

CAMBODIA 2020 HUMAN RIGHTS REPORT

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 what is now 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 have at times threatened force against opponents of Prime Minister Hun Sen and were generally perceived as an armed wing of the ruling party. Members of the security forces committed some abuses.

Significant human rights issues included: torture and cruel, inhuman, or degrading treatment or punishment by the government; arbitrary detention by the government; political prisoners and detainees; the absence of judicial independence; arbitrary interference in the private lives of citizens, including pervasive electronic media surveillance; serious restrictions on free expression, the press, and the internet, including violence and threats of violence, unjustified arrests or prosecutions of journalists, censorship, site blocking, and criminal libel laws; restrictive nongovernmental organization laws; interference with the rights to peaceful assembly and freedom of association; severe restrictions on political participation; diminishing ability of citizens to change their government peacefully through free and fair elections; pervasive corruption, including in the judiciary; lack of investigation of and accountability for violence against women; trafficking

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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 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, Including Freedom from

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

There was at least one report that the government or its agents committed arbitrary or unlawful killings. On January 1, Tuy Sros, one of five persons arrested in a land dispute in Banteay Meanchey Province, died in police custody. Two others arrested with him reported that military police beat Sros unconscious and refused to provide medical treatment. After widespread coverage of the case in local media, Prime Minister Hun Sen ordered an investigation, and two police officers were arrested.

b. Disappearance

Eyewitnesses reported that on June 4, several armed men abducted Thai prodemocracy activist Wanchalearm Satsaksit outside his Phnom Penh apartment in broad daylight. Several human rights nongovernmental organizations (NGO) accused the Cambodian government of not actively investigating Wanchalearm's disappearance, and alleged that Thai and Cambodian authorities may have colluded on the case. Authorities initially publicly denied an abduction had taken place, claiming that official records showed Wanchalearm had left the country three years earlier. The government launched an investigation into the case on June 9 after reportedly receiving a request to do so from the Thai embassy. As of year's end, the Cambodian police investigation had not uncovered any suspects, a possible motive, or the whereabouts of Wanchalearm. A media officer of the UN Office of

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the High Commissioner for Human Rights in Geneva raised concerns that the incident “may now comprise an enforced disappearance.” As of November the UN Working Group on Enforced or Involuntary Disappearances was conducting an investigation.

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.

There were credible reports military and police officials used physical and psychological abuse and occasionally severely beat criminal detainees, particularly during interrogation. On May 8, the aunt of Orn Tith alleged that prison guards had tortured and murdered her nephew, who was in custody for stealing and damaging a car, and that his body was covered in bruises when she went to retrieve it. In a report released in May, Amnesty International wrote that authorities “routinely subject suspects to torture and other forms of ill-treatment” as part of the nation’s “war on drugs” campaign. According to eyewitnesses, land rights activist Tuy Sros was tortured before his death (see section 1.a.).

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 family members for human rights abuses. Judges and prosecutors rarely conducted independent investigations. Although the law allows for investigations into accusations of government abuse, in practice cases were pursued only when there was a public outcry or 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.

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Physical Conditions: Gross overcrowding was a problem. According to the Ministry of Interior, as of April authorities held an estimated 39,000 prisoners and detainees 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 January prisons held 43 pregnant women and 103 children living with their mothers. The General Department of Prisons did not report how many prisoners died in custody. In February a five-month-old baby living with his mother in a prison died. The court had sent the child's mother, eight months pregnant at the time, into pretrial detention in June 2019 on charges of possessing a small amount of illegal drugs. She was still awaiting trial when her baby died.

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, only 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, transfer to better cells, and the opportunity to leave cells during the day, to prisoners whose families could pay bribes. According to a local NGO, groups of inmates organized and directed by prison guards violently attacked other prisoners. NGOs reported significant drug use by prisoners, made possible by bribing guards.

The country had seven government and three private drug rehabilitation centers. Most observers agreed the majority of detainees in such facilities were there involuntarily, committed by police or family members without due process. According to the National Authority for Combating Drugs, no detainee was younger than age 18. Observers noted employees at the centers frequently

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controlled detainees with physical restraints and subjected them to intense physical exercise.

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 produced biannual reports on prison management. The prisons department, however, did not release the reports despite frequent requests by civil society organizations.

Authorities routinely allowed prisoners and detainees access to visitors, although 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 term of imprisonment, or before allowing inmates to exit their cells. NGOs reported unequal punishment among the inmates, noting that wealthy prisoners were better treated than others, while greater restrictions such as stricter surveillance and not being allowed to receive gifts from visitors were placed on human right defenders.

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 Human Rights Commission, to visit prisons and provide human rights training to prison guards. 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 depending on the case--and sometimes the government required NGOs to sign a formal memorandum of understanding delineating their roles during prison visits.

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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 periodically 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 Commission 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 in some cases did not respect these prohibitions, notably holding former Cambodia National Rescue Party (CNRP) leader Kem Sokha under house arrest arbitrarily and well beyond the legal limit. After 26 months in pretrial detention, in November 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. In addition the charges of treason against him still stood, and he remained under court supervision.

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 for politically sensitive cases.

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Arbitrary Arrest: As of July a local NGO had recorded 16 arbitrary arrests. The actual number of arbitrary arrests and detentions was likely higher, since many victims in rural areas did not file complaints due to the difficulty of traveling to human rights NGO offices or due to concern for their family's security.

Authorities took no legal or disciplinary action against persons responsible for the illegal detentions.

On June 2, Koh Kong provincial authorities seized 18 activists' bicycles and blocked them from proceeding further after they launched a cycling trip to the capital to draw attention to local environmental issues. Authorities initially claimed the group had to be screened for COVID-19, but after conducting nasal swabs, authorities confiscated their bicycles until the activists agreed to call off their plans rather than face arrest for "incitement." Local rights NGOs described the government actions as politically motivated, pointing out that the group had not broken any laws.

The Ministry of Social Affairs and Vocational Training reported that in 2019 the government rounded up 1,000 homeless persons, beggars, persons with mental disabilities, and persons engaged in prostitution. Authorities placed them in social affairs centers without adequate medical treatment or food. In April the ministry acknowledged it had been unsuccessful in treating or reintegrating these individuals into society.

Pretrial Detention: 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. Government officials stated such 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 the legal maximums. Authorities occasionally held pretrial detainees without legal representation. In April the Ministry of Interior reported holding 13,729 pretrial detainees, approximately one-third of all prisoners.

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Detainees' Ability to Challenge Lawfulness of Detention before a Court: A backlog of court cases and long delays in obtaining judicial rulings interfered with a person's right to challenge in court the legal basis or arbitrary nature of his or her detention. On May 18, the Justice Ministry launched a six-month campaign to resolve the backlog of nearly 40,000 court cases across the country.

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 Cambodia People's Party (CPP) or the executive received judicial appointments. At times the outcome of trials appeared predetermined. In the continuing treason trial of former political opposition leader Kem Sokha, the government has given conflicting statements, at times insisting the court was acting independently, while at other times insisting the trial will last for "years" or that the outcome will depend on other factors, such as the EU's partial withdrawal of trade benefits.

Corruption among judges, prosecutors, and court officials was widespread. The judicial branch was very inefficient and could not assure due process.

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. Impartial analysts revealed that many applicants to the bar paid high bribes for admittance. On October 16, Ly Chantola, a supporter of the governing party who had helped draft the law dissolving the opposition Cambodia National Rescue Party, was elected president of the Bar Association.

A shortage of judges and courtrooms delayed 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.

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These allegations were supported by NGO reports and instances of rich defendants appearing free in public after their high-profile arrests were reported in the 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 promptly informed of the charges against them, 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 due to court bureaucracy. 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 have convicted suspects in absentia. 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 the defense attorneys required in felony cases, 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 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. A 2017 report by the International Commission of Jurists indicated the high cost of bribes needed to join the bar association was partly responsible for keeping the number of trained lawyers low, which helped raise lawyers’ income whether earned through legal or illegal means.

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Authorities sometimes allegedly coerced confessions through beatings or threats or forced illiterate defendants to sign written confessions without informing them of the contents. Courts accepted such forced confessions as evidence during trials despite legal prohibitions against doing so. According to a human rights NGO that observed the appellate court for a year (2017-18), 10 defendants were threatened and 21 defendants were tortured to confess. The only appeals court is in Phnom Penh, and NGOs reported that fewer than half of defendants were present at their appeals because of transport problems from other parts of the country.

Political Prisoners and Detainees

As of August a local human rights NGO estimated authorities held at least 40 political prisoners or detainees, 23 of whom were officials or supporters of the dissolved political opposition Cambodia National Rescue Party. More than 80 opposition party supporters and activists arrested in 2019 were released on bail with charges still pending and could face re-arrest any time.

On January 15, CNRP leader Kem Sokha's trial began. Initially, only a limited audience--one diplomat plus interpreter from each embassy--was permitted to observe proceedings. Under public pressure the court relented, also permitting NGO representatives and independent media to attend. Hearings in Sokha's case were indefinitely postponed in March due to COVID-19 concerns and as of November had not resumed. In July the court warned Sokha that his trips to provinces outside of Phnom Penh could be interpreted as "political activities"--banned under the terms of his court-supervised release from house arrest. On October 16, local government authorities temporarily stopped Sokha from distributing aid to flood victims in Banteay Meanchey Province, deeming it a "political activity."

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

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deterred many from filing lawsuits and that authorities often did not enforce court orders.

Property Restitution

Forced collectivization and the relocation of much of the population under the Khmer Rouge left land ownership unclear. 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 land 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 land in dispute, although the number of cases declined in recent years. 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 44 new cases of land grabbing and forced evictions. Another human rights NGO investigated 33 new cases of land grabbing as of June, affecting 1,327 families across the country.

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

Although the law provides for the privacy of residence and correspondence and prohibits illegal searches, NGOs reported police routinely conducted searches and seizures without warrants. The government routinely leaked personal correspondence and recordings of telephone calls by opposition and civil society leaders to government-aligned media.

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NGOs and international media reported that in May the Press and Quick Reaction Unit of the cabinet published fake videos on social media in an attempt to smear the reputation of internationally renowned activist monk Luon Sovath. The videos of Sovath--known for his work documenting land rights abuses--included doctored recordings of his telephone conversations. The government used the social media postings as the reason for defrocking Sovath and charging him with sexual assault. Sovath subsequently fled the country and applied for political asylum in Switzerland.

Local authorities reportedly entered and searched community-based organizations and union offices.

Section 2. Respect for Civil Liberties, Including

On April 29, a new state of emergency law went into effect. The 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, 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.

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. Since 2017, however, the government has carried out a sustained campaign to eliminate independent news media and dissenting voices in the country and enacted ever-greater restrictions on free expression; many individuals and institutions reported widespread self-censorship.

Freedom of Speech: The constitution grants freedom of speech except where it adversely affects public security. The constitution also declares the king is “inviolable,” and a Ministry of Interior directive implementing the criminal defamation law reiterates these limits.

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

The government arrested and prosecuted citizens on disinformation and incitement charges, which carry a maximum sentence of three years’ imprisonment. Judges also can order fines, which may lead to jail time if not paid. Police and courts interpreted “incitement” broadly; as of June authorities had made more than 17 arrests for statements posted to social media, many related to the COVID-19 pandemic. NGOs reported that police forced 11 individuals to sign agreements not to post “fake news” in exchange for dropping charges. On March 12, police in Kampot forced a 14-year-old to apologize in front of her school after a classmate posted on social media her private message claiming that three persons had died of COVID-19 in her town. A Kampot NGO recorded 27 cases of violations of freedom of speech.

Freedom of Press and Media, Including Online Media: The government, military forces, and the ruling party continued to own or otherwise influence 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 issues. In April the Ministry of Information revoked the license of radio station Rithysen after the station owner criticized the government’s handling of the COVID-19 pandemic.

The National Election Committee (NEC) code of conduct for the 2018 election established a substantial fine for reporters who interviewed any voter near a polling station or published news that could affect political stability or cause the public to lose confidence in the election.

Violence and Harassment: Threats and violence against journalists and reporters remained common. On June 25, the government arrested Ros Sokhet for “incitement to provoke social chaos” after he criticized on Facebook the government’s pandemic response. In April the government arrested Sovann Rithy, the owner of TV FB, on the same charge, after he posted on social media an exact quote from the prime minister telling motorbike taxi and tuk-tuk (auto rickshaw)

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drivers to sell their vehicles if they had trouble making ends meet amid the economic downturn caused by the COVID-19 pandemic.

On October 27, the Supreme Court ruled against an appeal by former Radio Free Asia journalists Yeang Sothearin and Uon Chhin, allowing an investigation into espionage charges against the two to continue. The two were charged in 2017 with “collecting information illegally for a foreign nation” and in 2018 with distributing pornography. If found guilty of the first charge, the two face 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.

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 have 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 issues it deemed sensitive or against its interests.

National Security: The government continued to cite national security concerns to justify restricting citizens’ and media’s rights to criticize government policies and officials.

From January to March, the government arrested 17 individuals who shared information about COVID-19 on social media. Government spokesperson Phay Siphon stated this information sharing was “disturbing and dangerous” and could affect national security and spread panic.

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Internet Freedom

There were credible reports that government entities monitored online communications.

The telecommunications law was widely criticized by leading 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 April the government revoked the license of popular Facebook news site, TV FB, when the director posted--on his personal social media account--a quote from coronavirus-related remarks made by Prime Minister Hun Sen.

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 2019 the prime minister threatened that his cyber experts could in four minutes identify, to within five feet, the telephone of anyone who posted a defamatory Facebook post. On October 26, 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” as his wife and children were still living in Cambodia.

Academic Freedom and Cultural Events

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There were no formal or overt government restrictions on academic freedom or cultural events, although scholars tended to exercise caution when teaching political subjects due to fear of offending politicians. Many individuals in academia resorted to self-censorship or expressed their opinions anonymously.

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. Only 40 percent of respondents in a survey released in July for the Fundamental Freedoms Monitoring Project said they felt free to assemble peacefully, compared with 65 percent in 2016.

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.

There were credible reports the government prevented associations and NGOs from organizing human rights-related events and meetings because those NGOs failed to receive permission from local authorities; although the law requires organizers to notify local authorities at least five days in advance of a demonstration, it does not require preapproval of such events. Government authorities occasionally cited the law to break up meetings and training programs deemed hostile to the government.

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Despite these restrictions, the press reported a number of unauthorized public protests related to a variety of issues, including land and labor disputes and demands to release political prisoners. Since the arrest of union leader Rong Chhun on July 31, authorities on multiple occasions forcibly dispersed protesters demanding his release, leading to at least four injuries. In other cases police arrested and charged some demonstrators for trespassing on private property and protesting without a valid permit. On September 7, police arrested several organizers of a protest gathering in Phnom Penh planned for the following day to demand the release of Rong Chhun and other activists. The gathering went ahead, and some participants were arrested.

According to a local NGO, as of July there had been 62 cases of violations of freedom of assembly. Another human rights NGO recorded 185 assemblies--101 related to land rights, 68 to workers' rights, and 16 others--taking place from April 2019 to March. Of those, authorities restricted 53 in some way and stopped 21 more.

On July 10, the fourth anniversary of the death of prominent government critic Kem Ley, authorities closed a convenience store at the Caltex Bokorpetrol gas station where he had been shot and stopped NGOs and activists from gathering in his hometown to prevent possible demonstrations or protests.

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 not only restricts the right to association but also restricts those organizations' rights 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,

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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 also allow officials to restrict or close organizations for petty 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.

A local NGO recorded 333 cases of the government restricting freedom of association from April 2019 to March, targeting the former opposition party in 182 cases, NGOs in 103, worker unions in 25, and informal community groups in 23.

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In April the government restricted the movement of persons into and out of the capital during the lunar new year holiday in an effort to prevent the spread of COVID-19.

Exile: Some government critics and opposition politicians have gone into self-imposed foreign exile. In some cases the government subsequently took steps to block exiles' return.

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

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and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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 restrict 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.

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 limits 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 57,444 stateless persons in country as of the end of 2019, primarily ethnic Vietnamese. The government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality (see section 6, Children). The most common reason for statelessness was lack of proper documents from the country of origin. 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

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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 is no such ability. By law the government has the ability to 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 August only 12 of 118 CNRP officials barred from political activity from 2017-22 had applied for and been granted restoration of their political rights--three during the year and nine in 2019. Local experts and opposition party members complained the “rehabilitation” process is arbitrary, creates a false appearance of wrongdoing on the part of the banned politicians, and allows the prime minister to choose his own political opponents. The original ban on political activity followed the Supreme Court’s 2017 dissolution of the CNRP, a decision many decried as driven by political bias, noting that the decision was based on the accusation that its leader had committed “treason” before its leader was convicted on any charges. When the CNRP was dissolved, 5,007 local elected officials from the party were removed from their positions and replaced with CPP officials. The CPP dominates 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. The 19 non-CPP parties that competed in the election, many newly established, had limited support.

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. Given the decline in independent media outlets, government-controlled news outlets provided the majority of content and coverage prior to the election. This was particularly the case in rural areas, where voters had less access to independent media.

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Approximately 600,000 ballots cast in 2018 were invalid, compared with an estimated 100,000 in the previous election. Observers argued this was a sign of protest; given 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 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: As of July a local NGO reported that 55 political parties were registered with the Ministry of Interior. Excepting the CPP and several small progovernment parties, 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.

As of July there had been 23 incidences of threats to political activists, according to a local NGO. On October 19, two assailants on a motorbike assaulted Din Varin, secretary general of the executive committee of the banned Cambodia National Rescue Party, while he was walking home from a cafe in Phnom Penh, hitting him on the face with a large rock. As of November at least 10 opposition officials suffered similar assaults, but the government has not arrested any suspects.

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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 which dates back to the 14th century--limited women's role in politics and government. Despite repeated vows by the CPP to increase female representation, the number of women elected to the National Assembly in the 2018 national election declined to 19, from 25 in the 2013 national election. The 2017 local elections saw participation for the first time of the Cambodia Indigenous People's Democracy Party.

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, and officials frequently engaged in corrupt practices with impunity.

Corruption: The penal code defines various corrupt acts and specifies penalties for them. The anticorruption law establishes the National Council against Corruption and the Anticorruption Unit to receive and investigate corruption complaints. The unit 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 the unit served the interests of the ruling CPP.

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, according to a Radio Free Asia report in September, the two daughters of senior minister and former commander-in-chief of the armed forces Pol Saroeun acted as fronts in a real estate fraud in Australia valued at roughly \$100 million. A Radio Free Asia report in April said that Hun Kimlong, niece of Prime Minister Hun Sen and husband of police chief Neth Savoeun, spent \$2.7 million on villas in Cyprus. Hun Kimlong and Neth were two of eight politically connected Cambodian elites identified in an October 2019 Reuters

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report as having gained Cypriot citizenship by investing more than \$2.2 million each in that country.

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

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. 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.

Transparency International’s 2019 Corruption Perceptions Index report noted the judiciary remained the most corrupt sector of government for the fifth year in a row, followed by law enforcement.

Financial Disclosure: The law requires public servants, including elected and appointed officials, to disclose their financial and other assets. The Anticorruption Unit is responsible for receiving the disclosures, with penalties for noncompliance ranging from one month to one year in prison. Senior officials’ financial disclosure statements were not publicly available and remained sealed unless allegations of corruption were filed. Only one financial disclosure statement has ever been unsealed, that of the then National Assembly vice president Kem Sokha. NGOs have long advocated amending anticorruption laws to place on the public record all property owned by government officials.

Section 5. Governmental Attitude Regarding 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. The government threatened legal action against three NGOs--Licadho, STT, and Central--over the publication of a report on the negative effects of microlending on loan recipients.

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Approximately 25 human rights NGOs operated in the country, and a further 100 NGOs focused on other areas included some human rights matters in their work, but only a few actively organized training programs or investigated abuses.

The United Nations or Other International Bodies: Although the government generally permitted visits by UN representatives with human rights responsibilities, authorities often turned down their requests for high-level meetings and denied them access to opposition officials, including Kem Sokha. Government spokespersons regularly chastised UN representatives publicly for their remarks on a variety of human rights problems.

Government Human Rights Bodies: There were three government human rights bodies: separate Committees for the Protection of Human Rights and Reception of Complaints in 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 continued to investigate and prosecute leaders of the former Khmer Rouge regime who were most responsible for the atrocities committed between 1975 and 1979. The Extraordinary 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. Two separate cases, those of Meas Muth and Ao An, remained before the chambers. In August the Supreme Court moved to close the latter case, as there was no agreement to indict Ao An. As of November, the Extraordinary Chambers had not ruled whether they would proceed with either of the remaining cases.

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Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 penal code, but the underlying conduct can be prosecuted as “rape,” “causing injury,” or “indecent assault.” Charges for rape were rare. The law criminalizes domestic violence but does not set out specific penalties. The penal code assigns penalties for domestic violence 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: 14 percent of judges, 12 percent of prosecutors, and 20 percent of lawyers, which likely contributed to underreporting of rape and domestic abuse. NGOs reported authorities inadequately enforced domestic violence laws and avoided involvement in domestic disputes.

Rape and domestic violence sometimes led to death: a local NGO reported 10 killings in a 2018 investigation of 39 cases of domestic violence and 18 of rape. In these 57 cases, authorities arrested only 23 perpetrators. Most observers believed neither authorities nor the public generally regarded domestic violence as a criminal offense.

The Ministry of Information and the Ministry of 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. The Ministry of Women’s Affairs also operated a reporting system within the government to

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increase accountability and transparency in the government's response to violence against women.

Sexual Harassment: The penal code criminalizes sexual harassment, imposing penalties of six days to three months' imprisonment and modest fines. Workplace sexual harassment is believed to be widespread (see section 7.d.).

On July 10, four female police officers submitted a letter to Deputy Prime Minister Sar Kheng reporting sexual assault by Ouk Kosal, the police chief of Kampong Thom Province. The letter stated they had reported the case on multiple occasions since 2018 but had yet to receive justice. The police chief resigned and became a monk within days of the letter going public, but as of November, no legal action was taken against him.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, or violence. The government provided access to sexual and reproductive health services for survivors of sexual violence.

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. According to the 2014 Cambodia Demographic and Health Survey, the latest such survey available, the modern contraceptive prevalence rate among married women between 15 and 49 years was approximately 39 percent, and 12 percent of women between ages 15 to 19 years had given birth or were pregnant with their first child.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution provides 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

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to education, but cultural traditions and child-rearing responsibilities limited the ability of women to reach senior positions in business and government or even participate in the workforce (see section 7.d.).

The government expected women to dress according to “Khmer traditions.” In February Prime Minister Hun Sen accused some women of wearing “skimpy clothing” while selling goods online and ordered authorities to investigate. Two days later, police arrested Ven Rachana, a Facebook vendor, on charges of pornography for dressing in a way that “affects the honor of Cambodian women.” On April 24, she was sentenced to six months’ imprisonment.

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. 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, including books, and health care 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

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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*, approximately one in two Cambodian children had experienced extreme violence. Child rape continued to be a serious problem, and reporting of the crime rose in the past several years. As of July a local human rights NGOs investigated 67 cases of children's rights violations, 56 of which were rape or attempted rape. On October 4, police arrested a 15-year-old autistic boy, accusing him of stealing property from the opposition party's headquarters. Police handcuffed him and forced him to sign an agreement to stop entering prohibited areas before releasing him after two days in detention.

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 legally 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. Undercover investigation techniques were not allowed 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.

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Local human rights organizations and local experts were concerned about 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 the 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 and growing 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.

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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 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, especially in obtaining skilled employment.

Children with limited physical disabilities attended regular schools. According to a Ministry of Education report in 2019, there were 60,284 disabled students throughout the country. The ministry worked to train teachers on how to integrate students with disabilities into the class with nondisabled students. 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.

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

Members of National/Racial/Ethnic Minority Groups

Experts acknowledged an increase in negative attitudes towards the rising number of Chinese nationals in the country, in part due to perceived links with criminal activity, particularly in Sihanoukville. Khmer-language newspapers regularly reported stories of crimes committed by Chinese residents and business owners, including gang violence, kidnapping, extortion, counterfeiting, pornography, drunk driving, and drug possession. On August 15, authorities arrested 29 Chinese

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nationals and charged them with kidnapping. In November the government reported it had deported 542 foreign nationals for illegal activities, most of them Chinese nationals, in the first nine months of the year. On November 20, Sihanoukville officials deported two Chinese women for prostitution.

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 (LGBTI) persons. Societal discrimination persisted, however, particularly in rural areas.

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

A local LGBTI rights organization reported incidents of violence or abuse against LGBTI persons, including domestic violence by family members. Stigma or intimidation may have inhibited further reporting of incidents. Police did not prioritize investigations into LGBTI-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 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 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 discrimination in hiring and dismissing employees were commensurate with penalties for other types of discrimination.

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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. The law forbids unregistered unions from operating. 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. The labor ministry approved 67 new unions in the first nine months of the year, down from 635 in 2017, although the COVID-19 pandemic may have interfered with the union registration process.

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.) 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.

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 has decreased, particularly for garment- and footwear-sector unions.

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. Most notably, in July authorities arrested longtime union leader and head of the pro-opposition

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Cambodian Confederation of Unions, Rong Chhun, for “incitement” over comments he made to media criticizing the government for its handling of the border dispute with Vietnam. As of November, Rong was still in detention.

On January 17, authorities arrested four union leaders at a factory making handbags and charged them with “incitement” for organizing a protest to demand the reinstatement of three union members who had been fired. For nearly two months, until May 28, government officials, allegedly at the behest of her employer, Superl Cambodia, detained a union leader at a factory making women’s handbags after she posted on social media about the company’s plans to lay off workers.

In 2019 some 140 workers faced criminal charges for their union activities, with approximately 20 of them convicted, according to public reports.

Reports continued of other forms of harassment, sometime violent. In February, five masked men assaulted a union leader, sending him to the hospital. Some unions complained that police monitored their activities and intimidated members and guests by sending uniformed police to stand outside their offices during meetings (see section 2.b.). A construction workers union complained that authorities interrupted its meetings to ask for the union’s registration and lease documents.

Several unions reported increased union-busting activity amid the sharp economic downturn caused by the COVID-19 pandemic. For example, in April, two factories fired five union leaders after they organized a protest against the government’s decision to postpone the Khmer New Year holiday. In July the Le Meridien Hotel in Siem Reap fired three union activists for social media comments and other advocacy for better wages for workers at the hotel.

The law stipulates that workers can 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 can be

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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. In January a court issued such an injunction ordering workers at the NagaWorld hotel and casino complex not to strike; approximately 3,000 workers defied that court order and went on strike, ultimately securing higher wages and the reinstatement of a union leader whom NagaWorld had fired.

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 (BFC). 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 during the first half of the year, 50,700 workers conducted 92 strikes and demonstrations, compared with 26 strikes involving 16,585 workers in the same period of 2019. The report stated the committee resolved 57 of the 92 cases successfully while 35 others went to the Arbitration Council. 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 assembly. 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.

The resolution of labor disputes was inconsistent, largely due to government officials' ability to classify disputes as "individual" rather than "collective" disputes. The Arbitration Council only hears collective disputes. Unions reported progress in "minority" unions' ability to represent workers in collective disputes.

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The Arbitration Council noted it received 45 cases in the first seven months of the year, down from 68 cases for the same period in 2019.

There is no specialized labor court. Labor disputes that are designated “individual” disputes may be brought before the courts, although the judicial system was neither impartial nor transparent.

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). Officials reported forced labor was likely most common in the construction sector. Moreover, there was evidence that employers, particularly those operating brick kilns, were violating the law prohibiting forced or bonded labor.

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

Third-party debt remained an important issue driving forced labor. According to a report from the Cambodian League for the Promotion and Defense of Human Rights, by the end of 2019 more than 2.6 million persons in the country had loans from microfinance lenders totaling some \$10 billion, contributing to an increase in child labor and bonded labor. The Cambodia Microfinance Association and Association of Banks in Cambodia disputed the size of the problem.

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Forced overtime remained a problem in factories making products for export. Unions and workers reported some factory managers had fired workers who refused to work overtime.

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 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 the ages of 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 the ages of 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 (at least one year of imprisonment), with the exception of employing children in working conditions that affected the child's health or physical development, which carries a two- to five-year prison sentence (10 years if the working conditions cause the 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

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majority of child laborers work. Inadequate training also limited the local authorities' ability to enforce child labor regulations, especially in rural areas and high-risk sectors. In addition, the National Committee on Countering Child Labor reported the labor inspectorate does not conduct inspections in hospitality or nightlife establishments after business hours because the inspectorate lacks funds to pay inspectors overtime. In 2019 the government stated it had imposed penalties on only three firms for violations of child labor standards.

Many children worked with their parents on rubber, cassava, cashew, and banana plantations, according to a union active in the agriculture sector. Approximately 5 to 10 percent of workers on those plantations were children.

Children were vulnerable to the worst forms of child labor, including in agriculture, brick making, 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 whom they abused and exploited. Children were also forced to beg.

Child labor in export-sector garment factories declined significantly in recent years. Some analysts attributed the decline to pressure from BFC's mandatory remediation program. Since 2015 the BFC has found fewer than 20 child workers per year in a pool of approximately 550 covered factories. In its latest available report covering 2019, the BFC discovered only two children younger than 15 working in export garment factories. The BFC and others expressed concern, however, that child labor and other abuses may be more prevalent in factories making footwear and travel goods for export and with subcontractors to export-sector garment factories, as the BFC does not monitor these sectors or subcontractors.

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

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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, civil, and administrative remedies.

Harassment of women was widespread. Penalties for sexual harassment (six days to three months in jail, plus a fine, according to the criminal code) were not commensurate with penalties for several types of election interference (one to three years' imprisonment). A 2018 BFC report stated that more than 38 percent of workers surveyed felt uncomfortable "often" or "sometimes" because of behavior in their factory and 40 percent did not believe there was a clear and fair system for reporting sexual harassment in their factory.

e. Acceptable Conditions of Work

The minimum wage covered 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 prohibits excessive overtime, 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.

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The Ministry of Labor and Vocational Training is responsible for enforcing labor laws, but the government did not do so effectively. 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). Outside the export garment industry, the government rarely enforced working-hour regulations. The government 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 the BFC to do such inspections in export-oriented garment factories.

Because most construction companies and brick factories operated informally and without registration, workers in those sectors had few benefits. They are not entitled to a minimum wage, lack insurance, and work weekends and holidays with few days off. The majority of brick-factory workers did not have access to the free medical care provided by the National Social Security Fund (NSSF), because those factories were not registered as fund members.

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 assess these fines on the spot, without the cooperation of police, but no specific provisions protect workers who complain about unsafe or unhealthy conditions. The number of inspectors 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.)

Mass fainting remained a problem. The NSSF noted that 239 workers in three factories reportedly fainted during the first six months of the year, down from 417 workers during the same period in 2019. Observers reported excessive overtime, poor health, insufficient sleep, poor ventilation, lack of nutrition, pesticides in

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nearby rice paddies, and toxic fumes from production processes all continued to contribute to mass fainting.

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

Workers and labor organizations raised concerns that the use of short-term contracts (locally known as fixed-duration contracts) allowed firms, especially in the garment sector where productivity growth remained relatively flat, 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 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.).

Work-related injuries and health problems were common. On January 4, a building still under construction collapsed in the coastal tourist town of Kep, killing 36 local workers and injuring 23 others. In July a crane collapse at a construction site in the border town of Poipet killed five persons.