

CAMBODIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Cambodia is a constitutional monarchy with a parliamentary government; however, having banned the main opposition party in 2017, the ruling Cambodian People's Party won all 125 National Assembly seats in the 2018 national election, turning the country into a de facto one-party state with a government that regularly acts in an authoritarian manner. The prime minister since 1985, Hun Sen, remained 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 maintains internal security. The Royal Cambodian Armed Forces are responsible for external security and have some domestic security responsibilities. The National Police reports 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 or used force against opponents of Prime Minister Hun Sen and were generally perceived as an armed wing of the ruling party. There were reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; 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 freedom of 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 gender-based violence; trafficking in persons; significant restrictions on workers' freedom of association; 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

There were reports that the government or its agents committed arbitrary or unlawful killings. On August 7, Suong Dorn, a local political leader in Kampong Thom Province, died in military police custody. His daughter alleged that provincial military police officers strangled Dorn during a raid on a location suspected of illegal gambling. Defense ministry officials later arrested the three police officers involved, but local human rights nongovernmental organizations (NGOs) reported that a court acquitted the officers of all criminal charges after they paid \$15,000 to the victim's family.

In January 2021 a Battambang court sentenced two military police officers in Banteay Meanchey Province, Sar Bunsoeung and Chhoy Ratana, to four and seven years in prison, respectively, for the death of Tuy Sros, who died in their custody in 2020. Despite criticism from NGOs that the sentence was too lenient, in February there were reports that Bunsoeung was freed after his remaining prison sentence was suspended.

b. Disappearance

There were no new reports of disappearances by or on behalf of government

authorities.

Nearly three years after prominent Thai activist Wanchalearm Satsaksit's disappearance in Cambodia under suspicious circumstances, the government had not provided an update into the investigation into Wanchalearm's disappearance, despite several appeals by his family. In April, 50 NGOs and community-based organizations in Cambodia joined Wanchalearm's family to issue a joint statement expressing deep concern over the government's failure to conduct a transparent and effective investigation.

Eyewitnesses reported that several armed men abducted Wanchalearm outside his Phnom Penh apartment in 2020, but authorities denied the reports and claimed that official records showed Wanchalearm 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."

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

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 detainees and protesters, including during interrogation. For example, one released prisoner reported that police in Siem Reap Province beat him to force a confession that he stole property from a school. Victims rarely reported such violence to NGOs until they were released from detention.

Although the law requires police, prosecutors, and judges to investigate all complaints, including those of police abuse, 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.

Abusive Physical Conditions: Gross overcrowding was a problem. The country's 28 prisons are designed to hold a maximum of 11,000 prisoners; as of October they held 38,050. Kampot and Kandal prisons were the two most overcrowded, at more than 400 percent over their capacity.

There were 1,422 juvenile offenders across the country, mainly in adult prisons, according to officials.

Allowances for food and other necessities were often inadequate. Some prisoners reported that they had to borrow money from prison staff to buy adequate food. Family members often provided necessities, at least in part, and sometimes had to pay a bribe to do so. As of December, 11 prisons failed to provide clean water. Prisons did not have adequate facilities for persons with mental or physical disabilities. According to a local NGO, prison gangs sometimes violently attacked other prisoners.

Most observers agreed the majority of "patients" in government, private, and NGO-run inpatient rehabilitation centers were involuntarily detained, committed by police or family members without due process. Observers noted employees at the centers frequently controlled detainees with physical restraints and subjected them to intense physical exercise.

Administration: Although the government stated it investigated allegations of mistreatment and monitored prison and detention center conditions through the General Department of Prisons, human rights NGOs reported that there was no improvement. The prison department had not released a report on prison management to the public for three years.

Before COVID-19 pandemic protocols were put in place in March 2021, 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 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 (with 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. Some NGOs reported limited cooperation from local authorities who, for example, generally made it difficult to gain access to pretrial detainees.

Representatives of the UN Office of the High Commissioner for Human Rights reported they were usually able to visit prisons and hold private meetings when interviewing a particular prisoner of interest.

Improvements: The Ministry of Social Affairs, Veterans, and Youth Rehabilitation opened its first “rehabilitation” facility specifically oriented towards juvenile offenders in December 2021. The detention center, located in Kandal Province, was designed to house up to 1,400 juvenile offenders but held approximately 2,230 inmates as of December. Most juvenile offenders remained detained in adult prisons.

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 limits. According to the UN Office of the High Commissioner for Human Rights, as of December there were at least 4,000 instances of arbitrary detention.

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 in the act of committing a

crime. The law allows police to hold suspects for 48 hours to facilitate an investigation, 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.

Authorities occasionally held detainees without legal representation.

Arbitrary Arrest: As of December, observers recorded at least 49 arbitrary arrests, including of 40 political activists, one journalist, and eight land rights activists. Observers believed the actual number of arbitrary arrests and detentions was 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 September 2021 authorities in Ratanakiri Province arrested environmental activist Chhorn Phalla, charging him with clearing state forest land. Human rights NGOs condemned the arrest, accusing the local government of using a legal pretext to retaliate for a lawsuit Chhorn filed in 2017 accusing local authorities of failing to properly investigate illegal logging.

The government continued to use regularly the arbitrary charge of “incitement”, using the law to levy criminal charges against political opposition leaders and their supporters, labor and environmental activists, and citizens who make politically sensitive comments, including unflattering comments about senior government officials as well as social media posts regarding the border with Vietnam, the government's COVID-19 response, relations with China, and support for opposition party members. The law criminalizes the “direct incitement to commit a felony or disturb social security,” a vague term commonly used to suppress and punish peaceful political speech and dissent. As of December, a local human

rights NGO reported that the government filed new incitement charges against at least 15 political activists, union members, and journalists.

Pretrial Detention: Lengthy pretrial detention was a problem particularly in politically motivated prosecutions, and in some cases the time spent in pretrial detention was longer than the minimum sentence for the offense. A human rights NGO reported there were 22,093 pretrial detainees, representing 71 percent of all prisoners, in 19 of the country's 28 prisons and correction centers; the total number of pretrial detainees was likely higher. Government officials stated that prolonged detentions were frequently the result of the limited capacity of the court system. In addition to systemic delays, refusal to grant bail also contributed to excessive pretrial detention. For example, in cases of "incitement," individuals were not usually granted bail, according to reports; most "incitement" suspects in the country were held in pretrial detention until the end of their trial, almost always beyond the statutory minimum sentence of six months.

e. Denial of Fair Public Trial

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

Trials of approximately 120 defendants in a mass filing of incitement charges continued, with at least 80 individuals convicted and approximately 40 trials pending. Most of the defendants were associated with the banned opposition party, the Cambodia National Rescue Party (CNRP). Individuals with a criminal record may not hold public office unless the king grants them clemency after a request from the prime minister. There were no reports that anyone in the country had ever been acquitted of an "incitement" charge.

The government continued to delay a resolution in the long-running trial of former political opposition leader Kem Sokha, who was charged with “conspiracy with a foreign power” in 2017. In several trial hearings, prosecutors repeated previous arguments and introduced irrelevant evidence, delaying an end to the proceedings. Kem’s political rights remained significantly restricted by order of the court, and a judge warned Kem in June his bail would be revoked if he conducted “political activity” while on trial. Government officials gave conflicting statements on the trial, 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 whether the EU would provide trade benefits.

Court delays and corrupt practices often allowed accused persons to escape prosecution. NGOs believed court officials focused on cases that might benefit them financially. 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 wealthy defendants appearing free in public after their high-profile arrests were reported in media without further coverage of court proceedings or verdicts in their 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 instead of relying on the faulty judicial process. Trials are not always public and frequently face delays. Although defendants have the right to be present at their trials, the law allows trials in absentia. Courts at times convicted suspects in absentia with no defense representation. The right to an attorney was often not enforced by courts. In felony cases, if a defendant cannot afford an attorney, the law requires the court to provide free legal representation; however, the judiciary was not always able to provide legal counsel, and most defendants

either sought assistance from NGOs or 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.

In some cases, authorities 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 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 2021, eight individuals reported that judicial police had used torture or violence to force them to confess during their investigations.

Political Prisoners and Detainees

As of December, a local human rights NGO estimated that authorities held approximately 40 political prisoners and detainees. Human rights defenders and political prisoners often faced greater restrictions, such as stricter surveillance and denial of gifts from visitors. The government often barred human rights NGOs from visiting political prisoners but permitted international organizations, such as the United Nations and the International Committee of the Red Cross, to do so.

Transnational Repression

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: There were credible allegations that the government used violence or threats of violence against individuals in other countries, including to force their return to Cambodia. According to a 2021 Human Rights Watch report, Cambodian refugees in Bangkok reported escalating levels of surveillance and threats by unidentified persons whom they believed were acting under the direction of Cambodian government officials. In October 2021 the prime minister publicly called for a CNRP activist living in Thailand to be “eliminated” and urged police to search for him, even if “abroad.” In November 2021 three Office of the UN

High Commissioner for Refugees (UNHCR)-registered Cambodian opposition activists, including the individual publicly identified by the prime minister, were arrested upon their expulsion from Thailand. A Phnom Penh court sentenced the three men to two years in prison in February. An appeal was pending as of December.

Efforts to Control Mobility: Political commentators reported that the government attempted to control mobility to exact reprisals against citizens abroad. The government took steps to block the return of some government critics and opposition politicians in self-imposed foreign exile, including by revoking their 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 abuses, although courts did not rule in favor of citizens who file such cases. 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 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 2001 has the right to apply for a definitive title to that property. Most citizens, however, lacked the knowledge and means to obtain formal title.

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 domestic and international speculators. Residents of some urban communities faced forced and uncompensated eviction to make way for commercial development projects.

Authorities continued to force inhabitants off disputed land despite residents'

strong legal claims to ownership and title. Some persons used the threat of legal action or eviction to intimidate poor and vulnerable persons into selling their land at below-market values. Through June a local NGO recorded at least 30 new cases of land grabbing and forced eviction, involving 890 families across the country. A company owned by prominent businessman Pung Kheav Se, head of the Federation of Khmer Chinese in Cambodia, continued clearing farmland for a new international airport. In 2018 the government granted Pung 6,500 acres of land for this project, which included the property of hundreds of families who held formal land titles. Families had refused to accept the offered compensation of approximately \$2.50 per square foot; some villagers claimed that their land was much more valuable, as much as \$300 per square foot.

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. Kem Sokha's oral testimony during a June 15 trial hearing was leaked to a government press outlet, despite heavy security screening of electronics at the hearing and standing rules against recording trial proceedings.

g. Conflict-related Abuses

Physical Abuse, Punishment, and Torture: According to the *Conduct in UN Field Missions* online portal, one allegation of sexual exploitation concerning four Cambodian military officers deployed to the peacekeeping mission in the Central African Republic was reported in December 2021. The UN was investigating this allegation as of year's end.

Section 2. Respect for Civil Liberties

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. The government, however, greatly restricted free expression, including by independent news media and other dissenting voices; many individuals and institutions reported widespread self-censorship, particularly on social media.

Freedom of Expression: The constitution grants freedom of speech except when 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” charges. In June police in Tbong Khmum Province arrested a TikTok user for “disinformation” after he posted a video online claiming that two individuals in Koh Kong Province had died from COVID-19. The individual was arrested and charged with “incitement.” In July, Prime Minister Hun Sen announced he ordered the provincial governor to make the arrest. The individual remained in pretrial detention as of December.

In a 2021 report by a human rights NGO, 59 percent of 896 randomly sampled residents reported they had self-censored online activity to avoid consequences from the government or powerful individuals, while up to 84 percent of 171 NGOs and trade union leaders surveyed reported self-censoring.

Violence and Harassment: Threats and violence against journalists and reporters remained common. In January authorities arrested Kao Piseth, head of the online publication *Siem Reap Tanhetkar*, for “incitement” and sentenced him to two years in prison for calling on the ruling party to step down and for urging the international community to cut aid to the government.

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. On June 30, an appeals court upheld the decision of a

lower court not to return their passports. 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.

The Cambodian Center for Independent Media and the Cambodian Journalists Alliance Association reported that in 2021, there were 51 cases of harassment against 93 journalists; some of the cases involved multiple journalists. Of the 93 journalists, 32 were arrested, 24 faced legal action, and 18 experienced violence or harassment. In August Hing Bunheang, commander of the prime minister’s bodyguards, admitted that his staff punched a local reporter in the face when he was reporting and observing deforestation at Phnom Tamao Sanctuary.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government, military, and ruling party owned or otherwise influenced most newspapers and broadcast media; there were few significant independent sources for news. Although the law prohibits censorship and no formal censorship system existed, the government 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 they also reported self-censoring due to the chilling effect of recent criminal cases against journalists. A UN survey on press freedom released in August revealed that each of the journalists interviewed reported that local authorities had interfered with their work. Of those interviewed, 85 percent believed de facto censorship was worsening, including by increased government surveillance and reduced access to public information.

In March the Ministry of Information rescinded the operating licenses of three news outlets, the *Bayong Times*, *Khmer Cover TV*, and *Cambodia Today*. NGOs reported that the rescission was without warning and noted there was no process to appeal the decision. Media reported that *Cambodia Today* reported on

irregularities in a government contract bidding process prior to the ministry's decision.

Libel/Slander Laws: The law criminalizes expression that libels or slanders the monarch and prohibits publishers and editors from disseminating stories that insult or defame the king, government leaders, or public institutions. The government used the law 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 critics of government policies and officials. In January Phnom Penh Municipal Court prosecutor Seng Hieng alleged that NagaWorld (a resort and casino) strikers were receiving illegal financial support to cause social chaos and threaten national security.

Internet Freedom

There were credible reports that government entities monitored online communications.

The law gives the government legal authority to monitor all telephone conversations, text messages, 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 [might] undermine national defense, national security, national relations with other countries, the economy, social order, discrimination, or national culture or tradition.”

A “cyber war team” in the Council of Ministers' Press and Quick Reaction Unit monitored and countered “incorrect” information from news outlets and social media.

Restrictions on 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 politically sensitive subjects due to fear of offending politicians, and many individuals in academia expressed their opinions anonymously and generally avoided sensitive discussions 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 generally did not respect this right. A local human rights NGO reported that in 2021, only 35 percent of NGOs and trade union leaders 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. 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 February the government arrested three union members for violating COVID-19 measures after they had gathered – outdoors and wearing masks – to demonstrate near the NagaWorld resort. Citing COVID-19, authorities banned any demonstration on July 10 at a Caltex gasoline station where prominent government critic Kem Ley was assassinated six years previously. Thousands gathered at the station in previous years to remember Kem Ley on the anniversary of his killing.

There were reports the government prevented associations and other NGOs from organizing human rights-related events and meetings, with local authorities denying necessary permits. Government authorities occasionally cited the law to break up meetings and training programs deemed hostile to the government. On August 10, local authorities in Svay Rieng Province stopped and warned an NGO worker that he was not allowed to visit a specific area of forest where villagers alleged illegal deforestation was underway. On July 26, a police officer in Prey Veng Province asked a human rights NGO representative if he had received permission to conduct a human rights training session with local villagers, although such permission is not required by law.

Despite these restrictions, some unauthorized public protests took place, including to object to land and labor disputes and to demand the release of political prisoners. When unauthorized demonstrations occurred, authorities tended to act quickly and forcefully to disperse them. In February members of the army's Brigade 70 fired warning shots towards villagers and beat some of them as military personnel cleared a disputed forest in Kampong Speu Province.

Participants in unauthorized demonstrations were sometimes detained and prosecuted. In August an appeals court upheld the 2021 conviction of 10 youth activists from the Khmer Thavrak environmental advocacy group to 14- or 15-month prison terms for joining peaceful protests advocating for the release of union leader Rong Chhun.

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 other 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 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.

e. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status, and there was a system for providing protection to refugees. The system, however, was not equally accessible to all refugees and asylum seekers and was not transparent. Asylum seekers who entered the country without documentation or overstayed their visas were vulnerable to deportation. The government did not grant resident status or a resident book to refugees, only a refugee card.

Freedom of Movement: There were no reports that the authorities restricted the movement of registered refugees. Authorities, however, restricted the movement of 12 remaining Montagnard asylum seekers whom the government did not consider to be refugees.

Temporary Protection: The government continued to permit more than 200 Afghan refugees temporary stays in Cambodia until they could be resettled to a third country.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

The country had habitual residents who were de facto stateless. According to UNHCR, there were an estimated 57,440 stateless persons in the country as of the end of 2020, primarily ethnic Vietnamese. In June Kampong Chhnang authorities ordered 1,300 floating houses destroyed, most of which belonged to ethnic Vietnamese who had long lived in the area but did not have Cambodian documentation. 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 elections held by secret ballot and based on universal and equal suffrage, 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 person convicted of a crime. Under the National Election Committee code of conduct, journalists may be fined if they “disrupt election processes,” interview any voter inside a polling station, or publish news that could affect “political stability” or cause the public to lose confidence in the election.

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. NGOs and independent observers noted that 16 of the 19 non-CPP parties that competed in the election were CPP proxies. Most independent analysts considered the election seriously flawed.

The country held local (commune) elections in June. Although 17 political parties participated, the only independent opposition party with substantial support was the reconstituted Candlelight Party (CLP). The ruling CPP won approximately 80 percent of commune council seats; the Candlelight Party won roughly 19 percent.

Prior to the election, the National Election Committee (NEC) blocked nearly 150 CLP candidates from running, citing illiteracy and other disqualifying conditions. Most independent analysts considered the local elections to be seriously flawed, despite high voter turnout. There were reports of irregularities on election day, including the presence of security personnel and local officials in or near polling places, irregular ballot counting procedures, and improper restrictions on election observers.

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 June commune election or the 2018 national 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 dominated coverage prior to the election. This was particularly true in rural areas, where independent media were very weak.

Political Parties and Political Participation: Independent political parties suffered from 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. Most government positions were available only to CPP members. According to a local human rights NGO, from January to April there were 65 reported cases of political suppression in 15 provinces, 95 percent of which targeted the CLP. In one example, a village chief in Kampong Cham Province forced two CLP communal election candidates to defect to the ruling party to retain their social security benefits and monthly COVID-19 allowance.

In February the king (at the behest of the government) granted political “rehabilitation” to three more opposition officials (in addition to 29 in 2021) who were among 118 persons banned from all political activity after the Supreme Court dissolved the party in 2017. The government rejected political rehabilitation for four former CNRP officials without citing a legal reason. In November a ban on all 118 opposition members expired, but many of them faced new politically motivated criminal charges that would similarly limit their political activity, if convicted.

According to the Cambodian Journalists Alliance, five journalists were harassed by local authorities while covering June 5 commune elections.

On October 26, the prime minister threatened to dissolve the opposition Candlelight Party unless it condemned exiled opposition leader Sam Rainsy’s comments critical of the king.

Prime Minister Hun Sen stated in August 2021 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 village and provincial councils to the National Assembly. In 2020 Hun Sen repeatedly stated that CNRP leader Kem Sokha’s trial may not be resolved until 2024 (see also section 1.e.); during the trial he is barred from any “political activity.”

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, but cultural practices, educational level, and household responsibilities 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. Ethnic minorities tended to receive less civic education and had lower participation rates in politics. In a 2021 survey by a human rights NGO that sampled 896 persons from all socioeconomic and demographic categories, only 30 percent believed that women felt free to participate in political activities. In the country’s 1,652 communes, 173 women

commune chiefs were elected in June, a slight increase from the 2017 commune election.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government was selective in its use and did not implement the law effectively. The National Council Against Corruption and its Anticorruption Unit (ACU) are authorized by law to receive and investigate corruption complaints. The unit, however, seldom collaborated with civil society, and its selective implementation of the law rendered the ACU 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 and judicial corruption during the year.

Corruption: The ACU has never investigated a high-level member of the ruling party, despite widespread allegations of corruption at senior levels of the party and government. The ACU has more than 15,000 asset declarations from government officials on file but does not review them unless a complaint is filed. As of December, the ACU reported that it had received at least 46 complaints, half of which were anonymous, and reviewed 16 asset declarations in response. None of the complaints led to enforcement action.

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 on 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. Those who reported or challenged suspected corruption sometimes faced criminal

charges.

High-profile corruption investigations reportedly could not proceed unless they were approved personally by Prime Minister Hun Sen. For example, in February, the prime minister fired a senior prison official amid allegations that the official demanded \$71,000 in bribes for positions within the Interior Ministry. An anticorruption NGO reported that the prime minister rehired that official as an advisor to the Interior Ministry, leading to calls for the ACU to investigate the case. As of December, there were no reports that the incident was investigated.

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 component, but only a few actively organized training programs or investigated abuses.

Government Human Rights Bodies: There were three government human rights bodies: committees 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 responded to reports by international organizations and government bodies, but it did not conduct independent human rights investigations. 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, closed its remaining cases and carried out limited judicial operations. The chambers is 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. In late December 2021 and in January 2022, the court dismissed cases against the only two individuals still under investigation, Meas Muth and Yim Tith, citing an absence of a definitive and enforceable indictment. Local judges serving on the court argued successfully that the two men were not subject to the court's jurisdiction.

In the chambers' last substantive action, on September 22, the Supreme Court Chamber upheld the conviction for genocide, crimes against humanity, and grave breaches of the Geneva Conventions for Khieu Samphan, the Khmer Rouge head of state in the 1970s. The appeal, filed in 2021, sought to overturn Khieu's 2018 sentence to life imprisonment for crimes against humanity, grave breaches of the Geneva Conventions, and genocide.

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 and police, which also 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 May Prime Minister Hun Sen said five prominent businessmen had bribed police and judicial officials to fabricate evidence against a woman student, Mean Pich Rita, who was briefly imprisoned in 2021 for accusing one of the tycoons, Heng Sear, of attempted rape. The prime minister said he became involved because the “intervention of rich people” in the case was “an injustice.” As of November, however, there had been no legal action against any of the implicated businessmen or police officials.

The Ministries of Information and Women’s Affairs implemented a code of conduct for media reporting on gender-based violence, 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 words deemed offensive or disparaging to women.

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

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, and a method of emergency contraception was available as part of the services. There were reports that the public and survivors of sexual violence preferred NGO clinics, if available, because of chronic understaffing and poor facilities at government-run clinics. An NGO reported that the staff of the government health centers was more responsive to survivors of sexual violence if an NGO representative was present.

According to the Cambodian Demographic and Health Survey, in 2021 the maternal mortality rate was 154 per 100,000 live births, compared with 170 deaths per 100,000 live births in 2014. 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 unpaid care responsibilities 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.” On August 30, the Ministry of Women’s Affairs warned Moha Hang Productions for its Miss Grand Cambodia event, criticizing organizers for the participants’ “revealing” dress.

Systemic Racial or Ethnic Violence and Discrimination

The constitution grants equality before the law and criminalizes discrimination and violence if due to “membership in a particular ethnicity, nationality, race, or religion.”

Experts noted widespread negative attitudes toward nationals of the People’s Republic of China (PRC), in part due to links with criminal activity, particularly in Sihanoukville city. Newspapers reported stories of crimes committed by PRC residents and business owners (mostly against fellow PRC nationals), including murder, shootings, armed robbery, gang violence, kidnapping, trafficking in persons, extortion, counterfeiting, pornography, drunk driving, and drug possession.

There were reports of discrimination against ethnic Vietnamese residents, including government destruction and forced relocation of floating houses, many of which belonged to ethnic Vietnamese fisherfolk (see section 2.g.).

Indigenous Peoples

The most recent national census, conducted in 2019, reported 24 groups of Indigenous communities in the country, comprising approximately 3 percent of the total population. Although there were no reports of threats or violence against Indigenous persons for political reasons, they faced economic hardship and some social discrimination. An Indigenous community NGO reported that the average income of an Indigenous person was approximately 320,000 riels (\$80) a month, compared with a national average monthly income of between 870,000 and one million riels (\$217 and \$250).

Land rights for Indigenous persons or communities were not respected or protected effectively. Although the law recognizes collective land ownership by Indigenous communities, the government was slow to issue legal titles for such land. One NGO found that the government took 11 years to register 37 community land titles for Indigenous groups.

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: There are laws against child abuse, and the government took legal action against perpetrators, according to observers. According to UNICEF's 2020 *Violence Against Children Report*, approximately half of the children in the country had experienced extreme violence. From January to June, a local human rights NGO investigated 77 new cases of serious abuse against 83 children, 77 girls and six boys. Six of these children were killed. Almost 80 percent were either cases of rape or attempted rape, and nearly 4 percent involved gang 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, and the law prohibits the commercial sexual exploitation of children and child pornography. Child sexual exploitation was common; authorities effectively responded to reports and attempted to enforce the law. 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, or noncommercial sites, or was arranged online. Police investigated child sex trafficking in brothels or when victims or their family members filed complaints directly but did not typically pursue more complicated cases, for example those involving online sexual exploitation. The government said it used undercover investigative techniques on a "case-by-case basis" as authorized by a judge but did not disclose details on how often this authority was used.

The country is highly connected online, and experts reported online child sexual

exploitation was on the rise. According to child protection NGO Action Pour Les Enfants, there were 183 cases of child exploitation in the first six months of the year, compared with 140 in the same period in 2021. The NGO believed the actual number was much higher because most victims and families were unwilling to report child sexual exploitation due to fear of social discrimination, stigma, and widespread distrust of the judiciary.

The country remained a destination for child sex tourism. The government used the law to prosecute both sex tourists and residents of the country 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.

Displaced Children: Child displacement was a serious problem. The government offered limited, inadequate services to street children, almost always sending them to NGO shelters for support. The Social Affairs Ministry estimated there were 2,600 street children in the country.

Institutionalized Children: The government had no policies for children with disabilities in residential institutions, including for those in nominally adult psychiatric facilities, social care homes, orphanages, and nursing homes. Despite having some broader alternative care policies, the government did not properly track and monitor residential care centers, and observers alleged many private orphanages were mismanaged and populated by sham orphans to lure donations from foreigners. An estimated 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.

Antisemitism

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

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalizes consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: There were no reported instances of state or nonstate actor violence targeting lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. Stigma or intimidation may have inhibited reporting of incidents.

Discrimination: There were no reports of official discrimination against LGBTQI+ persons by the government; there was no legal prohibition against discrimination based on sexual orientation, gender identity and expression, or sex characteristics, and no sanctions against those who discriminated. Civil society advocates and public figures who identified as members of the LGBTQI+ community were generally tolerated. LGBTQI+ individuals sometimes experienced employment discrimination and exclusion. Advocacy groups noted discrimination was more prevalent in rural areas. LGBTQI+ persons were occasionally discriminated against for working in the entertainment and commercial sex sectors.

Availability of Legal Gender Recognition: The government does not allow for changes to legal documents to bring gender markers into alignment with an individual's gender identity. There are no nonbinary or intersex options on government documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQ+ Individuals: There were no reports of so-called conversion therapy or intersex infant genital surgery; there is no law prohibiting these practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Although NGOs reported no such restrictions specifically against LGBTQI+ individuals or groups, they noted the absence of antidiscrimination laws likely limited expression and association.

Persons with Disabilities

Persons with disabilities cannot access education, health services, public buildings, or transportation on an equal basis with others. 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 explicitly address access to transportation.

Persons with disabilities faced significant societal discrimination, including in obtaining skilled employment. Children with limited physical disabilities attended regular schools. Children with more significant disabilities attended separate schools sponsored by NGOs in Phnom Penh; education for students with more significant disabilities was not provided by the government and was not available outside Phnom Penh. A local NGO reported that at least 60 percent of children with disabilities did not attend school, compared with an overall school attendance rate greater than 80 percent. 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 enable their civic engagement.

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 effectively enforce applicable laws. Penalties for antiunion discrimination in hiring and

dismissing employees were commensurate with penalties for other types of discrimination. Penalties were rarely applied against violators.

Reports of severe restrictions on union formation were common, and 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.

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 protections than unionized trades. The law also restricts illiterate workers from holding union leadership.

Unions faced additional difficulties organizing in Special Economic Zones (SEZs), which are exempt from several local laws and regulations. There were reports that employers colluded with authorities to prevent labor organizing in these zones and that employers fired workers due to union activity. Some government officials stated that independent unions were not welcome in the SEZs they regulate; in those zones only progovernment unions were allowed to operate.

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 contracts. 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 a union's formal registration, making them ineligible to serve as union officers and further retarding the registration process.

Several labor leaders reported onerous prerequisites 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. Union representatives said many local chapters struggled to

meet these stringent requirements, although the Labor Ministry reported assessing no fines for noncompliance as of December.

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 some 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 sector 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 filing 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, including 11 leaders and members of the NagaWorld union who had been arrested or charged with “incitement” and violations of the COVID-19 law. As of December, the Labor Ministry reported at least 142 criminal and civil cases involving trade union leaders, compared with 138 in 2019.

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 in support of a strike; and seven days’ advance notice to the employer and the Labor Ministry. Strikers may be criminally charged if they engage in behavior interpreted by local authorities as harmful to public order.

There were reports of workers dismissed on spurious grounds after organizing or participating in “illegal” 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, according to labor leaders. In some cases

employers failed to renew the short-term contracts of union activists who participate in a strike; in others they pressured union personnel or strikers to accept compensation and quit. Government-sponsored remedies for these dismissals were generally ineffective.

Several unions reported increased union busting amid the sharp economic downturn caused by the COVID-19 pandemic. The independent Labor Rights Supported Union of Khmer Employees (LRSU), representing workers at the NagaWorld resort in Phnom Penh, accused management of using the pandemic as a pretext for intentional union busting. LRSU began its strike in December 2021, after NagaWorld laid off 1,329 workers. Approximately half of the company's 8,000 employees were members of LRSU before the strike, but union members comprised more than 82 percent of the workers laid off for "pandemic-related" business reasons, suggesting many of these layoffs were retaliatory in nature. LRSU demanded reinstatement of 365 union leaders and workers. As of December, 130 workers continue to push for reinstatement. The dispute led to sustained demonstrations and violent clashes between union members and security forces attempting to push demonstrators onto buses.

In late December 2021, authorities raided LRSU's office and arrested several union members on charges of "incitement." On January 4, police arrested LRSU president Chhim Sithar, also charging her with "incitement." On March 14, the trade unionists were released from prison after submitting a letter to the Labor Ministry requesting its intervention for bail and calling on workers to suspend the strike to enable negotiations. Chhim Sithar was arrested again on November 26 as she returned from her third trip abroad following her release on bail. In her arrest warrant, the government claimed Sithar had violated the terms of her release by traveling internationally. Her attorneys said the courts did not produce documents detailing the terms of her bail and that Chhim had not been informed of the restriction on international travel.

The number of strikes declined from 363 in 2015 to 62 in 2021. Labor demonstrations similarly declined, from 192 in 2015 to 13 in 2021, according to the Labor Ministry. Labor officials cast this as a reflection of the government's success in improving labor conditions and benefits, citing measures such as increasing the minimum wage, providing bonuses, and facilitating travel during

long holidays. Multiple union leaders, however, said the drop in strike activity reflected authorities' increasing curbs on workers' ability to exercise labor rights. Most strikes in the year protested unpaid wages and denial of benefits following factory closures.

During the year the government restricted workers' right to assemble. Citing social security or COVID-19 restrictions, authorities turned down most union requests for a permit to rally 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 destinations. For example, LRSU members reported facing authorities' harassment and violence while trying to exercise their right to freedom of association. On several occasions, the protesters were rounded up by force and taken to remote locations, citing COVID-19 protocols. One scuffle between authorities and workers on August 11 left at least 17 workers injured, with two seriously injured.

The resolution of labor disputes was inconsistent. Unions reported progress in small unions' ability to represent workers in collective disputes. The Arbitration Council heard 44 labor disputes in 2021, compared with 66 in 2020 and 338 in 2015. In addition to the pandemic, council officials attributed the decline to more cases classified as "individual" instead of "collective" disputes, making them ineligible for referral to the council, which hears only "collective" disputes. Labor disputes designated "individual" may be brought before the courts, which were neither impartial nor transparent. There was no specialized labor court.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the law. There was a significant increase in reporting on organized Chinese criminal gangs trafficking PRC nationals and other foreign citizens into Cambodia to work as forced labor in online gambling and fraud schemes. NGOs reported that migrant workers were also transported to the country and subjected to forced labor in PRC-operated and other construction sites. According to the Global Initiative Against Transnational Organized Crime, tens of thousands were wrongly imprisoned and forced to engage in online fraud schemes.

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.

Debt remained an important driver of forced labor. According to a joint report in 2021 by two human rights groups, 3.6 million households had loans from microfinance lenders totaling \$11.8 billion in 2020. The report revealed 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

See 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, ethnicity, 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, and penalties were rarely applied against violators. One NGO representative working with ethnic minority groups said employment discrimination against members of ethnic minorities remained a problem.

The wage gap between women and men persisted. A United Nations Development Program survey in 2021 found that Cambodian women earned, on average, 19 percent less for the same work than men. According to the government's most recent labor force survey in 2019, the median monthly salary for men was estimated at \$250, compared with \$217 for women.

Harassment of women in the workplace 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.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage covers only the garment and footwear sectors and was higher than the officially determined poverty income level. A 2021 survey by two prominent labor unions determined that workers needed \$300 per month to cope with rising living expenses, more than the minimum wage of \$194.

In July the Labor Ministry launched a social security pension scheme aimed at providing benefits to retiring private-sector employees. Registered employers and employees are obligated to contribute to this pension plan. 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 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 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 International Labor Organization 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. 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.

Occupational Safety and Health: By law workplace health and safety standards must be adequate to provide for workers’ well-being. Compliance with occupational safety and health (OSH) standards continued to be a problem, particularly in the garment export sector, largely due to improper company policies, procedures, and poorly defined supervisory roles and responsibilities. Many garment workers were concerned about their safety; for example, they did not have access to proper seating and sanitation, according to one labor organization.

Work-related injuries and health difficulties remained problems, although the latest available statistics showed some improvement. The National Social Security Fund in 2021 reported three mass fainting incidents involving 38 garment workers – attributable to chemical fumes, overheating, poor ventilation, and excessive overtime – compared with 239 workers who reportedly fainted in 2020. Outside the garment sector, more than 49 percent of work-related injuries were caused by traffic accidents, according to 2021 government statistics, which reported 3,268 accidents and 109 deaths, compared with 4,185 accidents and 110 deaths in 2020.

In addition to extensive reporting of OSH concerns at the garment industry, several labor representatives noted that most workers at construction sites and brick kilns had little knowledge of OSH regulations, nor were systems in place to protect workers from injuries and illness or to enable reporting of violations.

The latest available study, conducted in 2018 by a construction union, revealed that 19 percent of 1,010 construction workers interviewed had been injured on the job, but only 35 percent received employer support for medical expenses. One union

said legal loopholes allowed employers to avoid being held responsible.

In 2021 the National Social Security Fund recorded 77 work accidents at construction sites, including seven fatalities and 34 serious injuries.

Wage, Hour, and OSH Enforcement: The Labor Ministry is responsible for enforcing labor laws but did not do so effectively. Inspectors have the authority to make unannounced inspections and levy sanctions, but penalties were rarely assessed and were insufficient to suppress violations. 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 less than those for other crimes, such as fraud. Government inspection of construction worksites was insufficient. Penalties for violating OSH laws were not commensurate with those for similar crimes, such as fraud. The government met the International Labor Organization 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 inspect export-oriented garment factories. Outside the export garment industry, working-hour regulations were rarely, if ever, enforced.

In March the Labor Ministry resumed a pilot project for online factory self-assessments for all garment, footwear, and travel goods factories, which served as background for resumed physical inspections. Because of the February 2021 COVID-19 outbreak, the Labor Ministry conducted only 176 physical inspections in 2021, down sharply from 1,824 in 2020. For most of 2021 the ministry only conducted "special labor inspections" in cases where a specific request was made or a serious violation was reported.

Although under law labor inspectors have the status of "judicial police," labor officials could not explain what powers this status gives inspectors.

Informal Sector: Estimates varied, but according to the government's *Cambodia Labor Force Survey 2019* (the latest available), more than 88 percent of the country's nine million workers age 15 and older were employed in the informal sector. In 2021 fewer than three million workers were eligible for benefits under

the National Social Security Fund.

Informal workers, including many working in agriculture, on construction sites, and at brick kilns, are not covered by wage, hour, and OSH laws. 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.

Labor Ministry inspectors may inspect informal worksites but noted that because these workers are not registered, identifying and reaching them remained difficult. The Labor Ministry only conducts “special inspections” in the informal sector after receiving a complaint.