

authority for the judiciary to prosecute all offenders and guarantees of the independence of the judiciary. The SRep notes that Article 51 of the 1994 Law on Civil Servants, which institutionalized impunity, remains in effect but, by statement of the Minister of Justice in June 1997, is not applicable to military personnel.

Recalling that the most serious human rights violations in recent history were committed by the Khmer Rouge, the report notes that no Khmer Rouge leader has been arrested or prosecuted by the Cambodian authorities and that none of them has ever admitted guilt or even apologized to the Cambodian people for his or her actions. The SRep expressed concern at the prospect of current and former Khmer Rouge leaders being allowed to participate in the political process without their personal responsibility for the 1975–1979 killings being clarified, and stated that making the Khmer Rouge leaders against whom there is evidence of widespread abuses answerable before the courts may restore some public confidence in official justice. The report notes the June 1997 request by the then co-Prime Ministers for international assistance to bring to justice those responsible for the genocide and/or crimes against humanity.

Concerning the rule of law, the independence of the judiciary and the administration of justice, the report notes a number of developments and ongoing problems, including *inter alia*: the convening for the first time, in December 1997, of the Supreme Council of Magistracy and the appointment of 42 new magistrates, continuing concerns related to the Council's independence and the need for it to demonstrate its impartiality and for all political parties to respect its integrity; preparation of draft legislation to establish the Constitutional Council which will review the constitutionality of legislation and appeals against decisions regarding registration of political parties; the need for measures to ensure the severance of links between judges and political parties; the need for continued international assistance in training and development programmes for court personnel and the reconstruction of Cambodia's dilapidated court buildings; and the public perception that corruption is widespread within the courts, in part because of the low salaries paid to court staff, and thus a need to increase the budget allocation for all court staff and court operations. The report notes: interference by local authorities in judicial matters, for example by organizing court staff into a branch of a political party and instructions to the court to delay the hearing and resolution of any cases filed by persons in opposition to the government until the elections have been held; lack of respect for basic procedures of arrest and detention — for example, arrest without warrant and extension of the period of detention prior to a first appearance in court beyond the 48-hour limit established by law, especially in the case of women detainees; extended periods of pre-trial detention, including that of minors between 13 and 18 years of age, as well as cases of detention of children as young as 9 or 10 years of age; the number of persons detained for lengthy periods because of an inability to pay a debt; the prohibition on torture and ill-treatment under Article 38

of the Constitution and stipulation that confessions extracted under torture are not admissible as proof of guilt, noting continuing reports of alleged torture by police interrogators in the province of Battambang; delays of two to three months in the allocation of funds for feeding prisoners, resulting in malnutrition in several prisons; medical problems arising from food deprivation in prisons, the practice of shackling, the absence of a law regulating the prisons and the failure of the government to grant access to the OHCHR to detention facilities in the country.

On the situation of workers, the report refers to agreements between employers and unions reached since June 1997 to improve labour conditions, including the establishment of a minimum wage of US\$40 per month. The report notes that following the events in July 1997: conditions in factories reverted to those prior to the June 1997 agreement; workers were suspended and wages were not paid; armed soldiers were guarding workers in several factories; workers were dismissed and bribes paid by some workers to get their jobs back; there was intimidation of labour unions as well as dismissal or threats of dismissal against union leaders; the labour movement eventually resumed in November 1997; and the authorities had failed to register several qualifying trade unions (e.g. the Workers Union for Economic Development and the Ladies Garment Workers Union).

The report describes continuing poor working conditions, including: low salaries, long working hours, lack of provision for annual leave, deduction of sick leave and holidays from pay; a total lack of social security; imposition of night work and a failure to provide security for night workers, particularly young women, on their way home; beatings, verbal abuse and other degrading treatment of workers; the continuing practice of workers paying a fee, equivalent to several months' salary, to secure a job; use of internal disciplinary rules that have been unilaterally drawn up by employers; failure to provide workers with a copy of the contract they have signed; unlimited periods of probation; the continuing practice of paying men, who are in the minority of the industrial work force, more than women for the same work — on the assumption that men produce more; and a high number of work-related accidents.

The commentary on women's rights establishes the context in which the issue must be considered, stating that as a result of decades of war and social disturbance it is estimated that over one-quarter of Cambodian families are headed by women who bear the sole responsibility for supporting their families. The report notes that the Constitution protects women against all forms of discrimination and prohibits the exploitation of women in employment and by prostitution and that Cambodia is a party to the Convention on the Elimination of All Forms of Discrimination against Women. The SRep stated, however, that despite the existence of legal protection as provided for by the Constitution and the international human rights treaties, women in Cambodia often live with discrimination and violence which negatively affect their