

A Week that Shook Cambodia

The Hope, Anger and Despair
of Cambodian Workers
after the General Strike
and Violent Crackdown
(Dec 2013 - Jan 2014)

A FACT-FINDING REPORT

Asia Monitor Resource Centre, Hong Kong •

Asian Labour Study Group, The School of Oriental and African Studies, University of London, UK •

Asian Human Rights Commission, Hong Kong • Center for Trade Union and Human Rights, Philippines •

Korean Confederation of Trade Union, South Korea • Korean House for International Solidarity, South Korea •

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Fact-Finding Team

Christal Chan, Dae-Oup Chang, Danilo Reyes, Eunji Kang, Fahmi Panimbang, Hilde Van Regenmortel, Jane Siwa, Lennon Ying-Dah Wong, Mikyung Ryu, Samuel Li Shing Hong, Sanjiv Pandita, Yoo Ki-soo

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Flat 7, 9/F, Block A Fuk Keung Industrial Building

66-68 Tong Mi Road Kowloon Hong Kong

Tel: (852) 2332-1346, Fax: (852) 2835-5319

Email: amrc@amrc.org.hk Website: www.amrc.org.hk

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Glossary

CATU	Cambodian Alliance of Trade Unions
C.CAWDU	Coalition of Cambodian Apparel Workers Democratic Unions
CCFC	Coalition of Cambodian Farmers Community
CCU	Cambodian Confederation of Unions
CC3	Correctional Centre 3
CFSWF	Cambodian Food and Service Workers' Federation
CICA	Cambodia's Independent Civil-servants Association
CLC	Cambodian Labour Confederation
CNRP	Cambodia's National Rescue Party
CPP	Cambodia's People's Party
CUMW	Collective Union of Movement of Workers
FTUWKC	Free Trade Union of Workers of Kingdom of Cambodia
GMAC	Garment Manufacturers Association of Cambodia
ICRC	International Committee of the Red Cross
IDEA	Independent Democracy of Informal Economy Association
IDYTU	Independent Youth Union
ILO	International Labour Organization
ITUC	International Trade Union Confederation
LAC	Labour Advisory Committee
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MOL	Ministry of Labour and Vocational Training
NIFTUC	National Independent Federation Textile Union of Cambodia
UNHCR	United Nations High Commissioner for Refugees
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
WFTU	Workers Friendship Union Federation

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Executive Summary

The garment industry has been the chief engine of the Cambodian economy for the past two decades since its establishment in 1994. However, garment workers still account for a large part of the country's working poor. The minimum wage for garment workers has been rising slower than productivity increases and the price inflation of certain daily necessities, thereby yielding negative real wage increases. Workers were universally unhappy about the quality of life in general and the minimum wage in particular. To maintain basic livelihoods, they must work increasingly more overtime, to the point of exhaustion and beyond as seen in the mass fainting at work of more than 4,000 garment workers in the past two years. On December 24th 2013, despite the workers' demands to increase the minimum wage to US\$ 160, the Labour Advisory Committee (LAC) of Cambodia announced its decision to increase the minimum wage from US\$ 80 to US\$ 95 a month by April 2014. It also outlined a plan to increase the wages to US\$ 160 by 2018. Representatives from six major labour federations and confederations rejected the LAC plan and called for a general strike, demanding an immediate rise in the living wage to US\$ 160, which was consistent with the Ministry of Labour's assessment of the minimum wage of US\$ 157-177 a month to survive in Cambodia in 2013. The government decision triggered workers' demonstrations that same afternoon of December 24th and led to a massive protest by the majority of workers over the next few days.

The peaceful strike on December 29th was the largest protest. Many different groups participated in the strike together with garment workers and labour groups including Boeung Kak Lake activists, a group of monks, tuk-tuk drivers, domestic workers, street vendors, and civil servants. All the while the number of demonstrators increased as the general public joined and supported the protest. A major feature of this strike was that it was a 'self-generated strike' by rank-and-file workers almost unanimously supporting the demand to raise the minimum wage. Employers and the government took increasingly aggressive steps to bring the strikes under control, but the strikes and mass rallies continued until December 31st. On December 31st, the Ministry of Labour announced a slightly modified proposal to increase the minimum wage to US\$ 100 but protests continued; workers marched to the Council of Ministers where they were met with barbed wire roadblocks and riot police. Tensions were building between the workers and the authorities.

Between January 2nd and 3rd 2014, the authorities violently suppressed the protests. Numerous media reports, workers, and witnesses confirmed the excessive use of brutal force by the police and armed forces that killed at least four workers and severely injured at

least 38 other workers and supporters. One person remains missing and is presumed dead. The authorities also arrested 23 workers and to date 21 of them remain in detention. Many workers and witnesses have reported that the security forces started the violent clash with strikers. Support, protest actions and solidarity messages have flooded in from labour rights groups and labour unions across the world expressing outrage at the brutal repression.

The demand of Cambodian workers to lift the minimum wage to US\$ 160 is fair and reasonable, as their real wages have been stagnant despite their tremendous contribution to Cambodia's economic growth. The ineffective response of the Labour Advisory Committee in meeting this demand has compelled the majority of workers to strike and protest. The disproportionate use of force by the government to suppress these legitimate protests demonstrate that the government is more concerned with protecting the interests and profits of the employers of the Garment Manufacturers Association of Cambodia than protecting the workers' rights to a decent living wage, freedom of association and other basic human rights.

Introduction

The crackdown on the legitimate general strikes of the Cambodian garment workers by the authorities in early January 2014 shocked the international community. Prior to the crackdown, between December 24th and 31st 2013, workers were peacefully protesting to demand an increase of the minimum wage to US\$ 160 from US\$ 80 in order to maintain their basic standard of living. The decision of the Cambodian government’s Labour Advisory Committee (LAC) on December 24th 2013 to increase the minimum wage to US\$ 95 triggered the general strike. Despite Article 104 of the Cambodian Labour Code guaranteeing that wages should enable every worker to enjoy a “decent standard of living compatible with human dignity”, this new wage level fell far below what was thought to be a living wage and workers were angered that the amount was truly insufficient to satisfy the basic needs of any worker. Following the enormous pressure exerted by the protesters during mass protests, the LAC decided to slightly increase the minimum wage to US\$ 100 on December 31st 2013, but protests continued unabated.

Cambodian authorities and employers took increasingly aggressive steps to bring the strikes under control. Between January 2nd and 3rd 2014, the authorities violently suppressed the protesters. Several media reports, workers, and witnesses confirmed the use of deadly force by the police and armed forces, who murdered at least four protesters and seriously wounded at least 38 other protesters and bystanders. One person remains missing and is presumed dead. The authorities have also detained 23 workers and as this report is being written (February 19th 2014), 21 of them remain in detention.

In response to these tragic events and at the invitation of independent labour unions and federations, an international team of labour activists, academics and human rights defenders was formed to launch a fact-finding mission. This mission aimed to investigate and understand, from the workers’ perspective: why they took the streets, what happened during the incidents, and who should be held responsible for the violence that made many ordinary Cambodian workers and their families suffer. While the fact-finding team was aware of the broader political turmoil in Cambodia since the contested elections in July 2013, we have chosen to restrict the scope of our report to examine the workers’ experiences

This mission aimed to investigate and understand, from the workers’ perspective: why they took the streets, what happened during the incidents, and who should be held responsible for the violence that made many ordinary Cambodian workers and their families suffer.

immediately leading up to, during and after the general strikes in late December 2013 and the violent crackdown in early January 2014.

The fact-finding team comprised 12 individuals from eight organisations from Hong Kong, the Philippines, South-Korea, Taiwan, United Kingdom and Belgium. In addition to collecting basic statistics and information related to the Cambodian garment industry, the team used the semi-structured interview method to speak to those who were directly involved in the general strike and who experienced the violent incidents. All interviews were recorded or filmed. The team also visited the sites where the major incidents took place to verify and contextualise information provided by witnesses. During a week of intensive interviews between January 14th and 20th 2014, the fact-finding team interviewed over 50 persons including workers, union leaders, victims and their families, a former soldier, a foreign ambassador, and human rights' observers.

This report is structured in the following manner. First, a general overview of the Cambodian labour situation is provided in Chapter II. This is followed by an account of the events leading up to the general strike in Chapter III and a chronology of the incidents and the violent crackdown that occurred at the Yakjin and Canadia Industrial Zone in Chapter IV. In Chapter V, we profile the victims and survivors of the violence and provide an insight to the consequences of these events on the workers' lives followed in Chapter VII by a discussion on the arrests, harassment and discrimination against unions and workers. Finally, the demands of the unions and the workers are examined in more detail in Chapter VI, and conclusions are provided in Chapter VII.

II

General Situation of Cambodian Labour

With a total area of 181,035 sq km and up to a quarter of its entire land area carved out and allocated for Economic Land Concessions¹ — the benefit of which often goes exclusively to the rich and powerful—Cambodia shows a familiar pattern of uneven economic development: high rates of economic growth accompanied by persistent poverty for the vast majority of the population. The long-term economic development of the country remains a daunting challenge as more than half of the population is less than 25 years old. In 2012, not less than 20 percent of Cambodians lived below poverty line: approximately four million people lived on less than US\$ 1.25 a day, and 37 percent of Cambodian children under the age of 5 suffered from chronic malnutrition. The informal economy is not only for the exceptionally underprivileged people. About 85 percent of the total working population makes a living in the informal economy.

Cambodia became more integrated to the global economy from the 1990s. Since then an influx of international aid with structural adjustment programmes encouraged a free market economy and export-oriented industrialisation. Although it is still largely an agrarian economy with more than 56 percent of the workforce employed in agriculture, the contribution of agriculture to the total Gross Domestic Product (GDP) accounted only for 35.7 percent in 2012, while the share of industry to GDP in 2012 was 24 percent. Since 2004, garments, construction, agriculture, and tourism have driven Cambodia's economic growth. In particular, the garment industry in Cambodia has been the chief engine of country's economy for the past two decades since its establishment in 1994, driving the rate of GDP growth by more than 10 percent a year prior to the economic crisis, and by more than six percent a year between 2010 and 2012.

Currently, the garment industry employs around 470,000 registered workers, with an unknown number informally employed, and accounts for about 80 percent of Cambodia's total exports. However, the garment sector is an assembly platform, relying almost entirely on imported materials, foreign capital and export markets. Worse still, despite being the driving force of industrial development in Cambodia, the industry is subject to increasing

While [garments] manufacturers are direct employers of garment workers, the biggest beneficiaries of the Cambodia's cheap labour force are the global retail giants. They are among the world's most profitable corporations.

¹ Of roughly 3,900,000 hectares of arable land in Cambodia, research shows that the government has leased 2,033,664 to private companies under its land concession schemes – approximately 800,000 hectares in 2011 alone (LICADHO 2012).



Figure 2.1

Where workers live. Canadia Zone. The residence of garment workers in Canadia Zone is revealing enough of the quality of life they live.

international competition and turbulent market fluctuations, as made obvious by the 2008 global economic crisis. Cambodia's economy experienced near zero growth in 2009 after the hyper-rates of growth during the 2000s. The garment industry, the largest employer in the 'formal economy', was hit hardest by the fall in demand of the US market, reducing Cambodia's merchandise exports growth to a negative 14.2 percent in 2009. Within a year of August 2008, more than 40 garment factories closed and about 50,000 garment workers lost their jobs. Reduced orders from advanced economies also decreased overtime work and thereby workers' incomes, resulting in reduced remittance flows from urban workers to their rural homes.

There are about 960 garment manufacturers of various sizes operating in Cambodia. There are 412 medium to large-scale export factories supplying garment products to international brand names and retailers.² Smaller manufacturers act mostly as subcontractors for the larger ones. A majority of export manufacturers have East Asian origins, including the People's Republic of China, Taiwan, Hong Kong, South Korea and Japan. While those manufacturers are direct employers of garment workers, the biggest beneficiaries of the Cambodia's cheap labour force are the global retail giants. They are among the world's most profitable corporations. They include firms such as H&M and the GAP whose global revenues reached US\$18.13 billion and US\$15.7 billion in 2012, respectively, each one alone exceeding the entire economic output (GDP) of Cambodia at US\$14.06 billion in the same year.

Garment workers are at the bottom of this global supply chain, which has been built on grossly uneven power relations. Despite their tremendous contribution, garment workers still account for a large part of Cambodia's working poor. The legal minimum wage for garment workers has been rising slower than productivity increases and price inflation of certain daily necessities, thereby yielding negative real wage increases. To maintain basic livelihoods, workers increasingly have to work more overtime. Although Article 139 of the Cambodian Labour Law states 'overtime is only allowed for exceptional and urgent work', it is the norm that workers work overtime literally every day, earning an income just above subsistence level.

"Employers and the government say that workers' average income is US\$ 150 and it is a living wage. But look at the working hours. They work 10 to 12 hours, six days a week. Often they have no Sunday, holidays or vacation. It is like they work one and half day's working hours almost every day. That is to say, to make a living wage, they have to work like slaves."
(Ath Thorn, President of C.CAWDU in interview on January 17th 2014)

One of the consequences of this punishing regimen was endemic mass faintings in the garment factories: in the past two years, more than 4,000 workers have fainted at work.³ Naturally, discontent among the workers was not new but had been escalating for a while. In addition to sluggish increases in the minimum wage, there were other problems that exacerbated the discontent among the workforce. In recent years, workers have been subjected to increasing job insecurity as a greater number of employers utilise fixed-term contracts of around three months to cut their labour costs.⁴ Hence, for workers it became extremely difficult to make ends meet between two contracts.

More often than not, workers attempt to address their concerns by collectively bargaining with employers. To do so, workers try to establish independent and democratic trade unions that can represent their interests in bargaining. However, many short-sighted employers, often with support from the Garment Manufacturers' Association in Cambodia (GMAC), have been reluctant to respect such demands and responded with retrenchment and union busting, creating an environment of unstable industrial relations.

“In the factory, only 20 percent of workers were regular and the other 80 percent of workers are on fixed duration contracts. That is why workers were so afraid of losing their jobs. There have been attempts to organise unions in the factory twice. But the management just fired those workers who tried to organise. I joined the strike because then I could help others in the factory”. (A garment worker from a Korean factory in the Canada Industrial Zone, interviewed on January 16th 2014)



Figure 2.2. Rented rooms. Garment workers spend nearly half of their monthly salary to rent a small room near their workplace.

This type of response to workers' demands for a decent living is destabilising industrial relations in the industry and undermining the image of Cambodia as an ethical garment producer. That image had been built up ever since the International Labour Organization (ILO) introduced the Better Factory Project in 2001 to monitor labour rights in Cambodia's garment factories. Although the programme has expanded to cover as many as 473 garment factories by 2014, compliance rates began to decrease sharply from 2010 in all aspects including contracts, wages, hours, leave, welfare and safety and health, clearly indicating that an increasing number of employers ignore the Cambodian labour laws.⁵ Furthermore, the number of strikes has risen dramatically: there has been a 170 percent increase between 2010 and 2012, according to the ILO. This is this context from which the general strike of December 2013 emerged.

³ See Labour Behind the Label and CLEC (2013).

⁴ See Yale Law School (2011); Arnold and Toh (2012).

⁵ See Stanford Law School and WRC (2013) and ILO (2013).

General Strikes

The Trigger

Our investigation revealed that the sluggish improvement, if not deterioration, of the general working and living conditions of garment workers is the most important underlying reason for the general strike in December 2013 and January 2014. Workers were universally unhappy about the quality of life in general and the minimum wage in particular. As a consequence, in 2013 alone, more than 30 factories in the Manhattan and Taiseng industrial zones were going through labour disputes over wages even before the general strike. Almost all the workers interviewed expressed that it was absolutely impossible to maintain their livelihoods at the current level of income:

...[I]t was a 'self-generated strike' by rank-and-file workers almost 'unanimously supporting the demand to raise the minimum wage'.... During the last week of December, workers voluntarily created actions and participated in them without instructions from the union federations

"We demand US\$ 160 minimum wage to live a decent life. It is not possible to live on US\$ 100 a month. Every time we go to the market, we find prices have increased." (A garment worker from a Hong Kong-owned factory, interviewed on January 16th 2014)

"Since I am living with my sister, we spend US\$ 50 for food for the two of us, and about US\$ 35 for the room rent. The total is US\$ 85 already. So the current minimum wage is not enough for us. If we receive US\$ 160, that would give us a better living. We could eat properly because at the moment I do a lot of overtime work to earn around US\$ 120." (A garment worker whose sister was injured in the crackdown at the Canadia Industrial Zone, interviewed on January 15th 2014)

The minimum wage in the garment sector is to be reviewed regularly in the tripartite Labour Advisory Committee (LAC). The current US\$ 80 minimum wage was announced by the LAC on May 1st 2013.

Although the tripartite structure itself—consisting of representatives from government, employers and workers—is problematic given the fragile neutrality of the government, the effectiveness of the structure in reflecting workers' concerns and interests is particularly questionable in the Cambodian context. The committee consists of 14 representatives from the Ministry of Labour, seven from the Garment Manufacturers Association of Cambodia (GMAC) and seven from trade unions. Only two of the union representatives are drawn from independent trade unions, the Coalition of Cambodian Apparel Workers

Democratic Unions (C.CAWDU) and the National Independent Federation Textile Union of Cambodia (NIFTUC). The position of the other five union representatives, their independence from the government and employers, as well as the representation of rank and file workers is at best dubious. They do not pursue any democratic and participatory procedures, nor do they have proper independent relations with the government, the ruling Cambodian People's Party and employers both at the national and enterprise level. The nature of these unions' role in the LAC and the capacity of the committee to fairly represent workers' interests in any meaningful way have been clearly revealed in the minimum wage negotiation process in December 2013, which in the end triggered the mass voluntary protests by garment workers and their supporters.

Trade unions including C.CAWDU, NIFTUC, the Collective Union of Movement of Workers (CUMW) and the Cambodian Alliance of Trade Unions (CATU) have been campaigning for a minimum wage increase to US\$ 160 on the basis of a recommendation from the LAC Survey Working Group whose independent study of the proper minimum wage level for the garment and footwear industry in Cambodia was agreed in the tripartite committee. The conclusion of that working group was that a proper minimum wage ranged between US\$ 157-177. In response to the unions' request for the LAC to review the minimum wage, the LAC called for a meeting on December 24th 2013. Later it was revealed that this meeting was not truly for negotiations but to release a predetermined decision. The LAC announced in the meeting on December 24th 2013 its plan to increase the legal minimum wage from the current US\$ 80 to US\$ 95. The decision announced by the LAC on December 24th was unilateral, rather than reflecting the growing aspiration of many rank and file workers and their representatives for decent wages. In its plan, unions' demand for US\$ 160 was anticipated to be met as late as 2018. To no one's surprise, the announcement poured oil onto the flames.

One worker described the disappointment and anger workers felt about the result of the so-called negotiations on December 24th 2013:

"I went to see the negotiations in the MOL on the 24th. I joined the workers who were waiting for the results of the negotiation. But I felt that the negotiation was prearranged in advance between the government, the GMAC and pro-government unions. When the government proposal was announced, other parties agreed in three minutes; only two union representatives from C.CAWDU and NIFTUC disagreed...Before the negotiations, all the unions seemed unhappy with the other parties. But once it started all but two unions surrendered. I felt that all the other unions had been informed about the proposal before the negotiations started. Therefore, it was not a real negotiation. When the two presidents of C.CAWDU and NIFTUC delivered the results to the workers, they told workers that they disagreed with the suggestion and that further negotiations were needed. Workers were disappointed. The news was spreading very quickly and I received phone calls from workers questioning the news. They wanted to go into strike." (A worker and union organiser in a Hong Kong-owned factory interviewed on January 16th 2014)

The announcement triggered a massive wave of strikes beginning on December 24th. Many workers stopped working almost immediately after the announcement and joined rallies out of anger at the unilateral decision. Workers who did not join the rallies immediately participated in a go-slow action out of despair.

“I went to the Ministry of Labour to join the action on December 24th. When I was informed about the decision of a US\$ 95 minimum wage, I phoned my workers to inform them. They were waiting in front of the factory. They decided to go on strike immediately. It was the first time for them. They also marched to the main road about 2 km away and decided to block the road for like two to three hours. There were about 3,000 of them, nearly all the workers in the factory. The authorities came to negotiate with us to clear the road, but we stayed on. We heard that workers from other factories in this area were also on strike. They also put up road blocks. We coordinated with them. I think about 10,000 workers participated in this area. Everything remained very peaceful: there was no violence. We went back four times to put up road blocks” (A union leader in Kampong Cham interviewed on January 16th 2014)

The Unfolding of the General Strike

Between December 24th 2013 and January 2nd 2014, workers mobilised themselves in various protests, including mass rallies on streets, sit-ins and slowdowns in factories or simply exercising absenteeism by staying at home or returning to their hometowns. The number of workers participating in the general strike was unprecedented in Cambodian history.⁶

“About 20 percent of C.CAWDU members went on strike immediately. But the rally wasn’t that big at the beginning...As time went by and word spread, by the 26th, 127 factories were not operating. By that time, it was difficult to say which union members were participating as even pro-government union members were not working. By the 30th and 31th, workers in about 300 factories were not working.” (Sok Chhun Oeung, Vice President of IDEA, interviewed on January 15th 2014)

A major feature of this strike was that it was a ‘self-generated strike’ by rank-and-file workers almost ‘unanimously supporting the demand to raise the minimum wage’, said one worker from QMII factory in an interview on January 16th 2014.⁷ During the last week of December, workers voluntarily created actions and participated in them without instructions from the union federations. Strikes occurred also in factories without any union leadership as well as in factories with pro-government union leadership and despite desperate attempts of such leaders to stop workers from getting involved. Non-unionised workers often looked for help from union organisers in their factories or in nearby factories. When workers had no leaders around, they created them. This prompt and autonomous action taken by the workers was explosive enough to surprise the leaders of independent unions, too. The unions did not have enough time to give notice to the GMAC and the government about their intention to initiate a general strike.

6 Prior to 2013-2014, the largest industrial action occurred in September 2010, when workers, led by C.CAWDU and NIFTUC, went on strike after LAC negotiations failed to meet workers’ wage demands. According to union figures, 201,770 workers from over 100 factories participated by the third and final day of the general strike. This represented over two-thirds of all workers in garments and footwear at the time.

7 This differs from the 2010 strike, which was more clearly initiated by C.CAWDU and NIFTUC federation leaders, in response to workers’ wage demands (See Arnold 2013).

“We were also very surprised by it. Because normally we try to explain things and educate workers to persuade them to join strikes....even then workers often don't want to join. Normally we write letters to the government and employers to notify them of our intention to take strike action. But this time workers were on strike even before we could do so.”
(Ath Thorn, President of C.CAWDU, interviewed on January 17th 2014)

“The struggle happened by itself, it came from the bottom up, not from the top down. There was no need for them to organise this from the top down. Yet, the role of the top leaders is to advise and support the local leaders. The use of social media has allowed a very quick mobilisation of workers. The news spread very quickly, so they came out very quickly as well. A well prepared struggle is better; if they are led by the union, we would have a clearer strategy. But workers couldn't wait for that.” (Rong Chhun, President of CCU, interviewed on January 20th 2014)

Inevitably, the workers' actions brought more unions into the strike wave. As a result, an unprecedented number of unions participated in the strike together. At the beginning, C.CAWDU, NIFTUC, the Collective Union of Movement of Workers (CUMW) and Cambodian Alliance of Trade Unions (CATU) were the leading parties in the campaign demanding a US\$ 160 minimum wage. From the 25th onwards, they were joined by the Free Trade Union of Workers of Kingdom of Cambodia (FTUWKC), the Workers Friendship Union Federation (WFTU), the Independent Youth Union (IDYTU) and the Cambodian Confederation Unions (CCU). This was because the workers began to join the strike regardless of their union membership. In all, the federations comprised 386 plant-level unions and represented 249,700 workers in the textile, garment and footwear industries.

The strike was supported also by non-garment sector unions. Notably, affiliates of the Cambodia Labour Confederation (CLC), such as the Cambodian Food and Service Workers' Federation (CFSWF), Cambodia's Independent Civil-servants Association (CICA), and the Independent Democracy of Informal Economy Association (IDEA) supported the garment strike by participating in mass rallies in solidarity. In addition, labour NGOs, human rights and other social movement organisations also participated in the workers' protests. While many workers took collective actions and a sort of on-site coordination emerged from striking workers, independent unions encouraged workers to be united and promoted mass rallies. More and more workers began to participate in the strike from December 26th. Their participation took many different forms. Active forms of participation included walk-outs, rallies in the industrial areas and concentrated actions in the cities. Some workers took passive forms of protests by simply staying at home during the strike.

To join the strikes in various ways, workers had to walk out from their workplaces or simply refused to go to work. In doing so they risked losing their income and jobs. Strikers faced various challenges from employers who tried to stop workers from joining the strike by locking factory gates, paying incentives and employing additional security guards. Workers who had joined the strikes earlier organised mass rallies in industrial areas, visiting one factory after another and appealing to workers inside factories to join the strike.

The most commonly used tactic of the employers against this form of mobilisation was cutting off workers inside factories from the strikers outside by locking factory gates, playing loud music and employing additional security guards. For instance, the owner of

Makalot 2 factory and leaders of a pro-company union called 'Lucky Workers' told workers to calm down and locked the factory gate on December 27th. Workers had to struggle to unlock the gate to walk out, said one garment worker at the Taiwan-owned Makalot 2, interviewed on January 16th. At the half Korean-owned Volumecocomo Apparel, the owner locked the gate on December 30th to prevent workers from walking out. Workers managed to join the rally outside the factory by climbing up the factory walls and helping one another out. On the 30th, QMI I workers also came out to join the rally when marching workers reached the factory. On the 31st marching workers again stopped at QMII to persuade the QMII workers to join the strike. But the management deployed extra security guards at the factory gate and it was difficult to talk to workers inside. In the Korean-owned Alim factory, around 10 percent of 600 workers there were able to join the rally when workers from other factories came and knocked on the factory gate on the 27th. On the 30th, the employer locked the factory gate quickly after the striking workers arrived. Only one managed to join the rally. When the worker came back on the 31st, he tried to persuade other workers to join the strike. A Korean manager noticed this and the worker was fired immediately, said the worker from Alim, interviewed on January 16th. Camwell MFG Co. Ltd., a Taiwanese-owned garment factory located on National Road No. 4, also locked the gate so that the workers could not go out and join the rally on the 30th, a union activist from IDEA interviewed on January 16th said.

The management of many factories also threatened the workers with dismissal or deductions in salary. The owners also played loud music so that they could not hear speeches made by striking workers outside. Some employers also used incentives to attract workers during the strike, a union activist from IDEA interviewed on January 16th said. In QMII, the yellow union announced that the company would pay a US\$ 120 minimum wage if workers did not join the strike, said one QMI worker, interviewed on January 15th. In the Korean-owned Yakjin, the employer offered US\$ 5 and a pack of rice to workers working during the strike, said one worker at Yakjin, interviewed on January 15th. Tai Yang factory, a Taiwanese owned manufacturer located on National Road No. 4, promised a US\$ 10 incentive to work on strike days. It is known that in almost all factories strike participants lost full or half of daily wages during the days of strike.

Despite all these measures, almost all factories in Phnom Penh had to stop operating from the 26th due to an increasing number of strikers. Employers asked workers to take days off until the strike was finished. Many workers either stayed home or went back to their home villages in the provinces to help with their families' harvest. From December 26th to 31st, the centre of Phnom Penh was occupied by striking workers and their supporters. On the 27th, workers blocked the street in front of the MOL while the ministry was having a consultation meeting with union leaders from C.CAWDU, NIFTUC, CUMW, CATU, FTUWKC and WFTU. When the consultations finished without producing any solution, the unions announced an indefinite general strike beginning on the 31st. Later, IDYTU and CCU joined the call for a general strike. On the 28th, thousands of protesters again blocked the road in front of the MOL as well as the National Road No. 4 for eight hours.

The march on the 29th was the biggest protest. Many different labour groups participated in the march together with garment workers, while the opposition Cambodia National

Rescue Party (CNRP) also held a rally in protest of the Hun Sen administration.⁸ There were hundreds of thousands striking workers, their supporters and CNRP supporters on the street of Phnom Penh. They could not be clearly separated from one another. The CNRP's election pledge was US\$ 150 minimum wage. But when the party saw the workers struggle gaining momentum from December 25th, the party began to make it clear that they fully supported the workers' demands. There was no police crackdown for simply too many people were on the streets.

Strikes and mass rallies continued till the 31st. However, from December 29th, employers and the government took increasingly aggressive steps to bring the protests under control. The GMAC announced its plan to charge union leaders with the legal responsibility for financial losses on the 29th. The Council of Ministers issued a letter urging the MOL to send an ultimatum to the striking workers that they had to get back to work by January 2nd 2014. Street protesters faced an increasing number of policemen armed with electric batons, shields and guns in front of the MOL and the Council of Ministers on December 30th and 31st. On the 30th, another consultation was held by the MOL. However, GMAC refused to participate. In support of their leaders in the consultation meeting, workers marched to the Council of Ministers where they were met with barbed-wire roadblocks and riot police. A standoff between striking workers and the armed forces ended after a few hours without physical confrontation. The MOL also announced a slightly modified proposal to increase the minimum wage to US\$ 100 on the 31st. However, this could not satisfy the workers and employers. Meanwhile, tensions were building between the workers and the authorities.

8 The December 29th rally attracted many different groups, demonstrations and demands. Boeung Kak lake activists went to the Ministry of Women Affairs. A group of monks marched to the Ministry of Religion and Cult. Tuk-tuk drivers, domestic workers and street vendors were all marching. Informal sector workers and civil servants joined in, each group with their own demonstration and different demands. Civil servants demanded a pay raise and marched to the Council of Ministers. IDEA with street vendors and tuk-tuk drivers wanted reduced petrol prices and farmers demanded the government secure decent prices for agricultural products. These groups were marching in different places towards different ministries and government offices, then gathered together in the end at Wat Phnom and continued to march through the main roads of Phnom Penh. All the while the number of demonstrators increased as the general public joined the march. The final destination of the march was the Chinese Embassy in protest of China's involvement in many of the cases of land concessions.

Incidents and the Crackdown

Amid growing tensions, January 1st 2014 dawned without protests. Despite the Ministry of Labour's call for workers to get back to work by January 2nd, the strikes were to continue into the New Year. In the meantime, the CNRP was encouraging garment workers to join its third nation-wide protest on January 5th. On the morning of January 2nd, all eight unions involved in the strike confirmed at a press conference that the strike was not over and striking workers would get full support from the union federations. Meanwhile, many workers did not go to work and were mobilising gatherings in industrial zones instead. This time, the government changed gears and took a heavy-handed approach. A special army unit, police and military police were deployed to stop workers' protests. It turned out to be the trigger for violent clashes between strikers and armed forces.

"I never experienced this kind of violence before. My parents told me about the Pol Pot regime, but I feel that this is worse than that, because they said that during Pol Pot they asked you before they shot you. Now those people, who are more educated, they kill who they want to kill. We have no weapons or anything to respond to them. I thought I was going to be killed at any time."

In front of Yakjin on the morning of January 2nd 2014

The first clash occurred in front of Yakjin (Cambodia) Inc., a Korean and US-owned company located in the Pursenchey district of Phnom Penh. Almost all of 2,800 Yakjin workers, including members of C.CAWDU, had participated in the strike since December 25th 2013. Only about 50 to 200 workers were still working during the strike, said one Yakjin worker interviewed on January 15th. On January 2nd, some workers returned to work while others continued to strike. At around 9AM, striking workers from Yakjin and nearby factories were demonstrating outside the factory, encouraging workers inside to join the strike. Many workers inside the factory were eager to join but were unable to, as the gate was locked and guarded, said a Yakjin worker. It was when a few workers tried to open the gate to talk to workers inside, that the Paratrooper Special Forces Brigade 911 (whose Head Commander is Chap Pheakadey, a three-star general) intervened. It was the first time that striking workers faced army intervention.

The base of Brigade 911 is adjacent to the Yakjin factory building, and witnesses state that the base is directly connected to the factory through a single door and that the company provides electricity to the base. It is also known that the company has a special relationship with this brigade. A Yakjin worker, interviewed on January 15th, testified that some former soldiers of Brigade 911 were currently working for Yakjin. A Korean newspaper, the Kyunghyang Daily reported on January 5th that the employer of Yakjin

(Cambodia) Inc. ‘called for the army’s intervention using his personal relationship with army personnel’.⁹ The intervention was needed ‘because the factory was forced to suspend production due to the strikers’ and ‘the police were not very responsive’, according to a telephone interview with the Korean Embassy in Phnom Penh.¹⁰

“The soldiers are working as private security guards at Yakjin factory. Half of their salary is paid by the government and the other half by the factory.” (A former soldier of Brigade 911 interviewed on January 16th 2014).

At around 9:30AM, about 50 soldiers from the brigade beat up workers who were trying to open the gate and arrested three wounded workers from a Taiwan-owned footwear factory Sky Nice located on the National Road No. 4. The news about the clash and arrests reached union organisers and strikers in the area, attracting a bigger crowd in front of Yakjin. More soldiers armed with AK-47 rifles appeared at the scene and confronted the crowd. At around 10AM, a team of union organisers including Vorn Pao, President of IDEA, arrived at the scene to support the workers in their negotiations with the company. Upon their arrival, the team was struck by what they saw: almost 100 soldiers from the 911 brigade were guarding the Yakjin factory in a stand-off against about 600 workers. Vorn Pao therefore decided to call the United Nations High Commissioner for Refugees (UNHCR) and human rights organisations for additional support. Later, two UN officers arrived and began to negotiate with the army for the release of the three arrested workers. A commander of the 911 brigade, Chap Sophorn, was also present at the scene. Many journalists came as well. When the negotiations failed, the UN officers came out of the factory.

A while after, soldiers provoked the workers by throwing an empty water bottle at them, which was the start of an escalation of violence. When the bottle hit a worker, other workers shouted at the soldiers, who then threw more plastic bottles at the workers. Workers threw the bottles back at the soldiers. When they found no more bottles, workers began to throw stones at the soldiers, who threw them back at the workers. The army also used slingshots. Finally, the soldiers charged at the workers with electric batons at around 12PM.

The workers fled the charge in all different directions, but not everyone managed to escape. Some tried to hide in nearby houses and shops. Vorn Pao escaped to a nearby coffee house but was arrested, dragged out and severely beaten up by a few soldiers. Two journalists (one Australian and one Cambodian) and several monks were also beaten. The UN representatives, still at the scene, tried to stop the beating. When they took pictures, the

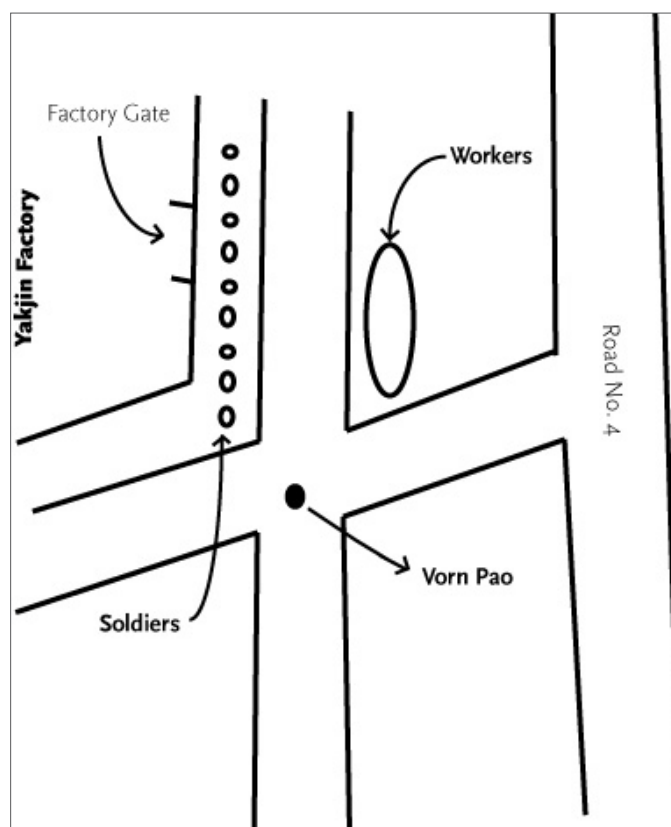


Figure 4.1
Illustration of the incident at Yakjin on January 2nd by eye witnesses

9 The Kyunghyang Daily, 5th January 2014. http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201401052116375.

10 *ibid.*

soldiers confiscated their camera. The coordinator of the Coalition of Cambodian Farmers Community (CCFC), Theng Savoeun, tried to help Vorn Pao but to no avail. Theng was also beaten and arrested. A witness described the moment of violence:

“When the army charged towards the workers, I went into a coffee shop near Yakjin, trying to hide. Vorn Pao stood close to the coffee shop as well. A soldier pointed at Vorn Pao and said that he was the leader of the workers. Vorn Pao then came into the coffee shop to escape but there was no back door in the coffee shop. Soldiers followed Vorn Pao and caught him in the coffee shop. They dragged him out and started beating him heavily. UN representatives tried to stop the beating but the soldiers did not care and took away their cameras. The coffee shop owner witnessed it. The soldiers tried to find more workers. The owner told soldiers that there were no more workers hiding in the shop. So they did not find me. There were around 10 women workers in the coffee shop too. A woman was hit hard on her head by the soldiers. The head injury was bad and she was bleeding.” (A witness interviewed on January 15th 2014).

A total of ten workers and activists were beaten and arrested by soldiers in front of Yakjin on January 2nd, including the workers who had been arrested in the morning. Five monks were also arrested and detained in the army base, but they were released the next morning. After the arrests were made, the army went back to guarding Yakjin, standing in front of the gate. The soldiers kept provoking the workers by telling them loudly that the workers could come closer again if they were brave enough. The workers stayed nearby and did not leave. At around 3:30 PM, around 1,000 supporters gathered and blocked National Road No. 4 (Russian Boulevard), demanding the release of those arrested. At around 6:30 PM they marched to Phnom Penh Special Economic Zone. No information about the arrests was released by authorities till 6 PM.

Other violent clashes were developing in the Canadia Industrial Zone on Veng Sreng Road on the same day. This could mean that the actions of the security forces were planned, rather than a reaction to violence initiated by workers. Indeed, the events on Veng Sreng Road proved to be the result of deliberate provocation of the security forces.

On Veng Sreng Road, late afternoon and evening of January 2nd 2014

The violence started when military police attacked the striking workers who were dancing in front of Canadia Bank on Veng Sreng Road. The dancing was one of the protest events and meant to encourage more workers to join the strike. At around 3 PM the military police arrived at the scene in two military trucks. The military asked the workers to disperse. The workers agreed and told the police that they would finish the event after two more songs. Meanwhile, some workers at the scene called the CLC for help as they saw the military coming into the area, said one worker from the Canadia Zone, (interview on January 16th). According to eyewitnesses, the military police ignored the workers' requests and soon began to beat up workers indiscriminately, including women workers. The workers ran away in fear and tried to enter the Canadia Zone, but the security guards locked the gate so that the workers were trapped and could not escape to the zone. It was at this time that the workers began to pick up stones and throw them at the soldiers to hold them off. Soldiers picked them up and threw them back at the workers. It was then already around 4 PM.

“While the policemen were beating me with their stick, I pleaded with them to stop beating me. They kept on beating and pushed me hard. I nearly lost consciousness. I told them, “Sir, if you keep on beating me, I might die.” (A worker at the Canadia Industrial Zone, interviewed on January 15th 2014)

Once the workers fought back, the military police could not get very close to them. Workers started to set up roadblocks with old tires. Then someone brought gasoline and bottles. At the beginning there were only plastic water bottles. People put petrol in those bottles and threw them onto the tires to set them on fire. But later these bottles were also used to prepare Molotov cocktails. It is not clear, according to eyewitnesses, who initiated the tire barricades and brought materials for Molotov cocktails as it happened quickly in a very chaotic situation. The workers were very ‘angry and at the same time very vulnerable’ because ‘the army had all the gear and guns and the workers had only stones’, said one of the workers from the Canadia Zone interviewed on January 16th. They wanted to protect themselves and began to prepare those bottles and road blocks. The clash between workers and the military with stones being thrown on both sides lasted until around 1 AM in the night.

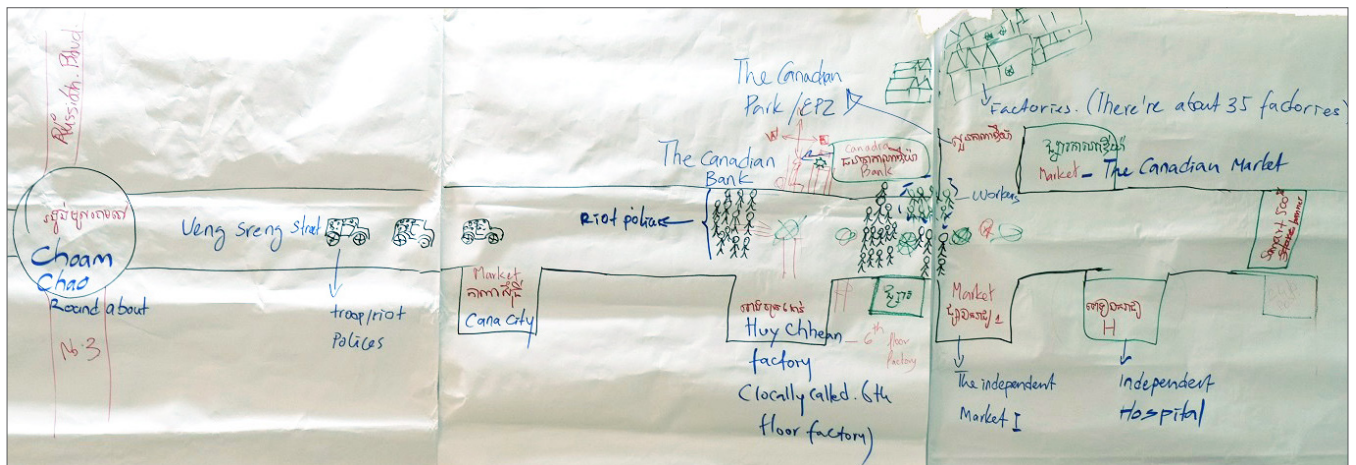
On Veng Sreng Road, early morning on January 3rd 2014

At this time the workers were occupying Veng Sreng Road, when the military police surrounded the area, then advanced on the protestors from all different directions (See Figure 4.2).

Many residents in the area heard gunshot sounds at around 1 AM and said the shooting continued until 2:30 AM, although it stopped from time to time during that period. When the shooting started, workers living in nearby multi-story accommodation fled to the roofs or the upper stories of the buildings and cheered on the workers in the street below. Sporadic clashes continued until early in the morning. The army also used smoke grenades and some workers fainted. Some workers also ran into the buildings and continued to shout at the military from the 2nd and 3rd floors.

“Many workers got injured on January 2nd. It was cruel. The workers were beaten by the police with some ‘electric bars’. Many workers were knocked unconscious and the police just threw them into the truck. We think this is not acceptable, so we decided to join the strike on 3 January 3rd.” (An injured worker at Canadia Industrial Zone, interviewed on January 15th 2014)

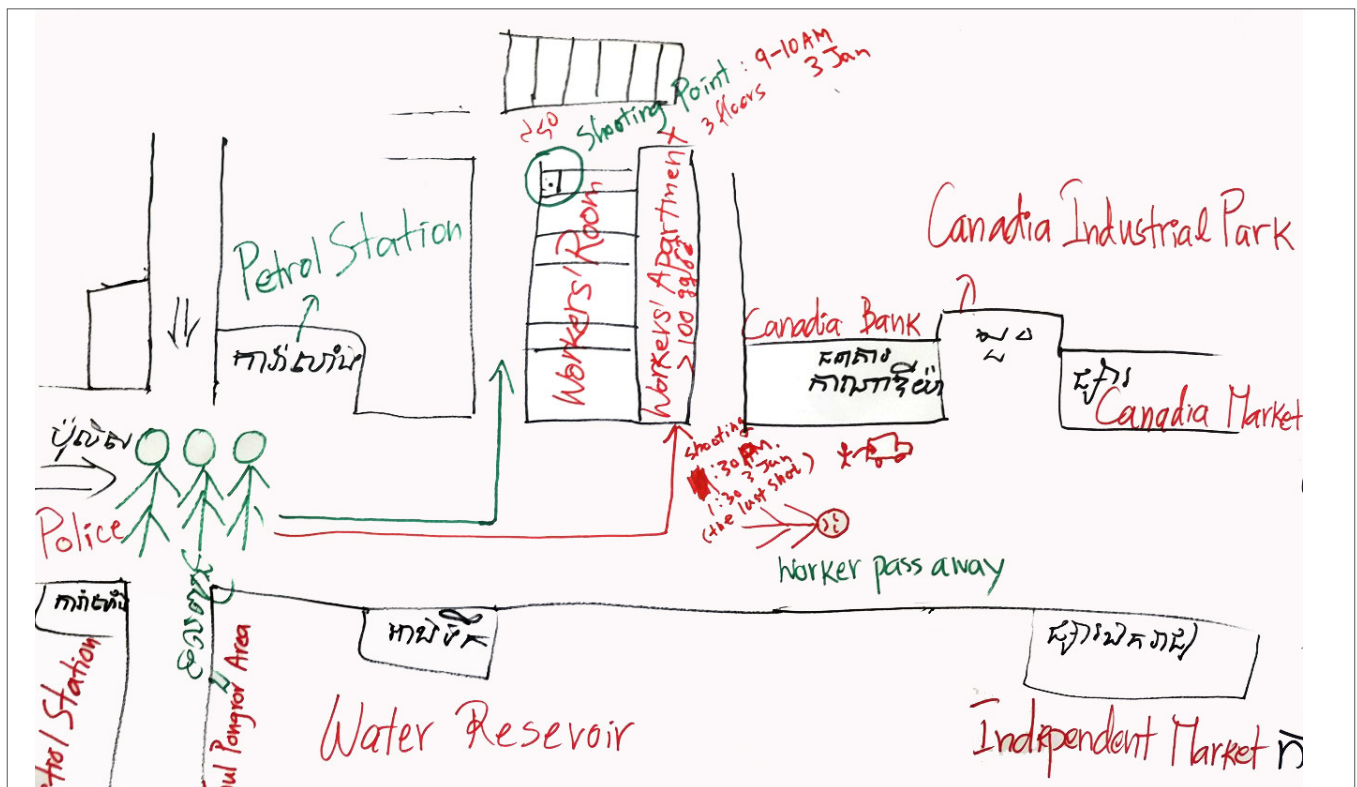
Figure 4.2
Illustration of the incident at Veng Sreng Road on January 2nd by eyewitnesses



In the early morning, some of the workers got angry with the guards of Canadia Zone as they locked the gate to prevent workers from entering the zone to hide, and in their anger the workers burned a guard’s motorbike.

At around 7 AM, workers gathered in groups in front of the factories in the Canadia Zone but did not go into the factories. They were ‘all angry as the news about last night’s violent crackdown was spreading among the workers’, said a worker from the Canadia Zone interviewed on January 16th. Later some workers destroyed the sliding gate of the Canadia Zone. They dragged it to Veng Sreng Road and set fire to it with gasoline at around 8 AM. Up to this point, the motorbike of the security guard and the gate of the zone were the only private properties that were destroyed by the workers. Still in the early morning the workers also began to reinforce the road blocks. At around 8:30 AM, some workers again threw bottled petrol onto the burning tires located between Huy Chen factory and the Canadia Bank on Veng Sreng Road. Residents of the area were not angry at the striking workers. They even provided the workers with some packs of rice and water. People from a nearby school also brought water to them.

Figure 4.3
An illustration of the incidents at Veng Sreng Road on January 3rd by eyewitnesses



On Veng Sreng Road, late morning on January 3rd

At around 9 AM, the army approached from two different directions. A group of soldiers moved from the Canadia Zone to Huy Chen (a six-storey factory) and another group of soldiers moved from north to south toward Veng Sreng Road. When the workers found the soldiers approaching, they began to throw stones. There were around 500 workers at the beginning of this, but some soon ran away and the number was reduced to around 300. The military started firing in the air, and many workers got scared and dropped the stones. Only a few workers continued to confront them, while many more ran and hid. The military began to shoot at protesters again between 9:10 and 9:20 AM. “When the workers who were hiding tried to stick their heads out to see what was going on, the army

did not hesitate to shoot at them', said a worker from the Canadia Zone, interviewed on January 16th). Some workers occasionally threw stones at the soldiers, but no more molotov cocktails were used. Many workers were hiding in their rented rooms located in a small alley between the Canadia Industrial Zone Market and Canadia Bank. The army shot at the doors of workers' houses randomly. About 50 workers were hiding in those rooms and about 100 workers were hiding in the three-storey apartment building next to the rooms. [See picture 3] Between 10:30 and 11 AM, a worker was found lying in Veng Sreng Road. He seemed dead according to an eyewitness. When he was shot was not clear. But he was 'abandoned' there, said a worker from the Canadia Zone, interviewed on January 16th).

"At around 10 AM I saw a worker get shot and some of us were trying to pull him out. We tried to call an ambulance but it was denied because the roads were blocked. No ambulance or emergency unit could access us. We pulled out the injured to put on the side of the road near a bank at the corner of the Canadia Industrial Zone. At that time the sound of guns shooting was coming closer and closer. Many people closed their doors and their shops, except one house that was still open. We pulled the injured into that house." (A woman worker in the Canadia Industrial Zone, interviewed on January 16th 2014)

Some soldiers were standing around the body so that no one could see it clearly. No one could take a picture of him. Workers saw that two military trucks were approaching the area and the body was then thrown into the military truck. The person was not moving and seemed dead or unconscious. In the truck, there were some workers who had been captured by the military. It was between 12 and 1 PM. From 11 AM, the army began to indiscriminately beat anyone appearing on the street, so workers could not go out. However, whenever soldiers were not seen, some workers still came out to Veng Sreng Road. Between 11 AM and 12 PM, a group of around 10 workers came on motorbikes and set up six barricades with pieces of wood and tires. The army were patrolling the surrounding areas and were not at the scene. Some workers from neighbouring houses were looking at them, but they were not participating in the action. After setting up the barricades, that group drove away. There were six of them every 100 meters. One was set up between Huy Chen factory and the gate of the Canadia Zone.

According to an eyewitness, between 11 AM and 12 PM some people carried out an injured man and left him at the doorstep of the Independent Clinic. He was left there alone. The military were around but did not pay attention to him. When he was seen the first time, he was still moving. But later on, he was not. Once the military moved away, two members of the clinic staff came out and checked him, then went back inside, leaving him at the doorstep. Someone then shouted that there was an injured worker at the gate of the clinic. Some people approached him and took him away on a motorbike. The workers became very angry at the clinic staff as they did not want to treat the workers. Once the military retreated, some workers looted the clinic in revenge, breaking windows with stones. They carried out equipment, and bed mattresses, as well as medicines and burned them on the street. Workers in the neighbourhood came out to observe what was going on whenever the military retreated. Workers went back into their houses to hide whenever the military passed through the area.

After 1 PM, the military police pointed a gun at a UN vehicle to stop it from entering the area. The vehicle stopped at the spot and observed. Some workers on the roof of an

apartment were trying to look out. The soldiers threw stones at them and workers threw bottles at the soldiers. Then, the owner of the apartment opened the door to let the soldiers in. Witnesses heard six to seven gunshots from inside the building after the soldiers went in. The soldiers shot at the doors of buildings where workers could be hiding and beat them up if they found any. It was around 1:30 PM when the last gunshot was heard on the day.

On Veng Sreng Road, afternoon of January 3rd

At around 2 PM, the army marched into the area and asked the neighbours to get back in their houses. About 100 soldiers were there. More than 20 military trucks were seen entering the area. The soldiers threatened the residents at gunpoint if they tried to take pictures. The soldiers told the residents to get back in their houses otherwise “they would get shot”, said a worker from the Canadia Zone, interviewed on January 16th 2014). After that, many female workers packed their belongings to leave for their hometowns. When they came out to do so, the soldiers told them it was a good idea. The male workers were still hiding.

Another group of soldiers came from the east and joined other soldiers around the Canadia Zone gate. Then the soldiers marched to the east, dragging one captured man. His hands were tied behind his back and he was wearing only his underwear. He was beaten badly and bleeding. This incident was witnessed by a worker from the 3rd floor of the worker’s apartment building. (A worker from the Canadia Zone interviewed on January 16th 2014). From around 2 PM, there were no more conflicts and protests. The street was very quiet. Many workers who had witnessed the violent crackdown felt overwhelmed and shocked. To many workers, it was the first time to see such a thing. They were ‘in nervous shock’ and at the same time ‘very worried about their friends and colleagues’, said one worker from the Canadia Zone, interviewed on January 16th 2014).

“I never experienced this kind of violence before. My parents told me about the Pol Pot regime, but I feel that this is worse than that, because they said that during Pol Pot they asked you before they shot you. Now those people, who are more educated, they kill who they want to kill. We have no weapons or anything to respond to them. I thought I was going to be killed at any time.” (A worker, Canadia Industrial Zone, interviewed on January 16th 2014)

In front of the Phnom Penh court, early afternoon on January 3rd 2014

While the bloody crackdown on Veng Sreng Road was ending, IDEA, other unions and human right activists held a protest in front of the Phnom Penh First Instance Court where the authorities had brought the 10 people arrested at Yakjin, after spending the night in the army detention centre. Later Vorn Pao reported that the police beat him on the way to the court and that he received no treatment for his injuries. He asked for a doctor but his request was refused. It was only in the court that he obtained assistance from a doctor and lawyer provided by LICADHO, a human rights NGO. While the protesters were demonstrating at the court, they heard that the situation at the Canadia Industrial Zone was very serious. At 2 PM, the military police started violently dispersing people in the demonstration in front of the court. Two tuk-tuks were damaged by military policemen using iron pipes. The protest at the court finished at around 2 PM.

The Aftermath

The next day it became clear that 13 more protesters were arrested with excessive use of force. The protesters had seen numerous people getting injured or even killed; but the exact numbers were still very unclear.

On January 4th 2014, the unions met in emergency meetings to discuss future plans. Meanwhile, the CNRP supporters and workers in Freedom Park were attacked by private militia. The two leaders of the CNRP, the CCU president Rong Chhun and the C.CAWDU president Ath Thorn were summoned by the court to explain their role in the incidents. From January 4th, Phnom Penh was full of military police officers and roadblocks. The Phnom Penh Municipal Government and the Ministry of Interior announced a ban on public assembly of more than nine people. Five female Beoung Kak Lake activists were arrested during a protest demanding the release of those arrested during the strike. The women activists were released in the evening.

In the Canada Zone, soldiers were guarding the gates of the big factories after the incident. Soldiers were also seen on Veng Sreng Road. The presence of the military scared people in the area; commuters were warned by soldiers not to travel along Veng Sreng Road. From January 3rd onwards, shop owners moved their products to other safer places and only resumed their business on January 7th or 8th. About half of the workers in the neighbourhood took leave and went back to their hometowns. Many did not come back for some time as there was a rumour that the military would come back to arrest people on January 14th. Workers were scared. Many workers did not go back to work and those who did were very fearful.

“Looking back on the experience, I am still hopeful because I saw that the power of workers was strong. But the violent crackdown by the military is very discouraging. I want to demand US\$ 160 minimum wage. But the fear was just overwhelming. People got arrested and unionists were put in prison. No one takes responsibility for it. Fear is overwhelming. It is painful to watch. Workers were demanding the minimum wage. For that, they are now dead and in prison. The TV and other media portray the workers as if they are criminals. They show only one angle of the story. They show workers throwing stones at the military and wounded soldiers. They only focus on those things. We are in fear and we lost our friends. We could not get what we wanted. And how come we are responsible for everything? Why should we be blamed for everything? When I returned to the city on January 8th, a worker who shared a taxi with me told me that she did not come back to the city to work. She came back to get her wages and then wanted to go back home to her village. This will affect not only garment workers but also many families relying on the income of garment workers”.
(A garment worker from a Taiwanese-owned factory, interviewed on January 16th 2014)

The Role of GMAC in the Crackdown

Various public statements by the GMAC indicate that it had pressured the government to swiftly respond to the protesters. As early as December 18th 2013, GMAC had already issued a statement against the alleged “violent and non-procedural strike of workers”. The statement said: “If the Government does not take action and keep this patience longer, the violence would spread nationwide and become out of control and make employers bored and hopeless and lead to closedown of business. In addition, potential investors who wish

to come to Cambodia will not dare to come, then unemployment and poverty will occur and affect the whole economy which would be a heavier burden on the Government.”¹¹

Even after the deadly violence that occurred at the beginning of January 2014, GMAC defended its stance.¹² Referring to the loss to businesses and the crackdown by the government, GMAC Secretary-General Ken Loo said: “Damage [to the industry] was done for sure but I don’t think it’s irredeemable [...] The authorities cracked down on the protesters—that’s a step in the right direction.”

Union leaders strongly criticise GMAC. In an interview on January 17th 2014, Kong Athit of C.CAWDU observed that “GMAC has been taking advantage of the weakness of the current government and unions.” Labour activist Mora Sar said: “GMAC should be honest and accountable in its negotiations with workers and unions. They should be responsible to the workers. They are responsible for the violence and the crackdown on January 2nd and 3rd as they have pushed the authorities to act violently to suppress the protesters. On top of it, employers at GMAC encourage and maintain the corruption in this country.” (interviewed on January 15th 2014).

Ath Thorn, the president of C.CAWDU explained the heavy-handed response of the authorities to the protests in the following way: first, the government was concerned that the workers’ strike may escalate beyond their control. Second, there was lobbying by foreign members of GMAC through their embassies to protect business interests. Third, the government was worried that the opposition party would make use of the situation for their interests (interviewed on January 17th 2014).

11 See the full statement on GMAC website (accessed on February 10th 2014): http://gmac-cambodia.org/news_event/12/18-12-13.php.

12 GMAC Defends Use of Force Against Striking Workers, The Cambodia Daily, January 6th, 2014, <http://www.cambodiadaily.com/archives/gmac-defends-use-of-force-against-striking-workers-50136/>.

V

Victims and their Families

The government's crackdown on the workers' protest on January 2nd and 3rd 2014 resulted in killings, arbitrary arrests, and physical injuries to workers, supporters, activists and ordinary citizens caught in the middle of the demonstrations. At least four workers were killed, 23 workers were arrested (21 are still in detention to date), and 38 have been hospitalised after sustaining mild to serious injuries; 25 workers sustained bullet wounds.

Before, during and after the strike, unionists and ordinary workers also experienced various forms of harassment perpetrated by the state and companies, from warnings to unjust dismissals, from surveillance to the filing of complaints and criminal charges.

Narratives of Violence

At least four workers were killed during the military's attack on protesting workers in the Canadia Zone on January 3rd 2014. (See Table 1 on next page) All four died of bullet wounds, a few hours after being brought to the Soviet Khmer Friendship Hospital ("Russian Hospital").

Meanwhile, Khem Sopath, age 16, a worker at Hua Hsi Garments Ltd. has been missing since January 3rd 2014. It is suspected that his body was among those taken by the military and loaded onto the military truck during the crackdown in the Canadia Zone. His family has already held a memorial ceremony for him.

According to some witnesses, bodies of protesters injured on January 3rd 2014 were taken by the military. Except for Khem Sopath, the number and identities of the bodies taken remain unknown.

Indiscriminate firing and excessive use of force by the military police to disperse protesters inflicted injuries to protesting workers and mere bystanders. A total of 38 individuals were hospitalised due to injuries sustained from bullets or beatings during the violent clash on Veng Sreng Road in the Canadia Zone on January 3rd 2014; 25 of them suffered injuries from bullet wounds to various parts of the body and seven sustained other serious injuries.¹³

One of the victims, a worker in one of the factories in Canadia, suffered cerebral bleeding and moderate head and arm trauma due to beating. In an interview with him and his

According to LICADHO, some patients [victims] still have bullets inside their bodies and it has become extremely difficult for the doctors to remove them. As a result, some of victims might have to live with a physical disability for the rest of their lives.

13 See Appendix I for additional details on injured workers

Table 1. Workers Killed at the Canadia Industrial Zone Crackdown on January 2nd 2014

NAME	PERSONAL INFORMATION	EMPLOYER, LENGTH OF SERVICE	UNION AFFILIATION	CAUSE OF DEATH
1. Pheng Khosal	male; 24 yrs old; single	Y Tech Factory, 2 years	No strong union affiliation or other roles	Bullet wounds
2. Yien Rithy	male; 26 yrs old; married with one daughter (21-months old)	Sin Chao Factory, 5 years	No strong union affiliation or other roles	Bullet wounds
3. Kim Phal Leap	male; 26 yrs old; married with one daughter (3 months old)	Chlori Factory, 2 years	No strong union affiliation or other roles	Bullet wounds to the chest
4. Som Ravy	male; 25 years old; married with two children (boy, 2.5 yrs; girl, 10 months old)	New Mingda Factory (Vattanak Industrial Park), 8 days and; Chlori Factory, 5 years	No strong union affiliation or other roles	Bullet wounds

Source: LICADHO “List of the Dead and Missing from the January 3, 2014 demonstration” (February 2014)

mother in the Russian Hospital, the worker said that he was struck on the head and beaten by the police using an electric baton until he fell unconscious. He is still experiencing memory lapses and could not remember some personal details, such as the name of the factory where he works.

Another victim, who suffered a serious injury to his left eye from a metal fragment, recalled how badly he was beaten by the police. He said, “I thought I was already going to die [on that day].” He has undergone eye surgery, was initially discharged a week after being admitted, but he went back to the hospital because he is still experiencing severe pain in his face. He is still under observation and is worried that he might lose his sight completely.

According to LICADHO, some patients still have bullets inside their bodies and it has become extremely difficult for the doctors to remove them. As a result, some of victims might have to live with a physical disability for the rest of their lives.

Not all those injured had joined the protest on January 3rd 2014. Some of them were merely passing by the protest area or inside their rented rooms when the violence happened.

One of them was a tuk-tuk driver, who sustained three gunshot wounds to his right thigh, left ankle, and stomach while driving around the Canadia Zone when the crackdown occurred. He recalls the experience:

“I was just standing, looking at the strikers and then I saw the police starting to shoot. I tried to escape...to avoid the bullet. I did not know I was injured. I just ran and ran and then I realised my leg was already numbed. [At first,] I thought that it was from the stone of the striker. And then I saw blood, and then my other leg was also hit [until] I couldn't run anymore.” (Interviewed on January 15th 2014)

Two young women who had not joined the protests were also hit by bullets in the middle of the crackdown. One of them was inside her rented room when a bullet hit her knee:

“Our rented room is two kilometres from the [Canadia] site. I was cooking when I got injured. When I heard the shooting, I thought it was quite far away, but still, the bullet came through [our room]. I was standing inside the room...I was wearing jeans that day, so I did not know it right away.” (Interviewed on January 15th 2014)

Another woman sustained a mild bullet wound to her scalp while passing by the area on a motorbike. She recalled:

“There were police in the area where I was biking. I am not sure whether the bullet came from the police next to me or from a distance. I was on the motorbike with a friend and when there was shooting, she told me to lower my head.” (Interviewed on January 15th 2014)

Loss and Damage

The crackdown did not only take lives and cause harm to the victims. It has also sowed lasting trauma and added a burden to the victims and their families.

Some injured workers, because of their medical condition had to take time off from work, leaving their families without a source of income. Without a stable job, a mother whose son was injured believed the challenge created by his injury is almost insurmountable. She laments:

“My son is not well. He cannot even sit. He is going to undergo an operation. I am so worried about his condition. If he is not able to recover, it will be very difficult for me.” (Interviewed on January 15th 2014)

The same goes for the wife of the injured tuk-tuk driver, who lost her job because she had to absent herself from work in order to take care of her ailing husband:

“My husband is a tuk-tuk driver, he got injured on that day...I have been taking care of him at the hospital ever since. I never left the hospital. On January 11th, I received my pay from my company, and I learned that I had already been fired from my job.” (Interviewed on January 15th 2014)

Losing a husband often means losing the family’s breadwinner. Amid mourning and grief, a wife of a deceased worker has to keep herself together to overcome practical challenges as she is left alone to raise their two-month-old baby. She confesses:

“Now that my husband is dead, it will be more difficult for me. I am on a three-month maternity leave after giving birth, but because of his death, I decided to resign from the factory and go back to the village and live with my parents and help out in the farm. Perhaps when our child has grown, I can work in the factory again.” (Interviewed on January 18th 2014)



Figure 5.1
Kim Phal Leap killed worker in the Canadia Zone. He is remembered by his wife and father as a hardworking, respectful and gentle man. His death orphaned his 2-month old child.

Wounds may heal but fear lingers on. Traumatized by the crackdown, two workers we interviewed decided to abandon their “dreams” in the city and go back to their home province.

The damages caused by the crackdown on victims and their families made them further realise the painful irony of fighting for the right to a living wage. A garment worker expressed both trepidation and outrage about what happened: “We just want a better wage, like US\$160... [and] just to demand this, we have become so scared...It has never happened like this.”

The victims are still in plain shock and perplexed as to how legitimate demands were met with brazen violence:

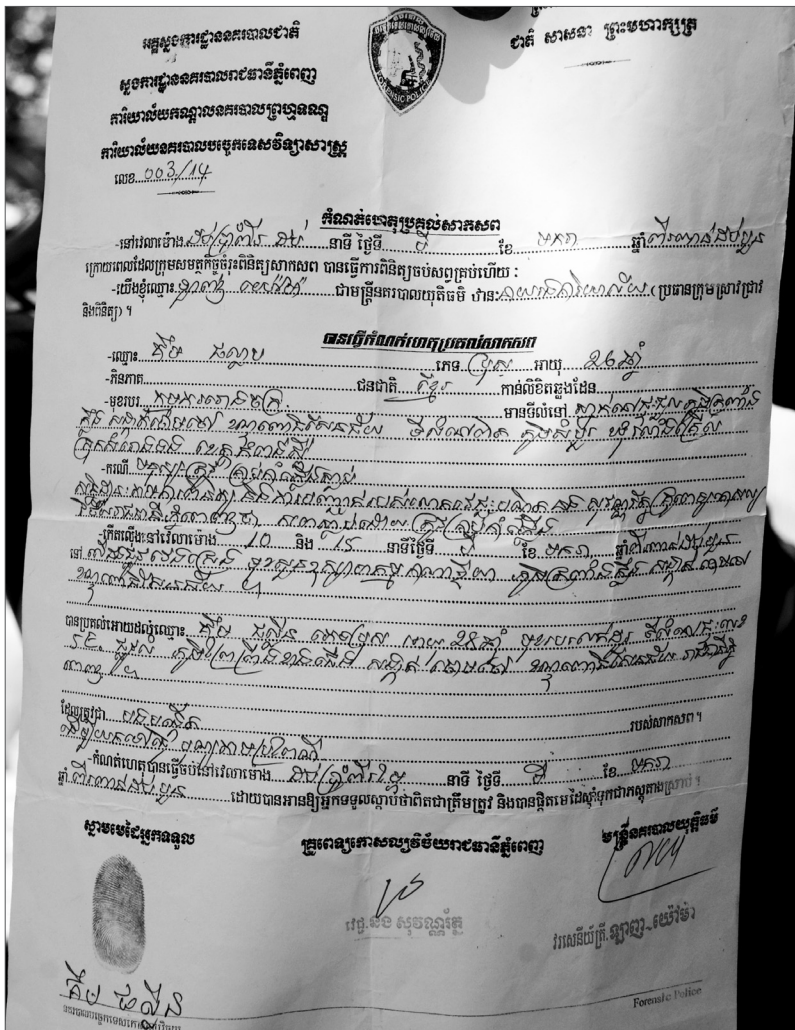
“We were not expecting the violence because we came with empty hands and we were only demanding the minimum wage so we didn’t expect this cruel treatment.” (An injured garment worker, interviewed on January 15th 2014)

Figure 5.2

Photo of Kim Phal Leap’s “death certificate.” States bullet wounds as cause of death but does not elaborate on what organs were hit and which wound was fatal.

And as families grieve for their lost loved ones, disillusion and disbelief come to the fore:

“My son believed strongly that these people, the military, [cannot] kill their own people... Khmer could not kill Khmer. But this was a wrong assumption.” (Father of deceased protester, interviewed on January 18th 2014)



The Elusive Quest for Justice

The victims and their families do not expect much from the government in terms of compensation for their loss and even less as regards bringing the perpetrators to justice.

Financial support to the injured and families of the deceased workers comes mostly from civil society organisations, unions, and individual donations. Medical treatment for the injured in the above-mentioned hospitals is free.

Sous Samoul, a deputy village chief and father of Kim Phal Leap (deceased), received US\$ 2,500 from the governor of Phnom Penh for funeral expenses and transportation services when he came to the hospital to collect the body of his son. He was not sure if the money was an official contribution or a personal donation, but he signed a form acknowledging he received money from the governor.

Achieving justice and redress for the victims of the crackdown is difficult, if

not totally futile, either because of a lack of information or utter distrust of the judicial processes and institutions.

According to Matthieu Pellerin, Monitoring Officer of LICADHO, going to courts, filing charges against the perpetrators of the crackdown is not an option to attain justice. Families, supporters and concerned groups can only do continuous public advocacy and public denunciation to expose what happened.

Sous Samoul echoes the sentiments of Pellerin. When asked if he plans to take legal actions for what happened to his son, he answered with a question, “If I file a complaint, what should be in the complaint?” and “If I have to file a complaint for compensation, to whom I should file the complaint?” Despite his position in the local government, he admits that he is not aware of the legal procedure.

Worse, following the strong denunciation of the crackdown, the government has been trying to whitewash its own role in the violence on January 2nd and 3rd. On January 17th, the deputy governor of Kampong Speu where Kim Phal Leap’s family resides reportedly held a forum and told the villagers that the government is not responsible for the violence during the strike and accused the protesters of being troublemakers and drug addicts. Sous Samoul in response to these accusations said:

“They are saying that the demonstrators, including my son, are drug addicts. That is all a lie, because my son does not even smoke. Even if you ask our neighbours, they will tell you he is a very good boy. In the forum, they only said that the strikers tried to destroy the property of the company, block the roads, break the gates...but they never mentioned why there was a strike to begin with. They never said that the demonstrations were peaceful at first, until the police came to beat them and only then the strikers had to fight back.” (Interviewed on January 18th 2014)

In this almost desperate condition, Sous Samoul turned to the international community to help him find justice for his son. In concert with unions and other groups, he urged the governments of other countries to pressure the Cambodian government and help bring justice to all victims of the crackdown including his son. He pleads:

“I am requesting the government of different countries to help find justice for my son. Not just for my son but also for the other injured workers and those who were arrested workers and put into jail. I am calling on the international community to put pressure on the government to be responsible for their acts, for those dead persons, to give compensation to them and the injured workers and to release the 23 workers...” (Sous Samoul, interviewed on January 18th 2014)

Repression Against Trade Unions and Labour Activists

From the beginning of the crackdown on January 2nd until the 21st 2014, 40 individuals have been arbitrarily arrested on five separate occasions. 23 were arrested during the military crackdown on January 2nd and 3rd, and another 17 individuals in the days that followed.

Bail was denied initially to all 23 detainees. On February 7th, lawyers for Bou Sarith and Yon Sok Chea were summoned for a bail hearing on February 8th. An hour after the bail hearing, the two were allowed to post bail and were subsequently released. On February 11th, the court rejected once again the bail petitions of the remaining 21 detainees.

The 23 arrested on January 2nd and 3rd faced criminal charges and 21 remain in detention to date. Ten of them were arrested on January 2nd at the Yakjin Factory and 13 were arrested on January 3rd in the Canadia Zone. (See Tables 2.1 and 2.2)

They were brought to court and charged with criminal offenses a day after their arrest, on January 3rd and 4th respectively. Their whereabouts were hidden from their families, lawyers and medical staff for several days after their arrest. It was only on January 8th that the police announced they were brought to Correctional Centre 3 (CC3) in Kampong Cham.

All of the ten arrested at Yakjin were charged with Intentional Violence (Criminal Code Art. 218) and Intentional Damage (Criminal Code Art. 411), both with aggravating circumstances. All of the 13 arrested in the Canadia Industrial Zone faced similar charges and three of them were charged with two additional offenses: Insult to Public Official Acting (Art. 502) and Blocking Public Traffic (Art. 78). Some of these charges carry potential sentences of five years' imprisonment upon conviction. Bail was set between US\$ 1,000 to US\$ 2,500.

Bail was denied initially to all 23 detainees. On February 7th, lawyers for Bou Sarith and Yon Sok Chea were summoned for a bail hearing on February 8th. An hour after the bail hearing, the two were allowed to post bail and were subsequently released. On February 11th, the court rejected once again the bail petitions of the remaining 21 detainees.

The detainees also suffered injuries from the crackdown. 19 suffered mild to moderate injuries due to beatings received during the crackdown; four suffered serious injuries on the head or arms. Vorn Pao is reportedly in the worst condition with a 5 cm-long cut to the head.

All the 23, including a minor, Yon Sok Chea (age 17), were incarcerated in a crowded cell in CC3 together with more than 100 convicted criminals. It was only after two weeks

in detention, on January 17th 2014, that Yon Sok Chea was transferred to a holding cell for minors in Kampong Cham.

Visitors were limited to family members, lawyers and doctors and select groups. Naly Pilorge, Director of LICADHO describes this in e-mail correspondence:

“Lawyers, families, icrc and LICADHO have had somewhat regular access to the 23 people (I go once a week with our doctor) but it’s not easy access. We have all been kicked out of cc3 prison early for various reasons. UNOHCHR (United Nations Office of the High Commissioner for Human Rights) got access in mid-January and met with the group twice. Other groups like unions, NGOs, cnrp MPs, monks have been refused access.” (Email interview, February 7th 2014)

Prison conditions in cc3 (Trapaling Plong) are reportedly among the worst in Cambodia. Located in Kampong Cham Province, cc3 is situated in a remote area at least a three-hour drive from Phnom Penh. The detention facility is intended for prisoners who have been imprisoned for at least 10 years.

An overcrowded prison, cc3 housed 1,495 prisoners as of December 2013. Each detainee has only 0.93 sq metres of space. The health and sanitation situation is deplorable and prisoners are susceptible to infectious diseases. The quality of food rations is unimaginably poor with a daily budget of US\$ 0.25 per head.¹⁴

More arrests followed as the government tried to quell the mass actions denouncing

¹⁴ CNV Internationaal. “Cambodian Workers Still in cc3 Prison.” News Release. 04 February 2014. <http://www.cnvinternationaal.nl/en/our-work/news/show/news/update-cambodian-garment-workers-are-still-in-prison>, accessed on February 8th 2014.

Table 2.1 Persons Arrested on January 2nd 2014 in Yakjin^b

NAME / AGE	AFFILIATION / OCCUPATION
1. Vorn Pao, 39	President of Independent Democracy of Informal Economy Association (IDEA)
2. Theng Saveurn, 24	Coordinator of Coalition of Cambodian Farmers’ Community (CCFC)
3. Chan Puthisak, 40	Community leader from Boeung Kak Lake; works as a glass cutter
4. Sokun Sombath Piseth, 31	staff at Center for Labor Rights of Cambodia (CLaRi-Cambodia)
5. Chhim Theurn, 26	Garment worker at Yak Jin factory
6. Yong Sam On, 31	Electrician
7. Reth Roatha, 24	Rice mill worker
8. Nakry Vanda, 19	Garment worker in Kambol
9. Lorn San, 20	Garment worker at GaiNai factory
10. Teng Chanthly, 21	Truck driver and construction worker

^b See Appendix 2.1 for more details

Table 2.2 Persons Arrested on January 3rd 2014 in the Canadia Zone^c

NAME / AGE	AFFILIATION & OCCUPATION
1. Chea Sarath, 34	Moto-taxi driver
2. Yon Sok Chea, 17	Garment worker at I Khang Factory
3. Bou Sarith, 27	Garment worker
4. Mam Piseth, 23	Garment worker in Canadia Industrial Zone
5. Nem Sokhoun, 23	Garment worker
6. Phang Tren, 24	Garment worker in Canadia Industrial Zone
7. Ry Sinoun, 18	Garment worker in Sin Lian factory
8. Heng Roatha, 22	Garment worker in Canadia Industrial Zone
9. Pang Vanny, 38	Garment worker at Suntex factory
10. Hoen Da, 29	Garment worker at Hong Sin factory
11. Cheurn Yong, 23	Garment worker
12. Ros Sophoan, 25	Garment worker at Ming Yiak factory
13. Pror Sarath, 26	Private motor guard

^c See Appendix 2.2 for more details

the crackdown. 17 were arrested on three separate occasions. On January 6th, five Boeung Kak Lake activists were arrested while holding a protest demanding the release of the 23. This was followed on January 19th by the arrest of Sok Chhun Oeung, Vice President of IDEA, for organising an event calling for the release of the 23 and an increase in the minimum wage. And on January 21st, 11 more activists and unionists were arrested as they were about to send petitions to foreign embassies to call for the release of the 23 detainees.

Except for Sok Chhun Oeung who was released the next day, all of them were released on the same day they were arrested, but all were required to sign a form stating that they would behave as good citizens, not incite people to demonstrate illegally and report any illegal activities to the authorities.



Figure 6.1

Online campaign poster to Free the 23 detained workers and human rights defenders by the “Free the 23” campaign group in Cambodia. (photo: change.org)

Before, during and after the violent crackdown, workers and unionists experienced continuous harassment and threats from individual companies, the GMAC, and state forces. Local union leaders were also unjustly dismissed from their jobs for participating in the strike and inciting violence.

The President of Cambodian Labour Confederation (CLC), Ath Thorn and five other leaders of different federations are facing complaints from 164 companies demanding compensation. The GMAC in a public letter published on December 29th 2013 claimed

that these six union leaders were the ones responsible for the loss of wages, loss of jobs and loss of investment in Cambodia. Further, the military is reportedly watching union activities closely.

On January 6th 2014, the day when the workers are supposed to go back to work based on an order previously made by the Ministry of Labour, many unionists found themselves dismissed from their jobs because of their involvement in the strike.

Unjust dismissals of union leaders happened in QMI 2 and 4 and in Manhattan Co. Ltd. The letter of dismissal issued by these companies to the union leader read that union leaders were “suspended” pending the decision of the Ministry of Labour.

The local C.CAWDU union in QMI 2 also experienced other forms of union discrimination. The management warned workers not to join nor seek help from C.CAWDU if they wanted their contracts renewed. They also tagged C.CAWDU as anti-government and threatened workers with ‘imprisonment’ if they joined the union.

In Manhattan, workers were forced to sign an agreement to 1) respect the US\$ 100 minimum wage; 2) go back to work and stop joining the strike; 3) agree that if they make trouble, they can be brought to the police; 4) agree to always bring and show the agreement to the guard every time they come to work.

As discussed in the previous chapter, factories employed various tactics to prevent workers from exercising their right to strike—from locking the factory gates, to hiring goons and threatening salary deductions. (See Chapter IV for detailed discussion)

VII

Demands of the Unions and Workers

A Living Wage

There are basic reasons why workers took to the street to protest the LAC's decision to increase the minimum wage to only US\$ 95 a month. And the workers' demand to lift it to US\$ 160 is not baseless. A few months before the general strikes, several local media outlets reported the hardship of garment workers due to the then economic situation: food prices had spiked recently, and the workers had been feeling the effects of those price rises. In November 2013, the prices of meat, vegetables, and other basic foodstuffs all jumped sharply, with the price of some items rising by as much as 30 percent.¹⁵

Morm Nhim, the President of the National Independent Federation Textile Union of Cambodia (NIFTUC) described the situation.

"...the demand an increase to a US\$ 160 wage is necessary because workers are living very tough. The price of food has increased; many workers often buy spoiled vegetables to get them cheaper. Normally the rate for a rented room increases US\$ 5 each year, but this year it has increased by up to US\$ 10, because the supply of the rooms is less than the demand. Given this situation, many unions and workers want their wages increased to US\$ 160. Even the pro-government unions were also participating in the strike. Most of them are not happy with their national centres, therefore they joined the protest to voice their own concerns." (Morm Nhim, interviewed on January 17th 2014)

Ath Torn, the president of C.CAWDU, also described how workers are forced to put in overtime to pay for food and better living conditions. They need to work long hours and hardly ever take a day-off. They work in very poor working conditions as many companies do not follow the regulations regarding work safety. In fact, the unions had warned employers and the authorities much earlier that they would be calling for a week-long garment workers' strike in December 2013 if the workers' voice was not listened to.

Workers and unions blamed the government for the crackdown. They have asked the government to admit its responsibility for those who were killed, injured, and missing. They also called for the release of all 23 detainees, and demanded the employers withdraw all charges against the unions. If there was no response, they said there would be another general strike in February.

15 See for example the report by Phnom Penh Post, 25 November 2013.

“Earlier we had sent a letter to GMAC which contained six demands: (1) to increase the minimum wage; (2) to provide meal allowances for breakfast, lunch and dinner of as much as US\$ 3 per day; (3) to require each company to pay a deposit as a warranty in case there is an industrial dispute in the future; (4) to end short-term contracts and temporary work; (5) to stop the harassment and use of gangsters to threaten and bust the unions; (6) to ask the government to settle the labour dispute at SL Garment Processing. The first demand on the minimum wage increase is our priority, so we set other concerns aside at this moment. But we continue to demand all of these.” (Ath Torn, interviewed on January 17th 2014).

A tuk-tuk driver who was injured during the incident mentioned in an interview:

“The workers’ demand is appropriate and it is right. They just demand better wages so it is justified. It is just for living, because inflation is high, the expenses are increasing.” (An injured tuk-tuk driver, interviewed on January 15th 2014).

A wounded worker who participated in the protest:

“We demand a US\$160 minimum wage because with the current minimum wage we cannot cope with the living conditions. We have to pay rent and other expenses. When the salary is increased, the landlord immediately increases the rent. A US\$160 wage is not really a decent wage but somehow it is better than US\$75.” (An injured garment worker, interviewed January 15th 2014)

The president of the Cambodian Confederation of Unions, Rong Chhun, explained that the confederation demands that the government: (1) Increase the minimum wage to US\$ 160 a month; (2) release the 23 activists who have been arrested, and (3) take responsibility for the violence as the violence was initiated by the authorities (interviewed on January 20th 2014). Meanwhile the vice president of NIFTUC, Ken Chhenglang, said that the workers and unions blamed the government for the crackdown. They have asked the government to admit its responsibility for those who were killed, injured, and missing. They also called for the release of all 23 detainees, and demanded the employers withdraw all charges against the unions. If there was no response, they said there would be another general strike in February (interviewed on January 17th 2014).

Unpaid Wages

But workers even have to fight to get paid their meagre wages. All the workers who participated in the strike did not receive their salaries for those days. They had already lost about US\$ 40.

“Employers continue intimidating the workers to accept their proposal. They even promise a bonus of US\$ 10 on top of a US\$ 100 minimum salary, if we accept the government’s proposal. If not, they will not take us back they say. Look at the notice on the wall. But most of us cannot accept this.”

“After the protest, cell phones are now forbidden, so we cannot inform each other anymore. Then they proposed a new union leader, and they pushed the workers to sign a

paper that they are member of a new union. But no election took place. How can we agree to that?” (A union leader at Kampong Cham province, interviewed on January 16th 2014)

Several workers at a Taiwanese factory have been dismissed because of their participation in the general strikes. Their salary also has not been paid:

“I request that you put more pressure on the buyers of the companies, for if we only do the legal procedures, it might take a long time. During that time, we still can’t work and have problems surviving. We don’t have our salaries for December yet. So it’s important to put pressure on the buyers.” (A dismissed worker from a Taiwanese factory, interviewed on January 16th 2014)

As the biggest beneficiaries of Cambodia’s cheap labour are the global retail giants, union leaders emphasise the need to put pressure on the international brands. Equally important is to put pressure on the East Asian export manufacturers in Cambodia, who make up the majority of the employers, including those from China, Taiwan, Hong Kong, South Korea and Japan. When we asked the Korean ambassador in Phnom Penh regarding the workers’ demands for a living wage and on the role of the Korean company in the crackdown, the ambassador explained:

“The wage issue is none of the embassy’s business. And as far as I know, the police and teachers receive about the same wage as the workers. Then, are Korean companies enjoying easy money enough to accept all the demand of workers? I wonder if you have met any Korean companies, but most of them say they are in financial difficulty. It is never easy to tell them to raise wages rather than make a profit...

The embassy aims to promote our national interests through stable bilateral relations with the top priority on protection of investment and overseas Koreans. We have no direct responsibility for this country’s labour issues. We have no authority to ask companies to comply with labour standard laws. What we do in terms of business issues is awarding



Figure 7.1
 Illustration of women workers' unwavering demand to increase minimum wage to US\$160

good CSR programs and companies in Cambodia. Only the Korean embassy has the CSR competition and award.” (Ambassador of the Republic of Korea Kim Han Soo, interviewed on January 16th 2014).

International Solidarity

Support, protest actions and solidarity messages to those taking part in these events have flooded in from labour rights groups and trade unions across the world. The groups have been expressing outrage at the brutal violence and repression. They have been taking action to demand the immediate release of the 23 Cambodian workers who remain in detention following the peaceful protests. The actions taken include the delivery of letters, meetings with ambassadors, and protests outside embassies and general consulates. The groups call for (1) an immediate end to all violence against and intimidation of workers and their representatives; (2) the release of all those who have been detained for participation in the struggles, (3) to respect the freedom of association and workers’ right to strike, (4) to refrain from charging the workers and trade union leaders who have participated in the strike, (5) to resume minimum wage negotiations in good faith, and (6) to ensure all those responsible for the violence against the strikers are held to account. The first global protest action took place at the Royal Embassies and General Consulates of Cambodia between January 10th and 18th 2014 and the second actions took place on February 10th 2014. The protests were held in at least 17 countries, including South Korea, Hong Kong S.A.R China, Thailand, Indonesia, the Philippines, Bangladesh, Malaysia, Sri Lanka, Japan, Australia, Turkey, Belgium, Germany, the United Kingdom, the United States, Switzerland and Honduras.¹⁶

Several online petitions condemning the actions of Prime Minister Hun Sen and the Royal Government of Cambodia have also been co-signed by supporters around the world

¹⁶ See Asian Labour Update: <http://www.scoop.int/asia-labour-update>;

“Cambodian Embassies besieged – Free the 23!”, <http://www.industriall-union.org/cambodian-embassies-besieged-today-free-the-23>;

“Global Solidarity With Cambodian Workers!”, http://www.union-league.org/global_solidarity_with_cambodian_workers;

“Global Day of Action to Free Cambodian Garment Workers: in Seoul”, <https://www.facebook.com/media/set/?set=a.247818395387992.1073741844.122778537891979&type=1>;

“Union members protest on behalf of garment makers outside Cambodian embassy”, <http://www.canberratimes.com.au/act-news/union-members-protest-on-behalf-of-garment-makers-outside-cambodian-embassy-20140123-31at8.html#ixzz2tmoAJaj7>;

“Philippines workers join international protest, back Cambodian workers”, <http://www.kilusangmayouno.org/news/2014/01/ph-workers-join-int%E2%80%99l-protest-back-cambodian-workers>;

“Thai people, civil society and human rights defenders call on Cambodia to respect human rights”, <http://workershub4change.blogspot.hk/2014/01/thai-people-civil-society-and-human.html>;

“Protest letter and action from Malaysia: Re: Call for Cambodian Authorities to End Brutal Repression Immediately”, <https://www.facebook.com/notes/asia-floor-wage/10-jan-2014protest-letter-and-action-from-malaysia-re-call-for-cambodian-authori/656400227739870>;

“Hentikan Kekerasan Brutal terhadap Buruh dan Serikat Buruh di Kamboja”, <http://www.majalahsedane.net/2014/01/hentikan-kekerasan-brutal-terhadap.html>.

and garnered more than 24,000 signatories.¹⁷ Despite the huge pressure from the second series of global protests on February 10th 2014, the 21 men still detained faced a closed court hearing the next day and the Phnom Penh Appeal Court refused them bail. Two arrested workers were released earlier on bail on February 8th 2014.

A young woman worker from a Hong Kong-owned factory said:

“I have been involved in many struggles before. But 2014 was my worst experience. So called democratic society it is. But does expressing the desire to have a higher minimum wage have to face this much violence? We are then blamed. The government says that the army fired guns to defend themselves. It is not true. Is this something a democratic government would say? We were just demanding a higher minimum wage and they treated us like dogs in the street. Nobody is taking responsibility for the deceased. Even a thief would have that much dignity. I am very disappointed. I want to appeal to all organisations to seek justice for those victims and workers. Find those who responsible for the deaths of our workers. We need to have back our friends who are in prison now”. (Interviewed on January 16th 2014)

While a leader of the farmers’ community who supported the general strike said in his hoarse voice:

“My feeling is...I am depressed. My country has a constitution. Our leaders say Cambodia has democracy and human rights are protected. But they use the military and police to crack down on protesters. They are paid by the people and shoot at people. I also think that the court interprets the law in whatever way is convenient for them. They accuse activists of committing crimes. What is the future of Cambodia particularly for young people? How do they solve all these problems? The origin of these problems is that the Cambodian leaders never learn from the history. Or they ignore history. The consequence of this is that we are now suffering.” (Interviewed on January 15th 2014)

17 See among the petition links:

“Stop the Brutal Suppression of Workers and Trade Unions in Cambodia” by Asian Transnational Corporation Monitoring Network, http://www.change.org/en-GB/petitions/mr-hun-sen-stop-the-brutal-suppression-of-workers-and-trade-unions-in-cambodia-3?share_id=qLYnonvmaU&utm_campaign=autopublish&utm_medium=facebook&utm_source=share_petition;

“Cambodia: Court rejects bail for remaining 21 detainees” by Asian Human Rights Commission, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAU-008-2014;>

“Hold Cambodian prime minister Hun Sen accountable for the crimes he has committed against his country and his people” by Brianna Williams, http://www.change.org/petitions/the-united-nations-hold-cambodian-prime-minister-hun-sen-accountable-for-the-crimes-he-has-committed-against-his-country-and-his-people?share_id=gEnizNrWPv&utm_campaign=autopublish&utm_medium=facebook&utm_source=share_petition;

“Free the 23 and give workers a living minimum wage of USD\$160 a month” by Free the 23, http://www.change.org/petitions/garment-manufacturers-association-cambodia-free-the-23-and-give-workers-a-living-minimum-wage-of-usd-160-a-month?share_id=wGJlizmFWI&utm_campaign=share_button_action_box&utm_medium=facebook&utm_source=share_petition.

Conclusion

Thanks to the testimonies and honest accounts of all the interviewees, the fact-finding team was able to gain an understanding of the workers' perspective of the events that occurred between December 2013 and January 2014. Through the detailed interviews, the fact-finding team identified the main drivers behind the workers' protest, established the sequence of events during and after the protests and assess who is responsible for the workers' suffering as a result of the violent incidents. What also became clear from the different accounts was that the repression and the violence witnessed by the workers was unprecedented—something that the young Cambodian workers had never seen or experienced before, despite having grown up in a country with a history of violence. It has left them visibly scarred and scared, and many struggled even to talk about the events, revealing an atmosphere of fear that continues to exist even now. The main conclusions of the fact-finding team are presented below in three statements.

1. Poverty wages and dismal working conditions drove workers to protest

The strike and the protests were driven by the severe socio-economic hardship workers face as the result of low wages and long working hours. Due to inflation, workers experienced a substantial net loss in wages over the last decade. This was exacerbated in 2013 following peaks in food, fuel and housing prices. Working in fixed-duration employment arrangements—now the norm—has further contributed to a loss in benefits, making it harder for the garment workers to make ends meet and support their families. Most workers interviewed expressed that they could not continue to work and live under such conditions. Their testimonies demonstrate that they understood their situation to be unjust and intolerable.

2. Lack of democratic space to address workers' concerns

The process and outcomes of the December 2013 wage negotiations undertaken by the tripartite Labour Advisory Committee (LAC) demonstrated the inadequacy of this committee to fairly represent the workers' interests and the lack of neutrality of the government. The workers' demands for a minimum wage of US\$ 160 a month was based on the results of a survey commissioned by the LAC. Although a minimum wage for a decent standard of living

is provided for in Cambodian Law,¹⁸ the LAC has consistently failed to take the interests of the workers into account. In fact, during the December 2013 wage negotiations—as was the case during the 2010 wage review—no real dialogue between the workers’ representatives, the government and the employers took place. The failure of this process can be attributed to the uneven composition of the LAC, which consists of representatives from the MOL, an employers’ association (GMAC) that is openly hostile to independent trade unions and a high number of pro-government trade union federations.

Faced with deteriorating and intolerable employment and living conditions, and an ineffectual administration that does not effectively address their grievances, workers felt that they had no choice but to undertake strike actions and protests, in this case even before union leaders called for them.

3. The violent repression of workers’ protests causing deaths was unprecedented, excessive and unnecessary causing a Human Rights Emergency

The violent attacks on unarmed protestors, which included beating them mercilessly, were carried out at times in the presence of the UN representatives, showing not only the complete disregard of the government towards protecting the human rights of its citizens, but also indicates that the Cambodian government prioritises the interests of the employers and the garment industry over the protection of the workers’ human and labour rights.

In the period prior to December 29th 2013, the employers and the government attempted to quell the strike and protests through various means, such as encouraging workers to stay or return to work by providing incentives or by threatening the workers, activists, union leaders and their families.

At the industrial zones where the violence erupted in January 2014, eyewitnesses stated that the military attacked the protesters with weapons, at which point the protesters resorted to acts of violence and public disorder in retaliation. The conflict later escalated with the military attacking and firing indiscriminately at the protesters, leading to the tragic deaths and dozens severely injured.

The government used particularly brutal means to repress the workers’ protests in January 2014. The GMAC is known to have pressured the government to take more aggressive action to quell the protests so production could resume and losses to business mitigated. Some interviewees were of the opinion that the government took swift action because it feared that more supporters would have joined the protests and the opposition party would co-opt some unions into their own movement.

The Cambodian government continues to violate the rights of the workers, as evidenced by the ongoing harassment, discrimination and arbitrary detention of activists and union leaders, the civil and criminal cases brought against union leaders for legitimate strike actions, and the banning of public gatherings.

¹⁸ See Cambodian Constitution and in Articles 104 and 107 of Cambodia’s Labour Law, which state that “[the minimum wage] must ensure every worker of a decent standard of living compatible with human dignity”, and that minimum wage should take into consideration “the needs of workers and their families in relation to the general level of salary in the country, the cost of living, social security allowances”.

Way Ahead

As the main focus of the report is to present the views and voices from the workers at the ground, the team felt it is important to highlight some of the key points that the workers had raised as a possible way ahead for the government.

1. Stop the repression and persecution

As indicated earlier, the incidents have not only scarred the workers, but also shaken the delicate fabric of Cambodian society and recovery is not going to be easy and quick. A need for the immediate end to the repression emerged unanimously as a prerequisite to move forward. This would include:

- a. The release of all the detainees and absolving all the charges against them.
- b. The removal of police and security forces from the workers' areas.
- c. Stopping the harassment of trade union leaders.
- d. Allowing peaceful assembly and protests and repealing the laws prohibiting them.

2. Take concrete measures to improve working conditions

It seems the government, provoked by the industry, remains in a mode of denial about the reason for the workers' dissent. On the ground, the workers felt that:

- a. It should be recognised that the present wages are far too low and the US\$ 160 monthly minimum wage is based on a sound research and can be practically implemented.
- b. Improving working conditions, which include work environment, working hours, freedom of association and collective bargaining, needs to be taken as priority.

3. Provide space for dialogue and discussion

Given the present environment, workers remain sceptical about the future. The space for participation of workers and their leaders in discussing their future seems to be shrinking further. It is also clear that as a way ahead, the workers and their representatives (including all trade union federations) need to be included in decision-making processes by means of genuine and meaningful dialogue.

Appendices

Appendix 1

Additional Information on Hospitalised*

Total number of hospitalised	38
TYPE OF INJURIES	
Injuries from bullet	25
Injuries due to beating	13
SEX	
Female	4
Male	34
AGE RANGE	
17 years old	3
18 to 29 years old	32
30 years and above	3
HOSPITALS TREATED	
Russian Hospital	31
Kosomak Hospital	3
Calmette Hospital	4
*culled from LICADHO's documentation	

Appendix 2.1**Additional information on Arrested Workers in Yakjin Factory on January 2nd**

NAME	PERSONAL INFO	CHARGES	REMARKS
1. Vorn Pao, 39	Male; Married with four sons; lives in Phnom Penh	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
2. Theng Saveurn, 24	Male; Single; lives in Svay Rieng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
3. Chan Puthisak, 40	Male; Married with one daughter; lives in Phnom Penh	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
4. Sokun Sombath Piseth, 31	Male; Married with one son; lives in Phnom Penh	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
5. Chhim Theurn, 26	Single; lives in Svay Rieng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
6. Yong Sam On, 31	Male; married with one daughter	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
7. Reth Roatha, 24	Male; Single; lives in Kampong Speu	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
8. Nakry Vanda, 19	Male; Single; lives in Kampong Speu	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
9. Lorn San, 20	Male; Married; lives in Kampong Speu	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
10. Teng Chanthly, 21	Male; Single; lives in Kampong Chhang	Criminal Code Art 218 , Criminal Code Art 411	Still in detention

Source: LICADHO, "The 23 men detained in Correctional Centre 3 and Kampong Cham Prison. in Kampong Cham Province" February 2014

Appendix 2.2**Additional information on Arrested Workers in Canadia Industrial Zone on January 3rd**

NAME/ AGE	PERSONAL INFO	CHARGES	REMARKS
I. Chea Sarath, 34	Male; Married with two children; lives in Phnom Penh	Criminal Code Art 218 , Criminal Code Art 411, Criminal Code Art 502, Traffic Law Act 78	Still in detention
2. Yon Sok Chea, 17	Male; Single; lives in Prey Veng	Criminal Code Art 218 , Criminal Code Art 411, Criminal Code Art 502, Traffic Law Act 78	released on bail on February 8
3. Bou Sarith, 27	Male; Single; lives in Phnom Penh	Criminal Code Art 218 , Criminal Code Art 411, Criminal Code Art 502, Traffic Law Act 78	released on bail on February 8
4. Mam Piseth, 23	Male; Single; lives in Kampong Thom	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
5. Nem Sokhoun, 23	Male; Single; lives in Svay Rieng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
6. Phang Tren, 24	Male; Divorced with two daughters; lives in Kampong Thom	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
7. Ry Sinoun, 18	Male; Single; lives in Prey Veng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
8. Heng Roatha, 22	Male; Single; lives in Kampong Thom	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
9. Pang Vanny, 38	Male; Single; lives in Prey Veng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
10. Hoen Da, 29	Male; Married with one son; lives in Prey Veng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
11. Cheurn Yong, 23	Male; Single; lives in Kampong Thom	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
12. Ros Sophoan, 25	Male; Married with one child; lives in Svay Rieng	Criminal Code Art 218 , Criminal Code Art 411	Still in detention
13. Pror Sarath, 26	Male; Married with one son; lives in Kampong Cham	Criminal Code Art 218 , Criminal Code Art 411	Still in detention

Source: LICADHO, "The 23 men detained in Correctional Centre 3 and Kampong Cham Prison. in Kampong Cham Province" February 2014

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A Week that Shook Cambodia

The Hope, Anger and Despair of Cambodian Workers after the General Strike and Violent Crackdown (Dec 2013 - Jan 2014)

The demand of Cambodian workers to lift the minimum wage to US\$ 160 is fair and reasonable, as their real wages have been stagnant despite their tremendous contribution to Cambodia's economic growth. The ineffective response of the Labour Advisory Committee in meeting this demand has compelled the majority of workers to strike and protest. The disproportionate use of force by the government to suppress these legitimate protests demonstrate that the government is more concerned with protecting the interests and profits of the employers of the Garment Manufacturers Association of Cambodia than protecting the workers' rights to a decent living wage, freedom of association and other basic human rights.

