

Document #2071153

USDOS – US Department of State

2021 Country Report on Human Rights Practices: Cambodia

EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with an elected parliamentary government. The ruling Cambodian People’s Party won all 125 National Assembly seats in the 2018 national election, having banned the main opposition party in 2017, turning the country into a de facto one-party state. The prime minister since 1985, Hun Sen, continued in office. International observers, including foreign governments and international and domestic nongovernmental organizations, criticized the election as neither free nor fair and not representative of the will of the people.

The Cambodian National Police maintain internal security. The Royal Cambodian Armed Forces are responsible for external security and also have some domestic security responsibilities. The National Police report to the Ministry of Interior, while the armed forces report to the Ministry of National Defense. Civilian authorities maintained effective control over the security forces, which at times threatened force against opponents of Prime Minister Hun Sen and were generally perceived as an armed wing of the ruling party. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture and cruel, inhuman, or degrading treatment or punishment by the government; arbitrary detention by the government; political prisoners and detainees; serious problems with the independence of the judiciary; arbitrary interference in the private lives of citizens, including pervasive electronic media surveillance; serious restrictions on free expression and media, including violence and threats of violence, unjustified arrests or prosecutions of journalists, criminal libel laws, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious and pervasive government corruption, including in the judiciary; serious government restrictions on or harassment of domestic or international human rights organizations; lack of investigation of and accountability for violence against women; trafficking in persons; and the worst forms of child labor, including forced or compulsory child labor.

A pervasive culture of impunity continued. There were credible reports that government officials, including police, committed abuses and acts of corruption with impunity, and in most cases the government took little or no action. Government officials and their family members were generally immune to prosecution.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

In contrast with 2020, there were no reports that the government or its agents committed arbitrary or unlawful killings. On January 13, the Battambang Provincial Court sentenced two military police officers, Sar Bunsoueng and Chhoy Ratana, to four and seven years in prison, respectively, and ordered them to pay between 20 and 30 million riels (\$4,900 and \$7,400) in compensation to the family for the January 2020 death of Tuy Sros, who died in police custody after being arrested in a land dispute in Banteay Meanchey Province. Two witnesses reported that military police beat Tuy and refused to provide medical treatment. By law those who commit “torture and the act of cruelty with aggravating circumstances” may be sentenced to between 10 and 20 years in prison. The victims’ family appealed the sentence seeking stronger punishment; there were no reports of progress on the appeal as of October.

b. Disappearance

In contrast with 2020, there were no reports of disappearances by or on behalf of government authorities.

On June 4, the one-year anniversary of Thai prodemocracy activist Wanchalearn Satsaksit’s disappearance, local and international nongovernmental organizations (NGOs) released a statement calling the Cambodian government’s investigation a failure and a violation of international human rights obligations. Wanchalearn’s sister called on the Cambodian government to identify those responsible and bring them to justice.

Eyewitnesses reported that in June 2020 several armed men abducted Wanchalearn outside his Phnom Penh apartment. Authorities initially denied an abduction had taken place, claiming that official records showed Wanchalearn had left the country three years earlier. A representative of the Office of the UN High Commissioner

for Human Rights in Geneva raised concerns that the incident “may now comprise an enforced disappearance.” In March the Cambodian government responded to the UN’s Committee on Enforced Disappearances, claiming that Wanchalearm was not on the list of residents in the apartment where the alleged abduction took place, that the vehicle seen in security camera footage of the alleged abduction was not registered, that three individuals who lived near the apartment said they had not witnessed any abduction, and that authorities could not find any further evidence from the security camera footage.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices; however, beatings and other forms of physical mistreatment of police detainees and prison inmates reportedly continued during the year.

NGOs and detainees reported that military and police officials used physical and psychological abuse and occasionally severely beat criminal detainees, particularly during interrogation. On April 3, local police in Battambang Province took Pich Theareth into custody for allegedly murdering his wife. Police later announced that Pich died of a heart attack a few hours after his arrest. Pich’s relatives alleged that he was beaten to death and posted photographs of his bruised body on social media and filed a complaint against police. On June 16, the National Antitorture Committee determined that Pich’s death was caused by “excessive torture” and requested that the National Police investigate the case. An NGO reported in September that the National Police had not filed any charges against the police officers involved.

Although the law requires police, prosecutors, and judges to investigate all complaints, including those of police abuse, in practice there was impunity for government officials and their family members for human rights abuses. Judges and prosecutors rarely conducted independent investigations. Although the law allows for investigations into accusations of government abuse, cases were pursued only when there was a public outcry or when they drew the prime minister’s attention. If abuse cases came to trial, presiding judges usually passed down verdicts based only on written reports from police and witness testimony. In general police received little professional training on protecting or respecting human rights.

Prison and Detention Center Conditions

Prison conditions remained harsh and in many cases life threatening.

Physical Conditions: Gross overcrowding was a problem. According to the Ministry of Interior, as of July authorities held an estimated 39,000 prisoners and detainees, including 2,571 women, in 29 prisons designed to hold a maximum of 11,000 prisoners. The ministry reported the government’s “war on drugs” had exacerbated overcrowding, as approximately 22,000 of the prisoners and detainees were held for drug trafficking crimes.

In most prisons there was no separation of adult and juvenile prisoners (including children living with incarcerated mothers) or of persons convicted of serious crimes, minor offenses, or in pretrial detention. According to a local NGO, as of July prisons held at least 25 pregnant women and 74 children living with their mothers. Between January and June, the General Department of Prisons reported there were at least 120 deaths in custody.

Allowances for food and other necessities were inadequate in many cases. Family members often provided these, at least in part, and sometimes had to pay a bribe to do so. Observers continued to report that authorities misappropriated allowances for prisoners’ food, exacerbating malnutrition and disease. Authorities did not provide updated figures on access to clean water; as of 2016, 18 of 29 prisons provided clean water. Prisons did not have adequate facilities for persons with mental or physical disabilities. NGOs also alleged prison authorities gave preferential treatment, including increased access to visitors, transfers to better cells, and permission to leave cells during the day, to prisoners whose families paid bribes, while greater restrictions, such as stricter surveillance and denial of gifts from visitors, were placed on human rights defenders and political prisoners. According to a local NGO, prison gangs sometimes violently attacked other prisoners. NGOs reported significant drug use by prisoners, made possible by bribing guards.

The country had 11 government, three private, and four NGO-run inpatient drug rehabilitation centers. Most observers agreed most “patients” in such facilities were involuntarily detained, committed by police or family members without due process. According to the National Authority for Combating Drugs, no detainee was younger than age 18. The authority reported that from January to March, 9,267 drug users received treatment in these centers. Observers noted employees at the centers frequently controlled detainees with physical restraints and subjected them to intense physical exercise. Violence committed by other drug patients was also common. In January, Moy Somnang died at a hospital after he was beaten by other patients. A police officer reported that the “boss” of a criminal network operating at the facility ordered others to beat and torture Moy soon after he arrived at the center.

After COVID-19 began spreading widely throughout the country due to an outbreak in February, officials severely limited access to prisons for family members, attorneys, consular officials, and other outside representatives. Lawyers defending detained labor leader Rong Chhun were not able to communicate with their client and did not know whether Chhun was sick or had been vaccinated until a prosecutor informed attendees in an open court hearing on June 8. There were some reports of COVID-19 spreading uncontrolled through overcrowded detention facilities before the government vaccinated most of the prison population. As of November the government maintained strict restrictions on outside visitation. According to prison officials, as of September the government had provided COVID-19 vaccinations to more than 90 percent of prisoners and detainees throughout the country.

Administration: There were no prison ombudsmen or other government advocates for prisoners. Prisoners could submit complaints about alleged abuse to judicial authorities through lawyers, but a large number of prisoners and detainees could not afford legal representation. The government stated it investigated complaints and monitored prison and detention center conditions through the General Department of Prisons, which reportedly produces internal biannual reports on prison management. The prison department, however, did not release any reports despite frequent requests from civil society organizations.

Before COVID-19 pandemic protocols were put in place in February, authorities routinely allowed prisoners and detainees access to visitors, although human rights organizations confirmed families sometimes had to bribe prison officials to visit prisoners. There were credible reports officials demanded bribes before allowing prisoners to attend trials or appeal hearings, before releasing inmates who had served their full terms of imprisonment, or before allowing inmates to exit their cells.

Independent Monitoring: The government allowed, subject to preconditions and restrictions, international and domestic human rights groups, including the International Committee of the Red Cross and the UN Office of the High Commissioner for Human Rights, to visit prisons and provide human rights training to prison guards, although COVID-19 policies affected attempts to arrange visits. Some NGOs reported limited cooperation from local authorities who, for example, generally made it difficult to gain access to pretrial detainees.

The Ministry of Interior required lawyers, human rights monitors, and other visitors to obtain permission prior to visiting prisoners (often from multiple government agencies), and sometimes the government required NGOs to sign a formal memorandum of understanding delineating their roles during prison visits. The government largely halted prison visits after COVID-19 began spreading widely throughout the country in February. Although some local independent monitoring groups were able to meet privately with prisoners, others were not. A local human rights NGO that provides medical care to prisoners reported the government refused requests to visit convicted prisoners who were members of an opposition political party. Another NGO reported the government accused it of harboring political bias and using its visits to embolden political prisoners. Representatives of the UN human rights commissioner reported they were usually able to visit prisons and hold private meetings when interviewing a particular prisoner of interest.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and limits pretrial detention to a maximum of 18 months; however, the government did not always respect these prohibitions.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, unless police apprehend a suspect while in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before they must file charges or release a suspect. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. Nevertheless, authorities routinely held persons for extended periods before charging them.

There was a bail system, but many prisoners, especially those without legal representation, had no opportunity to seek release on bail. Authorities routinely denied bail in politically sensitive cases, leading to lengthy pretrial detention before trial begins.

Arbitrary Arrest: As of August observers recorded at least 68 arbitrary arrests, including 14 political activists, 21 journalists, 10 environmental activists, and four land rights activists. The actual number of arbitrary arrests and detentions was likely higher, since victims in rural areas may not have filed complaints due to the difficulty of traveling to human rights NGO offices or because of concern for their family’s security. Authorities took no legal or disciplinary action against persons responsible for illegal detentions.

In February, Ministry of Environment officers arrested and arbitrarily detained five environmental activists for investigating illegal logging, according to Amnesty International. They were released three days later.

Former Cambodia National Rescue Party (CNRP) leader Kem Sokha continued to be held under house arrest arbitrarily and well beyond the legal limit. Following Sokha’s 2017 arrest and after 26 months in pretrial detention, in 2019 the government partially lifted judicial restrictions, effectively releasing him from house arrest, but not allowing him to travel abroad or engage in political activity. The charges of treason against him were pending as of December.

Pretrial Detention: As of July the Ministry of Interior reported holding 13,549 pretrial detainees, approximately one-third of all prisoners. Government officials stated that prolonged detentions were frequently the result of the limited capacity of the court system. The law allows for a maximum pretrial detention of six months for misdemeanors and 18 months for felonies, but NGOs reported authorities held some accused in pretrial detention for longer than those legal maximums. In cases of “incitement,” a charge commonly levied against political and environmental activists, no individuals were granted bail, according to reports; every known “incitement” suspect was held in pretrial detention until the end of their trial, almost always beyond the statutory minimum sentence of six months. In some cases the period spent in pretrial detention was longer than the minimum sentence for the crime detainees were to be tried for. Authorities occasionally held pretrial detainees without legal representation. Under the

law police may arrest and detain accused persons for a maximum of 24 hours before allowing them access to legal counsel, but authorities routinely held prisoners incommunicado for several days before granting them access to a lawyer or family members.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The government made significant progress clearing a backlog of court cases and long delays in obtaining judicial rulings, which had interfered with the right to challenge in court the legal basis or arbitrary nature of detention. On June 29, the Ministry of Justice reported that it had expedited and resolved 96 percent of approximately 40,000 backlogged criminal cases after a year-long effort.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but the government did not respect judicial independence, exerting extensive control over the courts. Court decisions were often subject to political influence. Judicial officials, up to and including the chief of the Supreme Court, often simultaneously held positions in the ruling party, and observers alleged only those with ties to the ruling Cambodian People’s Party (CPP) or the executive received judicial appointments. Corruption among judges, prosecutors, and court officials was widespread. The judicial branch was inefficient and could not assure due process. At times the outcome of trials appeared predetermined.

The government significantly increased the use of arbitrary charges of “incitement” over the last two years, using the law to charge criminally political opposition leaders and their supporters, labor and environmental activists, and citizens who make politically sensitive comments, including social media posts about the border with Vietnam, the government’s COVID-19 response, relations with China, and unflattering comments about senior government officials. The law criminalizes the “direct incitement to commit a felony or disturb social security,” a vague standard commonly used to suppress and punish peaceful political speech and dissent. By the end of 2020, the government reportedly filed at least 200 cases of incitement, up from approximately 40 in 2019 and no more than 20 in previous years. This included a mass filing of incitement charges against approximately 120 individuals in November 2020, most of whom were associated with the opposition CNRP. There was no report that anyone had ever been acquitted of an incitement charge; individuals with a criminal record may not hold public office until the king grants clemency after a request from the prime minister.

In the long-suspended treason trial of former political opposition leader Kem Sokha, the government gave conflicting statements, at times insisting the court was acting independently, while at other times insisting the trial would last for “years,” or that the outcome would depend on other factors, such as the EU’s partial withdrawal of trade benefits.

Observers alleged the Bar Association of Cambodia heavily favored admission of CPP-aligned members at the expense of nonaligned and opposition attorneys and at times admitted unqualified individuals to the bar solely due to their political affiliation. Analysts revealed that many applicants to the bar paid high bribes for admittance.

A shortage of judges and courtrooms continued to delay many cases. NGOs also believed court officials focused on cases that might benefit them financially. Court delays or corrupt practices often allowed accused persons to escape prosecution. There were widespread allegations that rich or powerful defendants, including members of the security forces, often paid victims and authorities to drop criminal charges. These allegations were supported by NGO reports and instances of rich defendants appearing free in public after their high-profile arrests were reported in media without further coverage of court proceedings or final outcomes of the cases. Authorities sometimes urged victims or their families to accept financial restitution in exchange for dropping criminal charges or for failing to appear as witnesses.

Trial Procedures

The law provides for the right to a fair and public trial; however, the judiciary rarely enforced this right.

Defendants are by law required to be informed promptly of the charges against them, be presumed innocent, and have the right of appeal, but they often resorted to bribery rather than rely on the judicial process. Trials are not always public and frequently face delays. Defendants have the right to be present at their trials and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. The law, however, allows trials in absentia, and courts at times convicted suspects in absentia with no defense representation. In felony cases, if a defendant cannot afford an attorney, the law requires the court to provide the defendant with free legal representation; however, the judiciary was not always able to provide legal counsel, and most defendants sought assistance from NGOs, pro bono representation, or “voluntarily” proceeded without legal representation. In the absence of a required defense attorney in a felony case, trial courts routinely adjourned cases until defendants could secure legal representation, a process that often took months. Trials were typically perfunctory, and extensive cross-examination usually did not take place. NGOs reported that sworn written statements from witnesses and the accused in many cases constituted the only evidence presented at trials. The courts offered free interpretation.

There was a critical shortage of trained lawyers, particularly outside the capital. The right to a fair public trial often was denied de facto for persons without means to secure counsel.

Authorities sometimes allegedly coerced confessions through beatings or threats or forced defendants to sign written confessions without informing them of the contents. Courts accepted forced confessions as evidence in trial despite legal prohibitions against doing so. According to a human rights NGO’s random sample of 148 appeals court proceedings in the first half of the year, eight individuals reported that judicial police had used torture or violence to force them to confess during their investigations. For years NGOs reported that fewer than half of all known defendants were present at their appeals because of difficulties traveling to the capital from other parts of the country.

Political Prisoners and Detainees

As of October a local human rights NGO estimated that authorities held nearly 30 political prisoners and detainees.

In January a Phnom Penh court found prominent labor leader Rong Chhun guilty of “incitement to commit a felony” and sentenced him to the maximum punishment of two years’ imprisonment. The court also ordered him and two codefendants to pay the Cambodian Boundary Commission up to 400 million riels (\$100,000) in restitution. Chhun was arrested in July 2020 after he visited the border with Vietnam and spoke to the press about concerns over border demarcation. Chhun was subsequently released on probation after an appeals court suspended a portion of his sentence in November.

In December the court in charge of the treason case against CNRP leader Kem Sokha set a trial date of January 19, 2022.

Politically Motivated Reprisal against Individuals Located Outside the Country

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: According to Human Rights Watch, Cambodian refugees hiding in Bangkok reported escalating levels of surveillance and threats by unidentified persons whom they believed were under the direction of Cambodian government officials. In October the prime minister publicly called for a UNHCR-registered CNRP activist living in Thailand to be “eliminated” and urged police to search for him, including searching “abroad.” In November the government of Thailand refouled three Cambodian opposition activists who were UNHCR-registered refugees. They were immediately arrested upon arrival in Cambodia.

Efforts to Control Mobility: Some government critics and opposition politicians were in self-imposed foreign exile. In some cases the government subsequently took steps to block exiles’ return, including revoking their Cambodian passports.

Civil Judicial Procedures and Remedies

The country has a system in place for hearing civil cases, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Some administrative and judicial remedies were available. NGOs reported, however, that public distrust in the judicial system due to corruption and political control deterred many from filing lawsuits and that authorities often did not enforce court orders.

Property Seizure and Restitution

The land law states that any person who peacefully possessed private or state land (excluding public lands, such as parks) or inhabited state buildings without contest for five years prior to the 2001 promulgation of a law on restitution has the right to apply for a definitive title to that property. Most citizens, however, lacked the knowledge and means to obtain formal documentation of ownership.

Provincial and district land offices continued to follow pre-2001 land registration procedures, which did not include accurate land surveys or opportunities for public comment. Land speculation in the absence of clear title fueled disputes in every province and increased tensions between poor rural communities and speculators. Some urban communities faced forced eviction to make way for commercial development projects.

Authorities continued to force inhabitants to relocate from disputed land, although the number of cases declined in recent years. On September 12, police arrested more than 30 displaced rice farmers and villagers protesting being forcibly removed from their land with inadequate compensation to make way for Phnom Penh’s new international airport and surrounding development. On September 20, thousands of displaced villagers from three provinces blocked the road to the Land Ministry, demanding the government’s help in resolving land disputes. Some persons also used the threat of legal action or eviction to intimidate poor and vulnerable persons into selling their land at below-market values. As of July a local NGO reported 49 new cases of land grabbing and forced evictions. Another human rights NGO investigated 31 new cases of land grabbing as of June, affecting 2,659 families across the country.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the law provides for the privacy of residences and correspondence and prohibits illegal searches, NGOs reported police routinely conducted searches and seizures without warrants. The government continued to leak personal correspondence and recordings of telephone calls by opposition and civil society leaders to government-aligned media. On June 24, police arrested Kak Sovanchay, a 16-year-old boy reportedly with autism, for allegedly “insulting the government” in posts he made in a private chat group on the social media app Telegram that related to his father, a jailed CNRP official. Kak was convicted and later released on probation after an appeals court suspended a portion of his sentence in November.

Section 2. Respect for Civil Liberties

The April 2020 state of emergency law, which the prime minister claimed was necessary because of the COVID-19 pandemic, allows the government to ban or limit freedoms of travel, assembly, and information distribution and the ability to leave one's home during a declared emergency. NGOs and UN experts condemned the law, arguing that it lacked an effective oversight mechanism and could be used to infringe on the rights of the people. As of November the government had not declared a state of emergency under this law.

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media. In 2017, however, the government began carrying out a sustained campaign to eliminate independent news media and dissenting voices in the country and increasingly restrict free expression; many individuals and institutions reported widespread self-censorship.

Freedom of Expression:

The constitution grants freedom of speech except where it adversely affects public security. The constitution also declares the king is “inviolable.”

Election laws require civil society organizations to remain “neutral” during political campaigns and prohibit them from “insulting” political parties in media.

The government arrested and prosecuted citizens on disinformation and misdemeanor “incitement to commit a felony” charges. Judges may also levy fines, which could lead to jail time if not paid. Police and courts interpreted “incitement” broadly; authorities made several arrests for statements posted to social media, many related to the COVID-19 pandemic. For example in August a Phnom Penh court sentenced Ny Nak to 18 months in prison for “incitement” after he posted an apparently tongue-in-cheek message on Facebook saying he would give his chickens face masks to protect them from COVID-19. On September 2, a Phnom Penh court sentenced Thun Chanta and Mey Sophorn to the maximum sentence for “incitement” after the pair wrote Facebook posts questioning the government's COVID-19 vaccination policies.

In a nine-month survey ending in January conducted by local NGOs, 70 percent of NGOs and unions reported they did not believe they were safe sharing information on social media. To avoid repercussions from the government, 16 percent of them “always” self-censored, 36 percent “regularly” self-censored, and 37 percent “sometimes” self-censored.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: The government, military, and ruling party owned or otherwise influenced newspapers and broadcast media; there were few significant independent sources for news. The three largest progovernment newspapers did not criticize the government for politically motivated acts or human rights matters. In the first three months of the year, the government revoked the licenses of nine media outlets, according to researchers, accusing them of spreading fake information or “causing chaos” during the COVID-19 pandemic. Authorities terminated online news outlet TVFB's license for quoting verbatim a comment by Prime Minister Hun Sen; revoked the license of radio station Rithysen 99.75 FM after a report on a land dispute involving powerful individuals; and terminated the license of news website *CKV TV* online after accusing it of disrespecting Buddhism, the state religion. On September 30, a court sentenced Youn Chiv, owner of the *Koh Kong Hot News* website, to a year in prison for “incitement” over posts on a land dispute, after Defense Minister Tea Banh – a Koh Kong native – initiated a legal case against him.

The National Election Committee code of conduct establishes a substantial fine for reporters who interview any voter near a polling station, publish news that could affect “political stability,” or cause the public to lose confidence in the election.

In January the National Police issued a directive prohibiting journalists from recording anything related to a criminal case under police investigation.

Violence and Harassment: Threats and violence against journalists and reporters remained common. In August police officers forced a reporter to delete photographs and videos of police destroying a house involved in a land conflict in Phnom Penh and confiscated the press credentials of another journalist at the scene.

Former Radio Free Asia journalists Yeang Sothearin and Uon Chhin remained subject to the terms of their release on bond, which included restrictions on their ability to travel and work. They were charged in 2017 with “collecting information illegally for a foreign nation” and in 2018 with distributing pornography. The penalty for the first charge is seven to 15 years in prison. NGOs and observers argued that the case was politically motivated and pointed to the prolonged trial and confiscation of the journalists' passports as proof of government intimidation of media. Analysts researching the treatment of journalists found that in 2020, police and judicial authorities physically or verbally threatened 72 journalists over their coverage (for example, by confiscating their press badges) and detained, questioned, or jailed 42 of them.

Censorship or Content Restrictions: The law prohibits prepublication censorship, and no formal censorship system existed. The government, however, used other means to censor media, most notably through its control of permits and licenses for journalists and media outlets not controlled directly by the government or the CPP. Private

media admitted to practicing self-censorship, in part from fear of government reprisal. Reporters claimed that newspaper editors told them not to write on topics that would offend the government and also reported self-censoring due to the chilling effect of recent criminal cases against journalists.

Libel/Slander Laws: The law limits expression that infringes on public security or libels or slanders the monarch, and it prohibits publishers and editors from disseminating stories that insult or defame the king, government leaders, or public institutions. The government used libel, slander, defamation, and denunciation laws to restrict public discussion on topics it deemed sensitive or against its interests.

National Security: The government continued to cite “national security” concerns to justify restricting and prosecuting criticism of government policies and officials.

On May 23, the Ministries of Information, Interior, and Post and Telecommunication formed a working group to protect national security by monitoring all news and social networking sites. Authorities arrested at least seven individuals for expressing critical opinions about the government’s COVID-19 restrictions, vaccination campaign, or humanitarian assistance. In February, Chinese journalist Shen Kaidong was deported after publishing a story in which multiple Chinese nationals in Cambodia said they had received a text message offering them the Sinopharm vaccine for a fee. In July a second journalist, Kao Piseth, was arrested and charged with “incitement” and “obstruction” for posts on Facebook criticizing the efficacy of Chinese-made vaccines and accusing the government of having a political motive in using them. The government also prosecuted at least three other individuals, including Korng Sambath, Nov Kloem, and Pann Sophy, for posting TikTok videos criticizing Chinese vaccines.

Internet Freedom

There were credible reports that government entities monitored online communications.

The telecommunications law was widely criticized by civil society and human rights activists, who stated it provides the government broad authority to monitor secretly online discussion and communications on private telecommunication devices. The law gives the government legal authority to monitor every telephone conversation, text message, email, social media activity, and correspondence between individuals without their consent or a warrant. Any opinions expressed in these exchanges that the government deemed to impinge on its definition of national security could result in a maximum 15 years’ imprisonment.

The government has the authority to shut down any social media page or website that publishes information leading to “turmoil in the society that undermine[d] national defense, national security, national relations with other countries, the economy, social order, discrimination, or national culture or tradition.”

In February the government issued a decree ordering all internet providers to reroute their services through the National Internet Gateway, a government-controlled network hub, by February 2022. Some 49 NGOs issued a joint statement expressing their concern that the government’s move would further curtail freedom of expression and threaten personal privacy.

A “cyber war team” in the Council of Ministers’ Press and Quick Reaction Unit was responsible for monitoring and countering “incorrect” information from news outlets and social media. In October 2020 the prime minister played a recording of a private Zoom session in which exiled opposition parliamentarian Ho Vann allegedly urged opposition supporters to protest in front of the Chinese embassy. Hun Sen warned Ho Vann to “behave appropriately” since his wife and children were living in Cambodia. In August a court sentenced Sar Kanika and Ton Nimol to 20 months in prison for their social media posts or “likes” in support of jailed labor leader Rong Chhun. In September, Prime Minister Hun Sen interrupted a private Zoom videoconference of opposition party members and stated he was there to “send a clear message to the rebels that there are people of Hun Sen everywhere.”

Academic Freedom and Cultural Events

The government continued to restrict academic freedom and political discussion at schools and universities. Scholars tended to exercise caution when teaching political subjects due to fear of offending politicians, and many individuals in academia also expressed their opinions anonymously and generally avoided politically sensitive topics in their classrooms.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the constitution provides for freedom of peaceful assembly, the government did not respect this right. In a survey covering the nine months to January, 64 percent of NGOs and 28 percent of trade unions stated they believed they were free to assemble peacefully.

The law requires advance notification for protests, marches, or demonstrations, although authorities inconsistently enforced this requirement. One provision requires five days’ notice for most peaceful demonstrations, while another requires 12 hours’ notice for impromptu gatherings on private property or protests at designated venues and limits such gatherings to 200 persons. By law provincial or municipal governments issue demonstration permits at their discretion. Lower-level government officials, particularly in Phnom Penh, generally denied requests unless the

national government specifically authorized the gatherings. All levels of government routinely denied permits to groups critical of the ruling party. Authorities cited the need for stability and public security – terms left undefined in the law and therefore subject to wide interpretation – as reasons for denying permits.

In May a court sentenced Long Kunthea and several of her associates to 18 months’ imprisonment for “incitement” for planning a peaceful, one-person demonstration aimed at raising concerns about environmental matters and urban development. Long and her associates had planned to post a video of the demonstration online. In November an appeals court suspended their sentences and placed them on probation.

In August, Neth Savoeun, the National Police chief and nephew of Prime Minister Hun Sen, appointed Dy Vichea, deputy commissioner of the National Police and the prime minister’s son-in-law, as the head of a working group publicly tasked with searching for individuals who were “inciting other villagers to protest in land disputes.” NGOs and land activists condemned the working group, arguing that its purpose was to crack down on land rights activists.

There were credible reports the government prevented associations and NGOs from organizing human rights-related events and meetings; those NGOs failed to receive permission from local authorities. Government authorities occasionally cited the law to break up meetings and training programs deemed hostile to the government.

Despite these restrictions, media reported on unauthorized public protests related to a variety of matters, including land and labor disputes and demands to release political prisoners. Since the July 2020 arrest of union leader Rong Chhun, authorities on multiple occasions forcibly dispersed protesters demanding his release, leading to at least four injuries. In October a court sentenced 10 youth activists from the Khmer Thavrak group to 14- or 15-month prison terms and a two-million-riel (\$490) fine each for joining peaceful protests in August and September 2020 calling for Rong’s release.

In June approximately 100 soldiers fired on land rights protesters in Kandal Province; one demonstrator was shot in the shoulder but survived.

On July 10, the fifth anniversary of the death of prominent government critic Kem Ley, authorities banned any gathering at the Caltex gas station where he was shot, citing COVID-19 health protocols. Thousands gathered at the station in previous years to commemorate Kem Ley on the anniversary of his killing.

Freedom of Association

The constitution provides for freedom of association, but the government continued to restrict it, targeting specifically groups it believed could be involved in political dissent. The law requires all associations and NGOs to register and to be politically neutral, which restricts the right to association and those organizations’ right to free expression.

Vague provisions in several laws prohibiting any activity that may “jeopardize peace, stability, and public order” or harm “national security, national unity, traditions, and the culture of Cambodian society” created a substantial risk of arbitrary and politicized restriction of the right of association. According to critics, the laws on associations and trade unions establish heavily bureaucratic, multistep registration processes that lack both transparency and administrative safeguards, thereby reinforcing legal and political objections to registering groups. Laws on reporting activities and finances, including the disclosure of all successful funding proposals, financial or grant agreements, and bank accounts also impose burdensome obligations that allow officials to restrict or close organizations for petty or arbitrary reasons. Some NGOs and unions complained that police carefully monitored their activities and intimidated participants by sending uniformed or plainclothes police to observe their meetings and training sessions.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government restricted the movement of persons into and out of certain “red zones” in several cities at various points throughout the year to prevent the spread of COVID-19, reportedly causing significant cash and supply shortages. On April 29, more than 100 Phnom Penh residents protested severe restrictions in the red zones, pointing to acute food shortages.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. In August, at the request of an international NGO, Prime Minister Hun Sen agreed to accept up to 300 Afghan refugees for temporary stays in Cambodia until they could be resettled to a third country. On November 16, an initial group of 15 Afghan refugees arrived.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The system, however, is not equally accessible to all refugees and asylum seekers and is not transparent. Asylum seekers who enter the country without documentation or overstay their visas are vulnerable to deportation. The government does not grant resident status or a resident “book” to refugees, only a “refugee card.”

Freedom of Movement: Authorities restricted the movement of refugees. For example, local authorities require Montagnards who have been granted refugee status to stay confined to their temporary homes, aside from shopping trips for groceries and other essential items. As of December the government had made no announcement about restrictions on Afghan refugees awaiting resettlement in the country.

Employment: The law allows refugees to work and operate a business. Refugees, however, are generally not provided with resident status or resident books, making it difficult to exercise these rights.

Access to Basic Services: The government’s refusal to grant resident status and resident books to refugees limited their access to basic services.

g. Stateless Persons

The country had habitual residents who were de facto stateless. According to UNHCR, there were an estimated 57,450 stateless persons in the country as of the end of 2019, primarily ethnic Vietnamese. On June 2, Phnom Penh authorities ordered 700 families living in boats or floating houses along the Tonle Sap River, most of whom were ethnic Vietnamese and had long lived in the area, to dismantle their homes and depart the vicinity immediately. The government did not effectively implement laws or policies to provide such persons the opportunity to acquire or document their Cambodian nationality (see section 6, Children). According to an NGO, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, or the right to own land.

Section 3. Freedom to Participate in the Political Process

Although the constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, in practice there was no such ability. By law the government may dissolve parties and ban individuals from party leadership positions and political life more broadly. The law also bars parties from using any audio, visual, or written material from a convicted criminal.

As of September, 29 of the 118 CNRP officials barred from political activity after the Supreme Court disbanded the party in 2017 had applied for political rehabilitation. Authorities restored the political rights of 26 individuals and rejected three applications. Prime Minister Hun Sen stated in August that he would not restore any politician’s political rights unless he was “pleased.” Local experts and opposition party members complained the “rehabilitation” process was arbitrary, created a false appearance of wrongdoing on the part of the banned politicians, and allowed the prime minister to choose his own political opponents. The CPP dominated all levels of government from districts and provincial councils to the National Assembly.

Elections and Political Participation

Recent Elections: The most recent national election occurred in 2018. Although 20 political parties participated, the largest opposition party, the CNRP, was excluded. Of the 19 non-CPP parties that competed in the election, political rights groups claimed that 16 were CPP proxies.

Although campaign laws require news outlets to give equal coverage to each party participating in an election, there was no evidence of the law’s enforcement during the 2018 election; news outlets gave significantly greater coverage to the CPP than to other parties. In view of the decline in independent media outlets, government-controlled news outlets provided most content and coverage prior to the election. This was particularly the case in rural areas, where voters had less access to independent media.

Approximately 600,000 ballots cast in 2018 were deemed invalid, compared with an estimated 100,000 in the previous election. Observers argued this was a sign of protest; in view of the pressure to vote and the absence of the CNRP from the ballot, many voters chose to spoil their ballots intentionally rather than vote for a party. According to government figures, 83 percent of registered voters went to the polls. The ruling CPP won all 125 seats in the National Assembly. Government statistics could not be verified due to a lack of independent observers.

Most independent analysts considered the entire election process seriously flawed. Most diplomatic missions to the country declined to serve as official observers in the election. Major nonstate election observation bodies, including the Carter Center and the Asian Network for Free Elections, also decided against monitoring the election after determining the election lacked basic credibility. The National Election Committee accused the international community of bias, arguing the international community supported it only when the CNRP was on the ballot. Although nominally independent, the government installed closed-circuit television cameras in the committee offices, enabling it to observe the committee’s proceedings.

Political Parties and Political Participation: Excepting the CPP and several small progovernment parties, independent political parties suffered from a wide range of legalized discrimination, selective enforcement of the law, intimidation, and biased media coverage. These factors contributed significantly to the CPP’s effective monopolization of political power. Membership in the CPP was a prerequisite for many government positions.

In September 2020 Prime Minister Hun Sen reportedly stated that CNRP leader Kem Sokha’s case may not be resolved until 2024.

In April, Kak Sovanchhay, the teenage child of an imprisoned former opposition party official, was struck in the head by a brick thrown by two men on a motorbike, putting him in critical condition. The offenders were not located. Kak Sovanchhay was later arrested and charged with “incitement,” a misdemeanor punishable by up to two years’ imprisonment. Kak, who reportedly had autism, received no treatment or any special accommodation in detention or during his trial.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of ethnic minorities in the political process, but cultural practices that relegate women to second-class status – epitomized by the Chbab Srey, a traditional code of conduct for women dating to the 14th century – limited women’s role in politics and government. Despite repeated vows by the CPP to increase female representation, only 19 women were elected to the National Assembly in the 2018 national election, down from 25 in 2013. The 2017 local elections saw participation for the first time of the Cambodia Indigenous People’s Democracy Party; the party also participated in the 2018 parliamentary elections.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The National Council Against Corruption and its Anticorruption Unit are authorized by law to receive and investigate corruption complaints. The unit, however, did not collaborate frequently with civil society and was considered ineffective in combating official corruption. Instead, it focused on investigations of opposition figures, leading to a widespread perception that it served the interests of the ruling CPP. There were numerous reports of government corruption during the year.

Corruption: The Anticorruption Unit has never investigated a high-level member of the ruling party, despite widespread allegations of corruption at senior levels of the party and government. For example, in June activists renewed allegations against National Assembly member and former provincial governor Prak Chan for involvement in the illegal smuggling of timber to Vietnam after his name was put forward as a candidate for the National Election Committee, but authorities took no action against him. In August the unit arrested two individuals for impersonating government officials, but otherwise had not arrested anyone since 2016 when it arrested five employees of a prominent human rights NGO and an opposition party member serving as commune chief. Similarly only one financial disclosure statement was ever unsealed, that of then National Assembly vice president and opposition CNRP president Kem Sokha.

Corruption was endemic throughout society and government. There were reports police, prosecutors, investigating judges, and presiding judges took bribes from owners of both legal and illegal businesses.

Civil servants must seek clearance and permission from supervisors before responding to legislative inquiries about corruption allegations.

Citizens frequently and publicly complained about corruption. Meager salaries contributed to “survival corruption” among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials. In January, Le Changsangvath, head of the Banteay Meanchey provincial health department, was accused of soliciting a 60-million-riel (\$15,000) bribe. Instead of investigating, the Ministry of Health dismissed the allegation and claimed that those who made the complaint were trying to provoke social chaos. On October 25, police surrounded the house of Kong Kheang, an official from the ruling CPP, who had accused Land Management Minister Chea Sophara of demanding bribes from lower officials in exchange for their position promotions in the party and in the government. Police threatened him and his family. In July the government granted 425 acres of land (designated as state forest) to real estate tycoon (and former government official) Leng Pheaktra (commonly known as Leng Navatra).

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

There were multiple reports of a lack of official cooperation with human rights investigations and in some cases, intimidation of investigators by government officials.

Approximately 25 human rights NGOs operated in the country. A further 100 NGOs’ work involved some human rights concerns, but only a few actively organized training programs or investigated abuses.

Human rights defenders faced increasing repression. On September 18, Prime Minister Hun Sen publicly ordered the arrest of political commentator Seng Sary, accusing him of joining the opposition party to create a revolution; the prime minister withdrew his order two days later, stating he had listened to Seng’s explanations and found them “reasonable.”

Defenders were detained without bail before trial and pending verdict.

The United Nations or Other International Bodies: Although the government generally permitted visits by UN representatives with human rights responsibilities, authorities generally restricted access to opposition officials, including Kem Sokha. On September 23, Prime Minister Hun Sen met via videoconference with Vitit Muntarbhorn, the UN special rapporteur on the situation of human rights in Cambodia. Government spokespersons regularly chastised UN representatives publicly for their remarks on a variety of human rights concerns.

Government Human Rights Bodies: There were three government human rights bodies: a Committee for the Protection of Human Rights and Reception of Complaints in both the Senate and National Assembly; and the Cambodian Human Rights Committee, which reported to the prime minister’s cabinet. The Cambodian Human Rights Committee submitted government reports for international human rights review processes, such as the Universal Periodic Review, and issued responses to reports by international organizations and government bodies, but it did not conduct independent human rights investigations. Credible human rights NGOs considered the government committees of limited efficacy and criticized their role in vocally justifying the government crackdown on civil society and the opposition.

The Extraordinary Chambers in the Courts of Cambodia, which was established to investigate and prosecute leaders of the former Khmer Rouge regime who were most responsible for the atrocities committed between 1975 and 1979, continued operations. The chambers are a hybrid tribunal, with both domestic and international jurists and staff, governed by both domestic law and an agreement between the government and the United Nations. All investigations have officially ended, no new investigations were opened during the year, and no prosecutions were conducted in the trial chamber. Appeals and some preprosecution proceedings continued.

On August 16, the chambers’ Supreme Court heard an appeal in a case against Khieu Samphan, the Khmer Rouge head of state in the 1970s. In 2018 the chambers sentenced Khieu to life imprisonment for crimes against humanity, grave breaches of the Geneva Conventions, and genocide. Two separate cases, those of Khmer Rouge naval commander Meas Muth and Khmer Rouge official Yim Tith, remained under consideration before the chambers. As of September international jurists continued to advocate that the two defendants be brought to trial for similar charges, while Cambodian jurists continued to advocate for dismissal. As of November, the Pretrial Chamber had yet to resolve these disputes.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape and domestic violence were significant problems. The law, which does not specify the sex of a victim, criminalizes rape and “indecent assault.” Rape is punishable by five to 30 years’ imprisonment. Spousal rape is not specifically mentioned in the law, but the underlying conduct may be prosecuted as “rape,” “causing injury,” or “indecent assault.” Charges for rape were rare. The law criminalizes domestic violence and assigns penalties ranging from one to 15 years’ imprisonment.

Rape and domestic violence were likely underreported due to fear of reprisal, social stigma, discrimination, and distrust of police and the judiciary. Women comprised a small proportion of judicial officials, which likely contributed to underreporting of rape and domestic abuse. NGOs reported authorities inadequately enforced domestic violence law and avoided involvement in domestic disputes.

Rape and domestic violence sometimes led to death. Most observers believed neither authorities nor the public generally regarded domestic violence as a criminal offense.

In one example, Heng Sear, a wealthy businessman with connections to the government, was accused of sexual assault by university student and former beauty pageant contestant Mean Pich Rita who, after refusing Heng’s advances, was arrested in May for allegedly stealing his cell phone. She was quickly released after a public outcry, but police took no action against Heng.

The Ministries of Information and Women’s Affairs implemented a code of conduct for media reporting on violence against women, which bans publication of a survivor’s personal identifiable information, photographs of victims, depictions of a woman’s death or injury, depictions of nudity, and the use of certain offensive or disparaging words against women.

Sexual Harassment: The law criminalizes sexual harassment, imposing penalties of six days’ to three months’ imprisonment and modest fines. Workplace sexual harassment was believed to be widespread.

As of September no legal action had been taken against Ouk Kosal, the former police chief of Kampong Thom Province. In July 2020 four female police officers submitted a letter to Deputy Prime Minister and Interior Minister Sar Kheng reporting that Kosal sexually assaulted them. The letter stated they had reported the abuse on multiple occasions since 2018, but the case had not progressed. National Police chief Neth Savoeun stated that police did not take action because they “wanted to protect the dignity of the women.”

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Cultural barriers played a significant role in limiting women’s access to contraceptives. Unmarried, sexually active persons were often too shy or embarrassed to ask for contraceptives at health centers, clinics, and pharmacies.

The government provided access to sexual and reproductive health services to survivors of sexual violence, including emergency contraception.

According to the country’s 2019 census, the maternal mortality rate was 141 deaths per 100,000 live births, compared with 178 deaths per 100,000 live births in 2015. Major factors influencing high maternal mortality rates included shortages of adequate health facilities, medications, and skilled birth attendants.

Discrimination: The constitution and law provide for equal rights for women and men, including equal pay for equal work and equal status in marriage. The government did not effectively enforce the law. For the most part, women had equal property rights, the same legal right as men to initiate divorce proceedings, and equal access to education, but cultural traditions and greater parenting responsibilities than men limited the ability of women to reach senior positions in business and government or participate in the workforce.

The government expected women to dress and comport themselves according to “Khmer traditions.” In March a female police officer was forced to apologize for a Facebook post showing her nursing her baby while in uniform, leading to an outcry from civil society groups and some government officials, who came to the woman’s defense. On June 5, authorities arrested a woman selling lotions online for “ruining women’s honor” and accused her of using inappropriate and sexual words during an online promotion of her product.

Systemic Racial or Ethnic Violence and Discrimination

The constitution grants equality before the law and offers the same rights to all citizens regardless of their race, sex, language, religious belief, political tendency, birth origin, social status, wealth, or other status. The law criminalizes discrimination and violence if due to “membership in a particular ethnicity, nationality, race, or religion.”

Experts noted an increase in negative attitudes toward Chinese nationals in the country, in part due to links with criminal activity, particularly in Sihanoukville. Newspapers reported stories of crimes committed by Chinese residents and business owners (mostly against fellow Chinese nationals), including murder, shootings, armed robbery, gang violence, kidnapping, trafficking in persons, extortion, counterfeiting, pornography, drunk driving, and drug possession. On August 21, authorities arrested more than 100 Chinese nationals for suspected drug trafficking.

Hundreds of ethnic Vietnamese fishing families living along the Tonle Sap River were forced to relocate their floating homes in June after government officials ordered them to vacate the area, despite some families reportedly having lived there for generations. The government did not recognize the citizenship of some ethnic Vietnamese, leaving them stateless. Some of the families attempted to move their floating homes into Vietnam via the Mekong River but their movements were prevented at the border.

Children

Birth Registration: By law children born to one or two ethnic Khmer parents are citizens. A child derives citizenship by birth to a mother and father who are not ethnic Khmer if both parents were born and living legally in the country or if either parent acquired citizenship through other legal means. Ethnic minorities are considered citizens by law. The Ministry of Interior administered the birth registration system, but not all births were registered immediately, primarily due to lack of public awareness of the importance of registering births and corruption in local government.

Failure to register births resulted in discrimination, including the denial of public services. Children of ethnic minorities and stateless persons were disproportionately unlikely to be registered. NGOs that serve disenfranchised communities reported authorities often denied access to education and health care services for children without birth registration. NGOs stated such persons, when adults, were also often unable to gain employment, own property, vote, or access the legal system.

Education: Education was free, but not compulsory, through grade nine. Many children left school to help their families in subsistence agriculture or work in other activities. Others began school at a late age or did not attend school at all. The government did not deny girls equal access to education, but families with limited resources often gave priority to boys, especially in rural areas. According to international organization reports, enrollment dropped significantly for girls after primary school in urban areas, while secondary school enrollment for boys dropped significantly in rural areas.

Child Abuse: Child abuse was common, and legal action against perpetrators was rare, according to observers. According to UNICEF’s *Violence Against Children Report* in 2020, approximately half of the children in the country had experienced extreme violence. As of July a local human rights NGO had investigated 94 abuses involving 106 children – 99 girls and seven boys. Almost 90 percent were either cases of rape or attempted rape.

Child, Early, and Forced Marriage: The legal minimum age of marriage for both men and women is 18; however, children as young as 16 may marry with parental permission.

Sexual Exploitation of Children: Sexual intercourse with a person younger than 15 is illegal. The government continued to raid brothels to identify and remove child sex trafficking victims, although the majority of child sex trafficking was clandestine, occurring in beer gardens, massage parlors, beauty salons, karaoke bars, other retail spaces, and noncommercial sites. Police investigated child sex trafficking in brothels or when victims filed complaints directly but did not typically pursue more complicated cases, for example those involving online sexual exploitation. According to a 2020 NGO report, 15 percent of children in the country reported having been contacted by strangers on social media, and 2 percent reported having been asked to share intimate pictures or videos, or to perform inappropriate acts. The Cambodia National Council for Children launched a five-year action plan in July aimed at improving several areas of public policy and coordination, “including strengthening measures to prevent exploitation” and to rehabilitate victims. Undercover investigation techniques were generally not used in trafficking investigations, which impeded officials’ ability to hold child sex traffickers accountable.

The country remained a destination for child sex tourism. The government used the law to prosecute both sex tourists and citizens for the sexual exploitation of children. The law provides penalties ranging from two to 20 years in prison for commercial sexual exploitation of children. The law also prohibits the production and possession of child pornography.

Local human rights organizations and local experts were concerned regarding the government’s failure to punish appropriately foreign residents and tourists who purchase or otherwise engage in sex with children. Endemic corruption at all levels of government severely limited investigations and prosecutions of child sex traffickers, and the government took no action to investigate or prosecute complicit officials.

Displaced Children: Displaced children represented a serious problem. The government offered limited, inadequate services to street children at a single rehabilitation center in Phnom Penh. In 2017 a local NGO estimated there were 1,200 to 1,500 displaced street children in Phnom Penh with no relationship to their families and 15,000 to 20,000 children who worked on the streets but returned to families in the evenings.

Institutionalized Children: NGOs and other observers alleged many private orphanages were mismanaged and populated by sham orphans to lure donations from foreigners. From 36,000 to 49,000 children lived in residential care institutions or orphanages, according to UNICEF and research conducted by Columbia University in 2018. Approximately 80 percent of these children had at least one living parent. The study also found that residential care resulted in lower developmental and health outcomes for children and put them at higher risk for future exploitation. There were no state-supported or -operated orphanages or other child protection programs that provided safe alternatives for children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

A small Jewish foreign resident community lived in Phnom Penh. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination, neglect, exploitation, or abandonment of persons with physical or intellectual disabilities, but it was not effectively enforced. The law does not address access to transport. The Ministry of Social Affairs, Veterans, and Youth has overall responsibility for protecting the rights of persons with disabilities, although the law assigns specific tasks to other ministries, including the Ministries of Health, Education, Public Works and Transport, and National Defense.

Persons with disabilities faced significant societal discrimination and economic disadvantages, especially in obtaining skilled employment. According to a 2019 NGO survey of more than 4,300 persons with disabilities, at least 60 percent lived below the poverty line, compared with 25 percent in the general population.

Children with limited physical disabilities attended regular schools. According to a Ministry of Education report in 2019, there were 60,284 students with disabilities throughout the country. The ministry worked to train teachers on how to integrate students with disabilities into classes with students who did not have disabilities. Children with more significant disabilities attended separate schools sponsored by NGOs in Phnom Penh; education for students with more significant disabilities was not available outside of Phnom Penh. A local NGO reported that at least 60

percent of children with disabilities did not attend school. Although there are no legal limits on the rights of persons with disabilities to vote or participate in civic affairs, the government made no concerted effort to assist their civic engagement.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

No law criminalizes consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTQI+) persons. Societal discrimination persisted, however, particularly in rural areas.

LGBTQI+ persons generally had limited job opportunities due to discrimination and exclusion. LGBTQI+ persons were occasionally harassed or bullied for their work in the entertainment and commercial sex sectors.

A local LGBTQI+ rights organization reported incidents of violence or abuse against LGBTQI+ persons, including domestic violence by family members. Stigma or intimidation may have inhibited further reporting of incidents. Police did not prioritize investigations into LGBTQI+-related complaints.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law broadly provides for the right of private-sector workers to form and join independent trade unions of their own choice, to bargain collectively, and to strike. The law excludes certain categories of workers from joining unions, puts significant restrictions on the right to organize, limits the right to strike, facilitates government intervention in internal union affairs, permits the government as well as third parties to seek the dissolution of trade unions, and imposes minor penalties on employers for unfair labor practices. The government failed to enforce applicable laws effectively. Penalties for antiunion discrimination in hiring and dismissing employees were commensurate with penalties for other types of discrimination.

Civil servants, teachers, workers employed by state-owned enterprises, and workers in the banking, health-care, and informal sectors may form only “associations,” not trade unions, affording them fewer worker protections than unionized trades. The law also restricts illiterate workers from holding union leadership.

Reports of severe restrictions on union formation were common. In 2020 the country registered 210 new unions, down from 375 unions registered in 2019. Independent union leaders noted that a small number of unions were active, and that an estimated 10 percent could be considered independent. Some employers reportedly refused to sign notification letters to recognize unions officially or to renew contracts with short-term employees who joined unions. Most workers in the formal manufacturing sector were on short-term contracts. Unions noted short-term contracts allowed employers to dismiss union organizers by failing to renew their contract. Employers and local government officials often refused to provide necessary paperwork for unions to register. Some employers took advantage of the prolonged registration process to terminate elected union officials prior to the unions’ formal registration, making them ineligible to serve as union officers and further retarding the registration process.

Onerous registration requirements amounted to a requirement for prior authorization for union formation. Union registration requirements include filing charters, listing officials and their immediate families, and providing banking details to the Ministry of Labor and Vocational Training. Labor activists reported many banks refused to open accounts for unregistered unions, although unions are unable by law to register until they provide banking details. Provincial-level labor authorities reportedly stalled registration applications indefinitely by requesting more materials or resubmissions due to minor errors late in the 30-day application cycle, although anecdotal evidence suggested this practice had decreased, particularly for garment- and footwear-sector unions. The law forbids unregistered unions from operating.

Workers reported various other obstacles while trying to exercise their right to freedom of association. There were reports of government harassment of independent labor leaders, including the use of spurious legal charges. Several prominent labor leaders associated with the opposition or independent unions had charges pending against them or were under court supervision.

Several unions reported increased union-busting activity amid the sharp economic downturn caused by the COVID-19 pandemic. For example, according to union leaders at the Phnom Penh, Siem Reap, and Sihanoukville airports, the Cambodia Airport Management Service stopped negotiating a collective bargaining agreement with the International Airport Independent Employees Union due to COVID-19 and then suspended workers unilaterally in all airports, without consulting the union. In April, NagaWorld, the country’s largest casino, notified the casino workers’ union that it would dismiss 1,329 employees; it had fired 956 workers as of August. NagaWorld union representatives accused the company of using the pandemic as a pretext to get rid of union leaders and members specifically, noting that while union members represented approximately 50 percent of the company’s total of 8,000 employees, they made up nearly 83 percent of those expected to be dismissed. According to Solidarity Center, from January to August, 140 legal cases were brought against unions and workers in the garment industry, a sharp increase from previous years.

While workers enjoy the right to conduct strikes, the legal requirements for doing so are cumbersome. The law stipulates that workers may strike only after meeting several requirements, including the successful registration of a union; the failure of other methods of dispute resolution (such as conciliation, mediation, and arbitration); the completion of a 60-day waiting period following the emergence of the dispute; a secret-ballot vote of the absolute majority of union members; and seven days’ advance notice to the employer and the Ministry of Labor and Vocational Training. Strikers may be criminally charged if they block entrances or roads or engage in any other behavior interpreted by local authorities as harmful to public order. A court may issue an injunction against the strike and require the restart of negotiations with employers.

There were credible reports of workers dismissed on spurious grounds after organizing or participating in strikes. Unions initiated most strikes without meeting all the requirements stated above, making them technically illegal, according to Better Factories Cambodia. Participating in an illegal strike, however, is not in itself a legally acceptable reason for dismissal. In some cases employers failed to renew the short-term contracts of union activists; in others they pressured union personnel or strikers to accept compensation and quit. Government-sponsored remedies for these dismissals were generally ineffective.

The Ministry of Labor and Vocational Training’s Strike Demonstration Resolution Committee reported that unions held 49 strikes and demonstrations involving 35,500 workers during the first half of the year, compared with 92 strikes and demonstrations involving 50,700 workers during the same period in 2020. Observers attributed the decline to widespread factory closures and restrictions due to the increased spread of COVID-19 beginning in late February. Most of the strikes concerned unpaid wages and denial of benefits following factory closures due to the sharp economic downturn caused by the COVID-19 pandemic.

During the year the government restricted workers’ right to assemble. Authorities turned down most union requests for rally permits on the grounds that social distancing would be difficult or impossible during such events. Unions complained that police prevented them from marching and broke up such activities before marchers could reach their destination.

Union leaders and observers expressed concerns that new laws enacted during the pandemic could further curtail workers’ rights to association and assembly. There was a decrease in union gatherings and other activities in the first half of the year, according to a report by local rights groups, partly due to restrictions amid widespread community transmission of COVID-19.

The resolution of labor disputes was inconsistent. Unions reported progress in “minority” unions’ ability to represent workers in collective disputes. From January to August the Arbitration Council heard 22 labor disputes, compared with 47 in the same period in 2020, with a council official noting that this decrease was due in part to widespread factory closures since February after an outbreak of COVID-19 and continued community transmission since then. The official stated the decline was also due to the Ministry of Labor and Vocational Training classifying more disputes as “individual” instead of “collective,” making them ineligible for referral to the council, which hears only “collective” disputes. Labor disputes that are designated “individual” disputes may be brought before the courts, although the judicial system was neither impartial nor transparent. There is no specialized labor court.

The law places significant, detailed reporting responsibilities on labor unions, such as a requirement to submit annual financial statements, including, under some circumstances, independently audited statements. Union representatives feared many local chapters would not be able to meet the requirements, and unions that fail to meet these requirements face fines.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

The government did not effectively enforce the law, and while there were penalties for employing forced labor or hiring individuals to work off debts (a maximum of one month’s jail time or a fine), they were not commensurate with penalties for analogous serious crimes such as kidnapping (at least one year of imprisonment).

Media reported on organized Chinese criminal gangs trafficking Chinese and other foreign citizens into Cambodia to work as forced labor in online gambling and online fraud operations; multiple police raids on such operations freed suspected trafficking victims. Some NGOs reported that migrant workers were trafficked to work in Chinese-run and other construction sites in Cambodia. There was evidence that employers, particularly those operating brick kilns, were violating the law prohibiting forced or bonded labor. Brick kiln proprietors subjected many of the more than 10,000 persons living at these kilns, including children, to multigenerational debt-based coercion, either by buying off their preexisting loans or by requiring them to take out new loans as a condition of employment.

Although the government made efforts to highlight the problem of forced labor, the extent to which these efforts were effective remained unclear.

Debt remained an important driver of forced labor. According to a joint report by two human rights groups, 3.6 million households had loans from microfinance lenders totaling \$11.8 billion in 2020. The report revealed that the average microloan was approximately 17,400 riels (\$4,280) – more than the annual income of 95 percent of the country’s residents. The report added that some workers had taken out new loans to repay existing debt. The Cambodia Microfinance Association and Association of Banks in Cambodia disputed the report’s findings. Children were also at risk of forced labor (see section 7.c.).

Also see the Department of State’s annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor and establishes 15 as the minimum age for most employment and 18 as the minimum age for hazardous work. Although the law prohibits work by children younger than 15, it does not apply to children outside of formal employment relationships. The law permits children between ages 12 and 15 to engage in “light work” that is not hazardous to their health and does not affect school attendance; an implementing regulation provides an exhaustive list of activities considered “heavy work.” These include agriculture, brickmaking, fishing, tobacco, and cassava production. The law limits most work by children between ages 12 and 15 to a maximum of four hours on school days and seven hours on other days and prohibits work between 8 p.m. and 6 a.m. The government did not effectively enforce the law.

Ministry of Labor regulations define household work and set the minimum age for it at 18. The regulation, however, does not specify rights or a minimum age for household workers employed by relatives.

The law stipulates fines for persons convicted of violating the country’s child labor provisions, but such sanctions were rarely imposed. The penalties for employing child labor were not commensurate with penalties for analogous serious crimes such as kidnapping, except for employing children in working conditions that affected a child’s health or physical development, which carries a two- to five-year prison sentence (10 years if the working conditions cause a child’s death).

Child labor inspections were concentrated in Phnom Penh and provincial formal-sector factories producing goods for export rather than in rural areas where the majority of child laborers worked. Inadequate training also limited local authorities’ ability to enforce child labor regulations, especially in rural areas and high-risk sectors. The Ministry of Labor and Vocational Training reported that its labor inspectorate lacked the resources and mandate to conduct inspections in hospitality and nightlife establishments and at construction sites.

Children were vulnerable to the worst forms of child labor, including in agriculture, brickmaking, and commercial sex (see also section 6, Children). Poor access to basic education and the absence of compulsory education contributed to children’s vulnerability to exploitation. Children from impoverished families were at risk because some affluent households reportedly used humanitarian pretenses to hire children as domestic workers who were then subjected to abuse and exploitation. Children were also forced to beg; several NGOs reported such street work had increased due to economic pressures caused by the pandemic.

Children worked with their parents on rubber, cassava, cashew, and banana plantations, according to a union active in the agriculture sector.

Between 2019 and 2020, the Ministry of Labor and Vocational Training inspected 486 brick kilns and stated it found no child labor or debt bondages. A 2019 census by independent researchers, however, recorded at least 638 cases of child labor at kilns in addition to debt bondage at 464 kilns. Inspectors often provided kiln owners with advance notice of inspections.

Rising debt during the pandemic contributed to child labor, including the “worst forms,” because some families pressured to repay debt forced their children to leave school to work.

See also the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination based on race, color, sex, disability, religion, political opinion, birth, social origin, HIV-positive status, or union membership. The law does not explicitly prohibit employment discrimination based on sexual orientation or gender identity, age, language, or communicable disease status. The constitution stipulates that citizens of either sex shall receive equal pay for equal work.

The government generally did not enforce these laws. Penalties for employment discrimination include fines and administrative remedies.

Harassment of women was widespread. Penalties for sexual harassment (six days to three months in jail plus a fine by law) were not commensurate with those in laws related to civil rights. A 2020 Better Factories Cambodia report stated that sexual harassment had been reduced at export-oriented garment factories over the last three years, which researchers attributed to factory participation in the Better Factories program. The report also noted survey results showing that 7 percent of women reported having things being thrown at them, and 18 percent of women reported someone at the factory tried to have a sexual relationship with them.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage covers only the garment and footwear sector. It was more than the official estimate for the poverty income level.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a rate of 130 percent of daytime wages for nightshift work and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees may work a maximum two hours of overtime per day. The law states that all overtime must be voluntary and provides for paid annual holidays. Workers in marine and air transportation are not entitled to social security and pension benefits and are exempt from limitations on work hours prescribed by law.

Workers reported overtime was often excessive and sometimes mandatory; many complained that employers forced them to work 12-hour days, although the legal limit is 10, including overtime. Workers often faced dismissal, fines, or loss of premium pay if they refused to work overtime.

The Ministry of Labor and Vocational Training is responsible for enforcing labor laws, but the government did not do so effectively. Inspectors have the authority to make unannounced inspections and initiate sanctions, but penalties were seldom assessed and were insufficient to address problems. Penalties for violating laws on minimum wage (six days' to one month's imprisonment) and overtime (a fine of 31 to 60 times the prevailing daily base wage) were not commensurate with those for similar crimes, such as fraud (six months' to three years' imprisonment).

The government met the International Labor Organization (ILO) standard for the number of inspectors in a less developed country but enforced standards selectively due to poorly trained staff, lack of necessary equipment, and corruption. Ministry officials admitted their inability to carry out thorough inspections of working hours and stated they relied upon Better Factories Cambodia to do such inspections in export-oriented garment factories. Outside the export garment industry, working-hour regulations were rarely, if ever, enforced. The Ministry of Labor and Vocational Training put a partial moratorium on all inspections in February due to a COVID-19 outbreak and widespread community transmission, including in factories.

Workers and labor organizations raised concerns that short-term contracts (locally known as fixed-duration contracts) allowed firms, especially in the garment sector, to avoid wage and legal requirements. Fixed-duration contracts also allowed employers greater freedom to dismiss union organizers and pregnant women simply by failing to renew their contracts. The law limits such contracts to a maximum of two years, but more recent directives allow employers to extend this period to up to four years. The Arbitration Council and the ILO disputed this interpretation of the law, noting that after 24 months an employee should be offered a permanent “unlimited duration contract” (also see section 7.a.). Forced overtime remained a problem in factories making products for export. Unions and workers reported some factory managers fired workers who refused to work overtime.

Occupational Safety and Health: By law workplace health and safety standards must be adequate to provide for workers' well-being. Labor inspectors assess fines according to a complex formula based on the severity and duration of the infraction as well as the number of workers affected. Labor Ministry inspectors are empowered to conduct unannounced visits and assess fines on the spot, without the cooperation of police.

The number of inspectors met ILO standards for a less developed country but was insufficient to enforce the law effectively. Government inspection of construction worksites was insufficient. Penalties for violating occupational safety and health laws (typically a fine of 30 to 120 times the prevailing daily base wage) were not commensurate with those for similar crimes, such as fraud (six months' to three years' imprisonment).

Compliance with safety and health standards continued to be a problem in the garment export sector due largely to improper company policies, procedures, and poorly defined supervisory roles and responsibilities.

Work-related injuries and health difficulties remained problems, although the latest available statistics showed some improvement. More than 15,000 workers were injured in 2020, a 23.7 percent drop from 2019, according to the National Social Security Fund.

Informal Sector: The country had a substantial number of informal workers. Estimates varied, but 19 percent of the nearly 9.2 million-strong workforce enjoyed social protection under the National Social Security Fund, with the remaining 81 percent therefore meeting a common definition of informal workers. Such workers dominated the agricultural sector. These workers were not covered by wage, hour, and occupational safety and health laws and inspections. In addition most construction companies and brick factories operated informally, and workers in those sectors were not entitled to the minimum wage, lacked insurance, and worked weekends and holidays with few days off. Most brick-factory workers did not have access to the free medical care provided by the National Social Security Fund because the factories were not registered.

In July the government increased social protections, including direct cash payments, for some informal workers due to the economic hardships created by the pandemic.

ecoi.net summary:

Annual report on human rights
in 2021

Country:

Cambodia

Source:[USDOS – US Department of State](#)**Original link:**<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cambodia>**Document type:**

Periodical Report

Language:

English

Published:

12 April 2022

Document ID:

2071153

Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
--	---	---

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

