

**Protecting human rights during and after the COVID-19**

**Cambodian Center for Human Rights submission to joint**

**Special Procedure mandate holders**

**Common questions**

1. **Impact on human rights**

COVID-19 has had a broad impact on the enjoyment of human rights in Cambodia, including on labor rights, land rights, and on the exercise of fundamental freedoms.

* 1. ***Impacts on enjoyment of specific human rights***
		1. Impact on labor rights

The mass closure of workplaces and factories has resulted in loss of jobs, income and livelihoods for many Cambodians. For example, more than [16,00 workers](https://www.business-humanrights.org/en/southeast-asia-sees-factory-shutdowns-and-massive-lay-offs-due-to-covid-19-outbreak-0) in the tourism sector, [80,000 workers](https://www.business-humanrights.org/en/cambodia-labour-rights-groups-say-80000-workers-in-entertainment-service-sector-lose-their-job-as-govt-shuts-down-enterprises-to-curb-covid-19-spread) in the entertainment sector, and [130,000 factory workers](https://www.business-humanrights.org/en/southeast-asia-sees-factory-shutdowns-and-massive-lay-offs-due-to-covid-19-outbreak-0) in the garment and footwear sector have lost their jobs amidst the pandemic. Support measures have been put in place by the government for workers, including [out-of-work allowances.](https://home.kpmg/xx/en/home/insights/2020/04/cambodia-government-and-institution-measures-in-response-to-covid.html) According to the [Ministry of Labor,](https://www.reuters.com/article/us-health-coronavirus-cambodia-workers-f/laid-off-due-to-virus-cambodian-garment-workers-compete-for-factory-shifts-idUSKBN23P00F) about $2.7 million has been dispersed to more than 125,000 workers across the country. However, this has been slow to roll out. Moreover, these payments [fall below the poverty line](https://southeastasiaglobe.com/cambodian-workers-support-covid-19/), are not available to many workers (e.g. those in the [entertainment sector](https://www.khmertimeskh.com/50735871/entertainment-sector-workers-denied-40-aid-monthly-aid/) and the [informal economy](https://www.khmertimeskh.com/50734169/domestic-workers-struggling-to-make-ends-meet/)) and are handed out arbitrarily. For instance, in Kandal province in May, workers from [only 14 out of 44](https://www.khmertimeskh.com/50728074/only-half-of-workers-receive-out-of-work-subsidies/) affected factories had received subsidy support.

Due to this economic blow, there are [concerns](https://www.reuters.com/article/us-health-coronavirus-cambodia-workers-f/laid-off-due-to-virus-cambodian-garment-workers-compete-for-factory-shifts-idUSKBN23P00F) for the mass rollback of labor rights across the country, with workers forced to accept worse conditions as jobs are cut. There are [reports](https://www.khmertimeskh.com/50731639/poor-ventilation-anxiety-blamed-for-mass-fainting-in-factory/) of people working excessive hours in poor conditions in an attempt to keep their job. Moreover, many out of work factory workers are seeking road side, ‘off the books’ employment, even for one off shifts, where they have little bargaining power. One factory recruiter stated in a recent [article](https://www.reuters.com/article/us-health-coronavirus-cambodia-workers-f/laid-off-due-to-virus-cambodian-garment-workers-compete-for-factory-shifts-idUSKBN23P00F), “if they demand too much, they will be left sitting there”.

Protests from trade unions have been on the rise due to the crisis’ economic fallout, leading to an increase in harassment, intimidation and general dismissal of union members. [Reports](https://cambojanews.com/garment-factories-accused-of-union-busting-under-cover-of-covid-19/) have surfaced of workplaces attempting to reduce unionized labor, by systematically firing union members and leaders under cover of widespread COVID-19 terminations.

* + 1. Impact on land rights

Land rights violations remain one of the most prevalent human rights violations in Cambodia. Cambodia has a fragmented land registration system, historically linked with systems put in place during the Khmer Rouge era and the civil war, and as a result, significant portions of land are unregistered. In 2020, it was announced that the plan put forward by the Ministry of Land Management, Urban Planning and Construction to register all land by 2021 would [not be implemented](https://www.phnompenhpost.com/national/huge-tracks-undocumented-land-concern-registration-officials?__cf_chl_jschl_tk__=69a963115cc839d0aa68a5298cc4c950f408b141-1592399924-0-AWZGCCNb11-3-Z_UaMr0R8ELIMo-VchKG_iauNQWcO9i4_AtL6oG3fUK_OiQA_yBNQ_q2rWjN4ubCIDr2G4S7ihfkAKHxCVjBtwfkkqa8HQ5_vWKvdaTBgSRyd_58eCBtkMRrWFdo5iMZflCyJt-v1hhfrPtTUaI9_7A4mc9RwXQ_rgVJgkWvJOux729wRlRLJU991ZpL-DCNsuROIT3ee7v9owh4Yl7m8rAFC0LD8th2psBhSb1OdPVeVDZwOMTHmB-2YTAYEfUncf94YLeYGdydOZZMahR2sH84NTq6DS9PS6ERU_FD8_cUzInfBqRKOmhCjyKPFMVaFlkzp6UZh__sECB6LLCEZmMWcDmostYh_9_4Ozs3oayRzQttQqNWQ) in time due to slow rates of registrations. The absence of registration makes land more vulnerable to grabbing, thereby heightening insecurity for those without a land title. This disproportionately effects indigenous communities (see section 1.3.4).

Land disputes have been ongoing throughout the COVID-19 crisis. While some resolutions have gone ahead during the crisis, they sometimes took place in the absence of communities and families from remote areas who were prevented from travelling and, therefore, from attending the resolution process and defending their rights.

Forced evictions have also taken place during the crisis. In May 2020, on Phnom Penh’s Croy Changva peninsula, authorities bulldozed the longtime homes of residents, who had been embroiled in a [long-standing land dispute](https://cambojanews.com/yet-again-phnom-penh-residents-say-ocic-is-snatching-their-land/) with Overseas Cambodia Investment Corporation (“OCIC”) and Phnom Penh City Hall. The families had previously refused what they deemed “unfair compensation” in 2014 and refused to comply with an order to vacate their lands. Forced evictions and the destruction of homes without alternative accommodation constitutes a clear violation of the right to housing. This violation is made worse when occurring amid a pandemic, exacerbating impacts on residents’ other human rights, such as their right to health.

Moreover, journalists who have reported on local land disputes during the pandemic have been subject to intimidation and judicial harassment, as discussed in section 1.1.3.

* + 1. Impact on fundamental freedoms

The exercise of fundamental freedoms by civil society organizations, human rights defenders (“HRDs”), political opposition, and journalists has been increasingly restricted in Cambodia since the COVID-19 outbreak, which is witnessing a crackdown on dissenting voices.

Journalists and the free media have been particularly targeted since the COVID-19 outbreak began. This is illustrated by the arrest of  [Mr. Sovann Rithy](https://cchrcambodia.us8.list-manage.com/track/click?u=0a8a794dcfa925a728e17c377&id=3653fd33c8&e=a68103286b), director of news outlet TVFB, for directly quoting Prime Minister Hun Sen in a Facebook post in April, and  [Mr. Sok Oudom](https://cchrcambodia.us8.list-manage.com/track/click?u=0a8a794dcfa925a728e17c377&id=cef92d3f52&e=a68103286b), owner of *Rithysen* radio station, for airing content covering a land dispute in May. Both were arrested and charged under [Article 495](https://cchrcambodia.us8.list-manage.com/track/click?u=0a8a794dcfa925a728e17c377&id=856aaedd4a&e=a68103286b) of the Criminal Code of the Kingdom of Cambodia for ‘incitement to commit a felony’ and were stripped of their media licenses, resulting in the subsequent shutdown of their channels. Both men remain in pre-trial detention. Similarly, TV3 reporter [Mr. Phal Dam,](https://www.phnompenhpost.com/national/journalist-summoned-over-inciting-report-ratanakkiri-land-dispute?__cf_chl_jschl_tk__=8b954f7ebd16117cf8c9759c8c667c94b4cf9390-1592386193-0-AbTEPY9LnB4MC8QKhmebgvQgCGeC0MGUG_a18qYm5yjaUYPuzdhLrqgnhqNEhC3aL2F3) was recently summonsed by the Ratanakkiri Provincial Court on ‘incitement’ charges for reporting on a local land dispute involving the Ratanakkiri airport.

Violations of the freedom of expression have been common as well, especially online. The months of April and May 2020 have seen a sharp increase in the number of [‘fake news’ accusations and arrests](https://www.hrw.org/news/2020/04/29/cambodia-covid-19-spurs-bogus-fake-news-arrests), justified by the Royal Government of Cambodia (“RGC”) as necessary to combat the spread of false information regarding the virus and prevent turmoil. Over 40 people, including journalists, former opposition members and ordinary citizens, have been arrested for questioning the government’s handling of the crisis or merely expression concern about the virus in online posts.

The right to freedom of assembly has also been impinged upon during the outbreak, as protests led by HRDs and activists were interfered with by authorities and repressed, while other protests (for instance, those led by teachers protesting school fees) could go on undisturbed.

The intimidation and harassment of HRDs and community representatives continued during the crisis. For instance, in April 2020, community representatives were [detained and questioned](https://cchrcambodia.org/media/files/press_release/755_jscrde_en.pdf) for over seven hours by authorities and police, after they attempted to submit a petition signed by 141 communities asking for additional government assistance for vulnerable communities during the COVID-19 crisis. Upon their release, the representatives were required to thumb-print documents restricting their rights to continue advocating on behalf of their communities. Similarly, in late March 2020, Mr. Am Sam Ath, deputy-director of the human rights organization LICADHO, was [threatened with arrest](https://www.khmertimeskh.com/707763/hun-sen-blasts-rights-defender-over-comments/) by Prime Minister Hun Sen for criticizing the arrests of people for Facebook posts on a radio show.

The RGC has also been accused of [cracking down on members of the banned political opposition party](https://www.hrw.org/news/2020/06/17/cambodia-end-crackdown-opposition), the Cambodia National Rescue Party (“CNRP”) during the pandemic. Since January 2020, 15 persons have been detained on political charges and the months of May and June witnessed several arrests of opposition members based on case files dating back to 2019.

* 1. ***Measures put in place by the government***

At the outbreak of COVID-19 earlier this year, the RGC initially failed to acknowledge the severity of the virus and were slow to implement public measures to combat it. As months have passed and the virus continues to spread on a global scale, [measures have been implemented](https://home.kpmg/xx/en/home/insights/2020/04/cambodia-government-and-institution-measures-in-response-to-covid.html) by the RGC in order to protect public health and prevent infection. These included general measures such as closing schools and entertainment venues such as cinemas.

Freedom of movement has been restricted, following the government’s decision to cancel the [Khmer New Year celebrations](https://www.khmertimeskh.com/710568/khmer-new-year-celebration-cancelled-amid-the-covid-19-pandemic/) to prevent individuals from travelling on mass to their home provinces and limit the spread of COVID-19 into local communities. The RGC has also put in place a number of measures for foreigners and returning travelers [entering the country.](https://www.independent.co.uk/travel/news-and-advice/cambodia-foreign-office-travel-advice-coronavirus-deposit-border-testing-a9568391.html)

In response to the coronavirus, Cambodia’s Parliament also adopted the *Law on Governing the Country in a State of Emergency* (“*State of Emergency Law*”) which was impulsively drafted and enacted without transparency or consultation with civil society or United Nations mechanisms. The broad and vaguely-worded law grants extensive powers to the RGC to restrict fundamental freedoms in Cambodia if the government declares a state of emergency, in violation of provisions of international human rights law. As such, it poses a [serious threat to human rights](https://cchrcambodia.org/media/files/press_release/756_ccftrtatsoeltphref_en.pdf) and could be misused against critics.

* 1. ***Discriminatory effects of the outbreak and response measures on various groups***
		1. Women

[Women](https://cchrcambodia.org/media/files/press_release/752_ccjppe2a2_en.pdf) have been disproportionately affected by the COVID-19 outbreak and the measures in response to it. Firstly, women are facing increased risks of gender-based violence (“GBV”) due to the outbreak exacerbating contributing factors, including domestic proximity and economic insecurity, along with fears of the virus and a generally anxiety-inducing climate. Notably, the stay-at-home orders have made it harder for women and girls to escape abusive households, or access services to obtain help. Government measures in response to COVID-19 have increased domestic and household responsibilities for women. It is estimated that Cambodian women already do three hours more unpaid household labor than men due to entrenched societal gender norms, and it is mainly women picking up additional labor due to school closures, homeschooling and additional cooking and cleaning. Moreover, women have been disproportionately affected by factory closures and the rollback of labor rights as discussed at section 1.1.1, as women make up the majority of factory workers. Women are also overwhelmingly represented in the [informal economy](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_134_en.pdf), e.g. street vendors and [domestic workers](https://www.khmertimeskh.com/50734169/domestic-workers-struggling-to-make-ends-meet/), and this work does not attract protections such as the Labor Law, nor the social assistance measures put in place by the government (e.g. out-of-work payments) to protect from the economic fallout from COVID-19.

* + 1. LGBTIQ community

The pandemic has [exposed and deepened](http://www.ishr.ch/sites/default/files/article/files/joint_written_statement_-_lgbti_and_covid-19.pdf) existing discrimination, violence and other human rights violations on the basis of sexual orientation, gender identity and expression, and sex characteristics (“SOGIESC”) around the globe. In Cambodia, lesbian, gay, bisexual, transgender, intersex and queer (“LGBTIQ”) individuals continue to struggle to access healthcare, and particularly HIV/Aids medication, as many individuals travel to neighboring Thailand to receive this treatment. This has been unavailable as an option for many LGBTIQ Cambodians since the outbreak of the pandemic, due to border and travel restrictions. LGBTIQ individuals also faced heightened mental health challenges during the outbreak, as many had to isolate with their family who may not be accepting of their SOGIESC.

* + 1. Khmer Muslims

In mid-March, the Ministry of Health reported that many Cambodian Muslims who had returned from a gathering in Malaysia had tested positive for the virus, leading to increased [discrimination against the religious minority](https://www.voacambodia.com/a/linked-to-viral-outbreak-cambodian-muslims-facing-backlash/5341035.html). The Ministry continued to report numbers of COVID-19 infections in the categories of ‘Khmer, Khmer Muslim, and Foreigner’. Following this separation by the Ministry of Health, who hadn’t revealed the religious identity of any of the other infected persons, Cambodian Muslims were targeted amongst the community and with hateful online comments blaming them for the spread of the disease in the country. In addition to being discriminatory, the Ministry’s comment also impinged on the patients’ right to privacy.

* + 1. Indigenous

The measures adopted by the government in response to the outbreak also had disproportionate effects on indigenous peoples. Many indigenous peoples, due to their technology-free way of living, did not have access to the coronavirus-related information transmitted by the government, mainly distributed through social media and TV. Similarly, indigenous children’s access to education worsened during the pandemic, as many indigenous families do not have the necessary facilities for home-schooling, preventing children from following online classes. Moreover, the closure of borders has impacted workers who used to travel across borders to sell their products, as the selling of products across of frontiers represented a large source of income for indigenous communities and rural farmers.

Moreover, indigenous peoples are disproportionately affected by the governments delay in land registration processes, as mentioned at section 1.1.2. While the land law recognizes the right of indigenous communities to collective land title over their traditional lands in Cambodia, in practice, there are [few collective land titles registered](https://cchrcambodia.org/admin/media/report/report/english/2016_02_11_CCHR_Report_Access_to_Collective_Land_Titles_ENG.pdf). This is due to a multiplicity of reasons, including that the process is slow (often taking [over 6 years](https://www.giz.de/en/downloads/2017_Knowledge%20Profiles-final.pdf)) and complex. The delay in the land registration leaves indigenous communities with ongoing land tenure insecurity and vulnerable to land grabbing. Indigenous communities, sheltering in place to protect against the spread of the coronavirus, have been [prevented from undertaking many of their traditional activities](https://www.reuters.com/article/us-health-coronavirus-landrights-trfn/land-conflicts-flare-across-asia-during-coronavirus-lockdowns-idUSKBN22R0U9) aimed at protecting their land (such as patrols, advocacy activities, and protests). As a result, reports have come out of companies [clearing lands](https://www.inclusivedevelopment.net/vietnamese-agribusiness-giant-destroys-indigenous-lands/?__cf_chl_jschl_tk__=67b215b1a498c1ce61d28e141ae5064662076e03-1592057899-0-AarnxgwWPgVfO1YsygUS3Ue-PzdPPCw_ICZz447z5Dve0N4KeT7dJhErwR45S8W4MnxDU5VJNBzH57YFXxcBUavNB5Mn0F1MIIMr_gybXVFIfP4aIcC0Ht8Hfz7sB7TiEzA-meQroslz44t_hnB9P1rD7yhf2pA9mfnoly9b4k4Bsk4ZbdfIgZKykDrT2YGaKCcN0epLSvD2wf15Z6M9OYcZTepvs01VCw7Lhr5BLb-qVWhsNEBx9R0MgNkFxxBho0JUCRIJcGHmLfBgCczGTGlJgJHC0teyWSe91MH1w8gbWZxNcX6TW64xx7F1-PZjqH6m19hSxeVYL5-ESOD-i85rIIp4lMGYBLMYlC6Uwt2u), including sacred indigenous sites, during the outbreak and of authorities [selling land](https://www.phnompenhpost.com/national/officials-accused-permitting-land-sale) belonging to indigenous communities.

* + 1. Migrant workers

Migrant workers have also faced difficult conditions resulting from COVID-19. In April, Prime Minister Hun Sen banned the return of 104 Cambodian migrant workers to the country, despite putting in place no visa restrictions on Malaysians nor travel restrictions on flights from Malaysia, in violation of their freedom of movement, including not to be arbitrarily deprived of the right to enter their own country. The migrant workers were left stranded in Malaysia for more than two months and prevented from working and yet only given very little government assistance to help them cover their basic necessities. The group were allowed to [return](https://cambojanews.com/migrant-workers-home-from-malaysia-at-last/) in June. Similarly, to support themselves and their families, many Khmer citizens [travelled to Thailand](https://www.voacambodia.com/a/low-economic-prospects-forcing-cambodians-to-enter-thailand-despite-border-closure-/5440597.html) to resume work in May 2020, despite the border between the two countries being closed, and these workers are vulnerable to human trafficking due to their dependence on brokers to cross the border.

* 1. ***Long-term impacts of the pandemic and response measures on the enjoyment of human rights***

Many of the pandemic’s impacts and the measures adopted in response to it will likely have a long-term negative effect on the enjoyment of human rights in Cambodia.

The implications of the *State of Emergency Law,* discussed in section 1.2, are likely to be felt even after the coronavirus pandemic ends, as it may be enforced in the future. Indeed, the conditions that may trigger the application of the law are broad and vague.

As discussed in section 1.1.3, the COVID-19 outbreak has provided fertile grounds to further restrict freedom of expression, which is likely to have a long-lasting and chilling effect in Cambodia. The RGC’s attempt at controlling the COVID-19 narrative, through the rise in the rhetoric of ‘fake news’ and the government’s harassment of journalists, severely impinges on press freedom and freedom of expression. This is likely to have repercussions on freedom of expression in the future, as fears of reprisals may drive ordinary citizens and members of the press alike to fear expressing critical voices and exercise self-censorship.

Further, as land titling has come to a halt during the coronavirus outbreak, many Khmer citizens are experiencing insecurity of tenure, making them more vulnerable to land grabbing (please see section 1.1.2). It is therefore probable that land disputes will multiply in the near future.

There are also concerns that the economic hardship faced by millions of Cambodians as a result of the outbreak will threaten their livelihoods and land tenure security. This risk is amplified by Cambodia’s ongoing ‘debt crisis’, with two and a half million Cambodians currently holding microloans. For many of them, their [land titles are held as collateral](http://www.licadho-cambodia.org/reports.php?perm=228). The impact of the current crisis on the Cambodian economy raises concerns that many Cambodians will be [unable to meet their monthly loan repayments](https://cchrcambodia.org/media/files/press_release/753_jmse_en.pdf) to microfinance institutions and will lose their homes or take on further risky loans that could lead to bonded labor, human trafficking and other human rights abuses.

There is also a risk that the lackluster Cambodian economy that will follow the COVID-19 crisis will lead to an increase in human rights violations by corporate actors. Issues pertaining to labor rights and fair wages, harassment and intimidation of unions will potentially flare up as the country will struggle to economically recover from the crisis. There are further concerns that the economic impact of the COVID-19 pandemic may lead to the [first increase in child labor](https://www.phnompenhpost.com/national/un-pandemic-may-push-millions-child-labour?__cf_chl_jschl_tk__=eb037cd6361e5187770c89f07cde2f047df989dd-1592412483-0-AZkiVDYLLDA1fSQ1WOeEPpWRxdwR3V_M0lFLxN6Tx-N_RabE1aif2QtNWaRVbYMNgb0Yal_3UoeNo-i2i2MkNoavh7KV2vg92jdkocXB1zM4qOHv8VZjjrjScIziBuccuS3VjrzThvFN_ywHbTXpeLf4d39-v4yc7XIh9yy5MJEZpcDphku1Lb_w8gEDXgxykbl3y5gEPzWXPVAL8-DO1snIqfnRDU1CCoDeKOq3WGs5zOUHJ-8ZC19FTIxCf5f1UxOWU4rHsRgXn49jaCFJZmCThNrnKVSXy049s54TOPss0ZMmEuvkiPRjoyDxmeDBR8a_exKWHr2faQwjilLwuwU) in 20 years.

1. **Statistical information**

Please see the daily ‘[Surveillance Reports](http://cdcmoh.gov.kh/resource-documents/daily-surveillance-reports)’ from the Ministry of Health for government statistics on COVID-19 in Cambodia. These record the number of confirmed cases, virus locations and contact mapping, as well as testing numbers. Please also see statistics recorded by the [Communicable Disease Control Department](https://covid19-map.cdcmoh.gov.kh/?fbclid=IwAR29DjPwYCLbkqtreXbXnRgsAVjOqEAA0HnX96NQnLLdeT4XKep_PDwH-3U). Please see [here](https://en.wikipedia.org/wiki/COVID-19_pandemic_in_Cambodia) for the list of cases separated into nationality, age and gender. For further statistical information on infection rates, please see the World Health Organization COVID-19 Dashboard on [Cambodia](https://covid19.who.int/region/wpro/country/kh).

Regarding access to testing, the RGC has not been clear on its testing strategy. As at 13 June, the number of individuals tested was approximately [15,264](http://cdcmoh.gov.kh/images/Document/Coronaviruses/COVID-19/Situation_reports/83.COVID-19_Surveillance_Report_2020_06_13-14.pdf). The testing rate has [reportedly halved](https://vodenglish.news/covid-19-testing-drops-by-half-as-no-new-cases-reported-for-22-days/) since April, due to low rates of infection. There is testing in some [rural areas](https://www.voanews.com/covid-19-pandemic/cambodia-rural-clinics-adopt-travel-based-covid-19-test-strategy) and clinics. It is difficult to obtain data on numbers of tests, medical supplies, protective equipment etc. Cambodia has received aid, testing and medical supplies from foreign countries, including [China](https://www.thestar.com.my/aseanplus/aseanplus-news/2020/06/05/china-provides-more-medical-supplies-to-cambodia-for-covid-19-fight) and the [United States](https://www.phnompenhpost.com/national/us-sends-75-million-aid-cambodia-over-covid-19?__cf_chl_jschl_tk__=aaff4c7e4698e71811442969620d5ad86ae3c9bb-1592456926-0-AUfkDRgGv4qoQtgnrNEqJwWy0i-ubIOxQgtjutVwu9YCOiiPZ7bB695HfLNI3Y3gEEyoXcr5QHbFbttJNZC-4QX).

1. **Protection of various groups at risk and indigenous peoples**

Very few measures have been taken by the RGC to protect various groups at risk and indigenous people from COVID-19. In late May 2020, the Interior Minister [announced](https://www.voacambodia.com/a/interior-minister-says-prison-releases-possible-but-fails-to-provide-details/5437760.html) that 10,000 convicted inmates could possibly be released from prison to reduce overcrowding and [limit the spread of the coronavirus](https://www.amnesty.org/en/latest/news/2020/04/cambodia-exclusive-footage-reveals-deplorable-prison-conditions/). However, no details have been given on how these releases would take place.

For a list of the general measures put in place by the RGC during the pandemic, please see [here.](https://home.kpmg/xx/en/home/insights/2020/04/cambodia-government-and-institution-measures-in-response-to-covid.html)

1. **Social Protection**

When asked about the kind of government assistance that would be provided to help informal workers during the COVID-19 outbreak, Prime Minister Hun Sen [stated](https://rsf.org/en/news/cambodian-reporter-jailed-quoting-pms-comment-about-covid-19) during a speech that the government was unable to help and that struggling moto taxi drivers should consider selling their motorbikes. This controversial comment shone a light on Cambodia’s unsatisfactory social protection mechanisms.

Indeed, there is a [number](https://www.oecd.org/fr/dev/societesinclusivesetdeveloppement/social-protection-system-review-cambodia-60s.htm) of social insurance and social assistance programs in place in Cambodia, aimed at reducing poverty and supporting vulnerable groups. However, in practice, social assistance in Cambodia is [“limited in scope and coverage”](https://www.oecd.org/countries/cambodia/SPSR_Cambodia_ebook.pdf) and access is extremely low, particularly for [the approximately 80%](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_bk_pb_132_en.pdf) of Cambodian workers that work in the informal economy.

The RGC adopted its [Social Protection Policy Framework](http://www.cdc-crdb.gov.kh/cdc/documents/Sector_Strategy/5_Social_Protection_Food_Security_Nutrition/NSPPF%20English_Final_Version.pdf) in 2017, covering 2016-2025, which represents the RGC’s commitment to improving social protections for Cambodians. This framework includes the Identification of Poor Households (“IDPoor”) mechanism, which benefits an estimated 2 million people and allows poor families to access free or low-cost healthcare, food and nutrition programs, maternal health support, and education. While this program is greatly [beneficial](https://www.phnompenhpost.com/special-reports-supplements/driving-poverty-out-cambodia-idpoor-card) for vulnerable people in Cambodia, many Cambodians remain [excluded](https://www.voacambodia.com/a/quality-free-health-care-remains-elusive-for-poorest-Cambodians/4866865.html) from it and are thereby prevented from accessing affordable social services, even during the COVID-19 crisis.

Measures have been adopted by the RGC to deal with the social impact of the crisis. For instance, it was announced on 20 May 2020 that the RGC was developing a [social protection package](https://www.phnompenhpost.com/opinion/unprecedented-times-call-unprecedented-cooperation) through emergency cash transfers to households registered on the IDPoor database. In early June, a cash transfer program benefiting IDPoor families with pregnant women and children under five was [expanded](https://www.phnompenhpost.com/national/un-pandemic-may-push-millions-child-labour?__cf_chl_jschl_tk__=7707e27382916f80f30f396e8c91c3e7448d8c23-1592373429-0-AcrunsJdtwdlPbemRs3pAeTh--65Ywnr9Cf7azHt8YRYw919G6RBMrhYj34LSwwxI7_zUi7op0HL8S_gT9ZNzPZmpDP) to include IDPoor households and individuals with children from 0-5, disabled people, the elderly and those with HIV/Aids. This cash transfer program is estimated to cover [540,000 households](https://www.phnompenhpost.com/national/children-poverty-said-rise-86m) and 2.4 million individuals.

The RGC further decided that the 2020 Cash-for-Work program’s budget would be increased to US$100 million. Through programs of this kind, unskilled workers are employed on labor intensive projects in a bid to [create jobs and build rural infrastructure](https://www.oecd.org/countries/cambodia/SPSR_Cambodia_ebook.pdf). In practice, the increase in this program’s scope and budget will serve the [double purpose](https://www.khmertimeskh.com/50727340/additional-measures-to-assist-virus-hit-economy/) of implementing community-based infrastructure development projects to boost agriculture and stimulate economic sectors by recruiting workers unemployed due to COVID-19.

A task force was also established in April 2020 to [determine the required budget](https://home.kpmg/xx/en/home/insights/2020/04/cambodia-government-and-institution-measures-in-response-to-covid.html) to fight against COVID-19 based on three priorities: preventing further COVID-19 outbreaks, stabilizing livelihoods of poor and vulnerable people, and helping businesses recover and stabilize.

1. **Participation and consultation**

The RGC has not been transparent in its decision-making processes for measures in response to the pandemic. As far as CCHR is aware, civil society has not participated in and has not been consulted in these decision-making processes, nor have [women](https://cchrcambodia.org/media/files/press_release/752_ccjppe2a2_en.pdf) and other groups disproportionately affected by the pandemic. As mentioned above in section 1.2, the RGC introduced the *State of Emergency Law* as a response to the pandemic, however a state of emergency was not declared. This was enacted without prior consultation.

1. **Awareness raising and technology**

There have been efforts on behalf of the RGC to [provide the public with information](https://www.khmertimeskh.com/705574/cambodia-steps-up-covid-19-awareness-campaign-as-infected-numbers-rise-to-91/) pertaining to COVID-19, at least in the cities. The government made regular public announcements on COVID-19, and the Ministry of Health and Center for Communicable Diseases provided frequent updates. Further, the Ministry of Education recently produced a [child-friendly TV program](https://www.khmertimeskh.com/50725671/tv-show-to-teach-children-about-covid-19-protection/) to teach children about COVID-19 protection.

However, as this information is mainly made available via technology, rural and indigenous communities have limited access to them as explained in section 1.3. CCHR is not aware of any special measures enacted to ensure that vulnerable communities were informed of COVID-19, its risks or useful preventive measures.

It is noteworthy that the RGC seems to have primarily left awareness-raising duties to private actors (i.e. employers) and international organizations. For example, the ILO’s Better Factories Cambodia group launched a [campaign](https://www.thestar.com.my/aseanplus/aseanplus-news/2020/06/17/group-launches-campaign-in-cambodia-to-educate-on-covid-19-prevention) to educate factory workers on how to reduce risks of COVID-19.

1. **Internet**

Internet was used to monitor individuals and associations. Freedom of expression was severely curtailed during the pandemic as a [government task force](https://www.voacambodia.com/a/cambodia-forms-task-force-to-monitor-fake-news-on-social-media/4425534.html), implemented in 2018 as part of the government’s fight against ‘fake news’, continued its monitoring and flagged content related to COVID-19. For instance, journalist Sovann Rithy was [arrested and charged](https://www.voacambodia.com/a/online-journalist-charged-with-incitement-for-reporting-hun-sen-s-comments-/5365676.html) for Facebook post, as explained in section 1.1.3,

Data collected by the Cambodian Center for Human Rights (“CCHR”) indicates that restrictions of freedom of expression on social media reached an all-time high between January and March 2020. Indeed, in the first three months of 2020, CCHR [recorded](https://cchrcambodia.org/index_old.php?url=media/media.php&p=newsletter_detail.php&nsid=135&id=5) 26 incidents that restricted freedom of expression related to COVID-19. 19 of the restrictions took the form of accusations, arrests, and charges for spreading ‘fake news’ while five were government threats against ‘fake news’. The remaining two cases were criticisms of the RGC’s response to the virus. In some of these cases, detained persons were ‘educated; by authorities, meaning they were made to thumbprint documents by which they agreed not to repeat their behavior.

Internet silencing and the blocking of certain websites also hindered the enjoyment of freedom of expression and of information. For example, access to [Monoroom.info](http://monoroom.info/), a Khmer-language news website based in France, was [blocked](https://www.facebook.com/MONOROOM.info/posts/2918711871570154?_rdc=1&_rdr) at the end of March 2020 after it published numerous articles on COVID-19. It remains inaccessible to this date in Cambodia.

1. **Accountability and justice**

The RGC announced in May the launch of a six-month campaign aimed at [clearing court backlogs](https://www.khmertimeskh.com/724277/clearing-court-backlogs/) and [speeding-up trials](https://www.phnompenhpost.com/national/clearing-backlogged-cases-start?__cf_chl_jschl_tk__=5d1c3e14fc1cafea3689067a7b853aadcf102fcb-1591875614-0-Ad_RcxKALeiLiPFrkvQV153ELMgzzXYVhz6Yjkxi6cRfmrv0OpsrzkILmn-Lg6AaTyF4ovwMj9oVOszzjebgGty-7TcS6NpZv_ABSv) in Cambodia’s courts. While this campaign may not have been a direct response to the pandemic, it is nevertheless a step in the right direction to getting individuals out of detention faster, considering Cambodia’s severe rates of individuals held pre-trial detention and backlog of legal cases. However, it remains to be seen whether fair trial rights will be given due consideration in the implementation of this campaign. A parallel [campaign to release 10,000 prisoners](https://www.voacambodia.com/a/interior-minister-says-prison-releases-possible-but-fails-to-provide-details/5437760.html) in order to reduce overcrowding and limit the spread of COVID-19 through detention centers was also announced. This is a welcome development, as overcrowding has been a recurring human rights concern in Cambodia for the last few years. However, the stated objective of this campaign is at odds with the [increase in prisoners](https://www.abc.net.au/news/2020-05-31/cambodia-war-on-drugs-human-rights-abuses-torture-women/12288860) in practice during the pandemic.

Regarding the impact of COVID-19 on the justice system, courts are currently still open and some hearings have gone ahead successfully while others have been delayed. For instance, CNRP opposition leader Kem Sokha’s trial for treason has been [suspended](https://www.phnompenhpost.com/national-politics/pm-resumption-sokha-trial-be-decided-court) indefinitely. The delay of certain trials amidst a campaign to reduce court backlog has led to speculations of political motivation. The human rights impact of holding trials or delaying them during COVID-19 is unclear. Firstly, the right to be tried without excessive delay is a fundamental fair trial right, and Cambodia has severely high rates of individuals in pre-trial detention. However, hosting trials during COVID-19 not only poses health risks, but may result in the suspension of fair trial rights if trials go ahead in absence of the defendant, or if there are other factors impacting the trial, such as witnesses being unable attending court due to travel restrictions.

There has not been much governmental accountability throughout the outbreak. The last few months have been characterized by an increase in arrests, especially on ‘fake news’-related charges. While some arrests targeted genuinely fake news, others appeared aimed at silencing criticism. There are no public or parliamentary investigations underway in relation to the response of the public authorities to the pandemic.

The restrictions on public meetings have impacted upon freedom of assembly and freedom of association in Cambodia. For example, in April 2020, community representatives were [detained and questioned](https://cchrcambodia.org/media/files/press_release/755_jscrde_en.pdf) by authorities and police officers, after they attempted to submit a petition to the RGC, as mentioned in section 1.1.3.

**Questions by the Special Rapporteur on the rights of indigenous peoples**

As above-mentioned in section 1.3, the measures adopted by the government in response to the outbreak had disproportionate effects on Cambodia’s indigenous peoples. Many indigenous peoples, due to their technology-free way of living, did not have access to the coronavirus-related information transmitted by the government and mainly distributed through social media and TV (see section 6). CCHR is not aware of any special measures enacted to ensure vulnerable communities were informed of COVID-19, its risks or useful preventive measures. For instance, it is highly unlikely the [TV program](https://www.khmertimeskh.com/50725671/tv-show-to-teach-children-about-covid-19-protection/) recently produced by the Ministry of Education to teach children about COVID-19 protection reached indigenous communities.

Similarly, indigenous children’s access to education worsened during the pandemic, as many indigenous families do not have the necessary facilities for home-schooling, preventing children from following online classes.

Indigenous peoples are disproportionately affected by the delay in land registration processes. While the Cambodian land law recognizes the right of indigenous communities to collective land title over their lands, in practice, there are [few collective titles registered.](https://cchrcambodia.org/admin/media/report/report/english/2016_02_11_CCHR_Report_Access_to_Collective_Land_Titles_ENG.pdf) This is due to a multiplicity of reasons, including that the process is slow (often taking over 6 years) and complex. The delay in the land registration leaves indigenous communities with ongoing land tenure insecurity and makes them vulnerable to land grabbing. Indigenous communities, sheltering in place to protect against the spread of the coronavirus, have been [prevented from undertaking many of their traditional activities](https://www.reuters.com/article/us-health-coronavirus-landrights-trfn/land-conflicts-flare-across-asia-during-coronavirus-lockdowns-idUSKBN22R0U9) aimed at protecting their land (e.g. patrols, advocacy, and protests). As a result, reports have come out of companies [clearing lands](https://www.inclusivedevelopment.net/vietnamese-agribusiness-giant-destroys-indigenous-lands/?__cf_chl_jschl_tk__=67b215b1a498c1ce61d28e141ae5064662076e03-1592057899-0-AarnxgwWPgVfO1YsygUS3Ue-PzdPPCw_ICZz447z5Dve0N4KeT7dJhErwR45S8W4MnxDU5VJNBzH57YFXxcBUavNB5Mn0F1MIIMr_gybXVFIfP4aIcC0Ht8Hfz7sB7TiEzA-meQroslz44t_hnB9P1rD7yhf2pA9mfnoly9b4k4Bsk4ZbdfIgZKykDrT2YGaKCcN0epLSvD2wf15Z6M9OYcZTepvs01VCw7Lhr5BLb-qVWhsNEBx9R0MgNkFxxBho0JUCRIJcGHmLfBgCczGTGlJgJHC0teyWSe91MH1w8gbWZxNcX6TW64xx7F1-PZjqH6m19hSxeVYL5-ESOD-i85rIIp4lMGYBLMYlC6Uwt2u), including sacred indigenous sites, during the outbreak and of authorities [selling land](https://www.phnompenhpost.com/national/officials-accused-permitting-land-sale) belonging to indigenous communities. Freedom of movement restrictions also prevented some indigenous communities from attending land dispute resolutions, thereby preventing them from defending their rights.