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ADHOC

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Cambodian Human Rights and Development Association

Report
On

HUMAN RIGHTS SITUATION

2022



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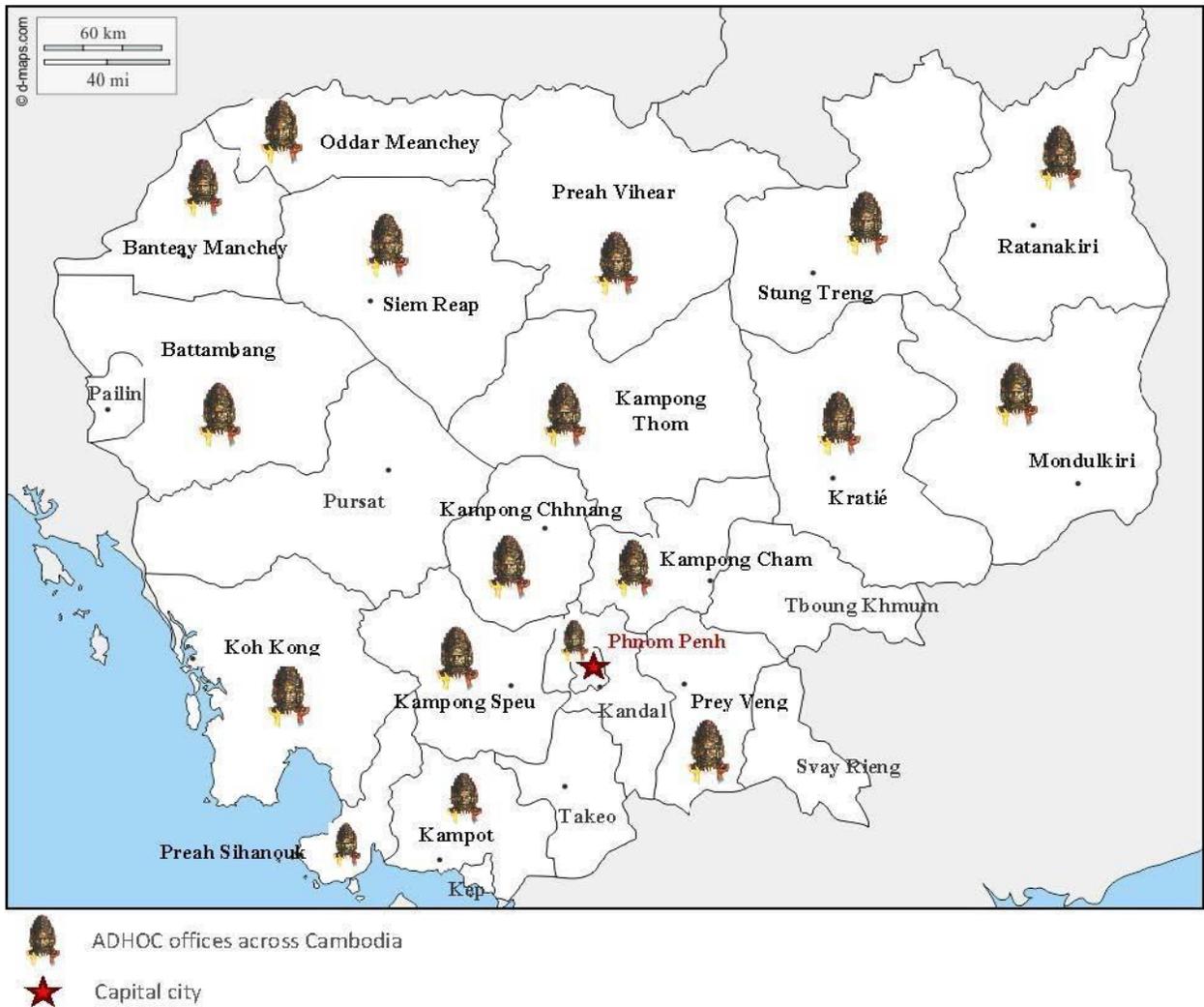
INTRODUCTION

The Cambodian Human Rights and Development Association “ADHOC” is an independent, neutral, non-profit and non-governmental organization and is not under any supervision from any political party. ADHOC is the first Cambodian human rights association founded on Dec 10, 1991 and was officially recognized and approved by Samdech Preah Norodom Sihanouk on Mar 10, 1992 as well as officially recognized by the Ministry of Interior, Prakas no. 278, dated Mar 20, 2000.

ADHOC’s purpose is to gather all human right supporters and citizens regardless of their races, complexions, sexes, languages, religions, political or other opinions, origins, societies, properties, births or any other status in order to:

- Work hand in hand to prevent any murders and tortures against people in all forms pursuant to the United Nations’ universal declarations adopted in 1948 as well as other conventions and covenants on human rights signed by the four Khmer factions in Paris and to a principle of “nonviolence” as a base to defend human right and to seek solutions for its respects;
- Be engaged to perform any activities to make sure that human rights are respected and physically exercised in Cambodia;
- Strengthen and widespread the knowledge on human rights to citizens more effectively. This plays an important role in getting citizens to understand about human rights, democracy and freedom in Cambodia.

Currently, ADHOC is comprised of two main sections: the Human Rights, Land and Natural Resource Section and the Women’s and Children’s Rights Section. It conducts three kinds of activities including investigating and intervening activities, support to victims of human rights violations activities, and empowerment and advocacy activities.



ADHOC is operating across the country with its headquarter located in Phnom Penh capital and its branches located in 17 targeted provinces including: 1. Prey Veng province, 2. Kampong Cham, 3. Kratie, 4. Stung Treng, 5. Rattanakiri, 6. Mondulkiri, 7. Kampot, 8. Koh Kong, 9. Preah Sihanouk, 10. Kampong Thom, 11. Kampong Chhnang, 12. Battambang, 13. Banteay Meanchey, 14. Oddar Meanchey, 15. Siem Reap, 16. Preah Vihear, 17. Kampong Speu.

For the past 32 years, ADHOC operated its activities to address issues with regards to fundamental rights and freedoms in Cambodia through provision of knowledge and awareness for people in human rights, laws, democracy and know-how to defend their rights and freedoms. ADHOC's main purposes are to help victims of human right violation to be able to seek justice on their own, to strengthen ordinary citizens to be able to claim their rights and to encourage them to lobby and to advocate for enhancement and improvements of laws, institutions and law enforcements.

THE CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION (ADHOC)

Vision

ADHOC envisions a society that respects human rights and law

Mission

ADHOC educates and empowers Cambodian people to realize and defend their rights and to advocate people in the state powers to work for better governance and respect human rights.

Goals

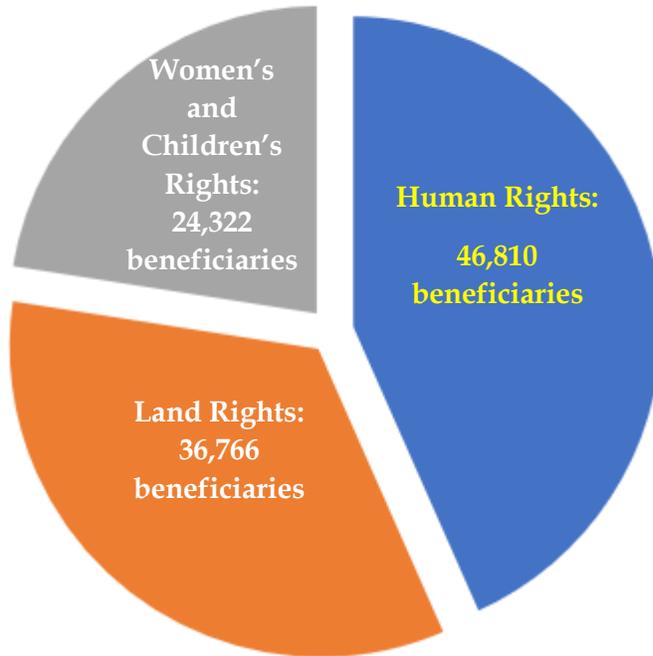
ADHOC seeks to bring about changes in policies and practices of democratic institutions, especially the judicial system and strengthening the civil society.

Values

ADHOC is an independent, non-partisan, non-political, non-profit, and non-governmental organization.

Achievements

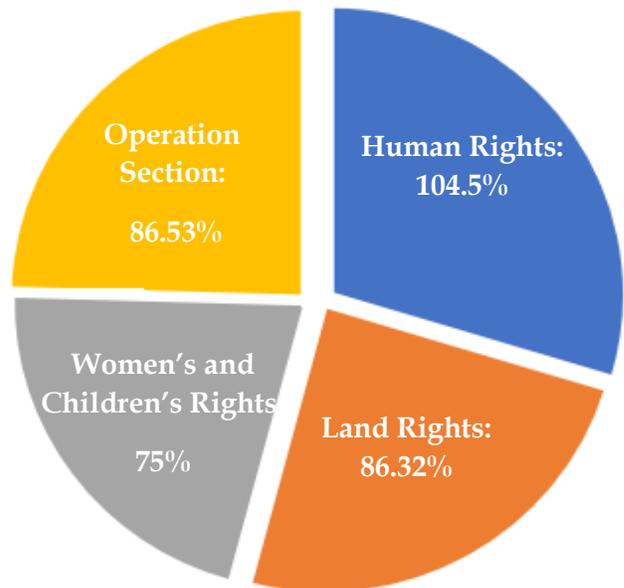
Total beneficiaries: 107,898



In 2022, ADHOC has conducted its investigating and intervening activities for 921 cases, of which the human rights section accounted for 594 cases; the land rights section, 84 cases; and the women's and children's rights section, 288 cases by benefiting 107,898 beneficiaries, of whom the human rights section accounted for 46,810 (33,845 female); the land rights section, 36,766 (13,015 female); and the women's and children's rights section, 24,322.

Annual Achievements Percentage: 84.88%

In 2022, ADHOC achieved its performance at 84.88% compared with its annual plan of which the human rights section accounted for 104.5%; the land rights section, 86.32%; the women's and children's rights section, 75%; and the operation section, 86.53%.



SECTION 1: THE HUMAN RIGHTS' SECTION

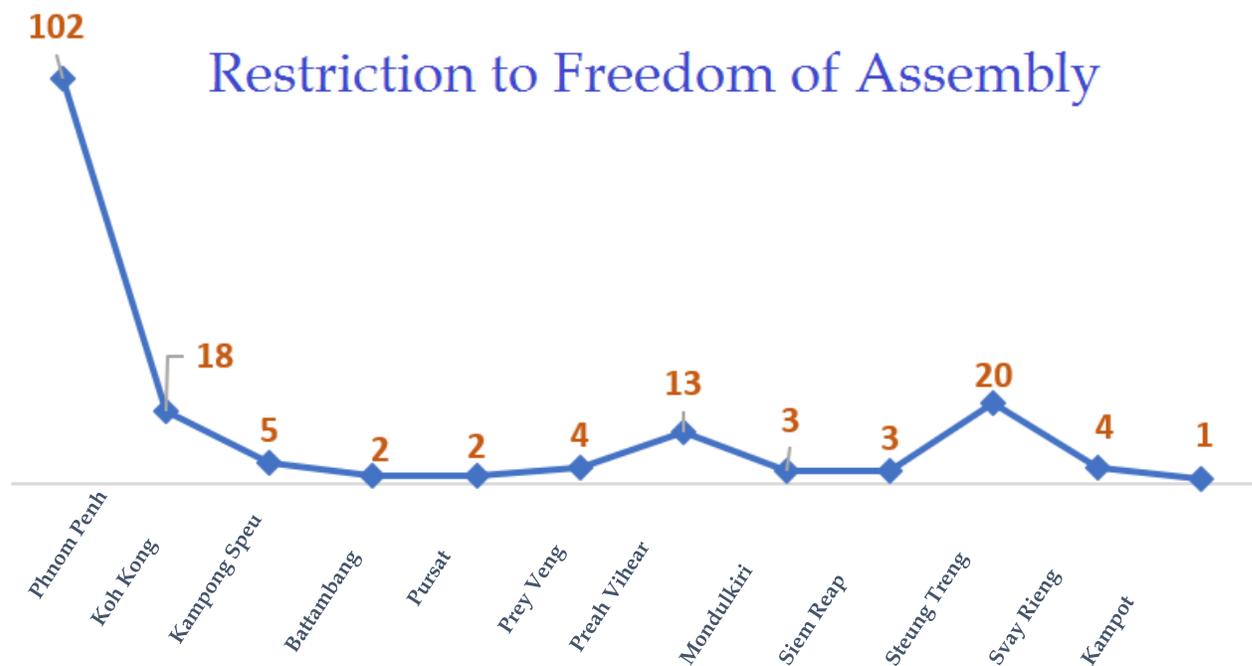


The case of human rights violation was deteriorating in 2022. ADHOC has performed its activities achieving at 104.5% comparing with its annual plan. Through its investigation, it proved that the cases of human rights violation totally numbered 549 increased by 392 cases measured against the figure in 2021 numbering 157 cases of which politically motivated threaten rose to 218; restrictions to freedom of assembly numbered 118; restrictions to freedom of demonstration amounted 65. Through its analysis, it illustrated that more than 50% of human right activist and political activist threatening cases as well as restriction to fundamental freedoms case remained unresolved. Apart, most victims in those cases decided not to file their complaints because they did not confide in the country's judicial system.

1.1 Fundamental Freedom Space

Fundamental freedoms are main factors in democracy and rule of law, including freedom of expression, freedom of association and freedom of assembly. Particularly, the United Nations' 2011 general comment states, "Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society. The two freedoms are closely related, with freedom of expression providing the vehicle for the exchange and development of opinions. Moreover, Freedom of expression is a necessary condition for the realization of the principles of

transparency and accountability that are, in turn, essential for the promotion and protection of human rights.”



In 2022, ADHOC observed and found that there was an increase of restrictions and repression on freedom of expression and freedom of assembly of which freedom of expression accounted for 42 cases and the freedom of assembly accounted for 177 cases, 102 of which happened in Phnom Penh; particularly, collective labor dispute of Naga World’s workers.

ADHOC has submitted a Report on Uncovering the Challenges and a recommendation given by 35 communities in eight targeted provinces to the Ministry of Interior, the Ministry of Justice and to the Cambodian Human Rights Committee for interventions in some matters in connection with fundamental freedoms such as local authorities’ constant watching and questioning community members for their participation in doing social activities, authorities’ failures to keep confidential any reports made by community members on some offences, authorities’ restrictions and intimidation against citizens with regards to political expression, communal councils’ noncooperation to allow the community members to join monthly meetings of the communal councils and communities’ fear of expressing their opinions on political matters on social media etc.¹

¹ A Report on Uncovering the Challenges and Recommendations from Local Communities <https://www.adhoccambodia.org/km/khmer-%E1%9E%9A%E1%9E%94%E1%9E%B6%E1%9E%99%E2%80%8B%E1%9E%80%E1%9E%B6%E1%9E%9A%E1%9E%8E%E1%9F%8D%E1%9E%9F%E1%9F%81%E1%9E%9A%E1%9E%B8%E1%9E%97%E1%9E%B6%E1%9E%96%E2%80%8B%E1%9E%98%E1%9E%BC%E1%9E%9B/>

CASE STUDY

Labor Dispute of the NagaWorld's Workers

The term “Naga”, according to Cambodian religious belief, represents the king of serpent (a seven-headed serpent) believed to live in the river.

The NagaWorld is owned by a Malaysian tycoon and has been licensed to operate exclusively the casino in Phnom Penh. It was first established in 1995 on a cruise ship anchored along the Mekong river not far away from the Royal Palace. Until now, the NagaWorld has built two skyscrapers closed to each other (Naga 1 and Naga 2) on a square of land not so far from the Mekong River and is near the National Assembly of Cambodia and the National Election Committee. Each skyscraper does not accommodate only a casino but also provides thousands of room services, 20 restaurants, gyms, pools, and other entertainment clubs. By 2021, the NagaWorld has employed around 8,000 workers.

On Apr 08, 2021, the NagaWorld announced its mass worker layoff due to Covid-19 pandemic reasoning that this affected its business operation severely. (If examining the last financial report, it discovered that the NagaWorld earned profit in the amount of 102 million dollars in 2020² declining from 521 million compared with that of the year 2019) and made profit in the amount of 107.3 million dollars in 2022³.

The NagaWorld has released its statement describing main reasons leading to its compelled decision to lay off its workers; that's is, due to Covid-19 as the Company's income declined more than US\$ 77 million per 6 months in 2021. In May 2021, the NagaWorld continued its plan to reduce and to lay off 1,329 workers, about 600 of whom were leaders and members of the union. Without any agreement and due to the fact that the Company's management board refused to meet and to negotiate with the union's representatives—but agreed to meet and to negotiate with each worker one by one—the laidoff workers; therefore, marked their thumbprints on a complaint to submit to the Ministry of Labour and Vocational Training for solutions regarding their demands. After receiving such complaint, the Department of Labor Dispute has conducted its conciliations twice on 5 disputed issues with results of 01 issue healed and the other 04 unhealed. Such complaint was referred to the Arbitration Council for arbitral award in Jul 02, 2021. The Arbitration Council has conducted 02 hearings on Sep 10, 2021 delivering its award related to 04 unhealed issues. The worker party filed their opposition to the arbitral award by claiming 09 issues to be solved. Without any agreement from the conflict parties to the

² <https://khmer.cambojanews.com/nagaworld-cuts-out-union-to-lay-off-workers-one-by-one/> and <https://cambonomist.com/news/nagacorp-profit-200m-in-2020/>

³ <https://www.rfa.org/khmer/news/social-economy/cambodia-nagacorp-returns-to-profit-02092023224625.html>

award of the Arbitration Council, the Workers finally decided to go on peaceful strike by giving notice to Phnom Penh municipal authority with the purpose to request the NagaWorld to solve 09 issues in dispute.



The NagaWorld's strikers are striking on a section of road between Australian embassy and Russian embassy in Cambodia.

The first strike started on Dec 18, 2021 with more than one thousand strikers congregated in front of the NagaWorld's casino. After the strike lasted for 14 days, at past 20 PM on Dec 31, 2021, the Phnom Penh Municipal Authority's forces apprehended 09 strikers and sent them to Phnom Penh Police Commissariat. Two days later, the Authorities sent 06 strikers to the court for hearing while the other 03 were educated and required to sign on respective contract to stop doing their activities before they were allowed to go home. Six strikers were indicted with incitement to disturb social security as defined in Article 494 and Article

495 of the Criminal Code of Cambodia and were judged to be kept in temporary detention in Correctional Center 1 and in Correctional Center 2.

On Jan 01, 2022, although 06 strikers were indicted and detained temporarily, the strike still continued by confronting with hundreds of authorities' uniformed forces standing by and barring them from striking in front of the NagaWorld by blocking them at a place near the fence of the National Assembly of Cambodia's building on a street linked between the Australian embassy and the Russian embassy in Cambodia to get them to congregate and to strike right there.



Strikers in a bus when they were sent to Phnom Penh Police Commissariat (3-01-22)

Around 2:15 PM of Jan 03, 2022, before the NagaWorld 2, authorities' forces arrested 15 strikers, one of whom is a man, and the other one was a pregnant woman, brought by a vehicle to the Phnom Penh Police Commissariat. Six hours later (around 20:30 on Jan 04), the 15 strikers were released to go back home.



Encircling and catching Ms. Chhim Sithar upon her getting off a car (4-01-2022)

In the afternoon of Jan 04 at past 15 PM before the National Assembly of Cambodia, the authorities' forces encircled the strikers and arrested another 03 unionists of the NagaWorld, one of whom is the union leader who had just walked out of her car. After asking questions, the Phnom Penh Municipal Court's prosecutor indicted

02 persons: one is the union leader and the other one is the union's member for incitement offense according to Article 494 and Article 495 and sent the union leader to the Correctional Center 2 for provisional detention while the other union member was allowed to go back home under the court's supervision.



MOL's official is reading the ministry's guidance. (7-01-2022) 🇲🇲

Demanding the release of 08 union representatives so that they could join the sessions to solve this labor dispute, the strikers resumed their peaceful strike from Jan 07 hereafter by raising photos of 08 union representatives and sat in meditation manner even though the number of participants reduced to 700 and were harassed by officials of the Ministry of Labor and Vocational Training who used two vehicles and two loud speakers to read the Ministry's instructions

before the strikers under careful watchdog from the authorities. Apart, there were some problems with water closets nearby as it was said that they were broke down, so the strikers were not allowed to use them.

The strike continued up to Feb 04 (it lasted for 47 days); then the Ministry of Health issued an announcement to require all strikers to take their Covid-19 test at Diamond Island Convention and Exhibition Center, but the strikers requested paramedics to take their tests at the picket line. Without agreement between the strikers and the paramedics, the authorities' forces locked the strikers down right at the picket line until the agreement reached. Around 6:45 PM, the strikers were able to go home. Meanwhile, a man who is a husband of a striker



The authorities' forces are obstructing disbanded strikers from going to their homes until it is at 6:45 PM (04-Feb-2022) 🇲🇲

was beaten violently on his face and body and sent to local police station for his failure to delete pictures in his smart phone when he shot them during verbal clashes between the strikers and the authorities' forces on duty. One hour later, after there was a guarantee made by his wife, the authority freed him back home.

Feb 05 was the 48th day when the strike had elapsed. Some streets with directions to the picket line were closed, and a place between the Russian embassy in Cambodia and AEON 1 shopping center stood many buses waiting to carry the strikers to the Diamond Island Convention and Exhibition Center for taking their Covid-19 tests. The first day of test taking found 04 strikers to be positive of Covid-19. At past 7 PM, the authorities' forces captured another 06 strikers and sent them to the Phnom Penh Police Commissariat pursuant to the court's order for obstructing the authorities' operations. Later, 03 women were released and 03 male strikers were sent for questioning and detained temporarily in the prison. The detainees in the Correctional Center 1 (CC1) and in the Correctional Center 2 (CC2) are all leaders and members of the Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU).



Cambodian Women for Peace and Development Association (21-Feb-2022)

The strike was suspended from Feb 06 to Feb 20 by complying with Covid-19 guideline of the Ministry of Health. Feb 21 began the strike once again after the suspension for some time due to quarantine. Then the authorities' forces arrested 64 strikers and transported them on buses to the Cambodian Women for Peace and Development Association located in Khan Prek Pnov. Around 10 PM

at night all strikers were permitted to go home except 02 persons who were found to be positive of Covid-19 were sent to Olympic stadium converted into Covid-19 quarantine center for treatment after taking their tests. Under cautious surveillance on the strikers' acts, on Feb 22, the authorities' forces apprehended 39 strikers and carried them on buses to the Cambodian Women for Peace and Development Association in Khan Prek Pnov. They were forced to complete a form. If anyone had failed to do so, they would not have been given meal to take or allowed to go home at all. On Feb 23, the authorities' forces arrested another 51 strikers and sent them on buses to the Cambodian Women for Peace and Development Association in Khan Prek Pnov. They were kept there for a night without clothes for changing and with insufficient meal to take. On Feb 24, more 29 strikers were caught and

sent on buses to the Cambodian Women for Peace and Development Association in Khan Prek Pnov. From Feb 25, the strike was paused and advocacy campaign was launched on social media instead.

On Mar 07 the strikers congregated and went on strike again; then the authorities' forces captured 183 strikers, 28 of whom are male, and sent them on buses to the Cambodian Women for Peace and Development Association in Khan Prek Pnov. On Mar 08, they were permitted to go home.

On Mar 09 hosted a closed-door session to seek solutions for this labor dispute under the presidency of Samdech Krala Hom **SAR KHENG**, deputy premier, Minister of Interior in the Phnom Penh Municipal Hall with concerned ministries and institutions. Not any result from this session was released publicly but an announcement dated Mar 10, 2022 issued by the Ministry of Labour and Vocational Training describing the developments with regards to such dispute by confirming that up to Mar 09 there were 147 NagaWorld's former workers out of 373 received compensation from the NagaWorld.

On Mar 10, Phnom Penh Appellate Court refused the petition for "Release on Bail" for 08 accused persons who are former leaders and member of the Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU). Around 7 PM on Mar 14, they were released on bail by the court after they had filed their petitions for release on bail since Mar 12. **"As of the day when they were released on bail, they had been temporarily detained for 74 days."**

Assembly for strike was still confronting threats and crackdowns from the authorities' forces who were ready to catch strikers and pushed them into buses (🚍) taking them the suburb area. Such crackdowns would always be carried out by the authorities' forces whenever the strikers congregated for going on strike. Furthermore, the authorities did not allow observers, civil societies and journalists to approach the picket line and even ordered them to



Authorities' forces are pushing strikers into buses (Mar 30, 2022)

delete photos they had taken, and sometimes pushed the journalists and the strikers together into buses as illustrating below:

- **From Mar 07 to 17, 2022:** more than 100 strikers were caught every day and forced them to go on buses and sent to the Cambodian Women for Peace and Development Association in Khan Prek Pnov.



- **From Mar 08 to 20, 2022:** more than 100 strikers were caught every day and dumped them at Democratic Square leaving them to return home on their own.

- **From Jun 21 to 30, 2022:** The strikers were caught and forced to go on buses from the picket line somewhere near the NagaWorld. Sometimes there were pushing from the authority forces against the strikers so violently that this resulted in body injury on the strikers and dumped them at suburb area at Win-Win monument until 6 PM would the buses take them back to the Democracy Square and let them go home on their own. For instance, on Jun 02, 2022⁴, a pregnant striker was pushed against the bus's handrail very strongly that her unborn baby died.



A striker gets injured (11-Aug-2022)

- **On Aug 11, 2022:** a striker was beaten and kicked and punched on his face by the authorities' forces so ferociously that he got severely injured and bled heavily, while some other strikers were unconscious.
- **On Aug 17, 2022:** special rapporteur of the United Nations on Human Rights in Cambodia came to observe the strike and the protest where placards were raised and claims were voiced at the picket line in front of the NagaWorld in order to seek

⁴ Broadcast of Radio Free Asia on Jun 02, 2022: <https://www.rfa.org/khmer/news/human-rights/sok-ratana-is-in-great-pain-after-authorities-violently-suppressed-the-abortion-06022022060516.html>

peaceful solutions. But this time there was not any obstruction and violent repression from the authorities' forces.

- **From August to the end of December 2022** the strikers went on strike three days a week starting from 10 AM to 05 PM without any catching and sending them on buses to be dumped at suburb area. The strike could be staged before the NagaWorld, and in Sept 2022 the strikers set up tents and cooked meal at the picket line although sometimes there were some clashes with security guards of the NagaWorld.
- **On Oct 21, 2022:** the NagaWorld filed a complaint to the court against the strikers for residential trespassing, for damaging its properties intentionally and for confining it illegally.
- **On Nov 05, 2022:** The Phnom Penh Municipal Authority issued a statement appealing the strikers to end their strike. But the strikers kept striking as usual resulting in a series of summons calling 21 strikers for questioning by Phnom Penh Municipal Court until the end of Dec 2022.



Strikers are setting up their tents and cooking their meals (16-Sept-2022)

Legal Frameworks Related to Fundamental Freedoms

<p>Cambodian Constitution, year 1993</p>	<p>Article 41 “Khmer citizens shall have the freedom to express their personal opinions, the freedom of press...”</p> <p>Article 37 “The rights to strike and to organize peaceful demonstrations shall be exercised within the framework of law.”</p>
<p>International Covenant on Civil and Political Rights</p>	<p>Article 19 Everyone shall have the right to hold opinions without interference.</p> <p>Article 22 Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.</p>
<p>Universal Declaration of Human Rights</p>	<p>Article 19 Everyone has the right to freedom of opinion and expression.</p>
<p>Sustainable Development Goal</p>	<p>SDG 16.10 Ensures public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.</p>

<p>Universal Periodic Review (UPR) Third Cycle</p>	<ul style="list-style-type: none"> - In this third cycle, there were 19 member states including France, Germany, Colombia, Costa Rica, Norway, Iceland, Spain, Italia, Sweden, Switzerland, the United States, Argentina, Brazil, Canada, Japan, Denmark, Lithuania, Greece, and Netherland giving their recommendations to the royal government of Cambodia regarding the ensurance of freedom of expression, freedom of press, and social media on the internet; particularly, the ensurance that there would not be any intimidation, hindrance or restriction to the freedoms of assembly or expression. For example, France gave recommendations to the Royal Government of Cambodia (RGC) to ensure freedom of expression for all citizens and journalists as well as on social media by improving the last constitutional amendment and other inter-ministerial decisions delivered in May 2018 allowing the monitoring of contents and meanings of articles on internet. Switzerland recommended that the RGC shall ensure that all Cambodian citizens could enjoy their full rights to express their opinions, to assemble peacefully and to establish association. Denmark recommended that the RGC shall make laws, regulations and other policies on freedom of expression, freedom of association and freedom of public assembly in accordance with international covenants on civil and political rights.
<p>Phnom Penh statement on the adoption of ASEAN Human Rights Declaration, Nov 18, 2012</p>	<ul style="list-style-type: none"> - Every person has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information, whether orally, in writing or through any other medium of that person’s choice.

<p>Recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW)</p>	<ul style="list-style-type: none"> - The Committee on the Elimination of All Forms of Discrimination against Women (Item 19⁵), CEDAW/C/KHM/CO/6 (CEDAW 2019), recommends that the State party fully guarantee the rights of women human rights defenders, trade union leaders, land and environmental activists and members of the political opposition party, particularly their rights to freedom of expression, assembly and association, without harassment, surveillance or other undue restrictions. - The Committee on the International Covenant on Civil and Political Rights, CCPR/C/KHM/CO/2(CCPR 2015), recommends that the State party should ensure that everyone can freely exercise his or her right to freedom of expression and association, in accordance with articles 19 and 22 of the Covenant - The Committee’s general comments No. 34 (2011) on freedom of expression and sustainable development goal, milestone 16.116.10 and 16.3.
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1.2 Political Freedom Space

The political freedom inevitably needs fundamental freedoms to reflect the environment in practicing democracy and rule of law particularly civil and political rights as defined in Constitution of the Kingdom of Cambodia, 1993 in Chapter 3 on the rights and duties of Khmer Citizens. Regarding communal/Sangkat election in the 5th mandate on Jun 05, 2022, ADHOC observed and found some irregularities as follows⁶:

- **Pre-Election:** According to a report on the political environment of the 2022 election, ADHOC noted 81 cases of irregularities which happened in 17 provinces, in 50 districts/municipalities, and in 60 communes/sangkats in a different ways such as threats of legal action, objection to the National Election Committee’s removal of candidates of the party running for election, threats (on social media) to inflict injury, intimidation of candidates in run-up to elections to resign from

⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/363/06/PDF/N1936306.pdf?OpenElement>

⁶ English <https://www.adhoccambodia.org/8110-2/> and Khmer <https://www.adhoccambodia.org/km/8110-2/>

their candidacy for their parties, obstructing party's logos installation, and restriction to freedom of assembly against the political activists.

- **During-Election:** Electoral observers were prevented from taking picture of vote counting process; the polling stations' gates, doors and windows were shut down during vote counting; local authorities officials like village leaders, chief of communes/sangkats, local police officers appeared and sat in front of the polling stations waiting to record the voters' names who came to cast their votes.
- **Post-Election:** Political activists arrest has continued; there were statements to punish politicians and human rights activists in a large number up to 61 persons; the lawsuit was brought against Mr. Son Chhay--a leader of Candlelight Party-- to the court by Cambodian People's Party and by the National Election Committee for defamation; the newly-elected chief of Chamnar Leu commune in Kampong Thom province was caught and sent to the court for robbery which had happened more than ten years ago; the elected second deputy chief of Sangkat Chbar Ampov I, who is from the Candlelight Party, was removed from his office; deputy chief of the working group of the Candlelight Party in Khan Por Sen Chey was attacked covertly; Tbong Khmum Provincial Court summoned the second deputy chief of commune from the Candlelight Party on the allegation of public defamation on Facebook; there were 40 social activists and political activists victimized, 7 of whom suffered severe harm from violent and clandestine attack committed by unidentified men-- one was dead, and the others were disabled. For most cases, the competent authorities have not apprehended any perpetrators to be convicted according to laws yet. Furthermore, it was almost two months-- as of Aug 21, 2022 upon the declaration of the validity of communal councilors to start their office-- that about 30% of the councilors from the Candlelight Party were not assigned their roles, duties, uniforms, and seats.

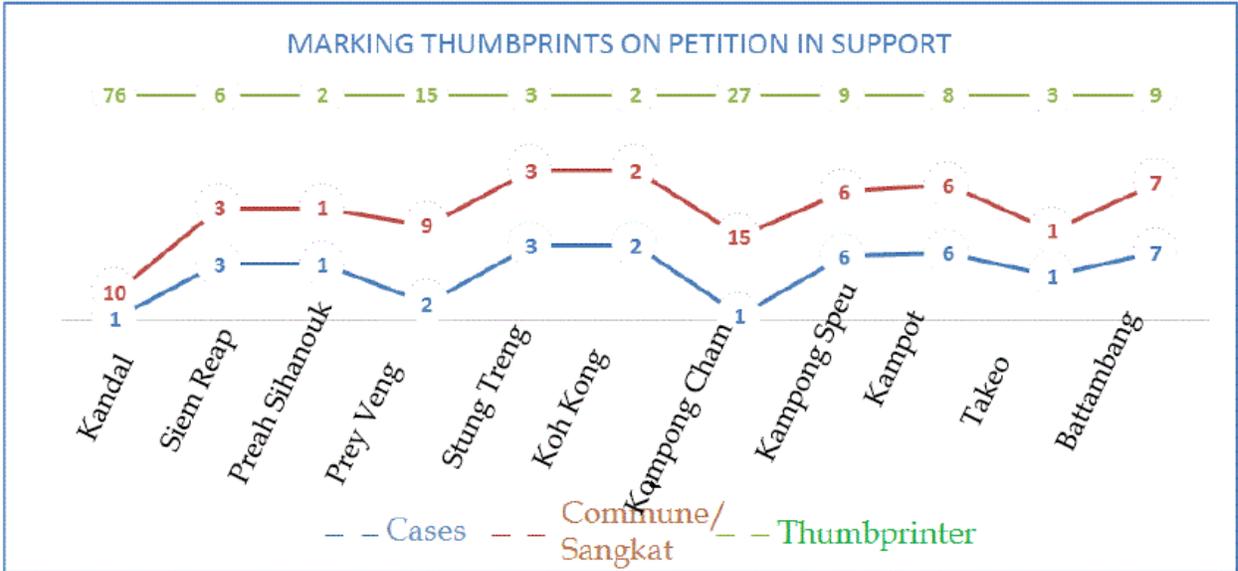
Legal Frameworks with regards to Political Freedom Space

<p>Constitution of the Kingdom of Cambodia, 1993</p>	<ul style="list-style-type: none"> - Article 31 (Paragraph 2): Khmer citizens are equal before the law, have all the same rights, freedoms and without discrimination on the basis of race, color, sex, language, religion, belief or political trend... - New Article 34: Khmer citizens of both sexes have the right to vote and to stand for election. - Article 35: Citizens of both sexes have the right to participate actively in the political, economic, social and cultural life of the nation. Citizens' suggestions are thoroughly examined and addressed by government agencies.
<p>Law on Political Parties</p>	<ul style="list-style-type: none"> - Article 4: All political parties have equal rights to receive equal privileges and attention from the Royal Government and authorities at all levels. - Article 5: Membership in any political party is a free of choice of every Cambodian citizen. No one shall be deprived of his or her right to exercise civil, political or professional rights whether the person is a member of or not a member of any legitimate political party. - Article 15 (Paragraph 2): Priests, court officials, the Royal Cambodian Armed Forces and the police force can join as members of any political party, but must not act in support of or against any political party.
<p>Law on Commune/Sangkat Council Election</p>	<ul style="list-style-type: none"> - Article 69. Political party billboard may be displayed in public places with the coordination from the authorities of commune/Sangkat based on the principles of equality, security, public order and public aesthetics. - Article 71. All political parties and candidates must refrain from committing acts of intimidation or violence against citizens and political parties or other candidates. - Article 79. Prohibit the use of budget, materials, and means of transportation that are the property of the state to conduct election campaign activities. - Article 118. No person shall be allowed to interfere with or assist the voter while the voter is in the inner precinct or in the polling station, except as permitted in

	accordance with the provisions of this law.
Guidelines on raising the sign of political parties for the 2017 Commune/ Sangkat Council Election	- Point 2: The raising of political party billboard in public places must be based on the principle of equality, first and foremost, and the raising of billboard in private houses or private places must be approved by the owner of that place.
Notification of the Ministry of Interior No. 316 Sor. Juor. Nor. dated Feb 07, 2022	- To facilitate all political parties to participate in the election of Commune/Sangkat Councils of the 5 th Mandate, such as: raising party billboard and political rally.
ASEAN Human Rights Declaration 2012	- Article 25: The right to participate in the political life of the country.
Universal Periodic Review Mechanism, Cycle 3 (UPR-2019)	- Norway: Recommends that Cambodia should restore democratic and political spaces by ensuring the participation from political parties, civil society and independent media.

1.3 Irregularity behind Marking Thumbprints on Petitions in Support

“An aspect for social justice to be performed by civil servants particularly by local civil servants”



Between amid October and the beginning of November communicated on broadcasting systems such as TVs and social media a petition condemning the convicted

Sam Rainsy three generations of traitor lashed out from every ministries and institutions in executive body, legislative body and judicial body as well as from subnational authorities including the provincial level, district/municipal/Khan level and commune/Sangkat level. ADHOC noticed that there were some irregularities behind the marking of thumbprints to support the condemnation petition particularly ones that lashed out from the commune-Sangkat administrations where the Candlelight Party were elected as first deputy chief of commune/Sangkat or as second deputy chief of commune/Sangkat or as councilors of commune/Sangkat (*The Candlelight Party won 2,198 commune/Sangkat council seats*). During that time, ADHOC has received information regarding written complaints about threatening and coercing to affix thumbprints on an anti-Sam Rainsy petition as a three-generation traitor. Most of the received information (more than 97%) alleged chief of commune/Sangkat as a coercer who forced them to lay their thumbprints on the condemnation petition by bullying that if they would not mark their thumbprints on the petition:

- then their party would be dissolved just like it had been dissolved in 2017; their party could not participate in the election; and they might lost their positions and lost their works and they would not been paid their salary like they had not been paid in 2017.
- Supporting Sam Rainsy meant they were traitors, so they had to be accountable for laws.
- They highly might be caught and imprisoned.
- If there had been any happenings, then the “chief of commune/Sangkat and/or district governor” would not be responsible for.

Through the information received, there were 33 cases reported from 160 councilors from the Candlelight Party who had won the communal/Sangkat election seats in 63 communes/Sangkats, in 11 provinces including Kandal, Battambang, Takeo, Kampot, Kampong Speu, Kampong Cham, Koh Kong, Stung Treng, Prey Veng, Preah Sihanouk, and Siem Reap province.

1.4 Torture and Impunity Cases

“An aspect for social justice to be performed by judicial police officers”

During 2022, through its investigation, ADHOC received information on tortures for 14 cases accounted for 27 victims, one of whom is a woman, which happened in 8

provinces including Siem Reap, Pursat, Oddar Meanchey, Kampong Speu, Banteay Meanchey, Svay Rieng, Kampong Thom and Phnom Penh capital.

- **Place and perpetrator:** Out of the 14 cases above, violent torture was committed in places which are the government's public administrative buildings like communal/Sangkat police stations, district/municipal/Khan police inspectorates, provincial police commissariats, prison (Trapeang Thlong prison), and torture perpetrators were judicial police in-service such as police officers of administrative police stations, police officers of district/municipal/Khan police inspectorates, police officers of provincial police commissariats, provincial gendarmeries (PM), prison guards and the peer prisoners jailed in prisons.

- **Purpose and Methods:**

- **Force to make confession:** when questioning the suspected persons of larceny, of battery and of drugging. Regarding these cases, prior to compiling files for submission to the court, the judicial polices used their hands to slap or their foots to kick on the suspects' bodies, used plastic chairs to hit from the back, and for some cases, used their pistols to hit the suspects' heads even their hands handcuffed by threatening that if they had not confessed, they (interrogators) would have electrified them and pulled out their nails. According to the information, as the suspects were so hurtful that they could not bear they then confessed and thumbprinted on Interrogation Papers with pain all over their body. Out of the victims above, there was a suspected person of larceny dying upon referring to the hospital. Over his body remained marks of pains and bruises on many places, which were the effects of the judicial police arising from their interrogations.



heart attack due to the cause that she could not bear her pain. The couple agreed to pay back to the creditor by transferring their land title to the creditor. Although they agreed to pay their debt, they would not be allowed to go back home, that's because they need to fulfill their obligations of paying service charges to the police in the amount of thousands US dollars. As they did not have money, then they rang their children by the order of the police officer there to get their children to borrow money from others by pawning their properties. Only after their children had paid the police officer would they allow them to go back home.

- **Deterrent crackdown:** In Trapeang Thlong prison located in Kampong Cham province where the prison guards were engaged in and let other prisoners to commit violence against 14 detainees who are political activists “former members of the Cambodia National Rescue Party” recently sent from Prey Sar prison, one of whom got the most severely injured with bleeding from left ear and he could not hear. After suffering from the violence, the detainees were very frightened and traumatized reluctant to recall painful event to their families’ members.
- **None compliance with the principle of basic human rights:** A torture was inflicted so much that a suspect died on a vehicle of Kampong Thom Provincial Gendarmerie while they were on the way to 102th Police Military Post regarding the crackdown on an online cock fighting gamble coffee shop located in ROUNG village, Krava commune, Baray district, Kampong Thom province led by a court clerk of the prosecution office of the provincial court together with 13 provincial gendarmeries employing two vehicles. During their raid, the provincial gendarmeries caught 03 gamblers, handcuffed them at their backs, and pushed them into a vehicle. Then a suspect had got



difficulties to breathe and begged the gendarmeries to remove handcuff from his hands. Meanwhile, there were nearby people helped to plead the gendarmeries as they saw the suspect turned pale and was hard to breathe, but the gendarmeries did not agree even replied that he was pretending. On the way, as they saw he looked extremely pale and was very difficult to breathe, the other two suspects on the same vehicle begged again and again the gendarmeries to help him; otherwise he might get out of breath and pass away. But the gendarmerie still neglected helping him until he passed away on the vehicle on the way to 102th Police Military Post.

Regarding this case, the victim's family members filed their complaint against the gendarmeries to Kampong Thom Provincial Court for justice and penalizing the perpetrators by laws and claimed for damages in the amount of 70,000 US dollars. It was about a month later after compromise the victim's wife agreed to withdraw her complaint and her power of attorney by accepting civil compensation in the amount of 15,000 US dollars from the perpetrators who were gendarmeries of Kampong Thom province.

Legal Frameworks with regards to Torture and Impunity	
Constitution of the Kingdom of Cambodia, 1993	Article 38. The law forbids any physical abuse against any individual. Confessions obtained by physical torture or mental pressure shall not be admissible as evidence of guilt.
Convention against Torture and Optional Protocols	Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.
Criminal Code of Cambodia	Article 202: Murder shall be punishable by imprisonment from fifteen to thirty years.

1.5 Defamation Complaint

Defamation complaint was a lawsuit that was filed in order to prove the existence of offence and it was defined by law in order to disclose any wrongdoings which the offenders have been committing so that competent authorities, judicial police officers and holder of public elected office could examine such offences, collect information or evidence, prevent and catch offenders for punishment by laws. The defamation complaint could be filed by the third party or by public officials who have been aware of and witnessed offences being committed. A defamation complainant for some time is not a lawsuit initiator in the defamatory litigation processes. The real initiator is a prosecutor who performs his duty by compromising and investigating such offences.

Article 39 of the Constitution of the Kingdom of Cambodia, 1993, states that Khmer citizens have the right to denounce, make complaints, or file claims for reparations of damages caused by any breach of law by state and social organizations or by staff of those organizations.

Article 42 of Criminal Procedure Code of Kingdom of Cambodia states that during the performance of their duties, all public authorities or officers who learn about a felony or misdemeanor shall immediately report this incident to the prosecutor or the judicial police officers by forwarding all information, minutes, records, and evidences relating to that offense.

By 2022, ADHOC received information from community representatives from 2015 till 2021 from 5 provinces that there were 19 cases of defamation lawsuits lodged to the courts over irregularities committed by sub-national officials⁷ and against the rich (Okhna) over reclaiming the government's forestry land for their private ownership and over purchasing and selling economic concessionary land as well as over the irregularities of forging public documents to register land titles for more than twenty thousand hectares of land.

- **09 cases in Mondulhiri province**, 07 of which were lodged with the Appellate Court, and 05 of which were dropped. And the other 02 cases, the claimants were summoned by the representatives of the prosecutors to give their statements, yet there was no any information relating to any further legal actions.

⁷ officials of the provincial halls, officials of the provincial departments of environment, officials of provincial department of land management, urban planning, construction and cadaster, former district governors and former district deputy governor, chiefs of Forestry Administration Cantonments, police inspectors, and chiefs of communes and chiefs of villages.

- **07 cases in Ratanakiri province**, 02 of which were not processed by the prosecutors since they had been lodged in 2016 and even with the plaintiff's request to take further legal actions. 01 case was dropped by the prosecutor at the Appellate Court. Regarding other 04 cases, the claimants were summoned by the representatives of the prosecutors to give their statements, yet there was no any information relating to any further legal actions.
- **Regarding 01 case in Kratie province**, the Appellate court's proceedings were under way.
- **Regarding 01 case in Tboung Khmum province**, the Provincial Court's proceedings were under way.
- **Regarding 01 case in Kampot province**, the Appellate court's proceedings were under way.

Legal Frameworks Related to Defamation Complaints	
the Constitution of the Kingdom of Cambodia, 1993	- Article 39 states that Khmer citizens have the right to denounce, make complaints, or file claims for reparations of damages caused by any breach of law by state and social organizations or by staff of those organizations.
Criminal Code of the Kingdom of Cambodia	- Article 528 states that any public official or holder of public elected office who, having knowledge of a felony or a misdemeanor through the exercise or on the occasion of his or her function, omits to inform the judicial authority or other competent authorities, shall be punishable by imprisonment from one to three years and a fine from two million to six million Riels.
Criminal Procedure Code of Kingdom of Cambodia	- Article 42 states that during the performance of their duties, all public authorities or officers who learn about a felony or misdemeanor shall immediately report this incident to the prosecutor or the judicial police officers by forwarding all information, minutes, records, and evidences relating to that offense.

Recommendations on the Human Rights

Cambodia 2022 human rights report demonstrated that human rights violation has been deteriorating and increased by 392 cases compared with that in 2021 which comprised of only 157 cases. Particularly those cases were involved with politically motivated threats, restrictions to fundamental freedoms, torture and impunity etc.

To participate in activities to fight against human rights violation in all forms in order to keep peace and sustainable development, ADHOC hereby give its recommendations as follows:

For Fundamental Freedom Space

1. The government shall strengthen law enforcements and applicable legal regulations in a highly effective manner particularly Article 37 and Article 41 of the constitution of the Kingdom of Cambodia and Article 19 and Article 22 of the international convention on civil and political rights, and Article 19 of the universal declaration on human rights.
2. The Ministry of Interior shall give its direction to local authorities to stop their watchdog, surveillance, questioning, taking pictures and asking for attendance sheet for those involved with community activities as well as their requirement for community members to report before and after joining any social activities with civil society organizations.
3. The Ministry of Interior shall give guidance to local authorities to be aware of what is defamation and social disturbance on Facebook when discussing land and forestry issues.

Political Freedom Space

1. Penalties or punishment shall be imposed against any persons or officials who perform their duties improperly in accordance with applicable laws or regulations; particularly, Article 31, Article 34 and Article 35 of the constitution of Kingdom of Cambodia, the Article 4, Article 5 and Article 15 of the law on political parties and other laws related with elections.
2. The National Election Committee (NEC) shall solve every conflicts arising based on the grounds of independence, neutrality, non-discrimination against any party. Any conflict related with election should be dealt with by electoral laws.

3. The National Election Committee (NEC) shall strengthen its sub-national officials' capacity about voting procedures, conflict settlement, laws and regulations associated with election and their code of professional ethics.
4. The Ministry of Interior shall give instruction to its sub-national officials to stop harassment, intimidation and threats in all forms and manners which may be signs of persecution against political activists and holders of different perspectives as well as voter citizens.
5. The National Election Committee (NEC) shall raise awareness among the ethnics and minority groups and those living in rural areas more widely about checking their names in the voter lists and their documents for casting vote.
6. The National Election Committee shall issue an instruction to its staff in charge of polling centers and polling stations to perform their duties transparently as there were some cases of closing the gates of polling stations and/or shutting down the doors or windows of the vote counting stations disallowing people to observe vote counting.
7. The Ministry of Interior shall review and address immediately by getting stakeholders to end all forms of discrimination against elected political parties by enabling the elected candidates from every political parties to take their office as provided by laws.
8. The Ministry of Justice shall strengthen social justice and end all forms of impunities particularly violations and abuses perpetrated for political reasons such as injuring political activists and harassing political activists through court system.

Torture and Impunity Cases

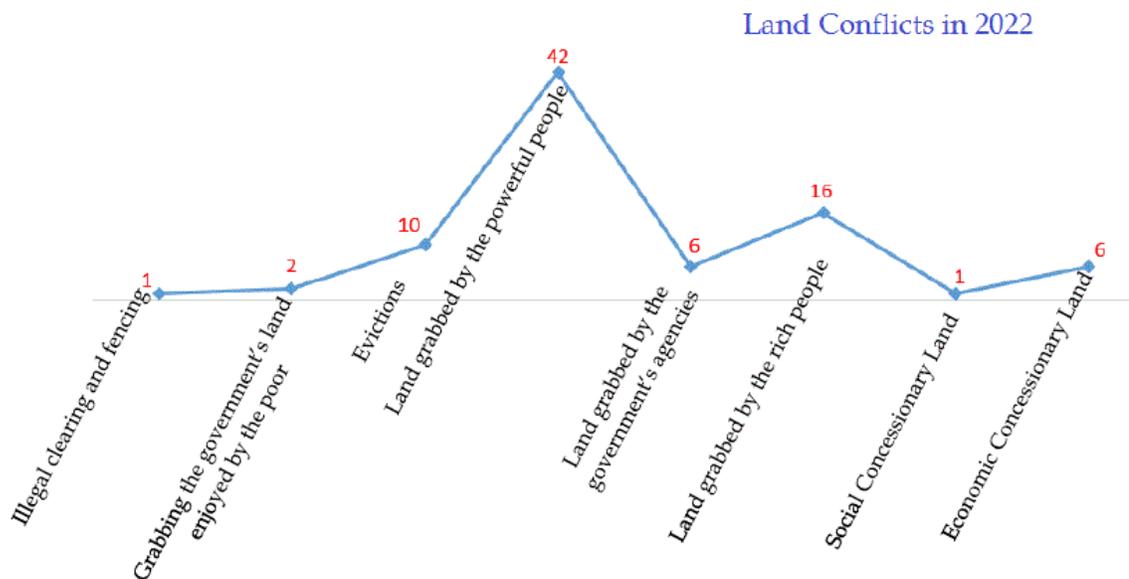
1. The Ministry of Interior and the Ministry of Justice shall punish by laws any officials who abuse their power as judicial police officers by meting out all forms of punishments to the suspected-offenders with an aim to force for their confession. These activities are against the applicable laws and other legal regulations mainly the Article 38 of the constitution of the Kingdom of Cambodia, Article 201 of the criminal code of the Kingdom of Cambodia and the conventions against torture and optional protocol.

Defamation Complaints

1. The Government particularly the Ministry of Interior should raise an awareness campaign widely among citizens and enhance the capacity of sub-national

officials about principle of defamation complaint and the enforcement of the applicable laws chiefly Article 39 of the constitution of the Kingdom of Cambodia, and Article 528, 529 and 530 of the criminal code of the Kingdom of Cambodia as well as Article 42 of the criminal procedure code of the Kingdom of Cambodia.

Section 2: The Land Rights' Section



Based on observation, the land disputes were increasing relentlessly while a large number of chronic land disputes were remained unresolved as the new land disputes were emerging continually in 2022. ADHOC discovered that the land disputes numbered 84 cases, 50% of which was the land grabbed by the powerful people impacting directly 7,141 households, equivalent to the victims of 36,766 persons and to 9,831.11 hectares of land. More than 97% of the conflicts were on-going for solutions until the end of 2022.

Most of the found cases happened in 15 provinces such as Koh Kong province, Kampong Chhnang, Kampong Thom, Kampong Speu, Preah Sihanouk, Banteay Meanchey, Pursat, Preah Vihear, Phnom Penh, Mondulkiri, Ratanakiri, Siem Reap, Stung Treng, and Oddar Meanchey province.

Data Table⁸

	2020	2021	2022
Number of Cases	182	169	84
Number of Victims	77,361	61,469	36,766
Amount of Land Impacted (in hectares)	57,086.85	52,601	9,831.11
Mostly-happened Cases	93 cases, land grabbed by the powerful people	66 cases, land grabbed by the powerful people	42 cases, land grabbed by the powerful people

2.1 Land Grabbed by the Powerful People

In 2022, the land disputes which were initiated by the powerful people arising out of their land grabbing numbered 50% (equivalent to 42 cases) of the 84 cases found. This case affected 638,932 hectares of land and 1,326 households directly equaling to 6,062 victims, 2, 921 of whom are female, and 17 of whom are indigenous people.

Regarding those cases, the community members had been trying to seek solutions from concerned local authorities, 02 of which were concluded by victims receiving the land and compensation, 03 of which have been being processed by the courts, 12 of which have been being sought solutions at district-provincial level authorities, 23 of which have not been resolved by any authority at any levels. Moreover, some community representatives were accused of, sued or summoned by the courts to give their statements over violent possession of the land impacting private land ownership and over their intentional damages done to other’s reputations and incitement for felony commitment.

- **Conflict Location:** Those cases happened in 10 provinces: Koh Kong, Kampong Chhnang, Kampong Speu, Banteay Meanchey, Preah Vihear, Mondulkiri, Ratanakiri, Siem Reap, Stung Treng, and Oddar Meanchey province. The powerful people who used their influences to be engaged in land disputes including generals of the Ministry of Interior, advisors to the powerful people, deputy commanders of provincial gendarmeries, border police officers, district councilors, communal clerks, officials of forestry administration, provincial councilors and soldiers.
- **Acts used by the powerful people to be engaged in land disputes were as follows:**

⁸ Report on Land Conflict Situation-2021 <https://www.adhoccambodia.org/km/khmer-%E1%9E%9A%E1%9E%94%E1%9E%B6%E1%9E%99%E1%9E%80%E1%9E%B6%E1%9E%9A%E1%9E%8E%E1%9F%8D%E1%9E%9F%E1%9F%92%E1%9E%8F%E1%9E%B8%E1%9E%96%E1%9E%B8%E1%9E%9F%E1%9F%92%E1%9E%90%E1%9E%B6%E1%9E%93%E1%9E%97/>

- Using land clearing equipment to reclaim forestry land and crop-planted land which were enjoyed for years by people.
- Hiring community members and systematic workforces to clear Mangrove forests and flooded jungles in the natural protection areas.
- Through local authorities, threatening the communities to accept solutions by telling that if the communities had not accepted as offered the land would have been seized free of charge because they (the powerful men) had produced documents to cut parts of land from the government's ownership and would register for land certificates and if they had wanted to sue, they might have faced more severe punishments.
- Hiring people to clear Melaleuca forests and flooded Acacia for land and then buying it in low price after that selling to businessmen or to the rich people (How large the land had been cleared would be purchased all even without recognition from the local authorities)
- Abusing power of concerned officials to register for land ownership transfer.
- Preventing community peoples to enjoy interests from the land even suing them to the court.
- Filing a complaint against community people to the court and banning them from enjoying interests on their own land.
- Threatening community members to mark their thumbprints on the Land Solution Papers and then getting chiefs of communes to issue title transfer for the land in disputes.
- The environmental officials posed threats against the community representatives after they had posted on social media—Facebook—regarding commissioning excavator to clear the land in Prey Lang area.
- The environmental officials banned community representatives from taking pictures of the clearing activities in Prey Lang area and even took their smart phone and erased pictures.
- Revoking the land by justifying that it belonged to the communities and then providing it to other people for occupations and interest enjoyment without giving any damage compensation at all even threatening to catch the victims and detaining them in prison if they had not given their land.
- Villager leaders and communal clerks had cleared flooded forests and sacred forests and grabbed the land for their ownership.

- The district deputy governors led their forces to prevent and ban community members from building their houses on the land where they had occupied and enjoyed interests for years as well as destroyed a lot of their crops.

2.2 Land Grabbed by the Rich People

According to a survey-2022, land disputes which ranked the second after the ones initiated by the powerful people were ones caused by the rich people, numbering 16 cases, affecting the land size of 792.17 hectares, directly victimizing 827 households equaling to 14,819 persons, 1,553 of whom are female, and 507 of whom are indigenous people. The court's proceeding was underway for 01 case, while the other 04 were being sought solutions at district/communal level respectively. And 11 cases remained unsettled without any interventions from any agencies. Moreover, some community representatives were accused, sued or summoned by the courts to give their statements over violent possession of the land impacting private land ownership and over their intentional damages done to other's reputations and incitement for felony commitment.

Conflict Location: The cases occurred in 07 provinces including Koh Kong, Kampong Chhnang, Pursat, Preah Vihear, Mondulhiri, Stung Treng, and Svay Rieng province.

Forms used by the rich people in land disputes were as follows: the companies' representatives used tractors to clear the land and plantations. If anyone had protested, they would have threatened to sue them to the courts. Then they set posts to lay barbed wire to block the community members from crossing to do their farming with an intention of grabbing the land for sale.

2.3 Evictions

In 2022, land disputes resulting in evictions were found 10 cases—affecting people's land of 6,561.088 hectares and directly victimizing 4,100 households equaling to 12,656 persons, 7,057 of whom are female. 04 cases were being processed in accordance with proceedings of national authorities, while 02 cases were pending for solutions sought by provincial authority. 01 case was under court's proceedings, whereas the other 03 cases remained unsettled. Those cases happened in 03 provinces/capitals: Siem Reap, Stung Treng and Phnom Penh.

Land dispute cases happened due to forced eviction as defined by the authorities in the forms of land exchanges and some monetary supports in order to take the land for development and/or heritagious conservation. In October 2022, the cases happened in

Preah Dak village, Preah Dak commune, Banteay Srei district, Siem Reap province, affecting 1,900 households, and 5,000 hectares of land in which the government has laid out 04 measures if the inhabitants did not agree to move out. The measures included:

- Not registering land for land certificate;
- Not connecting electricity for consumption
- Not connecting water for consumption
- Not providing public services in certifying various documents chiefly ones involved with borrowing loan from microfinance/bank.

This plan was suspended after there were strong protests from people living at that place who refused to move out to live in a new place called Run Ta Ek natural village.

2.4 Social Land Concessions

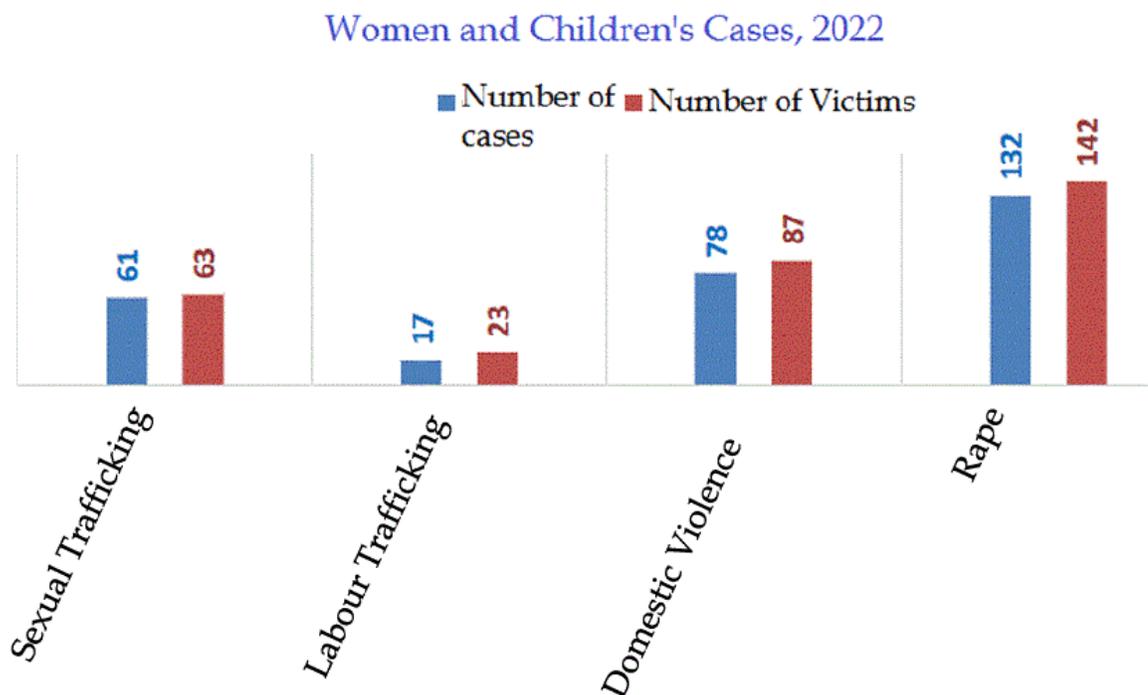
Land disputes which happened in the category of economic concessionary land numbered 6 cases-- affecting the land area of 1,452.87 hectares, directly victimizing 343 households equivalent to 1,402 persons, 675 of which are women and 291 households are indigenous people equaling 1,162 persons. 01 case was ordered by the Ministry of Land Management, Urban Planning and Construction to the provincial authority to address it. 03 cases have been being addressed by the provincial authorities, while the 02 cases remained unsettled. Those cases happened in Preah Vihear, Pursat, Preah Sihanouk and Kampong Thom province.

Economic concessionary land was cleared by companies' machineries affecting people's plantations. For some cases, villagers were sued to local authorities or to the courts after they came to obstruct the land clearing activity on their land. The communal authorities summoned the people affected to enter into contract that they would not possess the land any longer; otherwise, the village leaders and chiefs of communes threatened to arrest them for imprisoned, and some community representatives were caught after there were complaints laid by the Company.

Recommendations on the Land Rights

1. End ordering military forces to crackdown peaceful protesters for the sake of protecting companies, the rich people and the powerful people.
2. End suing people for criminal offence to the courts arising out of land disputes or the courts shall set the cases aside from criminal offences; rather, they should consider the cases for civil ones first.
3. Review the implementation of the UN commissions' comments relevant with land disputes in a highly effective manner.
4. The concerned ministries, courts, and land dispute resolution commission shall quicken and strengthen resolution for overloaded land disputes in a fast, transparent, just and non-biased manner.
5. Strengthen, monitor and evaluate capacity and knowledge of the concerned officials and empower them to bring justice for parties involved.
6. Monitor and evaluate the officials' duty performance relevant with addressing land disputes, imposing penalties and applying laws effectively.

Section 3: The Women’s and Children’s Rights Section

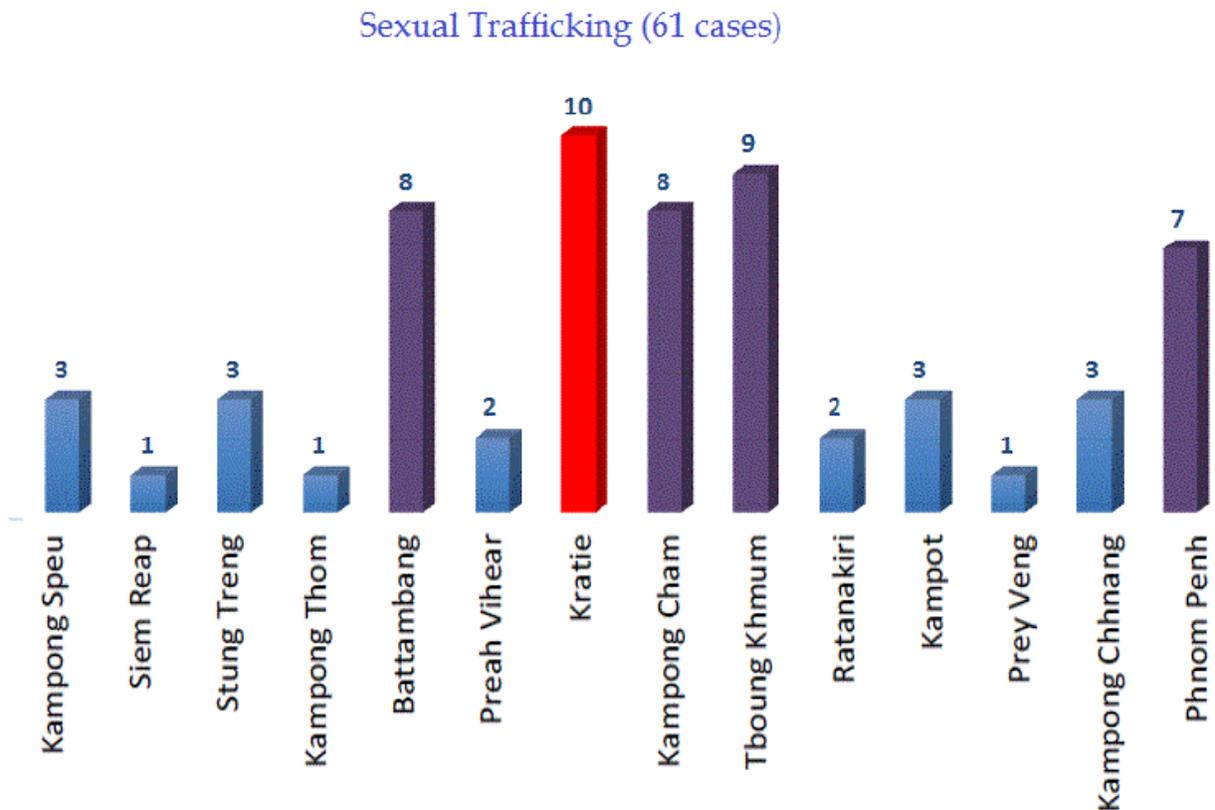


In 2022, ADHOC found that there right abuses against women and children numbering 288 cases increasing by 64 cases compared with its discovery in 2021 of 224 cases only. Those cases include sexual trafficking, accounted for 61 (57 of which were forced marriage to live in China); labour exploitation, accounted for 17 (10 of which were domestic helpers going to work in Malaysia); domestic violence, accounted for 78 (22 of which resulted in the death of victims); and rape, accounted for 132 (06 of which were raping and killing).

Case Data Table

Women’s and Children’s Right Section	Year 2020	Year 2021	Year 2022
Number of Cases	308	224	288
Number of Victims	331	256	315
Number of Dead Victims related with Domestic Violence	15	07	22
Number of Victims related with raping and killing	03	04	06

3.1 Sexual Trafficking Cases



In 2022, ADHOC discovered that there were 61 cases of sexual trafficking, equivalent to 63 victims, all of whom are women.

Among these 61 cases, there were 43 that victims were present in China waiting for interventions and assistances to return home; there were another 02 that victims were expecting a baby; there were other 09 that the victims went missing as their family members had not been able to contact them; there were only 03 that the perpetrators were arrested; there were some cases that the identities of the perpetrators could not be pinpointed, and there were other cases that the perpetrators could walk freely as usual. ADHOC had helped 21 cases by intervening and coordinating with victims' families to file their complaints to the Ministry of Interior and the Ministry of Foreign Affairs and International Cooperation.

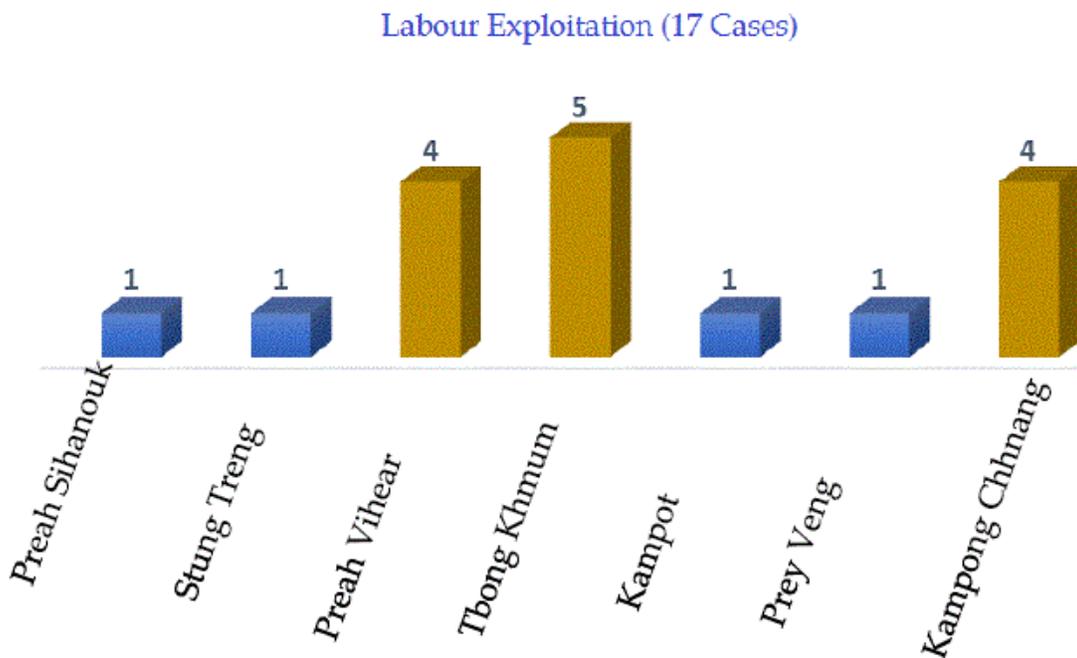
- **Main causes were as follows: falling for tricks persuaded by procurers where most cases arising from** materialistic factors, falling for boyfriend's or close friends' tricks, divorce, unhappiness in family, low education, hopelessness life, jobless, poor families, domestic violence, heavy debts unable to pay back,

trusting the cheating speech of cheaters, procurers and companies operated online, gender discrimination in families and in communities, ambition for high salaries to help their families for emerging from poverty status, escape from political arrests, losing land and houses due to grabbing by the powerful people without any solution from the government and none existence of irrigation systems for doing farming.

- **Problems faced by victims living abroad include:**

- Suffering from domestic violence in the country where they live (violence committed by their husbands, or sexual abuses as well as labour exploitation from their employers or companies);
- Not receiving lawful asylum from the residing countries;
- Losing reputation and personal happiness and could not communicate with families;
- Longing for returning homeland but not having a transportation mean, so suffering from the sale like a slave;
- Being seized their passports and other legal documents by the procurers;
- Being resold and forced to have sex and to expect a baby as needed;
- Being afraid of running out of places where they were living;
- Not having money and personal mean of transportation;
- Being afraid of threatening from procurers and their Chinese husbands.

3.2 Labor Exploitation Cases



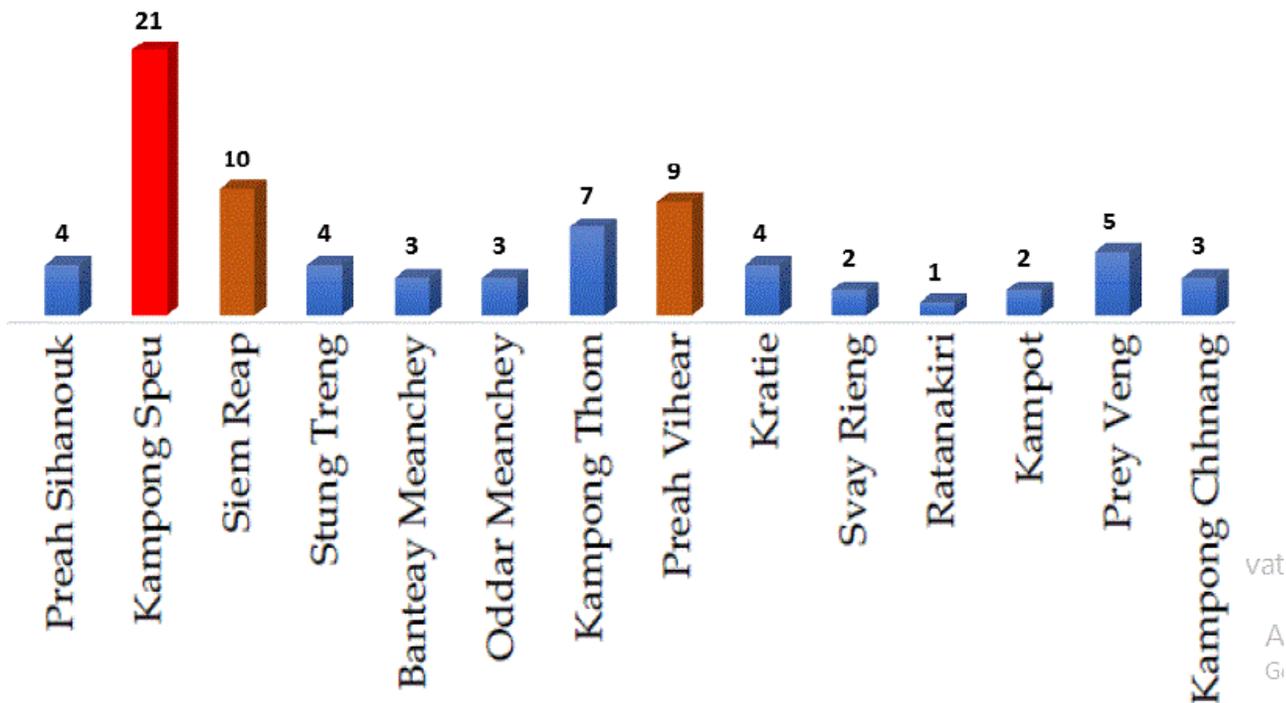
During 2022, ADHOC found out that there were 17 cases of labour trafficking, equivalent to 23 victims (17 female) whom they had lived largely in Kampong Chhnang province, Kampot, Preah Vihear, Preah Sihanouk, Stung Treng and Tboung Khmum province. Regarding this case, the victims were ones who went to look for jobs and became sufferers in foreign countries including Malaysia, Thailand, Saudi Arabia, and even Cambodia – their home country.

In general, the victims worked in some sectors like agriculture, construction, fishing, domestic helping, factories, cleaning, selling cooked rice, hospitality and garbage collecting. Most of abuse situation faced by them included being forced to work overtime, being unpaid or being underpaid their pay, being provided insufficient meals, and being used violence against etc. There were two victims arrested by Thai authority, while seven living abroad were missing their information.

Regarding these cases, not any offenders were apprehended for punishment. The reasons for being duped by the procurers were joblessness, poverty, domestic violence, heavy debt unable to pay back, trusting the cheating speech of cheaters, procurers and companies operated online, gender discrimination in families and in communities, ambition for high salaries to help their families for emerging from poverty status, escape from political arrests, losing land and houses due to grabbing by the powerful people without any solution from the government and none existence of irrigation systems for doing farming.

3.3 Domestic Violence Cases

Domestic Violence (78 Cases)



During 2022, ADHOC found out that there were 78 cases of domestic violence, equivalent to 87 victims, 06 of whom are men.

According to an assessment, Kampong Speu ranked the first, accounted for 23 cases; Siem Reap ranked the second, accounted for 12 cases; Kampong Thom ranked the third, accounted for 7 cases. These cases were not included ones which ADHOC had not received intervention applications.

24 cases were extreme violence resulting in the death of victims, of which:

- **14 cases:** the perpetrators are husbands who used cutting knives, axes, hammers, and ropes to strangle their wives mostly due to jealousy, verbal disagreements, alcohol drinking, and drug uses. Regarding these cases, prior to violent commitment resulting in victims' death, there had been chronic squabbles and often violence committed in the families. There were three families that the perpetrators were detained in prison due to family member assaults like beating their children and wives.

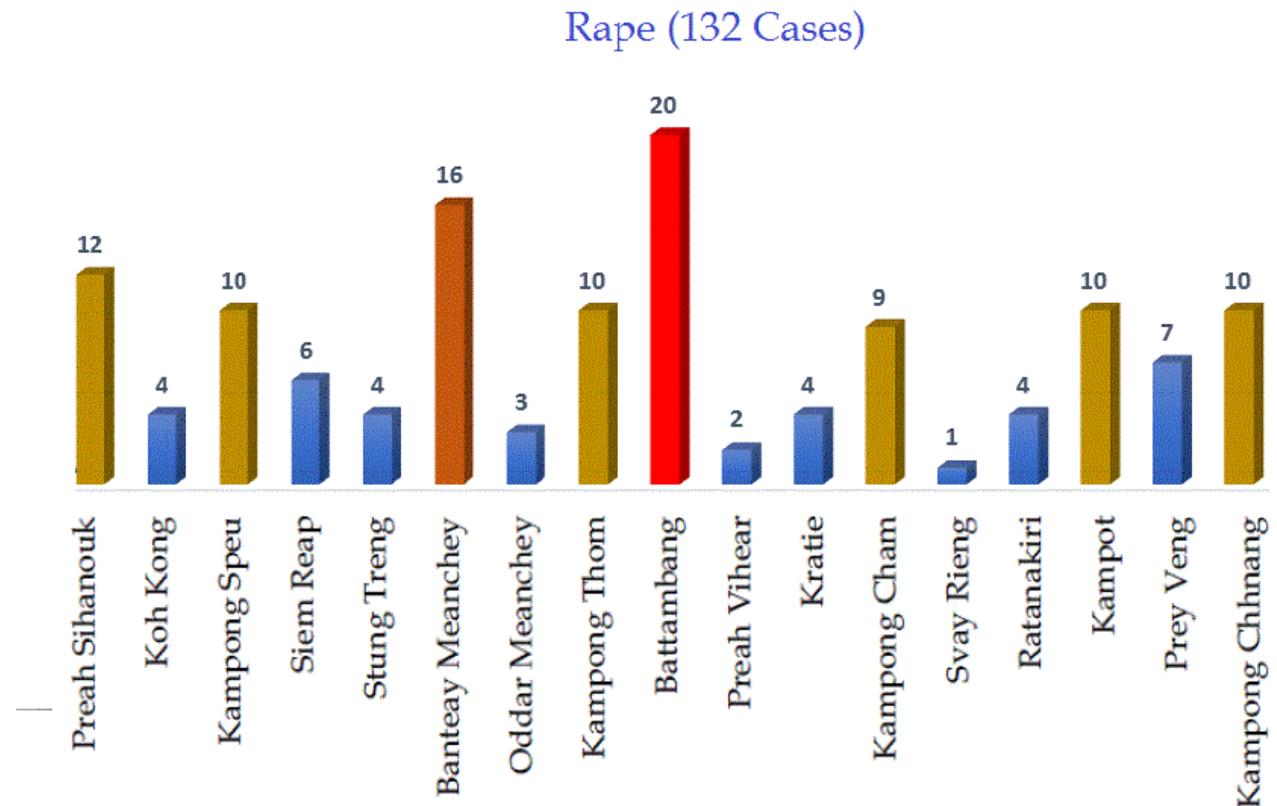
- **01 case:** the perpetrator is a wife who had killed her husband due to the fact that her husband would drink alcohol and provoke squabbles and beat her so severely that she was unbearable and so killed. Before incident happened, the husband was very drunk and took two baby coconuts to throw at his wife, chased her to beat her until she ran out of house, so she could not bear this and then took a bamboo and counterattacked him so seriously that he lost his life.

- **05 cases:** the perpetrators are biological fathers who had anger and killed their biological children (Babies aged from 08 to 13 months) by strangling, clubbing, burning with cigarette fire and hitting with plastic chairs. Reasons for such killings were jealousy by alleging that their wives committed adulteries with other local villagers and that the killed children were babies that their wives had with their lovers. Among these 05 cases, 02 happened in Kampong Speu province (Babies aged from 05 to 12 months); 01 in Kampong Chhnang province (A baby aged 13 months); 01 in Kampong Thom province (A baby aged 08 months) and 01 in Banteay Meanchey province (A baby aged 13 months).

- **04 cases:** the perpetrators are child, grandchild and an uncle who killed his father, his grandmother and his nephew/niece—their blood relatives due to mental disorders caused by alcohol drinking and drug consumption.

For 48 out of 78 cases, the perpetrators were arrested and sent to the courts for legal actions. Only for 05 cases, the perpetrators were able to escape; for another 03 cases, the perpetrators had died; and for 22 cases, the perpetrators have been walking freely as usual.

3.4 Rape Cases



During 2022, ADHOC discovered that there were 132 cases of rape, equivalent to 142 victims, 02 of whom are Buddhist novices aged from 14 to 15 years old, while the perpetrators is a Buddhist monk (right assistant to abbot) in Wat Tomb Noop Ta Kuon located in Tomb Noop Ta Kuon village, Klaing Meas commune, Bavel district, Battambang province, who had used cutting knife and an axe to threaten to kill the victims.

For 06 out of 132 cases, the victims were raped and killed by the perpetrators due to 3 main reasons:

1. Drug and alcohol consumption: According to our observations, for almost all of rape cases, the perpetrators had been consuming alcohol and drugs. Because of this effect, it motivated the perpetrators to do such act by breaking laws and social ethics.
2. Power imbalance between men and women: either old or young men would have their stereotypes to look down on women and girls; hence, they were brave to rape because of their physical body, economic and threatening grounds.

3. Impunity: the perpetrators who had committed such offence were free due to corruption, customary habit and social viewpoints through compromises by providing monetary compensations in exchange for dispute conclusion or by getting married to hide the victims' shame on one hand, and on the other hand the victims did not have their trusts in the court systems particularly damage compensation though provided through court system, such compensation existed only on paper, while in fact the victims or their families were rare to receive such compensations.

The victims suffered from rape case aged between:

- 3 to 10 years, accounted for 30 persons;
- 11 to 17 years, accounted for 71 persons;
- 18 to 63 years, accounted for 14 persons.

Who were perpetrators are:

Perpetrators were	Number of Victims	Perpetrators were	Number of Victims
Neighbors	47 (36%)	Acquaintance	19 (14%)
Uncle	17 (13%)	Stepfather	15 (11%)
Biological Father	11	Others	05
Elder brother	04	Acquaintance on social media	04
Grandfather	03	Elder bother in-law	03
Cousins	03	Boyfriend	02
Friends	01	Son	01
Supervisor	01		

Recommendations on the Women's and Children's Rights

Rape and Domestic Violence Case:

1. The Ministry of Interior and the Ministry of Justice shall strengthen the implementation of laws by punishing offenders to end impunity.
2. The Ministry of Interior and the Ministry of Justice shall accelerate laws' procedures and ensure damage compensations be provided to victims rather than just provided on decisions (court's judgment or courts' awards) – which was a factor driving victims to seek compromises out of court systems to settle the cases.
3. The Ministry of Interior shall strengthen mechanisms of preventing drugs trafficking and punishing firmly the drug traffickers as well as enhancing experts' capacity relevant with offence crackdowns in an effective and timely manner.
4. Law on Alcoholic Consumption had been drafted since 2014, yet it was not passed or promulgated. The Ministry of Interior shall speed up processes for adoption and dissemination more widely.
5. Ministry of Information and local authorities shall monitor and reduce the display of alcoholic logos along roads and at public places especially alcoholic advertisements in all forms because almost all of incident cases happened, offenders would consume alcohol.
6. The Ministry of Information shall monitor porn websites on internets.
7. The Ministry of Women's Affairs shall increase the dissemination of women rights, gender equality, and the law on domestic violence prevention more widely in all means.
8. The Ministry of Education, Youth and Sports shall increase its dissemination about Cambodian cultures in schools and on social media mainly women values. Purpose of education dissemination is to bring students' social perception and behavior changes – unbalancing the power between men and women.

Victims themselves:

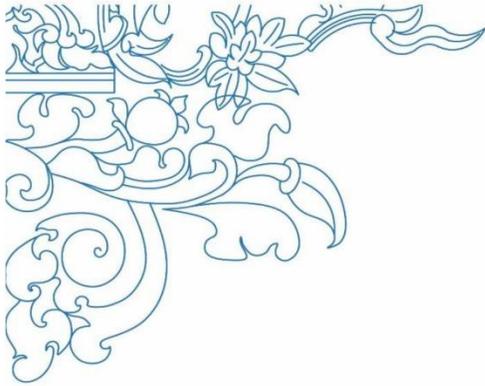
1. Victims themselves also need to have the gut to voice and seek justice for themselves from every abuses – not containing their patience and hiding every violations against them.

Sexual Trafficking and Labor Trafficking:

1. The Government particularly the Ministry of Labor and Vocational Training shall increase education and dissemination more widely about impacts from undocumented migration chiefly for women;
2. The Ministry of Labor and Vocational Training should increase local job markets more numerously by providing capital and techniques for agricultural sector especially finding markets for people's produces.
3. The Ministry of Labor and Vocational Training shall strengthen the law enforcement strictly by punishing the traffickers severely and strict measures against recruiting agencies who did not abide by labor law as there were employees' pay exploitation and set terms for employment contracts.
4. There should be more Cambodian embassies and consulates in foreign countries with stand-by officials and with active operations to respond and to address all people's concerns and with hotline numbers particularly in China so that civil society organizations and woman victims can contact for asking helps timely when needed.

Citizens:

1. People, prior to their decision to migrate, should collect information from all of the corners - not just believing the procurers' coaxes promising that they will help to look for highly-paid jobs or to look for husbands with wealth and good living standards;
2. In case of decision to migrate, they should do so with proper documents namely contacts for asking helps if any issue happens;
3. For families whose members are migrating and are suffering from violation, they should report to the concerned organizations immediately and seek helps from them.
4. Encourage family members who are having problems and do not rebuke them as this will make them to migrate once again.



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