|  |  |  |
| --- | --- | --- |
|  |  | A/HRC/54/72 |
|  | **Advance edited version** | Distr.: General25 August 2023Original: English |

**Human Rights Council**

**Fifty-fourth session**

11 September–6 October 2023

Agenda items 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

**Technical assistance and capacity-building**

 Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

 Report of the Secretary-General[[1]](#footnote-2)\*

|  |
| --- |
|  *Summary* |
|  The present report is submitted pursuant to Human Rights Council resolution 48/23. It outlines the role and achievements of the Office of the United Nations High Commissioner for Human Rights in Cambodia from 1 June 2022 to 31 May 2023. |
|  During the reporting period, the Office continued to provide technical cooperation to various government ministries, the Cambodian Human Rights Committee, the National Committee against Torture, the Disability Action Council, the National Social Security Council and other governmental and civil society actors. The Office also maintained steady cooperation with the Government, particularly for the provision of technical assistance, as specified in the memorandum of understanding between the Government and the Office. It continued to expand its work on economic and social rights, with a view to assisting the Government in enhancing equal access to social security, including for vulnerable people. It also documented cases of restrictions of fundamental freedoms, including in the lead-up phase to the communal and national elections. |
|  |

 I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution 48/23, outlines the activities and achievements of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the Government and the people of Cambodia in the promotion and protection of human rights from 1 June 2022 to 31 May 2023.

2. OHCHR provided technical support to the Parliament, the judiciary, the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, the Ministry of Women’s Affairs, the Ministry of Economy and Finance, the Cambodian Human Rights Committee, the National Committee against Torture, the Disability Action Council, the National Social Security Fund and the National Social Security Council, among other government stakeholders. OHCHR continued to monitor the human rights situation, focusing on fundamental freedoms, economic and social rights, and the administration of justice. It also supported the United Nations country team in Cambodia in mainstreaming human rights in national programming frameworks.

3. OHCHR assisted the Government in making progress towards the implementation of its obligations under international human rights law and pursuant to the recommendations of the human rights mechanisms, including the universal periodic review. OHCHR supported the dissemination of the concluding observations of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic and Social Rights. It provided comments on the draft law on the establishment and functioning of the National Human Rights Commission.

 II. Context

4. In June 2022, 17 parties contested the fifth communal elections with the ruling Cambodian People’s Party winning 74 per cent of the popular vote. The Candlelight Party became the largest opposition party with 22 per cent of the vote. In the lead-up to the elections, OHCHR received allegations of harassment of opposition activists, candidates and observers through criminal cases brought against them and reported threats to withhold access to social services. Reports of intimidation of civil society actors and the media, including through judicial cases, surveillance and public threats of criminal charges, were also received.

5. With a transition announced by Prime Minister Hun Sen, which included handing power to his son, Hun Manet, the reporting period was dominated by the communal elections of 5 June 2022 and the lead-up to the national elections scheduled to take place on 23 July 2023. The Prime Minister addressed members of the political opposition in his speeches, stating on several occasions that the Candlelight Party would be dissolved if it were found to be associated with Sam Rainsy, a leader of the Cambodia National Rescue Party who was convicted in absentia for treason in October 2022. On 9 January 2023, the Prime Minister warned his opponents that “there are only two options, one is using legal action, the other is using sticks”.

6. During the reporting period, OHCHR received reports of physical attacks by unknown persons on 14 activists of the Candlelight Party (2 women and 12 men) in or near Phnom Penh. OHCHR also received information of the arrest of 17 opposition activists (3 women and 14 men), including of the Vice-President of the Candlelight Party, Thach Setha, in January 2023. A total of 51 political activists (8 women and 43 men) and 36 human rights defenders, journalists and union activists (11 women and 25 men) were detained during the reporting period. Four male human rights defenders representing four non-governmental organizations (NGOs) were summoned for questioning in January 2023. On 13 February, the Voice of Democracy media outlet was closed down following an order by the Prime Minister one day earlier on social media. On 15 May, the National Electoral Committee disqualified the Candlelight Party and the Khmer United Great Nation Party from running in the national elections. On 25 May, the Constitutional Council dismissed an appeal filed by the two disqualified parties.

 III. Economic, social and cultural rights

 A. Household indebtedness, poverty and budget allocations

7. The rate of poverty reduction in Cambodia in the decade preceding the coronavirus disease (COVID-19) pandemic amounted to, on average, 1.6 percentage points per year.[[2]](#footnote-3) Despite the positive impact of the Government’s cash transfer programme in subsidizing the poverty rate,[[3]](#footnote-4) a decline in average household income, as reported in the latest socioeconomic survey for 2021,[[4]](#footnote-5) from 2.27 million riels (CR) (approximately $608) per month in 2019/20 to CR 2.1 million (approximately $575) per month in 2021 indicates that the overall poverty rate in the country has increased since the outbreak of the pandemic. A survey released in December 2022 indicated that average household disposable income per month in Cambodia had declined. To mitigate this situation, the Government envisages increasing the coverage of adequate social protection by allocating a maximum of available resources, particularly for workers in the informal sector, who represent an estimated 88.3 per cent of the workforce (87.6 per cent for women and 89 per cent for men) in Cambodia.[[5]](#footnote-6)

8. Against this backdrop, microfinance loans per borrower in Cambodia continued to increase. The amount of loan per borrowerincreased by 3.6 per cent, from CR 17.6 million (approximately $4,352) in June 2022 to CR 18.3 million (approximately $4,511) in November 2022.[[6]](#footnote-7) This amount does not cover unregulated loans contracted informally with private money lenders.[[7]](#footnote-8)

9. OHCHR observed that borrowers were struggling to meet their loan repayment obligations, which in some cases resulted in the sale of their lands, while others had no alternative but to contract multiple loans from a variety of microfinance institutions and private lenders. To repay their loans, borrowers faced difficult choices of either reducing food consumption, withdrawing their children from school or limiting hospital visits. The poor living conditions of household members were further exacerbated by the effects of the COVID-19 pandemic on job losses and business closures, while some households with “ID Poor” cards reportedly did not receive cash support from the Government, despite the existing cash transfer scheme for ID Poor card holders.[[8]](#footnote-9)

10. Compared to the previous year, the Government proposed a budget of CR 36.6 trillion (approximately $9.03 billion) for 2023, indicating a budget increase of 12 per cent. Despite the increase in the total budget, the share of the total budget for the Ministry of Health declined from 6.58 per cent in 2022 to 5.56 per cent in 2023.[[9]](#footnote-10) Similarly, the share of the budget allocated to the Ministry of Education declined from 9.97 per cent in 2022 to 9.78 per cent in 2023, and the share of the budget for the Ministry of Social Affairs, Veterans and Youth Rehabilitation declined from 4.38 per cent in 2022 to 4.01 per cent in 2023.[[10]](#footnote-11) In the context of the number of indebted households, the average amounts of outstanding debt increasing rapidly and about one quarter of the total loan being utilized for household consumption and health-care services,[[11]](#footnote-12) a decline in the health, education and social sector budgets respectively may put the enjoyment of economic and social rights further at risk. People living around or below the poverty line are particularly at risk.

 B. Social protection

11. Acknowledging the significant contribution of the social protection system to equitable and inclusive economic growth, Cambodia continued to provide social protection schemes, as envisioned in its national social protection policy framework for the period 2016–2025, including employment injury insurance and a contributory pension scheme for certain workers.[[12]](#footnote-13) The Government also announced additional social protection programmes, whereby the groups concerned would receive standard National Social Security Fund benefits, a cash assistance programme for vulnerable families and a social assistance programme launched in December 2022 for vulnerable families severely affected by floods.[[13]](#footnote-14)

12. Between 2020 and 2023, the Government has been testing a graduation-based social protection scheme, which involves the transfer of productive assets and cash for consumption support to boost household incomes and secure their lasting exit from poverty. During the first phase, from 2020 to 2022, up to 1,600 ID Poor card households were included.[[14]](#footnote-15) The Government allocated CR 2.75 trillion (approximately $680 million) for social benefits in 2022, an increase of 19 per cent compared to the previous year. Data from the Government indicates that 40 per cent of Cambodians are covered by some form of social protection, with one in four children below the age of 18 months receiving benefits from the cash transfer for pregnant women and young children programme; about 40 per cent of mothers receiving a lump sum payment on the birth of a child; 22 per cent of new mothers receiving maternity benefits; 14 per cent of workers being insured against work injury; 15 per cent of persons with moderate and severe disabilities receiving disability benefits; 1 in 10 persons over the age of 60 receiving pensions; and 30 per cent of the population having access to subsidized health-care services.[[15]](#footnote-16) However, an analysis of this data indicates that about 60 per cent of the population is not covered by social protection schemes. On 1 July 2022, the National Social Security Fund started implementing the social security pension scheme for workers, with contribution payments due as of 1 October 2022. As of the end of 2022, there were a total of 14,352 enterprises registered in the pension scheme, consisting of just under 2.6 million members (nearly 1.65 million women and 938,309 men), of which the voluntary pension scheme includes a total of 2,706 members (992 women and 1,714 men).[[16]](#footnote-17)

 C. Decent work

13. In its concluding observations of February 2023, the Committee on Economic, Social and Cultural Rights expressed concerns about the large number of persons working in the informal sector without adequate, legal, labour and social protection.[[17]](#footnote-18) In consultation with the Ministry of Social Affairs, Veterans and Youth Rehabilitation, OHCHR initiated a study to assess the availability and accessibility of social protection schemes for workers in the informal sector. The study should assist the Government to identify ways and means to integrate such workers into social protection schemes.

14. Reports of women not being paid the same wages as men for the same work continue to be a concern, despite the existence of legislation that supports the principle of equal pay irrespective of gender.[[18]](#footnote-19) Women reportedly earn on average 19 per cent less than men for the same work.[[19]](#footnote-20) In 2022, the National Minimum Wage Council approved an increase in the minimum wage for 2023 to $200 (up from $194 for 2022) taking the 5 per cent inflation rate into account.[[20]](#footnote-21) However, the statutory minimum wage applies only to the garment, footwear, travel goods and bags sectors. In its concluding observations of 2019, the Committee on the Elimination of Discrimination against Women raised concerns regarding the high concentration of women in low-wage jobs, where they are employed on short-term or fixed‑duration contracts, which undermines their ability to bargain collectively through trade unions and precludes them from basic labour protection and benefits, such as maternity leave and paid leave.[[21]](#footnote-22)

15. Despite the ratification by Cambodia of the International Labour Organization Minimum Age Convention, 1973 (No. 138), child labour continues to exist in the country. Statistics show that 17 per cent of children aged between 5 to 17 are employed (15.8 per cent for girls and 18.1 per cent for boys), while 45.1 per cent are not in school (46.9 per cent for girls and 43.1 per cent for boys).[[22]](#footnote-23)

 D. Access to land

16. OHCHR has continued to follow up on issues related to secure and equitable access to, use of and control over land by individuals and communities, in particular Indigenous peoples. State authorities have reportedly resorted to bringing criminal charges against members of communities in a vulnerable situation, or have refrained from issuing land titles as a form of intimidation. OHCHR has received information of attempts to evict vulnerable communities, including Indigenous communities, from their lands without meaningful consultation, or transparent and fair agreements on resettlement, or compensation. In some situations, land petitions by representatives of Indigenous communities to the State authorities have been kept pending. In other instances, Indigenous communities have not been issued with collective land titles for lands or portions of their lands that have been allocated as economic concessions to private companies without prior consultation and compensation, thus denying the Indigenous communities affected access to their lands and enjoyment of their rights. In Oddar Meanchey province, 20 farmers (8 women and 12 men) were reportedly arbitrarily arrested between 5 August and 10 December 2022 in connection with a land eviction and held in pretrial detention. Three were released on bail on 1 March 2023.

17. In June 2022, seven female community representatives from the Samrong Tbong community, who were at risk of eviction from their lands, were summoned by the police, reportedly on charges of incitement and causing public chaos. In October 2022, several women from the same community alleged that they had been beaten by State agents when they had resisted the destruction of a dwelling of one of their community members that related to attempts by State authorities, ongoing since 2019, to forcefully evict at least 250 households from their lands. In December 2022, six male land activists, who had been arrested in October 2021 in Sihanoukville province in connection with a case of eviction from their lands, were convicted and sentenced to three to five years in prison, reportedly on charges of illegally clearing land. The six activists were part of a group of 45 families protesting against attempted evictions by the provincial authorities without compensation.

 IV. Equality and non-discrimination

 A. Gender equality and the human rights of lesbian, gay, bisexual and transgender people

18. OHCHR has continued to collaborate closely with the Ministry of Women’s Affairs to support the Government in its efforts to review provisions of the law on the prevention of domestic violence and the protection of victims of domestic violence, pursuant to the 2019 recommendation of the Committee on the Elimination of Discrimination Against Women.[[23]](#footnote-24)

19. In line with advancing and protecting the rights of Indigenous women and their communities, OHCHR supported the launch of a joint study by the Cambodian Indigenous Women Association, the Cambodian Indigenous Peoples Organization and the Klahaan Organization in August 2022. The study gathered relevant data on gender-based violence against Indigenous women in three provinces. It identified the root causes of gender-based violence, including sexual violence, as a result of poverty and unequal power relations between men and women in the public and domestic spheres. OHCHR and relevant partners launched the study on the International Day of the World’s Indigenous Peoples on 9 August 2022.

20. In September 2022, OHCHR received information about two women who had acted as surrogates and their two sets of twins, both born of surrogacy arrangements, who had unlawfully been detained in a hospital in Phnom Penh for several months following their repatriation from Viet Nam in late 2021. Following a meeting between OHCHR and the National Committee on Countering Trafficking, the case was reviewed by an investigating judge who ordered the conditional release of the two women and their children.[[24]](#footnote-25)

21. There is no legislation in Cambodia regulating surrogacy. Following the banning of the practice by the Ministry of Health in 2016, charges continue to be brought against women acting as surrogates under the provisions of the law on the suppression of human trafficking and sexual exploitation of 2008. In 2017, an interministerial working group, led by the Ministry of Women’s Affairs, initiated a draft law on surrogacy. OHCHR provided support to the Ministry of Women’s Affairs for the implementation of the recommendations concerning surrogacy, as contained in the Convention on the Elimination of All Forms of Discrimination Against Women.[[25]](#footnote-26)

22. The absence of legal recognition of same-sex couples continues to cause social exclusion for lesbian, gay, bisexual, transgender and queer people. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity visited Cambodia from 10 to 20 January 2023 and called on the Government to make progress on, inter alia, same-sex marriage and gender identity recognition.[[26]](#footnote-27)

 B. Rights of Indigenous peoples

23. OHCHR supported initiatives to discuss the rights of Indigenous peoples and to ensure their inclusion and participation in various processes by way of meaningful consultations with representatives of Indigenous communities.

24. The Government continued its efforts to consult Indigenous peoples’ experts to review the draft amendments to the law on natural protected areas of 2008 and the law on forestry of 2002. The United Nations country team submitted an analysis of the amendment to the law on natural protected areas promulgated by the Government as part of its efforts to support the ongoing legislative review to ensure compliance with international human rights obligations. In the analysis, the country team emphasized the need to include appropriate terminology in the draft law to ensure the protection of the inherent rights of Indigenous peoples and to explicitly recognize their own customs, traditions and land tenure systems, in particular their collective ownership of lands, territories and resources.

 C. Rights of persons with disabilities

25. As part of the joint programme on accelerating disability rights in Cambodia, OHCHR continued to engage with the Disability Action Council to provide expertise on the implementation of the national disability strategic plan for the period 2019–2023 and supported the Ministry of Social Affairs, Veterans and Youth Rehabilitation in the drafting of the report to the Committee on the Rights of Persons with Disabilities and the development of the draft law on the rights of persons with disabilities. OHCHR has also supported the Disability Action Council in raising awareness through capacity-building of government officials at the national and provincial levels. It organized two training sessions from 10 to 12 May 2023 in Kampong Speu and from 30 May to 1 June in Sihanoukville, addressing 78 participants (31 women and 47 men).

26. The draft law on the rights of persons with disabilities is under review by the Ministry of Social Affairs, Veterans and Youth Rehabilitation. OHCHR has provided comments on its compliance with international human rights law, with a view to contributing to strengthening a human rights-based approach to disabilities and addressing stereotypes, biases and gender inequalities.

 V. Public participation

27. In the lead-up to the communal elections on 5 June 2022, OHCHR visited 18 of the 25 provinces in the country and documented the arrests of members, supporters and observers connected to the political opposition, including the Candlelight Party. At the time of the election, 35 political actors had been detained (4 women and 31 men, including 1 minor).

28. Opposition activist Ley Sokhon was arrested on 8 June 2022 and convicted for trespassing after he filmed voting scenes on his phone in Battambang province. On 24 March 2023, the Phnom Penh court of first instance convicted Seam Pluk and 12 others (2 women and 10 men) reportedly on charges of forgery and the use of forged documents in the communal elections. The Court sentenced Mr. Pluk to two and a half years’ imprisonment while the others were handed two-year prison sentences. Of the group, three members (one woman and two men) were arrested on the morning of the verdict. In 2021, Mr. Pluk submitted a request to register a new opposition party, the National Heart Party, which was denied by the Ministry of the Interior for irregularities in the registration documents. Opposition activists reported being subjected to constant physical surveillance at their homes and places of work, and pressure at their workplaces, including through the threat of dismissal from employment or withholding of social services.

29. OHCHR monitored 51 hearings in the criminal trials of human rights defenders, journalists and political activists. On 14 June 2022, 51 former leaders and supporters of the dissolved National Cambodian Rescue Party (9 women and 42 men) were convicted, reportedly on charges of plotting and incitement to commit violence. On 22 December 2022, an additional 37 individuals (3 women and 34 men) were convicted on the same charges.

30. OHCHR attended 14 hearings in the treason trial of Kem Sokha, a leader of the dissolved National Cambodian Rescue Party, arrested on 3 September 2017, who had been charged with conspiracy with a foreign power. On 3 March 2023, the Phnom Penh court of first instance convicted and sentenced Mr. Sokha to 27 years in prison. The panel of judges announced the conviction based on articles 439 (treason and espionage) and 443 (conspiracy with a foreign power) of the Criminal Code. The decision of the court included a ban on the exercise of Mr. Sokha’s political rights, restricted online and offline meetings and judicial supervision, with exceptions to be approved by the prosecution. The panel of judges denied the request by civil party lawyers for compensation from the Government. On 30 March 2023, Mr. Sokha appealed the decision. The United Nations High Commissioner for Human Rights raised concerns on 3 March 2023, urging the Government to promptly release Mr. Sokha from confinement and ensure his human rights were fully respected, including his right to a fair trial and to participate fully in the conduct of political affairs.[[27]](#footnote-28)

31. The Vice-President of the Candlelight Party, Son Chhay, was convicted of defamation on 7 October 2022, after he alleged fraud in the conduct of the communal elections. He was ordered to pay damages of $750,000 to the Cambodian People’s Party. The Supreme Court upheld the decision of the Appeal Court, increasing the fine to $1 million. In January 2023, Kong Korm, the then supreme adviser to the Candlelight Party, announced on social media that he had renounced political activities after criminal defamation cases were initiated against him by the Cambodian People’s Party, seeking large financial damages. Prior to this case, the Ministry of Foreign Affairs and International Cooperation had filed a criminal complaint against him, alleging that he had fraudulently procured a land title while he was an employee of the Ministry.

32. In November 2022, the Phnom Penh court of first instance reaffirmed the August 2022 conviction for incitement of Kim Tola, a former commune chief in Kampong Speu province, for sharing posts about the Prime Minister on social media. At least five commune councillors of the Candlelight Party have been jailed since their election in June 2022, including Bin Chong and Eang Chea, who were arrested in Prey Veng province in April 2023 and are in detention awaiting trial on charges of forgery.

33. OHCHR has received reports of intimidation of political opposition members or supporters, including death threats and physical surveillance by unknown persons. From July 2022 to May 2023, OHCHR received information on physical assaults in Phnom Penh and surrounding areas against 14 activists of the Candlelight Party (2 women and 12 men). The attacks had multiple similarities in terms of the appearance of the perpetrators and the means of attack, with several victims being beaten on the head with metal bars. Victims noted that they believed they had been targeted because of their affiliation with the Candlelight Party, with many stating that they had been under surveillance by unknown persons in the days before they were attacked.

34. In August 2022, OHCHR published a report on the state of press freedom in Cambodia that highlighted the lack of frameworks protecting freedom of the press in compliance with international human rights obligations.[[28]](#footnote-29) It also noted judicial interference, censorship and other forms of intimidation against journalists and media workers. Journalist Kouv Piseth was convicted on a charge of incitement in February 2023 and sentenced to two years in prison for comments relating to the COVID-19 vaccine.

35. On 31 January 2023, opposition activist Hov Oukhung was convicted on a charge of incitement and sentenced to 18 months in prison for posting a video on social media about a COVID-19 pandemic-related death. His arrest had been ordered by the Prime Minister on social media.

36. On 12 February 2023, the Prime Minister ordered the closure of the Voice of Democracy media outlet. The closure was effective as of 13 February 2023, following a report by Voice of Democracy that a bill had been signed by the Prime Minister’s son, Hun Manet, in violation of proper procedures. The report also included a quote by a government spokesperson. On 13 February 2023, the High Commissioner for Human Rights expressed concern at the revocation of the licence and stated that the decision appeared arbitrary as it had not been preceded by a thorough and transparent process, as required by the press law, and failed to meet the tests of legality, necessity and proportionality required for any permissible restriction on freedom of expression. Six months prior to this decision, Voice of Democracy personnel had reported being placed under physical surveillance.

37. On 16 August 2022, a Voice of Democracyjournalist was slapped in the face by a member of the Prime Minister’s bodyguard unit while reporting on deforestation. He and other colleagues were detained for seven hours before being released.

38. On 21 March 2023, two political activists, Yim Sinorn and Hun Kosal, were arrested for posts on social media about the torch-lighting ceremony for the thirty-second Southeast Asian Games attended by the King, the Prime Minister and other senior officials. The two activists were charged with incitement under articles 494 and 495 of the Criminal Code and for insulting the King under article 437 bis of the Code. Both were released shortly after writing a letter of apology addressed to the Prime Minister.

39. The strike by the Labour Rights Supported Union of Khmer Employees of Nagaworld entered its second year and continued without resolution. There have been 26 negotiations between the employers, the Government and the union, which were conducted against a backdrop of a court case brought against union leaders. After being released with other union leaders in March 2022, the President of the Union, Chhim Sithar, was re-arrested on 26 November 2022 at Phnom Penh airport on her way back from Australia for breaching bail conditions, of which she claimed she had not been informed. On 25 May 2023, the Phnom Penh court of first instance convicted nine union leaders and activists (seven women and two men) of the Labour Rights Supported Union of Khmer Employees of Nagaworld on charges of incitement to commit a felony or to disturb social security under articles 494 and 495 of the Criminal Code. Ms. Sithar, who has been in pretrial detention since November 2022, received a two-year custodial sentence, five women were placed under judicial supervision for a period of one and a half years with no order for their arrest, while three others (one woman and two men) received one-year suspended sentences. The Union conducted 115 strike activities, 15 of which were monitored by OHCHR.

40. During the reporting period, 151 demonstrations took place, 29 of which were restricted through arrests, transportation of demonstrators from protest sites or physical force used against demonstrators by the security forces. On 29 March 2023, hundreds of protesters from many communities of the Koh Kong and Kampong Speu provinces, including women, older people and children, were obstructed by the authorities on their way to Phnom Penh, forcing hundreds of them to walk for over eight hours to submit a petition concerning land conflicts to the relevant ministries.

41. OHCHR received reports of 34 incidents of NGO personnel being questioned by local authorities in relation to training activities, as well as multiple allegations of physical surveillance. In January 2023, representatives of four prominent human rights organizations were summoned by the police for questioning in relation to a song the organizations had produced or shared, which recalled the violence in Phnom Penh in January 2014 that had resulted in the deaths of at least four male garment workers and the disappearance of 15-year-old Khem Sophath. On 17 March 2023, the Koh Kong Provincial Administration threatened legal action on social media against the Coalition of Cambodian Farmers Community after they publicized the death of a farmer at a demonstration related to a land dispute. The organization made a public apology the following day. On 22 May 2023, the Ratanakiri municipal court charged the President, two members and one trainer from the Coalition of Cambodian Farmers Community under articles 453, 494 and 495 of the Criminal Code for incitement to commit a felony or disturb public security in relation to a training course.

42. While the process to amend the law on associations and non-governmental organizations is ongoing, civic space could shrink further as a result of the expected adoption of the draft laws on cybercrime and on cybersecurity, and the already passed but yet to be implemented subdecree on the national Internet gateway, which will reportedly channel all Internet traffic through a single government-controlled hub. Drafting of the law on access to information is still ongoing.

 VI. Engagement with international human rights mechanisms

 A. Institutional and legal reforms

43. OHCHR has continued to provide technical assistance to the National Committee against Torture on, inter alia, capacity-building and the development of standard operating procedures.[[29]](#footnote-30) OHCHR organized two capacity-building sessions for the National Committee against Torture on monitoring places of detention, fact-finding and formulating recommendations following monitoring visits. The training sessions were organized between 13 and 20 December 2022 with the participation of 46 members of the Committee (7 women and 39 men). OHCHR also provided a training course on 1 and 2 February 2023 to 27 participants (5 women and 22 men) from the Cambodian Human Rights Committee on effectively conducting monitoring of places of detention and conducting fact-finding into allegations of torture, and other cruel, inhuman or degrading treatment or punishment.

44. In the context of providing technical support to the Government, OHCHR provided comments on two versions of the draft law on the establishment of the National Committee against Torture in November 2022 and February 2023, to promote compliance with international human rights obligations.[[30]](#footnote-31) OHCHR called upon the National Committee against Torture to conduct public consultations with relevant stakeholders in the preparation and adoption of the law as part of an inclusive and participatory process. The Government has yet to fulfil its reporting obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a submission that has remained overdue since 2009.

45. OHCHR provided support to the governmental Cambodian Human Rights Committee in relation to the draft law on the establishment and functioning of a commission for human rights, in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In July 2022, OHCHR held discussions with the Cambodian Human Rights Committee on the analysis of and comments on the second version of the draft law and co-organized a conference with the Committee and the Asia Pacific Forum of NHRIs in October 2022 for representatives of national human rights institutions from Indonesia, Malaysia and the Philippines to share best practices. The drafting committee of the Cambodian Human Rights Committee fully integrated the comments provided on the draft law, better reflecting the Paris Principles. The final draft law is expected to be submitted to the Council of Ministers for consideration in the second half of 2023.

 B. International human rights mechanisms

46. OHCHR has continued to advise on the implementation of recommendations of human rights mechanisms, in particular the concluding observations of treaty bodies, as well as the third cycle of the universal periodic review. OHCHR has also supported the dissemination of the concluding observations of various treaty bodies and the translation of relevant documents into the Khmer language.

47. The Special Rapporteur on the situation of human rights in Cambodia undertook his first official in-person visit to the country in August 2022 and urged the Government to adopt 20 benchmarks that would improve the human rights situation in the country.[[31]](#footnote-32)

48. In November 2022, OHCHR provided support to the Cambodian Human Rights Committee to organize a workshop on the dissemination of the concluding observations of the Human Rights Committee on the third periodic report of Cambodia.[[32]](#footnote-33) The workshop provided a platform for a constructive dialogue between civil society and the Government to develop a plan for implementation of the recommendations of the Human Rights Committee.

 C. Mainstreaming human rights through the United Nations country team

49. OHCHR continued to engage with the United Nations country team on mainstreaming human rights in national frameworks and the conceptualization of the ongoing drafting of the United Nations sustainable development cooperation framework for Cambodia for the period 2024–2028.

 VII. Accountability and administration of justice

 A. Combating trafficking in persons

50. OHCHR continued to receive reports of trafficking in persons in Cambodia. Reports of illegal operations of online scam centres in Kandal, Koh Kong, Phnom Penh, Preah Sihanouk, Pursat and Svay Rieng provinces and Poipet (Banteay Meanchey province), Bavet (Svay Rieng province) and O’Smach (Oddar Meanchey province) continued to emerge with thousands of persons allegedly trafficked for forced criminality. Reports indicate that some of those online scam centres are based in special economic zones, which have been characterized by opaque regulation and the proliferation of multiple illicit economies, including trafficking in persons and wildlife, as well as drug production and trafficking. On 22 August 2022, the United Nations country team met the Deputy Chair of the National Committee on Countering Trafficking, Chou Bun Eng, to discuss the government plan to address trafficking in persons. On 19 September 2022, Deputy Prime Minister Sar Kheng chaired a high-level meeting on combating trafficking, labour trafficking, the sex trade and sexual exploitation, during which he launched an action plan to combat all forms of human trafficking.

51. In a joint communication dated 20 September 2022, five United Nations special procedure mandate holders, including the Special Rapporteur on trafficking in persons, especially women and children, raised concerns over reported cases of trafficking of over 100,000 persons for forced criminality, sexual exploitation and forced labour, predominantly in the provinces of Kandal, Koh Kong, Phnom Penh, Preah Sihanouk and Svay Rieng. The experts noted that victims were often deceived about the conditions and nature of the work to be undertaken and were held in situations involving restrictions of their right to freedom of movement. The experts added that victims were often held in debt bondage and subjected to physical and psychological abuse, as well as trained to commit online fraud and scams through fake gambling websites and cryptocurrency investment platforms.[[33]](#footnote-34)

52. In its response of 21 November 2022,[[34]](#footnote-35) the Ministry of the Interior noted that the plan (decision No. 143/22 PK, dated 22 August 2022) included prevention and accountability measures and the establishment of a complaints mechanism. Between August and October 2022, the operating group to address trafficking in persons established by the Ministry received 496 related complaints from 11 provinces and from Phnom Penh (the majority of complaints came from Preah Sihanouk Province, followed by Kandal Province, Svay Rieng Province, Oddar Meanchey Province, Koh Kong Province and the capital, Phnom Penh). The complaints related to 1,310 victims of trafficking (139 women and 1,171 men), including 430 Chinese, 398 Vietnamese, 146 Indonesian, 136 Malaysian, 86 Indian, 73 Taiwanese, 12 Bangladeshi, 9 Thai, 8 Burmese, 7 Cambodian, 2 American, 1 Japanese, 1 Filipino and 1 Singaporean nationals.

53. On 18 May 2023, the Minister of the Interior stated that he had received 128 requests for investigation into human trafficking presented by 195 people (31 women and 164 men) in the first quarter of 2023. The requests involved 375 foreigners of 10 nationalities. The police investigated 75 requests involving 184 people (20 women and 164 men) of 7 nationalities, rescuing 10 victims and arresting 13 people. The remaining complaints have either been cleared or are still under investigation.

 B. Conditions of detention

54. The latest figures for 2023, provided by the General Department of Prisons, indicate a prison population of 38,944 inmates (2,408 women, and 36,536 men). Despite efforts by the Ministry of Justice to address a population increase in the 29 penitentiary facilities in Cambodia, the current figures represent an overcapacity in prisons of more than 300 per cent.[[35]](#footnote-36) Overcrowding in prisons remains a major challenge. The Government is conducting studies on implementing alternative sanctions in place of incarceration as a means of reducing overcrowding. In February 2023, the Ministry of Justice issued a decision creating a special working group to pilot the implementation of community work as an alternative to incarceration for lesser offences.

55. OHCHR continued to support the Ministry of Justice in relation to the criminal case database, a web-based application that provides tools for storing and tracking data related to criminal cases. The database aims to increase transparency and efficiency in court, avoid excessive pretrial detention and prevent delayed release after the completion of sentences. Overcrowding in prisons will also be addressed through systematic use of the criminal case database to identify prisoners who are eligible for sentence reduction or parole. The database has been progressively improved and installed in all courts of first instance, with 17 out of the 25 courts of first instance connected to a central server of the Ministry of Justice and the appeal courts connected to the courts of first instance.

56. OHCHR conducted 31 monitoring visits to 14 detention facilities. With the easing of restrictions imposed during the COVID-19 pandemic, some inmates have enjoyed longer hours outside their cells and improved access to family visits. However, inmates in two facilities remained in their cells for 23 hours a day or, in some cases, were permitted out of their cells once a week. Prisoners interviewed by OHCHR stated that overcrowding continued to cause severe suffering, including in some facilities where the lack of space had resulted in makeshift second floors being built within cells. In one prison, 142 women were held in a single cell of 100 m2. Food portions provided in the facilities reportedly did not meet calorie requirements and thus for food and materials inmates were reliant on their families, who spent between $50 and $200 to cover the basic needs of detained relatives. OHCHR documented cases of family members taking out loans to cover related costs and instances where girls and boys had dropped out of school to earn money to support jailed family members. In August 2022, OHCHR documented the possible torture and ill-treatment of 14 political prisoners in Correctional Centre 3. While being transported from one facility, they were held for hours without being given food or water, or permitted to use the toilet, and at least two were physically beaten by other inmates on arrival at their destination without prison guards intervening to stop the attack.

57. Women held in Correctional Centre 2 in Phnom Penh reported a lack of sanitary pads and, on occasion, access to clean water. In February, 41 children aged under four were being kept in the facility with their detained mothers, where OHCHR observed insufficient access to diapers and medical attention. The authorities launched an investigation into alleged forced labour and temporarily shut down the vocational workshops. At least 300 female inmates had been carrying out garment manufacturing work six days a week, receiving between $2.5 and $7.5 per month for vocational training sessions.

58. During the reporting period, OHCHR continued to liaise with the Ministry of Social Affairs, Veterans and Youth Rehabilitation to address serious violations of the right to health and of safeguarding from torture and ill-treatment, and other violations documented by OHCHR in the drop-off rehabilitation centre of Prey Speu in Phnom Penh. OHCHR visited the facility regularly during the reporting period, and conveyed its concerns to the Ministry, including the unlawful use of the facility as a detention centre rather than a rehabilitation centre, the deaths of a dozen inmates either in the facility or while being transported to hospitals, ill-treatment, substandard living conditions and restrictions on their right to freedom of movement. Inmates included drug addicts, mentally and physically ill persons and homeless people who earned their living from begging. In line with current legislation, the facility should serve as a drop-off location. However, it is being used to detain all the aforementioned categories of persons, contrary to law and without the opportunity of a timely transfer to specialized centres for rehabilitation and treatment. The Ministry publicly acknowledged an unspecified number of deaths of inmates at the facility between June and December 2022, but stated that they had not been the result of negligence. It launched an investigation into the circumstances of the deaths. The Minister of Social Affairs, Veterans and Youth Rehabilitation established a task force to address the concerns and embarked on the drafting of standard operating procedures for the facility. In a joint visit with OHCHR in March 2023, the task force reported that between December 2022 and March 2023, the number of inmates in the facility had dropped from nearly 400 (80 women and 320 men) to 91 (35 women and 56 men). OHCHR continues to monitor the conditions of the facility and support the drafting of the standard operating procedures.

59. During the reporting period, OHCHR documented torture and ill-treatment in prisons and detention facilities. On 3 September 2022, Hay Bunna was arrested on an allegation of stealing a $30 car part, along with two friends, but died in hospital days later after losing consciousness while in police custody. The three men were beaten with fists and a wooden rod by police in Kok Roka commune police station in Phnom Penh. The authorities stated publicly that Mr. Bunna died not because of torture but due to an existing illness. However, information received by OHCHR indicates that he was severely beaten shortly after his arrest, incurring serious injuries. No arrests were made in the case. OHCHR raised the incident with the relevant authorities and the National Committee against Torture and called for an investigation of the incident and to bring the perpetrators to justice. On 23 March 2023, OHCHR received information that a male prisoner in Tbong Khmum prison had lost one eye and the sight in his other eye as a result of a beating by a prison guard. According to information received, the prisoner was denied access to timely medical treatment for six weeks. The case was shared with the Cambodian Human Rights Committee and the National Committee against Torture on 6 April 2023.

60. The killings of Kem Ley, Chea Vichea, Ros Sovannareth, Chut Wutty and the 14‑year‑old girl Heng Chantha, as well as five male demonstrators and one female bystander in 2013 and 2014, and the disappearances of Khem Sophath and Thai political activist Wanchalearm Satsaksit remain unaddressed despite repeated calls for accountability by the Human Rights Council and the Human Rights Committee. While one alleged perpetrator was arrested for the killing of opposition activist Sin Khon in November 2021, no further arrests in that case have been made and the investigation has been closed.

 C. Legal aid

61. OHCHR has continued to support legal aid initiatives in the country, including through providing a grant to a national legal aid organization to address 61 long-pending appeals and draft a policy paper outlining challenges and recommendations in relation to legal aid.

 VIII. Conclusions and recommendations

62. **The Secretary-General acknowledges the positive engagement of the Government with OHCHR and stresses the need to adopt a human rights-based approach to strengthening economic development and protect the civic and democratic space necessary for the exercise of fundamental freedoms. He highlights the crucial role of OHCHR in assisting the Government and the people of Cambodia in realizing their human rights in line with international human rights obligations.**

63. **The Secretary-General calls upon the Government:**

 (a) **To allocate the maximum of its available resources in the social sector for the progressive realization of economic and social rights disaggregated by ministry, programme and economic and functional classifications;**

 (b) **To establish a gender-responsive social protection floor that includes basic universal social guarantees and build on recent progress to develop a social security system that guarantees universal coverage and provides sufficient benefits for all persons, especially those belonging to the most disadvantaged and marginalized groups, to ensure a decent standard of living for all;**

 (c) **To ensure that women who work on fixed-duration contracts can effectively enjoy their trade union rights and employment benefits, ensure the implementation of the principle of equal pay for work of equal value, improve the protection of workers in informal sectors and create more opportunities to gain access to formal employment, especially through the equal sharing of domestic responsibilities between men and women;**

 (d) **To undertake a comprehensive review of the law on the prevention of domestic violence and the protection of victims and amend its provisions to define, prohibit and criminalize all forms of gender-based violence;**

 (e) **To regulate surrogacy in the country and end the practice of detaining women who act as surrogates;**

 (f) **To adopt an adequate legal framework that provides effective recognition of and protection for the rights of Indigenous peoples to possess, use, develop and control their lands, territories and resources, and ensure that Indigenous peoples are not dispossessed, displaced or relocated from their ancestral land and territories, including their access to natural resources;**

 (g) **To combat structural issues of discrimination, inequality and exclusion in accessing justice and the need to entrench a rights-based approach for persons with disabilities, including through consultation with and meaningful participation of persons with disabilities;**

 (h) **To protect the civil and political rights of all, ensure an enabling environment for civil society, including independent media outlets, and rescind the decision to revoke the licence of the Voice of Democracy;**

 (i) **To continue engagement with United Nations human rights mechanisms and ensure the implementation of the recommendations in the concluding observations of the treaty bodies and those arising from the universal periodic review and other human rights mechanisms;**

 (j) **To adopt the law on the establishment of the national human rights commission and the National Committee against Torture, in compliance with international human rights standards, and guarantee their functional and operational independence, including privileges and immunities for their members and personnel;**

 (k) **To promote income-generating opportunities and address the root causes of trafficking in persons, and ensure the early identification, referral, rehabilitation and social integration of victims;**

 (l) **To ensure that cases of torture and ill-treatment and past killings and physical attacks, as well as new forms of trafficking, are thoroughly investigated, those responsible are prosecuted and sentenced appropriately, and victims are provided with full reparations and appropriate protection and assistance;**

 (m) **To strengthen alternatives to incarceration, introduce the necessary legislative and policy reforms to ease the granting of bail, suspended sentences and judicial supervision, including for mothers with their children, and ensure their effective implementation as a matter of priority in order to reduce prison overcrowding.**

1. \* The report was submitted after the deadline so as to include the most recent information. [↑](#footnote-ref-2)
2. Calculated using the information available at World Bank, “Pandemic checks Cambodia's progress on poverty”, 28 November 2022, available from <https://bit.ly/3DhyAip>. [↑](#footnote-ref-3)
3. United Nations Development Programme (UNDP), *Socioeconomic Impacts of the COVID-19 Cash Transfer Programme in Cambodia: Micro and Macro-level Evaluations* (May 2022). [↑](#footnote-ref-4)
4. National Institute of Statistics, *Report of Cambodia Socio-Economic Survey 2021* (December 2022). [↑](#footnote-ref-5)
5. National Institute of Statistics, *Report on the Cambodia Labour Force Survey 2019*, p. 36. [↑](#footnote-ref-6)
6. Calculations based on the data in National Bank of Cambodia*, Economic and Monetary Statistics*, *November 2022*, p. 27. [↑](#footnote-ref-7)
7. See Frank Bliss, “‘Micro’ finance in Cambodia: development, challenges and recommendations”, *Institute for Development and Peace and University of Duisburg-Essen* (August 2022). [↑](#footnote-ref-8)
8. Information received by OHCHR monitors. [↑](#footnote-ref-9)
9. See <https://mef.gov.kh/documents-category/law-and-regulation/budget/> (in Khmer). [↑](#footnote-ref-10)
10. Ibid. [↑](#footnote-ref-11)
11. See National Institute of Statistics, *Report of* *Cambodia Socio-Economic Survey 2021*. Between 2019/20 and 2021, the number of indebted households in Cambodia increased from 1.25 million to 1.28 million, while the average outstanding debt increased from CR 17.8 million (approximately $4,400) to CR 21.4 million (approximately $5,300). [↑](#footnote-ref-12)
12. Royal Government of Cambodia, *National Social Protection Policy Framework 2016–2025* (2017). [↑](#footnote-ref-13)
13. Pregnant women young children cash transfer; scholarship programme; disability cash transfer and COVID-19 pandemic cash transfer for poor and vulnerable households; school feeding programme; and Health Equity Fund. A common challenge is the low coverage. [↑](#footnote-ref-14)
14. See UNDP Cambodia, “Graduation based social protection” (2022). [↑](#footnote-ref-15)
15. See Royal Government of Cambodia, Policy Brief: Review of the Cambodian National Social Protection Policy Framework, 2022 (forthcoming). [↑](#footnote-ref-16)
16. See National Social Security Fund, *Report on Annual Achievements 2022 and Action Plans*, (2023), available from <https://www.nssf.gov.kh/wp-content/uploads/2023/04/NSSF-Annual-Report-2022.pdf>. [↑](#footnote-ref-17)
17. [E/C.12/KHM/CO/2](http://undocs.org/en/E/C.12/KHM/CO/2), para. 24. [↑](#footnote-ref-18)
18. In particular, the 2018 law on the minimum wage and the Constitution. [↑](#footnote-ref-19)
19. UNDP, “The gender wage gap in Cambodia” (2021). [↑](#footnote-ref-20)
20. See <https://www.minimumwage.gov.kh/en/9312/> (in Khmer). [↑](#footnote-ref-21)
21. [CEDAW/C/KHM/CO/6](http://undocs.org/en/CEDAW/C/KHM/CO/6), para. 36 (a). [↑](#footnote-ref-22)
22. See National Institute of Statistics, *Report of* *Cambodia Socio-economic Survey 2021.* [↑](#footnote-ref-23)
23. [CEDAW/C/KHM/CO/6](http://undocs.org/en/CEDAW/C/KHM/CO/6), para. 25 (b). [↑](#footnote-ref-24)
24. The mothers and children were placed under judicial supervision and ordered to report monthly to the court. [↑](#footnote-ref-25)
25. See letter of the Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women, addressed to the Government on 4 July 2022, calling on the Government to ensure that the draft law on surrogacy does not impose criminal liability or administrative sanctions on women who act as surrogates and seek technical support from OHCHR, available from <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUD%2FKHM%2F49086&Lang=en>. [↑](#footnote-ref-26)
26. See [Cambodia-End-of-mission-statement\_IE-SOGI-20Jan2023-EN.docx.](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fissues%2Fsexualorientation%2Fcfi-visitcambodia%2F2023-01-19%2FCambodia-End-of-mission-statement_IE-SOGI-20Jan2023-EN.docx&wdOrigin=BROWSELINK) [↑](#footnote-ref-27)
27. See <https://www.ohchr.org/en/press-briefing-notes/2023/03/press-briefing-notes-cambodia>. [↑](#footnote-ref-28)
28. See https://www.ohchr.org/sites/default/files/2022-08/press-freedom-cambodia-en.pdf. [↑](#footnote-ref-29)
29. Support provided to the National Committee against Torture in this context consisted of outlining guidelines on its functioning, the key aspects of monitoring places of detention and gathering information on allegations of torture and other cruel, inhuman or degrading treatment or punishment in places where people are deprived of liberty. [↑](#footnote-ref-30)
30. The National Committee against Torture was initially established by decree. The draft legislation referred to will bring the Committee into line with the procedures of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on national prevention mechanisms. [↑](#footnote-ref-31)
31. See [A/HRC/54/75](http://undocs.org/en/A/HRC/54/75), annex II. [↑](#footnote-ref-32)
32. [CCPR/C/KHM/CO/3](http://undocs.org/en/CCPR/C/KHM/CO/3). [↑](#footnote-ref-33)
33. Communication KHM 2/2022. [↑](#footnote-ref-34)
34. The Government responded in two letters dated 15 and 21 November 2022. [↑](#footnote-ref-35)
35. According to the General Department of Prisons, the total holding capacity is 8,800 inmates. [↑](#footnote-ref-36)