**Petition**

“The government must take serious measures to guarantee adequate building standards and safety for all construction workers”

The collapse of a building under construction in Kep was not the first time such an accident has occurred in Cambodia, which is going through a period of strong growth in the construction industry. In October 2018, the Ministry of Land Management, Urban Planning and Construction found that many construction sites in Preah Sihanouk lacked the necessary permits, resulting in construction sites often being illegal and contrary to technical specifications, therefore affecting public order and impacting the quality of the construction. A number of actions were taken by the Government, such as the creation of the Committee for Construction Quality Inspection and Investigating Building Collapses and Illegal Construction in Preah Sihanouk Province. In addition, measures were taken to ensure that competent authorities, from the national to local levels, take responsibility for implementing strict legal enforcement measures with regards to illegal constructions which are contrary to technical specifications and do not have safety regulations on the site. Concurrent measures were also introduced for workers themselves, prohibiting them from living on construction sites, and for construction companies and building owners who can be fined if they fail to implement the new requirements.

The number of victims of the building collapse in Kep on 3 January 2020 is reminiscent of a similar seven-storey building collapse in Preah Sihanouk last year. On 5 January 2020, the official victim figures of the Kep building collapse were publicly declared as approximately 59 total victims (22 women). 36 workers tragically died (including 14 women and six children), and an additional 23 people were seriously injured (including 8 women). After this incident in Kep, Mr. Chea Sophara, Deputy Prime Minister and Minister for Land Management, Urban Planning and Construction, acknowledged that there were many illegal construction sites in Preah Sihanouk, Phnom Penh and Banteay Meanchey, demonstrating a weakness in the implementation of the law by the competent ministry and the relevant authorities at both the national and local levels.

The implementation of safety standards on all construction sites is necessary to guarantee people’s longevity of life and for ensuring effective protection against possible risks. Using the construction site as accommodation poses the most serious risk to one’s longevity of life. Those responsible for the constructions as well as the buildings’ owners should not be spared from criminal charges and only required to pay compensation to victims. Implementation of the law is a serious matter which requires strict and effective measures.

Effective inspections are important and are key to the enforcement of the relevant laws. Inspections must be regular and conducted at all construction sites. Taking such strict measures is within the competence of the Ministry of Land Management, Urban Planning and Construction. Inspection officials should have the professional skills required in order to inspect compliance with technical and legal standards according to safety regulation standards in order to guarantee construction quality on construction sites, as well as prevention of and protection against unforeseen accidents.

Regularly, in all construction projects, there are a number of sub-contracting companies using male, female and child labour without providing reasonable working conditions, therefore violating workers’ fundamental rights as stated in the Labour Law and not fulfilling their obligations to guarantee the workers’ health and safety. On this point, the Government must consider as a priority the creation of a law limiting the number of subcontracting companies, requiring them to be properly registered and, in
particular, pushing those subcontracting companies to properly implement safety regulation standards to ease the management and the conduct of inspections. This demands an immediate cessation of unlicensed subcontracting activities and guarantees the implementation of safety regulations on all construction sites through the implementation of the laws in force. The elimination of illegal subcontracting across Cambodia requires the efforts of and a strong commitment from the relevant institutions, through the creation of a law regulating subcontracting companies. The competent Ministry and judicial authorities should take strict measures against officials not implementing the law sufficiently.

Officials and the competent authorities should be held legally responsible for the collapse of this building in Kep, without exception for any perpetrators, including accomplices. If this incident was to be tolerated, it would highlight a lack of effective implementation of the law for the future. The offenders should be sought and prosecuted in accordance with the laws of the Kingdom of Cambodia and the accomplices should bear the same punishment. The competent authorities must take responsibility for this incident and receive the same punishment as the direct offenders in order to ensure that victims receive justice.

Based on previous research, very few workers in the construction industry receive insurance in cases of workplace accidents. Approximately 9% receive insurance provided by their employer and only 5% have registered with the National Social Security Fund (NSSF). Previously, the Ministry of Labour and Vocational Training had introduced a policy to extend the scope of the NSSF to enable registration by construction workers to receive social protection services. More recently, the Law on the National Social Security Scheme was promulgated, demanding the issuance of a Prakas and various measures to push for the registration of employees falling underneath the provisions of the Labour Law in the Kingdom of Cambodia.

Measures are necessary to push the various construction companies in the Kingdom of Cambodia to fully implement workers’ registration with the NSSF prior to the issuance of construction licences in order to ensure that workers receive service benefits and a reasonable compensation in case of workplace accidents. This requires cooperation between important state institutions, such as the Ministry of Labour and Vocational Training, the Ministry of Land Management, Urban Planning and Construction, trade unions, civil society organisations and private sector entities currently investing in the construction sector and various development agencies.

Having seen this horrific event, we call upon the Royal Government of Cambodia and private developers to take immediate action in order to find a long-term solution to prevent similar tragedies in the future by implementing the following recommendations:

1. Immediately suspend all construction projects across the country pending inspection and evaluation by expert institutions, to ensure that all construction projects are authorised, are of quality and are compliant with safety standards. This measure must also be applied to all constructions in the Kingdom of Cambodia which are suspected to lack proper authorisation and not be in compliance with safety regulation standards.
2. Conduct regular and efficient labour inspections to inspect the safety conditions and labour standards of construction workers and register all construction companies across Cambodia with the NSSF.
3. Provide reasonable compensation to victims including members of their immediate family.
4. Search for all offenders in order to enable prosecution according to the laws of the Kingdom of Cambodia, with the accomplices receiving the same punishments. Authorities must take responsibility for the accident and also receive punishment along with the offenders.

5. Immediately cease all unlicensed subcontracting activities and guarantee safety regulation standards on all construction sites.

6. Create public memorials in Preah Sihanouk and Kep for remembrance of these two-building collapses.

7. More efficient implementation by the Ministry of Land Management, Urban Planning and Construction of its Instruction to employers to provide accommodation to construction workers outside of the construction site.

We extend our heartfelt condolences for those who lost their lives, and our deepest sympathy and support to the survivors and families of the victims.

Phnom Penh, 20 January 2020

This petition is endorsed by

1. The Cambodian Human Rights and Development Association (ADHOC)
2. Cambodia Youth Network (CYN)
3. Cambodian Alliance of Trade Unions (CATU)
4. Independent Trade Union Federation (INTUFE)
5. Committee for Free and Fair Elections in Cambodia (COMFREL),
6. Coalition of Cambodian Farmers Community Association (CCFC)
7. The Cambodian Food and Service Workers Federation (CFSWF)
8. Cambodia Labor Confederation (CLC)
9. Building and Wood Workers Trade Union Federation of Cambodia (BWTUC)
10. Coalition of Cambodia Apparel Workers Democratic Unions (C.CADWU)
11. Independent Democratic of Informal Economy Association (IDEA),
12. Cambodia Tourism Workers Union Federation (CTWUF)
13. Cambodian Center for Human Rights (CCHR)
14. Center for Alliance of Labor and Human Rights (CENTRAL)
15. Union Alliance of Labor (UCL)
16. Free Trade Union of Workers of Kingdom of Cambodia (FTUWKC)
17. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
18. Youth Resource Development Program (YRPD)
19. Cambodia’s Independent Civil-Servants Association (CICA)
20. Cambodian Human Rights Actions Coalition (CHRAC)
21. Free Independent Trade Union Federation (FUFI)
22. Equitable Cambodia (EC)
23. Solidarity House (SH)
24. Cambodia Transportation Workers Federation (CTWF)
25. Cambodia Informal Workers Association (CIWA)
26. Cambodian Agricultural Worker Federation (CAWF)
27. Labor Rights Supported Union of Khmer Employee of Nagaworld (L.R.S.U)
28. National Independent Federation of Textile Union of Cambodia (NIFTUC)
29. 24 Families Community (Preah Sihanouk)
30. 297 Land Community (Koh Kong)
31. Angdoung Trabek Land Community (Svay Rieng)
32. Anlong Run Community (Battambang)
33. Bat Khtheah Community (Preah Sihanouk)
34. Boeung Pram Community (Battambang)
35. Bos Sa Am Community (Battambang)
36. CI 5 Community (Preah Sihanouk)
37. Chek Meas Land Community (Svay Rieng)
38. Chikor Kraom Land Community (Koh Kong)
39. Chikor Leu Land Community (Koh Kong)
40. Chorm Kravean Community (Kampong Cham)
41. Dok Por Community (Kampong Speu)
42. Dombe Community (Tbong Khmum)
43. Forest and Biodiversity Preservation Community (Svay Rieng)
44. Forestry Community (Ratanakiri)
45. Horng Samnom Community (Kampong Speu)
46. Kampong Samaki Community(Kampot)
47. Kean Teuk Land Community (Koh Kong)
48. Koh Sdech Land Community (Koh Kong)
49. Koh Sralao Fishery Community (Koh Kong)
50. Land Community (Kampot)
51. Lor Peang Land Community (Kampong Chhnang)
52. Moeunchey Land Community (Svay Rieng)
53. Network for Prey Long Protection in Mean Rith Commune (Kampong Thom)
54. Orm Laing Community (Kampong Spue)
55. Ou Chheu Teal Community (Preah Sihanouk)
56. Ou Tracheak Chet Community (Preah Sihanouk)
57. Phnom Kram Community (Siem Reap)
58. Phnom Neang Kongrei Association (Kampong Chnang)
59. Phnom Sleuk Community (Battambang)
60. Phsar Kandal Village Land Community (Banteay Meanchey)
61. Phum Dei Chhnang Community (Kampong Speu)
62. Phum Sela Khmer Land Community (Banteay Meanchey)
63. Prey Chher Pich Sangva Laor Chhert Community (Kampong Chhnang)
64. Prey Peay Fishery Community (Kampot)
65. Raksmeay Samaki Community (Kampong Speu)
66. Rum Cheik Land Community (Siem Reap)
67. Say Samorn Land community (Banteay Meanchey)
68. Somros Koh Sdech Fishery Community (Koh Kong)
69. Spean Chhes Community (Preah Sihanouk)
70. Steung Bort village Land community (Banteay Meanchey)
71. Svay village Land Community (Banteay Meanchey)
72. Ta Noun Land Community (Svay Rieng)
73. Tani Land Community (Siem Reap)
74. Toul Sangke B Community (Phnom Penh)
75. Tourism Employee Union (Banteay Meanchey)
76. Trapaing Chor Community (Kampong Speu)
77. Trapaing Sangke Community (Kampot)
78. Tumnop II Community (Pursat)