

GISWatch  
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# GLOBAL INFORMATION SOCIETY WATCH 2016

*Economic, social and cultural rights  
and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)  
AND INTERNATIONAL DEVELOPMENT RESEARCH CENTRE (IDRC)

# Global Information Society Watch

## 2016



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# CAMBODIA

## INTERNET, SOCIAL MEDIA AND LABOUR RIGHTS IN GARMENT FACTORIES: DO THE CAMPAIGNS WORK?



KEYWORDS: **labour, gender**

### Hummingbird Media

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### Introduction

“This sector is the rice pot for all of us,”<sup>1</sup> Chheang Vun from the governing Cambodian People’s Party (CPP) said about Cambodia’s garment industry, which is worth more than USD 5 billion<sup>2</sup> and employs more than 600,000 workers,<sup>3</sup> mostly young women. With one of the fastest rising GDP growth rates in its region, Cambodia remains among the poorest countries. The garment sector is the single biggest employer and driver of the economy, as it accounts for a total of 80% of export revenues.<sup>4</sup> But it is largely based on cheap labour, as Cambodia has one of the lowest minimum wages in Asia-Pacific.<sup>5</sup> Clothes, footwear and other fashion goods produced in the factories across the country supply big popular brands such as Nike, Gap, Walmart, H&M, Puma, Adidas, Levi Strauss, Marks and Spencer, and others.

In the last decade local and international labour rights activists have documented widespread abuses against the economic and social rights of workers. Cambodian women toil in non-air-conditioned, hot and overcrowded factories with poor safety standards and work long shifts for low wages, often facing unpaid overtime and exploitative practices such as harassment, violence in the workplace and illegal short-term contracts.<sup>6</sup>

Well-organised trade unions<sup>7</sup> have been campaigning for higher wages and labour rights through mass strikes, and there have also been local and international campaigns on social media. The internet craze has been taking over Cambodia, which has seven mobile providers who compete with offers of internet access packages. Although less than a quarter of the population of 15.58 million<sup>8</sup> has access to internet (more than 2.98 million users), mobile subscribers surpassed the country’s population with 20 million subscribers in 2013.<sup>9</sup> Freedom House ranked Cambodia in its annual ratings as “not free”,<sup>10</sup> but freedom of the internet ranked better – “partly free”.<sup>11</sup>

### Policy and political background

Economic, social and cultural rights (ESCRs) are guaranteed in the Cambodian constitution, and the country has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>12</sup> but the compliance of garment-producing companies remains a widespread problem. Minimum wages are not consistent across sectors, though the mass strikes and international pressure have gradually achieved the current USD 140 minimum monthly salary in the garment sector.<sup>13</sup> In September 2015 the Cambodian government announced a further rise in the minimum wage for garment sector workers to USD 153, beginning in 2017.<sup>14</sup>

1 Thul, P. C. (2016, 4 April). Cambodia passes disputed trade union law as tension flares. *Reuters*. www.reuters.com/article/us-cambodia-unions-idUSKCN0X11HX

2 Better Factories Cambodia. betterfactories.org/?page\_id=25

3 Kane, G. (2015). *Cambodia Factsheet*. Clean Clothes Campaign. <https://cleanclothes.org/resources/publications/factsheets/cambodia-factsheet-february-2015.pdf>

4 Soravy, T. (2013, 18 July). Conditions in Cambodia’s Garment Industry Worsen: ILO. *Radio Free Asia*. www.rfa.org/english/news/cambodia/garment-07182013175956.html

5 ASEAN Briefing. (2013, 16 April). Minimum Wage Levels Across ASEAN. www.aseanbriefing.com/news/2013/04/16/minimum-wage-levels-across-asean.html

6 Human Rights Watch. (2015). “*Work Faster or Get Out*”: Labor Rights Abuses in Cambodia’s Garment Industry. <https://www.hrw.org/report/2015/03/11/work-faster-or-get-out/labor-rights-abuses-cambodias-garment-industry>

7 Nuon, V., & Serrano, M. (2011). *Building Unions in Cambodia: History, Challenges, Strategies*. Friedrich Ebert Stiftung. [apinet.ilo.org/resources/building-unions-in-cambodia-history-challenges-strategies](http://apinet.ilo.org/resources/building-unions-in-cambodia-history-challenges-strategies)

8 World Bank Data. [data.worldbank.org/country/cambodia](http://data.worldbank.org/country/cambodia)

9 Telecommunication Regulator of Cambodia. <https://www.trc.gov.kh/mobile-phone-subscribers>

10 Freedom House. (2016). Freedom in the World: Cambodia. <https://freedomhouse.org/report/freedom-world/2016/cambodia>

11 Freedom House. (2015). Freedom on the Net: Cambodia. <https://freedomhouse.org/report/freedom-net/2015/cambodia>

12 In 1992. See: [indicators.ohchr.org/](http://indicators.ohchr.org/)

13 Dara, M. (2015, 9 October). Garment Sector Minimum Wage Raised to \$140. *The Cambodia Daily*. <https://www.cambodiadaily.com/news/garment-sector-minimum-wage-raised-to-140-97018>

14 Narim, K., & Peter, Z. (2016, 29 September). Government Raises Garment Wage to \$153. *The Cambodia Daily*. <https://www.cambodiadaily.com/news/garment-sector-minimum-wage-set-153-118642>

What remains legally challenging is the issue of labour rights within the recently adopted new Trade Union Law.<sup>15</sup> Activists and members of unions have opposed the lack of transparency in the drafting of the law, which has happened without any input from civil society. The new law also failed to include two key articles of the International Labour Organization (ILO) convention on freedom of association of workers and rights of trade unions to convene and organise. Critics claim that these two missing links are a way for the Cambodian government to restrict the activities of trade unions and to prosecute members more easily.<sup>16</sup>

Community organisations and civil society are further restricted through the previously passed new NGO law,<sup>17</sup> which puts community organisations under government control with particular legislative tools to oversee, fine and close or refuse to register civil society groups.<sup>18</sup> This restrictive and repressive legislation is complemented by the new draft of the Cyber Security Law. Prepared in familiar secrecy, activists expect the cyber legislation will curtail freedom of the internet,<sup>19</sup> which remains the last unregulated medium in Cambodia. This could potentially impact online campaigns supporting trade unions and workers. In this legal pincer, workers and their economic and social rights are under increasing threat.

Economic resources are available in Cambodia, including in the USD 5-billion garment industry, to provide higher wages and better working conditions. But the demands and strikes of workers are met with insufficient political will and are often seen as mere opposition and even suppressed as a threat to the almost 30-year rule of the CPP and Prime Minister Hun Sen. Political opposition stands on the side of workers and often refers to the garment industry in its government critique.

## The power of the internet: Global solidarity

On the industrial outskirts of the capital city of Phnom Penh, a young 21-year-old woman, Srey Oun, works alongside thousands of other women in garment factories, earning a minimum wage. The shifts here can be up to 12 hours long, but overtime is often left unpaid. Srey Oun herself is on a short-term contract (six months) because of her age and the fact that she has recently married. Her employer worries Srey Oun will get pregnant and the company will have to provide social and health benefits. Short-term contracts in the garment sector are illegal according to Cambodian law. The factory Srey Oun works for is in a large, old building, housing about 500 workers. The space is not air-conditioned and temperatures inside can reach more than 40 degrees Celsius. Many of Srey Oun's co-workers have fainted during long hours without sufficient breaks. They commute in overcrowded minivans – a travel expense they pay out of their own pockets – back to the shantytowns they live in on the outskirts of Phnom Penh. There, Srey Oun lives in a small room shared with other women to save funds. Most of the salaries earned by Srey Oun and her co-workers are sent back home to the Cambodian provinces, where the money helps to feed their children, husbands and impoverished families.

Garment factory workers have been staging strikes for higher wages and better working environments for almost a decade. During this time, thanks to the internet, their struggle has been publicised and brought closer to the developed countries, where more and more consumers are critically rethinking the consequences of fast and cheap fashion. New technologies and social media have become an effective tool in documenting and sharing the accounts of exploitation by garment factories worldwide, including low pay and violence, and factory strikes and protests have become globally visible.

Anna McMullen from Labour Behind the Label,<sup>20</sup> a UK-based labour rights organisation, talks about an increase in the use of international support by Cambodian garment workers and trade unionists to raise the profile of their struggle. New technologies and social media are an important link to the outside world: “A good example is CENTRAL Cambodia's citizen journalists programme, and using social media on the ground as an organising tool, helping workers collaborate and share images of

15 OHCHR Cambodia. (2016). *A Human Rights Analysis of the Draft Law on Trade Unions*. [cambodia.ohchr.org/WebDOCs/DocNewsIndex/2016/032016/TUL\\_Analysis-Eng.pdf](http://cambodia.ohchr.org/WebDOCs/DocNewsIndex/2016/032016/TUL_Analysis-Eng.pdf)

16 LICADHO. (2014). *Cambodia's Draft Law on Unions of Enterprises: Legal Analysis*. <https://www.licadho-cambodia.org/reports/files/199JointBriefAnalysisDraftTradeUnionLaw2014-English.pdf>

17 LICADHO. (2011, 15 December). *Draft Law on Associations & NGOs: Comments on the Fourth Draft*. [www.licadho-cambodia.org/collection/10/law\\_association\\_ngo\\_fourth\\_draft](http://www.licadho-cambodia.org/collection/10/law_association_ngo_fourth_draft); LICADHO. (2015, 30 July). *ADHOC and LICADHO Urge Cambodian Constitutional Council to Reject Unconstitutional LANGO*. [www.licadho-cambodia.org/pressrelease.php?perm=390](http://www.licadho-cambodia.org/pressrelease.php?perm=390)

18 ARTICLE 19, Human Rights Watch, & Southeast Asian Press Alliance. (2015, 3 June). *Rights groups urge end to Cambodia NGO law*. *IFEX*. [https://www.ifex.org/cambodia/2015/06/03/ngo\\_law](https://www.ifex.org/cambodia/2015/06/03/ngo_law)

19 *Cambodian Center for Independent Media*. (2014, 31 October). *Cybercrime Timeline*. [www.cimcambodia.org/cybercrime](http://www.cimcambodia.org/cybercrime) ;

20 [labourbehindthelabel.org](http://labourbehindthelabel.org)

what is happening in the factories.”<sup>21</sup> McMullen says that the problem with the garment industry is how disconnected consumers are from the production process, as most people do not know who makes their clothes or how difficult it is for them: “Social media is fantastically helpful in sharing images: this is what a factory looks like, these are the people, who are just like you, who make your clothes.”

In some of the existing labour rights campaigns in Cambodia’s garment sector, the power of the internet has played a major role. Joel Preston, speaking for CENTRAL Cambodia<sup>22</sup> – the Center for Alliance of Labour and Human Rights – says that the “We want 177” campaign for a higher minimum wage back in September 2014 included a large number of photos and videos from inside factories and of the workers’ strikes being uploaded online. The internet created the link to international partners like trade unions and organisations supporting labour rights in the West. “Free the 23” was another big campaign, where workers and union leaders with smartphones shared photos via Facebook and shared them with international partners like the Clean Clothes Campaign.<sup>23</sup> They have absolutely been successful,” Preston says.<sup>24</sup> That campaign led to the release of the 23 unionists arrested and prosecuted for striking and “inciting public disorder”.

The power and success of social media and the internet allow the local to link with the global in solidarity and in a way that allows for strategic advocacy. “Actually, a lot of change happens in negotiations, in speaking to brands, taking part in important discussions,” says McMullen. “Labour Behind the Label and the Clean Clothes Campaign, which we are part of, use social media as a tool to back up our position or workers’ demands and amplify them, raise them at the right places, where we get access to decision makers.”

CENTRAL Cambodia agrees that positive change for labour rights in Cambodia’s garment industry is an outcome of collaboration on all levels – strong and organised unions at the local level, and coordinated solidarity among unions and local NGOs as well as among garment-producing countries, all the way up to the international level including global unions and partners like the Clean Clothes Campaign. “In the ‘Free the 23’ campaign we coordinated a

series of global actions – strikes and demonstrations in Cambodia in front of garment-producing companies and head offices, identifying offices of brands across the region including Korea and Hong Kong, all the way up to stores in the United States and European Union,” explains Preston. “That pressure pushed a coalition of brands like H&M, Adidas, Levi’s and others to discuss the release of the 23 arrested garment factory workers and unionists with the Cambodian government.” After Levi’s called off USD 50 million worth of garment orders from Cambodian suppliers, and communicated that move to the Ministry of Finance, the 23 were released a few days later.

If we look closer at the gradual increase of the minimum wage in Cambodia’s garment sector in recent years, since 2011 it has more than doubled – from USD 61 to the current USD 153 – and social media played a major part in that, linking the campaign to the consumers in the West and further pressuring the big brands. After the massive protests in late 2013 and early 2014, where more than 200,000 workers went on strike, 40 were shot and five killed by security forces, and the famous “23” were arrested, an open letter from Cambodia’s major buyers promised to compensate factory owners based on the minimum wage increase. “In terms of the industry, it was an unprecedented move for some of the biggest buyers to say they were going to increase their buying prices and contribute to the wage increase. It had a lot to do with the increase from 100 to 128 dollars, a 28% wage increase, which is the largest in the history of Cambodia’s wages,” says Preston

Similarly, the Clean Clothes Campaign pressured H&M in 2012 because of the large number of workers who had fainted in their suppliers’ factories. Part of this was Labour Behind the Label’s “Conscious collection is unconscious collection”<sup>25</sup> campaign featuring big ads of workers fainting in the factories and some street-theatre re-enactments performed outside H&M shops in the West. Then a reality TV documentary from Scandinavia called “Sweatshop,”<sup>26</sup> where young fashion bloggers were brought to Cambodia to live and work with women who make their clothes, was released on social media. “A year after that, H&M announced they were starting a roadmap with focus on Cambodia to ensure that a living wage was paid to workers. Over

21 Interview with Anna McMullen from Labour Behind the Label, 1 August 2016.

22 [www.central-cambodia.org](http://www.central-cambodia.org)

23 <https://cleanclothes.org>

24 Interview with Joel Preston from CENTRAL Cambodia, 20 July 2016.

25 Clean Clothes Campaign. (2013, 25 March). ‘Conscious collection’ H&M leaves seamstresses unconscious. <https://cleanclothes.org/news/press-releases/2013/03/25/conscious-not-really>

26 [www.imdb.com/title/tt3996912](http://www.imdb.com/title/tt3996912)

that year, thousands of consumers signed the petition and much online pressure from people sharing the documentary was generated,” says McMullen. Around the time of the massive general strike in 2013, Labour Behind the Label also published a report called “Shop till they drop”<sup>27</sup> linking low wages to malnutrition among garment factory workers, to which H&M reacted with another promise to finally do something about the living wage. “It was a result of many different factors, but quite a big landmark achieved also by pressure from people posting images online and trying to show the reality,” says McMullen.

Cambodia is an interesting case in terms of its globally small but rather vibrant garment industry. In terms of labour rights it is full of odds. The unionisation rate is very high – while nationally only five percent, in the garment industry it is 60%! But many of these unionists are from the “yellow” pro-government unions, causing a division and often conflicting demands towards the government and private sector on the increase of minimum wage. Preston says that while many garment-producing countries look up to Cambodia as an example of successful labour rights struggle, workers are still being arrested and prosecuted for going on strike and campaigning: “[They are usually accused of] inciting violence, disturbing public order, trying to overthrow the government, but these accusations are ridiculous misapplications of what those provisions are supposed to be useful for.” While the last big case of the 23 garment sector unionists ended in the release of the workers, the new trio of repressive documents – the trade union law, the NGO law and the cyber security law now in preparation – are likely to make the struggle for labour rights much more difficult. In particular, the cyber legislation is expected to put garment industry unionists’ activities on the internet and social media under government surveillance and control. Although drafted in secrecy without any insight into what is being prepared, clearly for the Cambodian government every new strike, protest and disruption to the production of such large export value pushes the big brands and their suppliers to look for more stable countries with much lower minimum wages.



## Shop ‘til they drop

### Fainting and Malnutrition in Garment Workers in Cambodia

#### Conclusions

According to trade unions in Cambodia, as well as activists campaigning for ESCRs for garment industry workers, the internet and social media are clearly not solely responsible for the positive change and success of campaigns. But the internet is a very effective and certainly a key tool in that struggle – on the ground it allows garment workers and unionists to organise and document abuses, while it also allows activists to popularise the campaigns globally, bringing the reality of garment production to the distant West, where the clothes from Cambodia are exported and sold. To communicate the demands and unmet rights of Cambodian garment workers to consumers, the private sector and garment-making companies as well as the government, the internet and social media are able to amplify messages and can create much-needed pressure advocating for fair and sustainable production.

The gradual increase in the minimum wage in the past five years is proof that the internet can be used to pressure authorities to pay attention to economic and social rights and can bring the Cambodian government as well as garment-producing companies to dialogue and action.

However, for the freedom of trade unions and garment industry activism, the future is unsure in

<sup>27</sup> Labour Behind the Label & Community Legal Education Centre. (2013). *Shop ‘til they drop: Fainting and malnutrition in garment workers in Cambodia*. <https://cleanclothes.org/resources/national-cccs/shop-til-they-drop>

Cambodia. The right to strike, the right to protest, to organise and to demand economic and social rights will all be challenged under the new legal environment brought about by the “repressive trio” of laws recently passed or currently being prepared by the governing CPP. The lack of transparency and the lack of input from opposition parties and civil society will result in legislation that can be directed to control and curb human rights ambitions, threatening garment factory workers and activists with arrest and imprisonment.

One can hardly stop the wheel of time and grassroots demands for justice. The internet is giving young women without much education or resources the much-needed empowerment to participate in the making of change. This path can only be threatened by a draconian cyber law, which can criminalise organising using the internet and social media, and using the internet to share, exchange and expose abuses by the private sector and Cambodian authorities. The internet is the last free medium in Cambodia, but will it stay that way?

### Action steps

While the use of the internet to create pressure from campaigners and activists to achieve better economic and social rights in Cambodia’s garment sector has so far worked well when directed at the big brands and garment-producing companies, more pressure needs to be put on the government. There should be more international online campaigns directed against repressive laws in Cambodia, which focus on trade unions and workers’ rights of association, unionisation, community organisations and on a free internet.

What remains questionable is whether such government-oriented pressure from the outside world using the internet and social media will work at all. If we break down the minimum wage increase and the abovementioned “Free the 23” campaign, these have been successful because of internationalisation of unions and Western consumer pressure placed on the private sector. Only then did the government act. But can one expect such pressure to spill over to trade unionists’ rights and freedoms? The rise in the minimum wage goes against the private sector, because it raises the price of their production. If the wages continue to rise in Cambodia, the garment producers will soon move elsewhere. Therefore, what motivation does the private sector have to pressure or motivate the government to allow more freedoms for garment factory workers and unions – physically and online?

Without a drastic change in policies like the trade union law, the NGO and community organisations law as well as the cyber security law, it will be increasingly difficult to achieve economic and social rights for Cambodia’s garment sector. Moreover, in this legislative framework, trade unions and striking workers running campaigns will have to find new ways to advocate for economic and social rights to avoid the threat of being arrested and prosecuted. This might lead to self-censorship online and on social media, and the search for more clandestine tools and techniques to get their message out there – abroad as well as domestically. In the future, civil society will have to focus even more on effective and safe documentation of ESCR abuses and violations, and also strengthen the public campaigning online focused on Western consumers and international partners such as unions and ethical clothing campaigners.



# Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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