

**UPR Submission of Cambodia
To the Human Rights Council**

**Submitted by:
The Cambodian Labour Confederation (CLC)**

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**UPR Submission by
The Cambodia Labour Confederation
To the Human Rights Council
for Cambodia's UPR**

Introduction:

In 1993, Cambodia changed the political regime to democracy with constitutional monarchy. It is also opened up its market to the global economy. In 1997, the Labour Law of the Kingdom of Cambodia was established. With regard to the conventions, The Royal Government of Cambodia has ratified 13 conventions of the International Labour Organization (ILO), including the 8 core labour standards. A number of other legal frameworks related to labour rights have also been established such as the Arbitration Council.

Despite the abovementioned efforts made by the government, leaders and members of the trade unions still face some serious challenges, which the Cambodian Labour Confederation (CLC) would like to present briefly to the Human Rights Council as follows:

1. The illegal use of short-term or fixed-duration contracts

The use of short-term or fixed-duration contracts remains a significant issue in the Cambodian labour context. The law allows the use of this type of contract for up to 2 years, but in practice employers keep giving these fixed-duration contracts to their workforce beyond the prescribed legal limit. I can honestly state that that many employers, approximately 60 percent, use sub-contractors and short-term contracts to avoid the establishment of trade unions in their enterprises, thereby undermining the workers' right to freedom of association and to collective bargaining. Moreover, short-term contract workers often enjoy less favourable working conditions, such as lower wages, no or limited social security benefits etc.

Recommendation:

We urge the government to ensure that employers abide by the law on short-term contracts by ensuring independent investigations by the labour inspection.

2. The assassination of union leaders

In 2004, Chea Vichea, Ros Sovanareth and Hy Vuthy were murdered. Due to the serious shortcomings of the Cambodian judicial system, the actual perpetrators of these murders have never been identified.

More recently, in February 2012, the Governor of Svay Rieng Province fired into a group of striking workers, mainly women, employed at the Kao Way Factory, a supplier of Puma. Three women were shot and seriously injured. To date, these women have been denied any justice because of the reluctance of the judicial authorities to properly investigate and try the Governor.

Recommendation:

We urge the government to take thorough measures to investigate the murders, prosecute the perpetrators to the fullest extent of the law and bring justice to the victims.

3. The violation of trade union rights and civil liberties

A number of key issues we have witnessed in our work as follows:

3.1. Violence and threats against union leaders and activists

It happens regularly that people are hired to attack leaders and members of independent unions. In 2013, there was such a criminal attack on union leaders of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU) at the E-garment factory. The gangsters seriously beat workers and union leaders when they were on strike. This intimidation harms the trade union movement in many different ways: workers do not feel like becoming member of the unions, and often leaders are dismissed following legitimate actions. In 2010, 40 union leaders were dismissed and this number increased to 45 in 2011 and 116 in 2012.

Recommendation:

We urge the government to protect trade union leaders and activists from all forms of violence and threats.

3.2. The registration of trade unions is problematic

Registration of newly formed unions is also a problem. The register officer requires that all unions who want to register at the Ministry of Labour must first give notice to the company. When a union can finally register, the Ministry of Labour often delays the provision of the registration certificate and thus the union cannot start functioning properly. Both allegations violate the labour law and the ILO convention 87.

Recommendation:

We urge the government, especially the Ministry of Labour, to ensure an adequate and accessible union registration process in all sectors in compliance with the Promulgation.

3.3. The involvement of political parties and employers in unions

We also want to indicate that there are political parties and companies that involve themselves in the affairs of trade unions. Obviously, these unions cannot be regarded as independent, autonomous unions that defend the rights of the workers. Moreover, it is a serious violation of Article 3, Section 2 of ILO Convention 87.

We urge the government to refrain from any interference in the affairs of trade union organizations and to protect them from any such interference by companies.

3.4. The draft trade union law

Since November 2011, Cambodia disposes of a “draft trade union law” which has not yet been adopted formally. The draft trade union law addresses many of the issues raised above but the draft law needs to go further to include workers from the public sector (civil servants, teachers, police, air and maritime transportation workers, judges etc...) as well as domestic workers. This violates Convention 87.

Recommendation:

We therefore urge the Government to work together with the unions about this issue with a view to amending the draft trade union law to ensure it is conform with ILO standards as soon as possible.

4. Occupational Safety and Health

Occupational safety and health is also a significant issue. Despite the Better Factories program in the garment sector, various problems related to occupational safety and health continue to plague Cambodian workers. Due to their low wages, workers lack sufficient nutrition in their diet. Moreover, factories often do not have sufficient ventilation facilities, which ultimately lead to mass fainting factories across the country. Recently, there was also a case of a building collapsing in the Star Wing Shoe Factory which killed 2 workers and

injured an additional 11. This tragedy is due to the lack of standardized building requirements and the lack of inspection and enforcement of the construction systems, which at present do not ensure the safety of workers.

Recommendation:

The government should take immediate action to monitor the building and the health and safety standards in Cambodia to ensure workers can work in a safe working environment.