreme Court Chamber, on the grounds that Duch does not fit into the category of persons over which the court has jurisdiction. The prosecution also submitted an appeal, on the grounds that the sentence was inadequate. On September 16, the court issued a closing order, or indictment, against the four other detained Khmer Rouge senior leaders charging them with crimes against humanity, war crimes, and genocide. The court also continued investigations of five unnamed persons.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status; however, the government did not generally protect these rights.

Women

The law prohibits rape and assault; nevertheless, local and international NGOs reported that violence against women, including domestic violence and rape, was common. Rape is a criminal offense and punishable by a prison sentence of between five and 10 years, according to the UNTAC law. A case of spousal rape may be prosecuted as "rape," "causing injury," or "indecent assault" under the UNTAC law. Under the 2005 domestic violence law, spousal rape may fall within the definition of domestic violence that includes "sexual aggression." Charges for spousal rape cases under the UNTAC law and the domestic violence law were rare. The domestic violence law criminalizes domestic violence but does not specifically set out penalties. However, the UNTAC law on battery and injury can be used to penalize domestic violence offenses, with penalties ranging from two months' to five years' imprisonment.

According to one NGO, there were 501 cases of rape and 546 cases of domestic violence during the year; courts tried 180 of these cases. A different NGO documented 162 cases of domestic violence affecting 164 victims and 74 cases of rape affecting 76 victims in 13 provinces and Phnom Penh by the end of November. Five cases of domestic violence and three cases of rape resulted in the deaths of eight victims. During the year the Ministry of Interior's antitrafficking department investigated 428 cases of violence against women and children, resulting in the arrest of 377 perpetrators and rescue of 423 victims. Of the 428 cases, 328 were for rape and attempted rape. The ministry reported that three cases of rape resulted in the death of four victims. The number of cases likely underreported the scope of the problem, due to ineffective enforcement, inadequate crime statistics reporting, and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

There were no developments in the November 2009 case of a 19-year-old woman reportedly raped by a police officer while another held her. Prosecution stalled, and the perpetrators remained free at year's end.

The government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. A local media center, an NGO, and the Ministry of Women's Affairs produced programming on women's matters. NGOs provided shelters for women in crisis.

The government used the 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation to prosecute sex tourists.

The labor law has provisions against sexual harassment in the workplace but does not specify penalties. There was no information on the rate of incidence.

Couples and individuals could decide the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination. Women had access to contraception and prenatal care as well as skilled attendance at delivery and postpartum care, but access was often limited due to income and geographic barriers. According to 2008 UN estimates, the maternal mortality ratio in 2008 was 290 deaths per 100,000 live births. Women were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

The constitution provides for equal rights for women, equal pay for equal work, and equal status in marriage. However, a UN report criticized the continued teaching of a "Women's Law" in the primary school curriculum that it claimed legitimized an inferior role for women in society. For the most part, women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. Women often were concentrated in low-paying jobs and were largely excluded from management positions. Men made up the vast majority of the military, police, and civil service.

The Ministry of Women's Affairs, mandated to protect the rights of women and promote gender equality in society, continued its Neary Ratanak (Women as Precious Gems) program. The program aimed to improve the image of women through gender mainstreaming, enhanced participation of women in economic and political life, and protection of women's rights. Sixteen government ministries continued gender mainstreaming action plans with support from the UN Development Program and in close collaboration with the Ministry of Women's Affairs. The government reported that women held 50 percent of wage employment jobs in agriculture and the industrial sector and 37 percent of jobs in the service sector, a benchmark set in the government's 2006-10 National Strategic Development Plan. In the development plan for 2009-13, the government set a new target of 50 percent for the women's share of wage employment in the service sector and committed to maintaining the current 50 percent ratio in the agricultural and industrial sectors.

Children

By law citizenship may be derived by birth from a mother and father who are not ethnic Cambodians if both parents were born and living legally in Cambodia or if either parent has acquired Cambodian citizenship. The Ministry of Interior administered a modernized birth registration system, but not all births were registered immediately, due principally to parents' delay. The system did not include special outreach to minority communities. In addition, children born from the mid-1970s to the mid-1990s often were not registered, a result of the Vietnam/Khmer Rouge occupation/civil war. Many of these unregistered persons who later had families of their own did not perceive a need for registration. It was common for young persons not to be registered until a need arose. The failure to register all births resulted in discrimination, including the denial of public services. A study commissioned by the UNHCR on statelessness in the country stated that the birth registration process often excluded children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration and family books were often denied access to education and health care. They stated that later in life the same individuals may be unable to access employment, own property, vote, or use the legal system.

Children were affected adversely by an inadequate educational system. 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; however, families with limited resources often gave priority to boys. According to international organization reports, school enrollment dropped sharply for girls after primary school. Schools in many areas were remote, and transportation was a problem. This especially affected girls, due to safety concerns in traveling between their homes and schools.

Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; during the year a local NGO reported 357 cases of rape and attempted rape committed against persons under age 18. Thirty-three of the cases involved children below age five, 76 involved children ages five to 10, and 248 involved children ages 10 to 18. Sexual intercourse with a person under age 15 is illegal; however, child prostitution and trafficking in children occurred. During the year raids on brothels rescued underage girls trafficked for prostitution. The Ministry of Interior reported arrests of 19 foreign pedophiles

during the year. Some children engaged in prostitution for survival without third-party involvement.

In April the Phnom Penh Municipal Court convicted and sentenced a senior Justice Ministry official to eight years in prison for accepting large bribes in exchange for attempting to engineer the release of convicted Russian pedophile Alexander Trofimov on the pretense of extradition to Russia. The official reportedly counterfeited extradition papers and forged the signatures of the justice minister and prime minister.

The government offered limited, inadequate services to street children at a rehabilitation center. A domestic NGO estimated that more than 1,500 street children in Phnom Penh had no relationship with their families and an estimated 10,000 to 20,000 children worked on the streets but returned to families in the evenings. An estimated 500 to 2,000 children lived with their families on the streets in Phnom Penh.

The Ministry of Interior reported that at least 52 children under the age of six reportedly were living with their mothers in prison. A local NGO reported 47 such children in 19 prisons and claimed that the children were subjected to mistreatment by prison guards and faced physical dangers from adult criminal cellmates. The children generally lacked proper nutrition and education.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The 2009 Law on the Protection and Promotion of the Rights of Persons with Disabilities prohibits discrimination, neglect, exploitation, or abandonment of persons with disabilities. It includes persons with mental illnesses and intellectual impairments in the definition of persons with disabilities and requires that public buildings and government services, including education, be accessible to persons with disabilities. The Ministry of Social Affairs holds 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 that all television channels adopt sign language interpretation for programming; as of year's end, two major television stations had sign language interpretation, and the Ministry of Information was working with the other stations to develop such capabilities. The government continued efforts to implement the law, although the full period for compliance in some cases extends to 2015. By year's end, the Council of Ministers had approved three of four subdecrees to support the law and was reviewing the fourth.

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

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 them in becoming more civically engaged. MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skills training for such persons.

National/Racial/Ethnic Minorities

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

Indigenous People

The government often ignored efforts by indigenous communities to protect their ancestral lands and natural resources. Despite the 2001 land law requiring the registration of communal lands of indigenous people, little was done to implement communal land titling. NGOs called for a moratorium on land sales and land concessions affecting indigenous communities. International and local NGOs were active in educating the indigenous communities about the land registration process and providing legal representation in disputes. NGOs reported loss of agricultural space and livelihoods due to the increased granting of economic land concessions on indigenous land. The NGO Indigenous Rights Active Members reported that it had recorded 14 continuing land disputes involving minority groups.

The Khao Chuly Group continued to clear land in Pech Chreada District, Mondulkiri Province, for a rubber plantation, despite disputes with local ethnic Phnong villagers. Approximately 800 families in Bou Sraa commune reported being affected by the plantation.

There were no developments in the 2008 land concession case affecting members of the indigenous community of Kak Village in Ta Lav Commune, Andoung Meas District, Ratanakiri Province. NGOs reported that much of the area in the 17,000-acre economic land concession for a rubber plantation may be eligible for registration as indigenous community land under the law.

There were no further developments in the 2008 case in Ratanakiri Province where the BVB Investment Company and members of one of the affected communities, Yeak Laom Commune, reached an agreement for land use. However, other communities in the area continued to raise concerns about the development of the land without consultation with the traditional indigenous landholders.

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

There were no laws criminalizing homosexual acts, nor was there official discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community, although some societal discrimination and stereotyping persisted, particularly in rural areas. In May several local businesses and NGOs hosted the sixth annual Phnom Penh Pride festival, a week-long series of events that highlighted the LGBT community.

There were no reports of government discrimination based on sexual orientation in employment, statelessness, or access to education or health care. However, homosexual conduct was typically treated with fear and suspicion, and there were few support groups where such cases could have been reported.

There were a few reports of private individuals refusing to employ or rent property to persons based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

There was no official discrimination against those infected with HIV/AIDS. Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs.

Section 7 Worker Rights

a. The Right of Association

The law permits private-sector workers to form and join trade unions of their own choice without prior authorization. Despite some improvement, enforcement of the law was poor. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations, although a few unions attempted to intimidate workers who wanted to withdraw. Unions may affiliate freely, but the law does not explicitly address their right to affiliate internationally. Several local federations and confederations existed, such as the Cambodian Independent Teachers' Association (CITA), the National Independent Federation Textile Union of Cambodia, and others. These groups also affiliated internationally with trade unions, such as the International Textile, Garment, and Leather Workers' Federation, the International Trade Union Confederation, and others. While the law applies to foreign workers, it does not apply to civil servants, including teachers, judges, and military personnel, or to domestic workers.

Approximately 5 percent of the labor force, estimated to be 8.8 million persons, was unionized. Unions were concentrated in the garment and footwear industries, where approximately 60 percent of the estimated 363,200 workers were union members. The Cambodian Tourism and Service Workers Federation reported that it represented approximately 3,750 hotel, casino, and airport workers. There were more than 1,944 registered factory-level unions, 44 union federations and

associations, and eight union confederations; the majority were aligned with the government, and nine were independent.

Few agricultural workers belonged to unions. The Farmers Association for Peace and Democracy had 1,000 members, and the Cambodian Federation of Independent Trade Unions, which organizes rubber plantation workers in addition to garment and shoe workers, had an unknown number of members who worked on rubber plantations.

CITA, registered as an "association" due to prohibitions on public-sector unions, represented 9,300 of the country's 104,610 teachers. CITA's requests for marches and other protests were frequently denied, although the union reported no direct government interference in day-to-day activities. Some CITA members feared that affiliation with the teachers association could hamper their chance of career advancement.

Another public-sector association, the Cambodian Independent Civil Servants Association (CICA), represented approximately 1,600 officials of 177,000 civil servants nationwide. CICA leaders alleged that fears of harassment, discrimination, or demotion prevented other civil servants from joining.

Union strength waned during the year, and many unions were unable to represent member interests adequately due to insufficient resources, training, and experience. In addition, corruption plagued the ranks of unions, employers, and government officials, hampering legitimate industrial relations. Violence, harassment, and intimidation between rival unions were common. Union leaders from across the political spectrum complained that the pro-government Khmer Youth Federation of Trade Unions habitually threatened and harassed workers from other unions.

On November 2, the Supreme Court ordered a reinvestigation into the 2007 killing of local union leader Hy Vuthy and returned the case to the lower court. Two men on a motorbike reportedly shot Hy, president of the Suntex garment factory chapter of the Free Trade Union of Workers in the Kingdom of Cambodia, while he was walking home from his factory shift. Police had made no arrests, and lower courts had ordered the case dismissed.

In February 2009 the appeals court upheld the 2005 conviction of Thach Saveth for killing union leader Ros Sovannareth in 2004. Thach Saveth appealed to the Supreme Court (see section 1.e.).

In August 2009 the appeals court ruled to reinvestigate the case of the 2004 killing of labor union leader Chea Vichea. In 2008 the Supreme Court provisionally released the two suspects convicted of the crime (see section 1.e.).

Although the law provides for the right to strike and protections from reprisal, requirements to conduct a lawful strike are cumbersome. The law stipulates that strikes can be held only after several requirements have been met, including the failure of other methods of dispute resolution (such as negotiation, conciliation, or arbitration), a secret-ballot vote of union membership, and a seven-day advance notice to the employer and the Ministry of Labor and Vocational Training (MOLVT). There is no law prohibiting strikes by civil servants, workers in public sectors, or workers in essential services.

The MOLVT reported that 13 strikes occurred in the Phnom Penh area in the first seven months of the year. The Garment Manufacturers Association of Cambodia reported 30 strikes nationwide during the same period. International observers, employers, and many union leaders agreed that almost no strikes fulfilled all prestrike legal requirements. Although some unions complained of a lack of MOLVT involvement, the MOLVT resolved approximately 50 percent of the disputes.

The government allowed most strikes held at factories but denied worker requests to hold protest marches outside the factory area. Police intervention in strikes generally was minimal and restrained, even in those cases where property damage occurred.

On January 15, four garment workers protesting the dismissal of their three union leaders from Tage factory were injured in a scuffle with riot police but not seriously. During the year an estimated 900 workers protested the January 8 dismissal of the union leaders.

On June 21, approximately 2,000 workers at the Ocean garment factory protested in front of the factory, demanding the reinstatement of seven union representatives who were dismissed after they opposed the introduction of overtime hours. Mann Seng Hak, secretary general of the Free Trade Union of Workers of the Kingdom of Cambodia, claimed the factory owner violated the law by suspending union representatives before submitting such action for MOLVT approval.

On July 27, two female garment workers were injured after approximately 50 police tried to force an estimated 3,000 striking workers to end a week-long strike

at the PCCS garment factory. A local police chief denied allegations that police used excessive force to break up the strike, adding that police only pushed workers back inside the factory compound.

In spite of legal provisions protecting strikers from reprisals, there were credible reports that workers were dismissed on spurious grounds after organizing or participating in strikes. While most strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases employers pressured strikers to accept compensation and leave their employment. There are potential remedies for such dismissals, although none was particularly effective. The MOLVT may issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement. Collective disputes, such as when multiple employees are dismissed, may be brought before the Arbitration Council for a decision. Parties may choose if decisions are binding or nonbinding; if neither party objects to the arbitral award within eight days of its being issued, it automatically becomes binding. Individual disputes may be brought before the courts, although the judicial system was neither impartial nor transparent. Some unions urged the government to expand the role of the Arbitration Council to include individual and collective interest disputes and to make its decisions binding.

On May 1, Ath Thorn, president of the Cambodian Labor Confederation and the Coalition of Cambodian Apparel Workers Democratic Union, led several thousand workers in a demonstration advocating numerous concessions by industry and the government, including an increase of the garment-worker minimum wage and implementation of health-care and pension systems for garment workers. The march was peaceful, without any confrontation with police. In a separate event, participants in a 300-strong march led by Rong Chhun, president of the Cambodian Confederation of Unions and CITA, scuffled briefly with police due to a disagreement over the route of the march. Later the same evening, police prevented Rong Chhun and his colleagues from showing a film documentary in a public park about the killing of labor leader Chea Vichea. The documentary had not been authorized by the Ministry of Culture and Fine Arts, and municipal officials denied a permit for the screening. Police removed the screen that Rong Chhun and his supporters erected in the park and prevented its replacement.

On September 13, garment workers launched a five-day strike to protest the minimum wage increase approved in July (see section 7.e.), which some union leaders contended was insufficient to combat the rising cost of living in and around Phnom Penh. Authorities publicly agreed to allow the strike to proceed. There

were minimal reports of individual violence perpetrated by both workers and police; however, employers filed a large number of civil complaints against union leaders and workers that resulted in court injunctions and suspensions. On September 16, the unions involved called off the strike after the government offered to broker a solution between workers and employers. The majority of workers returned to their jobs, but employers were reluctant to negotiate outstanding problems, including the return of 379 workers who remained suspended during the year.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively, but the government's enforcement of these rights was inconsistent. Collective bargaining agreements existed within the garment and hotel industry and with contract workers at the two international airports.

There were 55 collective bargaining agreements registered with the MOLVT during the year. However, these were not comprehensive agreements, but rather simple agreements covering a few points on wage-related matters.

A regulation establishes procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. The regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal. The law requires trade unions and employers' organizations to file charters and lists of officials with the MOLVT. The Bureau of Labor Relations is responsible for facilitating the process of union registration and certification of "most representative status" for unions, which entitles a union representing an absolute majority of workers in a given enterprise to represent all the workers in that establishment.

Enforcement of the right of association and freedom from antiunion discrimination was inconsistent. Acts of union discrimination by the employer often went unpunished. Government enforcement of rights was hampered by a lack of political will and by confused financial and political relationships among employers and union leaders. The government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay officials adequate salaries. The MOLVT often decided in favor of employees but rarely used its legal authority to penalize employers who defied its orders, instead referring many cases to the Arbitration Council.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders, in garment factories and other enterprises. By year's end approximately 40 union leaders were dismissed or suspended without cause. In some factories persons employed in management appeared to have established their own unions, supported promanagement unions, or compromised union leaders through efforts to jeopardize their employment.

Prominent independent and opposition union leaders reported receiving veiled threats of violence. Four union leaders affiliated with the Free Trade Union of Workers in the Kingdom of Cambodia were injured by enforcers hired by factory management, and one was beaten by a Chinese supervisor. Both independent and progovernment union leaders were injured by unidentified assailants. In two cases, nine union leaders were threatened with suits or sued for defamation, perjury, inciting workers to strike, destroying private property, and attempting to incite workers to commit assault. On several occasions dismissed union leaders accepted cash settlements after unsuccessfully appealing to the government to enforce laws requiring their reinstatement.

During the year the MOLVT formally warned 404 companies of legal violations. The MOLVT sent 86 cases of unresolved labor disputes to the Arbitration Council. The Arbitration Council received 145 cases from across the country, of which approximately 70 percent were successfully resolved. One hundred forty-five cases were completed, with 104 arbitral awards and 30 agreements between the parties during the process; 11 cases were pending. Of 104 awards, 58 were opposed by one of the parties--45 by employers and 13 by workers.

There are no special laws or exemptions from regular labor laws in export processing zones (known as special economic zones).

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but there were reports that such practices occurred in domestic service and other, almost exclusively informal-sector, activities. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides protections for children from exploitation in the workplace; however, enforcement was often weak. 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 to engage in "light work" that is not hazardous to their health and does not affect school attendance.

Child labor was widespread in agriculture, brick making, salt production, shrimp processing, fishing, domestic service, and on rubber plantations. Child labor was also reported in the formal sector but to a much lesser extent. According to a 2006 study conducted by the World Bank and others, more than 750,000 economically active children were below the absolute minimum working age of 12. An additional 500,000 children (12 to 14 years old) conducting non-light economic activity were below the minimum age for this type of work. According to the report, more than 250,000 children ages 15 to 17 worked more than 43 hours per week or in hazardous sectors. An expert from the ILO's International Program on the Elimination of Child Labor stated that the number of children working in hazardous work conditions rose to approximately 300,000 during the year. Three-quarters of economically active children were in the agriculture sector, 15 percent in commerce, 5 percent in small-scale manufacturing, and 2 percent in services.

According to a 2007 report, a total of 21,266 child domestic workers were found in Phnom Penh and the three provinces of Battambang, Kampong Cham, and Siem Reap. The children typically did not attend school, worked long hours with no medical benefits, and received little or no pay. On February 19, the Phnom Penh Municipal Court sentenced schoolteacher Meas Nary to 20 years in prison--the maximum permitted under the human trafficking law--for her role in detaining and abusing her 11-year-old ward, whom she used as a domestic servant. Meas' husband, Var Savoeun, received a 10-year term. A relative of the child, Thoeung Reth, who sold her to the Phnom Penh couple, was sentenced to five years in prison on trafficking charges.

On June 11, police arrested a Koh Kong woman for forcing her 12-year-old stepson to scavenge for money and allegedly beating him if he did not earn enough. The intentional battery and assault charges carry potential prison terms of between two months and five years. At year's end, the case was pending in court.

The MOLVT has responsibility for child labor inspection in both the formal and informal sectors of the economy, but its labor inspectors played no role in the informal sector or in enforcing the law in illegal industries, such as unregistered garment factories operating without a license from the MOLVT and the Ministry

of Commerce. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor was negligible), but in some industries with the highest child-labor risk, labor inspections were entirely complaint-driven.

The constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem. Widespread corruption, lack of transparency, inadequate resources, and staffing shortages remained the most challenging obstacles. For more information on forced child labor, see also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

The law requires the MOLVT to establish a garment-sector minimum wage based on recommendations from the Labor Advisory Committee. On July 8, the committee agreed to increase the minimum wages for garment workers to \$61 per month from \$50 per month for regular workers and \$56 per month from \$45 per month for probationary workers. The new minimum monthly wages include an existing \$6 cost-of-living allowance, which workers began receiving in 2008. The new wages came into effect on October 1 and were scheduled to remain in force until 2014. Workers and union leaders claimed prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living, although garment-sector wages were generally higher than wages in the informal economy. The vast majority of employers in garment factories paid the minimum wage to permanent workers, although temporary and other such workers often were paid less. The law does not mandate a minimum wage for any other industry.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a rate of 130 percent of daytime wages for nightshift work and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work up to two hours of overtime each day. However, the government did not enforce these standards effectively. Workers reported that overtime was excessive and sometimes mandatory. Similarly, outside the garment industry, regulations on working hours were rarely enforced. Involuntary overtime remained a problem, although the practice decreased during the year. Employers used coercion to force employees to work. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

The law states that the workplace should have health and safety standards adequate to provide for workers' well-being. The government enforced existing standards selectively, in part because it lacked trained staff and equipment. The MOLVT's Department of Labor Inspection was the primary enforcement agency, and during the year it issued 404 warnings about labor law violations to companies. The agency appeared to conduct proactive inspections, but endemic corruption hindered the efficacy of such inspections. Work-related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. Penalties are specified in the law, but there are no specific provisions to protect workers who complained about unsafe or unhealthy conditions. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, but those who did so possibly risked loss of employment.

Personnel in the air and maritime transportation industries are not entitled to the full protections of the law. Articles 1 and 283 apply to the specific cases of these industries instead, but workers in these industries are free to form unions.

On April 29, the International Labor Organization issued a report which estimated that more than 1,500 workers were killed annually by work-related accidents. Work-related accidents happened frequently in construction, brick making, fishing, the garment industry, and enterprises not complying with labor standards or with improperly installed safety systems. On April 30, more than 350 government officials, employers, and workers observed World Day for Occupational Health and Safety in Kampot Province. The event was aimed at understanding the risks of occupational health and safety and preventing work-related accidents.

On June 2 and 3, approximately 50 workers fainted at a Chinese-owned shoe factory Tiger Wing, located in the outskirts of Phnom Penh. Police claimed that the incidents were caused by workers' poor health, while a district official stated that chemical fumes from shoe glue caused the mass fainting. Health department officials ruled that the workers fainted due to heat exhaustion.

On July 4, authorities ordered the temporary closure of the Pine Great Cambodia Garment factory in the capital's Meanchey District after 47 of its employees fainted while they were working. A commune chief reported an additional 50 workers complained of headaches after returning home from their shifts. The deputy

director of the Occupational Health Department denied chemicals could cause such an incident.