

Your Excellency Permanent Ambassadors

Ladies and Gentlemen

Representatives of the Diplomatic Community

My name is Khun Tharo and I am the program coordinator for Center for Alliance of labor and Human Rights (CENTRAL). Today, I am representing 9 prominent independent trade union coalitions, associations, and trade union support group organizations to provide our thematic report on labor rights in Cambodia.

In the previous UPR cycle, countries such as the United States, Canada, Spain and Austria made very concrete recommendations on labour rights to the Royal Government of Cambodia (RGC). These nations called on the Government to take all necessary measures to guarantee that basic fundamental freedoms of workers in Cambodia are fully respected and that trade unionists are able to exercise their activities in a climate free of intimidation and threat or harmfulness to their personal security and their lives. In addition, these nations called on the Government to ensure that the legislative framework and labour policies enable trade unions to exercise their rights to freedom of expression, association and peaceful assembly in order to promote core labor standard and to guarantee that workers have adequate access to justice through labour sound dispute resolution mechanisms.

Cambodia is one of very few countries in Asia who have adopted all ILO Core Conventions including C.87 and C. 98 regarding Freedom of Association and the Right to Collective Bargaining.

In the last five years, The Royal Government of Cambodia has increasingly used repressive legislative tactics such as through the passage of the LANGO, Law on political party and Trade Union Law to control CSOs activities. For workers, the Trade Union Law was adopted in May 2016 and imposes burdensome registration and reporting procedures on trade unions, restricts opportunities for workers to organize, limits workers' rights to collective bargaining and prevents access for workers to represent their members and bring collective cases to the Arbitration Council. The Government continues intimidation, harassment, threats including violence, and arbitrary arrest and detention to suppress labor and union activists. The Minimum Wage Law, adopted in June 2018, contains provisions which limit the ability of labor rights activists, union leaders and independent researchers to express their views on the minimum wage. Both laws were enacted without proper consultation with relevant stakeholders. Positively, the controversial draft law on dispute resolution procedure was finally dropped in 2017 after various reactions from various stakeholders. Furthermore, the Government has also failed to take necessary and effective measures to offer better protection for Cambodian migrant workers abroad.

We, however, do acknowledge some positive progresses such as in the form of minimum wage increases for garment and footwear workers since 2013 and the promotion of a national policy framework on extending national social protection coverage for formal and informal workers, particularly for female workers, additional benefit for maternity protection and new prakas no. 303 on most representative status that could have room for minority union and workers for access to collective dispute mechanism, this right is still very fragile.

Finally, whilst the legal framework governing assemblies largely complies with international standards, the RGC consistently misapplied it and arbitrarily restricted the right to freedom of assembly, including through the arbitrary prohibition of planned assemblies and excessive state use of force. Ensure that all

restrictions or prohibitions on assemblies comply with international standards and the Law on Peaceful Assembly.

Dear Ambassadors, ladies and gentlemen and representatives of the diplomatic community,

You may or may not be fully aware about the current political and social climate in Cambodia since the last government mandate. In support of our position, you may find further details in our submission for the UPR report as well as a brief factsheet. In conclusion, I would seek to bring your attention to the following key recommendations;

- *Revoke trade union registration and reporting requirements that result in the restriction of the freedom of association, assembly, and expression, including prior authorization requirements from the Trade Union Law and Prakas No. 249 and provisions that require high standards for union leaders to register, including literacy, employment book, NSSF ID card, family background requirements and their contact numbers.*
- *Ensure the judicial system effectively protects workers' rights by allowing workers to have free choice including take cases directly to the Arbitration Council.*
- *Protect trade union leaders and trade union members from all forms of discrimination, threat and physical harm, including judicial harassment against any union activity*
- *Repeal offenses in the Criminal Code that allow for criminalization of union leaders and labor rights activists.*
- *Take affirmative action to guarantee further protection of Cambodian migrant workers in bilateral agreements with third states (receiving countries) by increasing labor inspections and making available proper complaint mechanisms.*
- *Ensure that all restrictions or prohibitions on assemblies comply with international standards and the Law on Peaceful Assembly.*