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SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS AND LAND WATCH THAI TO THE UNIVERSAL PERIODIC REVIEW OF CAMBODIA

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Land Watch Thai (LWT) was established in 2014 by civil society groups that focused on land and environmental issues. LWT was created with the objective of supporting and promoting the efforts of land and environmental rights movements affected by regulations and policies related to land rights and forest management.

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1. The International Commission of Jurists (ICJ) and Land Watch Thai (LWT) welcome the opportunity to contribute to the Human Rights Council's (HRC) 46th Session of the Working Group on the Universal Periodic Review (UPR) of the Kingdom of Cambodia (Cambodia).
2. In this submission, the ICJ and LWT bring to the attention of the HRC and the Working Group on the UPR concerns regarding human rights violations and abuses in the context of and resulting from the establishment and development of Special Economic Zones (SEZs) in Cambodia.
3. The submission concludes with accompanying recommendations.

I. Cambodia's human rights obligations and SEZs' Relevant Legal Frameworks¹

4. Cambodia is bound by legal obligations under international law, including treaties to which it is a party.² Under international human rights law, States are obligated to respect, protect and fulfill human rights.³
5. Despite its international law obligations, Cambodia's laws and policies on economic development have consistently failed to comply with these obligations. The establishment and development of large development projects, such as the SEZs, in the country, in many instances, have been associated with a dilution of domestic legal guarantees for the protection of human rights. There appears to be a strong correlation between the lack of adequate legal protection and enforcement and reported human rights violations and abuses in the context of SEZs located throughout the country. These include abuses of labour rights, violations of the rights to adequate housing and livelihood, as well as instances of failure to ensure transparency and consultation, including in the process of environmental impact assessments.
6. According to Open Development Cambodia (ODC), there are at least 54 SEZs in Cambodia registered with the Council for the Development of Cambodia (CDC).⁴ Of these SEZs, 24 are currently operational, collectively employing a workforce of more than 160,000 people across 561 investment projects, as reported by the CDC.⁵
7. The legal framework that was enacted to establish and regulate SEZs is the Anukret (Sub-Decree) No. 148.ANK.BK on the Establishment and Management of Special Economic Zone, dated 29 December 2005.⁶ While this instrument features certain environmental and labour protection measures,⁷ there is still limited inclusion of legal obligations and reference to measures necessary to protect the human rights of affected individuals and groups, including explicit protections against forced eviction. This instrument also fails to identify potential risks to human rights or risk management strategies necessary in the context of the implementation of SEZ projects. The sole focus, instead, is on the benefits and privileges granted to investors in SEZ projects, without mentioning any responsibility on their part with respect to human rights.
8. While additional provisions concerning labour protection, land acquisition, compensation, and environmental protections are featured in various pieces of national legislation, including the 1997 Labour Law (as amended in 2007, 2018, and 2021), the 2019 Law on Social Security, the 2016 Law on Trade Unions, the 1992 Land Law (as amended in

2001), the 1996 Law on Environmental Protection and Natural Resource Management, the 1999 Sub-decree No. 72 on the Environmental Impact Assessment Process, and the recently adopted Environmental and Natural Resources (ENR) Code, as well as the 2019 Standard Operating Procedures for All Externally Financed Projects/Programs, these laws have several shortcomings, and they are not complied with in practice.⁸ Several of these shortcomings will be outlined below.

9. As of May 2023, it was reported that the CDC had finalized a new draft law on SEZs.⁹ However, civil society organizations (CSOs) have expressed concern that they still do not have access to the draft law and have a limited understanding of how the amendment will impact SEZs.¹⁰

II. Failure to Ensure Transparency and Consultation

10. Despite Cambodia's acceptance of a recommendation to promote and protect human rights through a commitment to good governance, transparency, public participation in decision-making processes, and access to justice, during its third UPR Cycle,¹¹ concerns persist regarding the lack of transparency and participation in decision-making, planning, construction, and operational phases of development projects, including the SEZs.
11. There is a lack of publicly available information regarding SEZs in Cambodia,¹² which is inconsistent with the requirements set out in various international human rights and environmental instruments and with best practice.¹³ In addition, those affected by SEZs, including people who have received eviction orders in the context of the development of SEZs, have reportedly not been given genuine opportunities to make or challenge decisions about project plans or future living arrangements, even when such plans and arrangements may be inconsistent with international law and standards, as well as the jurisprudence and recommendations made by various UN treaty bodies.¹⁴ For instance, in the case of the M.D.S. Thmor Da SEZ in Veal Veng District, Pursat Province, the Cambodian Center for Human Rights (CCHR) noted that, while the government authorized its establishment on 19 November 2010, local communities reportedly could not access any official documents related to the granting of the SEZ until May 2018.¹⁵ They were also not adequately consulted before its establishment, and their attempts to articulate their demands were reportedly ignored.¹⁶
12. Moreover, the management bodies of SEZs, such as the Council for the Development of Cambodia (CDC), the Cambodian Special Economic Zones Board (CSEZB), the Special Economic Zones Trouble Shooting Committee (SEZ TSC) and the Special Economic Zone Administration consist solely of representatives of governmental institutions.¹⁷ They are granted broad powers and have no specific duty to consult regularly with affected communities to seek their input.¹⁸ While SEZ TSC has been established to receive complaints from zone developers and investors,¹⁹ no such complaint mechanism explicitly exists under the SEZ management bodies for SEZ employees, affected individuals or communities to seek redress or register concerns contrary to the standards for businesses to establish grievance mechanisms under the UN Guiding Principles on Business and Human Rights.²⁰

Environmental Impact Assessment (EIA)

13. The lack of transparency and meaningful participation of affected individuals and communities in the development of projects, both inside and outside SEZs, is also

evident in the process of Environmental Impact Assessment (EIA).²¹ Additionally, there are reports that certain government ministries responsible for infrastructure, industrial, and agricultural development do not fully recognize the significance of EIAs. Some projects reportedly begin before the completion of EIAs and, in some cases, the EIA is conducted but not made public.²² Several CSOs have also expressed concern to ICJ and LWT about limited online and offline access to EIA reports, which hinders meaningful consultation, including through public comment.²³

14. Nevertheless, on 29 June 2023, Cambodia adopted the comprehensive Environmental and Natural Resources (ENR) Code, set to be implemented within a year of its enactment. The ENR Code encompasses regulations for environmental impact assessment, strategic environmental assessment, transboundary impact assessment, biodiversity and endangered species protection, cultural heritage preservation, public participation and access to information, gender equality principles, consideration of climate change, and dispute resolution procedures.²⁴ However, during the law's review, civil society organizations and environmental experts expressed concern, including with respect to the limited community representation and participation throughout the review process, insufficient recognition of indigenous peoples' claims, and the use of vague and overly broad language.²⁵

III. Labour Rights Abuses

15. Despite Cambodia's acceptance of recommendations to intensify efforts to combat human trafficking, forced labour, and sexual exploitation during its third UPR Cycle,²⁶ slavery-like labour practices, including forced labor and human trafficking for the purpose of sexual and labour exploitation, continue to be reported, particularly in certain SEZs.²⁷ For example, Cambodia's Sihanoukville Special Economic Zone (SSEZ), reportedly hosting around 24,000 workers and employees,²⁸ has seen reports of guns, drugs, money laundering, human trafficking, child labour, widespread violence and general insecurity.²⁹ Continuous reports of trafficking of citizens from Taiwan, Malaysia, China and other Southeast Asian countries into SSEZ have surfaced. Victims are typically trafficked for the purpose of being forced to work as online scammers,³⁰ lured through deception with promises of lucrative businesses, job openings, or even cheap or free trips abroad. In these scamming operations, victims live in constant fear of physical assaults, sexual violence, mounting debt, being bought and sold, and the possibility of untimely death.³¹ Despite several rescue operations having been reported by local authorities, in turn, attesting to the veracity of the above-mentioned allegations, on several occasions, the Cambodian police have denied knowledge of such allegations.³²
16. ICJ and LWT have also received reports about factory owners within the SEZs failing to comply with Cambodia's labour laws and international laws and standards. Key reported concerns include inadequate minimum wages to ensure a decent living, forced overtime, restricted holiday pay, denial of the right to paid maternity leave, instances of physical and verbal abuse, poor working conditions, and reports of some workers within certain SEZ zones not being provided with adequate personal protective equipment, such as masks, gloves and protective clothing.³³
17. The minimum wage in Cambodia, both inside and outside SEZs, is considered inadequate to ensure decent living conditions for workers and their families, in violation of several human rights obligations by which Cambodia is bound, including under Articles 7 and 11 of the ICESCR.³⁴ The current minimum wage in the country is 200 U.S. \$ per month, a figure criticized by labour leaders for failing to keep pace with inflation.

Furthermore, it is not applied uniformly across all sectors of the economy; it exclusively covers the textile, garment, footwear, and travel goods industries.³⁵

18. Several employers in SEZs have reportedly entered into short-term employment contracts lasting three to six months as a means of bypassing various social protection laws.³⁶ For instance, under the Labour Law, a female worker is entitled to 90 days of maternity leave with 50 per cent of her salary if she has worked continuously for her employer for a year or more.³⁷ Under the Prakas (Ministerial Announcement) on Health Care Benefits, workers are required to have paid the contribution fee for at least nine consecutive months to be entitled to a daily allowance for maternity leave.³⁸ Short-term contracts make it difficult for workers to fulfill such requirements. In addition, employers use short-term employment contracts in SEZs to restrict union activities. Union members have been threatened or had their employment contracts not renewed due to their labour union membership.³⁹ For instance, in May 2022, Keo Vannak, a union leader, was reportedly dismissed from work when the company refused to renew his contract in light of his attempts to set up a workers' union at his garment factory in O'Neang SEZ in Poipet.⁴⁰
19. Despite Cambodia's acceptance of recommendations during its third UPR Cycle to: a) amend the Trade Union Law;⁴¹ b) ensure that the rights of unionized workers be guaranteed in line with the relevant ILO Conventions; c) ensure that unions may register unhindered and represent their members;⁴² and d) adopt measures to protect labour activists and unionized workers from harassment and arbitrary interference,⁴³ as well as the guarantee in Article 11 of the Anukret (Sub-Decree) No. 148,⁴⁴ the rights to join and form unions has continued to be severely curtailed, both in law and in practice.⁴⁵
20. The Trade Union Law has faced widespread criticism, including from the UN Office of the High Commissioner for Human Rights (OHCHR) and the Committee on Economic, Social and Cultural Rights, for not complying with Cambodia's obligations under international human rights and labour law.⁴⁶ CSOs working closely with workers in the SEZs have expressed concern that, following the entry into force of the Trade Union Law, it became more difficult for unions to be registered or carry out their activities.⁴⁷ The law introduced mandatory registration, but in the process of applying for official registration, workers were reportedly refused by the relevant ministry for minor mistakes, including misspellings in the registration documents. In addition, such a process can reportedly take up to a year.⁴⁸ Furthermore, the law imposes restrictions on the right to strike by requiring that trade unions must attain "Most Representative Status" (MRS) to engage in collective bargaining. This status can be achieved by a few means as set out in the Trade Union Law. For instance, when there is only one worker union, it can be obtained by having members comprising at least 30 per cent of the total workers in the enterprise. In cases where multiple worker unions exist within the enterprise, MRS is achieved by securing the highest level of support from unions representing more than 30 per cent of the total workers.⁴⁹
21. Additionally, the absence of independent unions in SEZs has been reported. Some SEZs reportedly have no independent unions at all, while others have only a few.⁵⁰ Engaging in legitimate strike actions is also often considered a form of "illegal protest", both inside and outside SEZs, making union leaders liable to prosecution, detention and, in some cases, physical violence.⁵¹

IV. Violations/Abuses of the Rights to Adequate Housing and Livelihoods

22. During its third UPR Cycle, Cambodia accepted recommendations to ensure that all pending land disputes, land evictions and relocations be settled in a fair, transparent, negotiated, and adequately compensated manner.⁵² However, there have been reports of cases where communities were forcibly evicted by relevant authorities and/or businesses to enable development, such as SEZs, without adequate legal safeguards to prevent forced evictions, as provided for under international law and standards, and without providing adequate remedies.⁵³ This phenomenon also reflects Cambodia's failure to comply with its obligations to respect and protect rights enshrined in, *inter alia*, the ICESCR, particularly with respect to land. This includes ensuring that investors do not deprive communities of access to the land upon which their livelihoods depend.⁵⁴
23. Legal protection against forced evictions is generally weak in Cambodian law, and enforcement is also lacking. Many landholders in Cambodia have poor security of tenure and lack formal titles, relying on "possessory" rights, which leaves them at risk of forced eviction.⁵⁵
24. The Land Law of 2001⁵⁶ introduced a land classification system in Cambodia, consisting of three main categories: private land, State public land, and State private land. State public land comprises all lands that hold a public interest value, for which ownership rights do not apply. In contrast, State private land includes all properties owned by the State but lacking any public interest value, thereby making them available for sale, exchange, distribution, or transfer as determined by law.⁵⁷ The Land Law also established certain conditions for "ownership" rights for those who began occupying land before its promulgation.⁵⁸ Under the law, to secure ownership rights, individuals must prove that their possession is unambiguous, non-violent, notorious, continuous and in good faith.⁵⁹ However, there have been cases where the government denied land titles to those meeting these conditions.⁶⁰
25. The Land Law also has provision for "fair and just compensation" to be paid in advance for "deprivation of land ownership," which can only occur in the "public interest."⁶¹ Nevertheless, the definition of "public interest" is absent.
26. To be eligible to develop a SEZ in Cambodia, investors must have at least 50 hectares of land,⁶² which is typically acquired through a concession from the State,⁶³ normally granted on lands that are part of the State private land. However, the concession areas for SEZs, claimed to be State land by the relevant authorities, often overlap with land that is occupied and claimed by local residents.⁶⁴
27. For example, many villagers who used to stay in the area of the M.D.S. Thmor Da SEZ reported having been forcibly evicted from their land. This eviction occurred in what the authorities claimed to be the forest area.⁶⁵ According to CCHR, the land dispute affected 97 families from three different villages.⁶⁶ It also happened without any prior notice provided by the relevant company officers or State authorities and, at times, involved violence. The MDS Thmorda SEZ Co. Ltd bulldozed the houses and plantations of at least 11 families in November 2014 in the presence of the armed forces, and local and provincial authorities. Some community members who protested were reportedly handcuffed and threatened with arrest.⁶⁷
28. Compensation provided to affected communities and individuals has often been inadequate. It was reported that several communities affected by land disputes have not

found a satisfactory resolution to their legitimate grievances. Many victims of SEZs' land transfers did not receive fair compensation, as guaranteed in international human rights law and standards.⁶⁸ Some practices, as set out below, suggest that compensation has been an afterthought, rather than forming part of a planning process. Alternative land provided to those affected by the eviction orders did not meet the criteria for adequacy of housing as set out in the CESCR's General Comment No. 4.⁶⁹

29. For example, victims who were forcibly removed from the M.D.S. Thmor Da SEZ were reportedly intimidated into accepting insufficient financial compensation that did not immediately respond to their specific needs. They were also offered alternative land that was located in an area containing landmines, which clearly did not meet the criteria for adequacy of housing.⁷⁰ Nevertheless, after more than 10 years of dispute, in July 2022, according to the acting governor of Pursat province, the Company eventually agreed to provide 5.5 hectares as residential land to 11 families whose houses and plantations had been bulldozed.⁷¹

30. Another example is the dispute between more than 130 families and the company managing Koh Kong SEZ. The affected communities claimed that they had occupied the area since the mid-1980s but, between 2009 and 2012, the company bulldozed their land and destroyed most of their crops without adequate compensation. Affected individuals claimed that the compensation was too low and covered only the cost of the demolition of their homes.⁷² In 2014, a community leader was arrested, detained and charged with theft of materials belonging to the SEZ after a complaint was filed against him by a representative of the SEZ. He was accused of attempting to install boundary markers on land at the centre of the dispute as a means of protesting against the eviction. He was released after three weeks of community protest.⁷³ Thereafter, in July 2015, as a result of several rounds of negotiations, Koh Kong SEZ Co., Ltd agreed to offer better eviction compensation to the affected communities.⁷⁴

Recommendations

In light of the above-mentioned concerns, the ICJ and LWT call upon the HRC and the Working Group on the UPR to recommend that Cambodia:

- Adopt a human rights-based approach to development projects, such as SEZs, grounded in processes and safeguards to ensure that decisions about those projects are made with adequate and meaningful consultations and genuine participation of the individuals and communities concerned, including the free, prior and informed consent of indigenous peoples, in compliance with the requirements of international law and standards;
- Ensure that business entities operating in or domiciled in Cambodia systematically conduct consultations and carry out human rights due diligence, including independent environmental impact assessments, to prevent and/or mitigate the risks of negative impacts of their operations on the exercise of human rights;
- Adopt a national action plan on business and human rights while ensuring that both the formulation and implementation processes involve all interested parties, including representatives of businesses, CSOs, indigenous peoples and the most affected communities;

- Ensure transparency by making information and documents related to large development projects, such as the SEZs, publicly available;
- Ensure that legislation protecting labour rights is effectively applied to all sectors and all workers, including by addressing the practice of engaging in short-term employment contracts as a means of bypassing various social protection laws or restricting union activities by employers;
- Ensure that workers, including in the context of SEZs, enjoy the right to just and favourable conditions of work as guaranteed by international law, and urgently investigate, prosecute, and address reports of human trafficking and forced labour in SEZs;
- Ensure that the minimum wage is applied to all sectors of the labour market and that all workers receive a minimum wage that enables them to enjoy a decent standard of living for themselves and their families;
- Ensure that all workers are able to exercise their right to freedom of association and collective bargaining without undue restrictions, intimidation, violence, harassment, or risk to their personal security or lives, as well as address barriers to registering and joining unions. To this end, revise the 2016 Trade Union Law to ensure compliance with international labour law and standards;
- Ensure that evictions are only carried out as a last resort after all other feasible alternatives have been explored, including in the context of SEZs. Procedural protections required under international human rights law should be in place before any evictions are carried out, in particular, requirements on genuine consultation, due process safeguards, provision of legal remedies, compensation and adequate alternative housing. Such protections should also be explicitly guaranteed in the Land Law and the Anukret (Sub-Degree) No. 148, as well as other domestic legal and institutional frameworks to prevent forced evictions; and
- Ensure that effective, prompt and accessible judicial and non-judicial remedies are provided to those who are affected by the implementation of large development projects, including SEZs.

ENDNOTES

¹ See also: ICJ, 'Mekong Region: Authorities must address the adverse impacts of economic activity in SEZs on the environment and human rights', 2022, available at: <https://www.icj.org/mekong-sezs-human-rights/>; and Kuaycharoen, P., Longcharoen, L., Chotiwan, P., Sukin, K., Lao Independent Researchers, 'Special Economic Zones and Land Dispossession in the Mekong Region,' Land Watch Thai, 2020, ("2020 SEZ and Land Dispossession Report"), available at: <https://th.boell.org/sites/default/files/2021-05/SEZs%20%26%20Land%20Dispossession%20in%20the%20Mekong%20Region-Update.pdf>

² Cambodia is a party to eight of the nine core human rights treaties, namely: the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention on the Rights

of Persons with Disabilities (CRDP), and the Convention for the Protection of All Persons from Enforced Disappearance (CED); in addition Cambodia is a party to the following optional protocols: the Optional Protocol of the Convention against Torture; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography.

³ CESCR, 'General Comment No. 12: The Right to Adequate Food,' E/C.12/1999/5, 12 May 1999 and; UN Guiding Principles on Business and Human Rights.

⁴ Interview with members of Cambodian civil society organizations, September 2023. ODC collected this data from the sub-decree available online via the Royal Gazette.

⁵ CDC, 'Special Economic Zones,' accessed on 15 September 2023, available at: <https://cdc.gov.kh/sez-smart-search/>

⁶ ODC, 'Sub-Decree No. 148 on the Establishment and Management of Special Economic Zone,' available at: https://data.opendevdevelopmentcambodia.net/laws_record/sub-decree-on-organization-and-management-of-special-economic-zone ("Anukret No. 148").

⁷ For example, see Anukret No. 148, Article 11.

⁸ Interview with members of Cambodian civil society organizations, September 2023.

⁹ Khmer Times, 'New draft law on SEZs finalised,' 25 May 2023, available at: <https://www.khmertimeskh.com/501296505/new-draft-law-on-sezs-finalised/>

¹⁰ Interview with members of Cambodian civil society organizations, September 2023.

¹¹ For example, Recommendation 110.128

¹² CCHR, 'Fact Sheet: Cambodia's Special Economic Zones And Human Rights,' September 2018, at 3, available at: https://cchrcambodia.org/admin/media/factsheet/factsheet/english/Factsheet_SEZ%20ENG_01_10_1_8.pdf ("CCHR Fact Sheet").

¹³ For example, CESCR, 'CESCR General Comment No. 26: Land and Economic, Social and Cultural Rights,' E/C.12/GC/26, 22 December 2022, para 20 ("General Comment No. 26"); Principle 10 of the Rio Declaration on Environment and Development and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("Aarhus Convention"). While Cambodia is not a party, the Aarhus Convention sets out international best practices for procedural obligations and public participation in environmental decision-making and calls for transparency and participation in decision-making.

¹⁴ *Ibid*; See also: CESCR, 'Concluding observations on the second periodic report of Cambodia,' E/C.12/KHM/CO/2, 27 March 2023, paras 28-29 ("2023 CESCR's Concluding Observations on Cambodia"); CESCR, 'CESCR General Comment No. 7: forced eviction,' 20 May 1997 ("General Comment No. 7"). See also: CESCR, Concluding observations on Chad (E/C.12/TCD/CO/3, 2009); CERD Concluding observations on Argentina (CERD/C/ARG/CO/19-20, 2010), Chile (CERD/C/CHL/CO/15-18, 2009) and Congo (CERD/C/COG/CO/9, 2009); HRC Concluding observations on United Republic of Tanzania (CCPR/C/TZA/CO/4, 2009).

¹⁵ CCHR Fact Sheet; and CCHR, 'Preventing, Mitigating and Remediating Land-Related Rights Violations in the Kingdom of Cambodia: Seven Areas for Improvement,' December 2018, ("CCHR 2018 Report"), at 18 – 19, available at: https://media.business-humanrights.org/media/documents/files/documents/20181219_BHR_Briefing_Note_ENG-Final.pdf.

¹⁶ CCHR 2018 Report, at 18 – 19.

¹⁷ See Anukret No. 148, Article 4.

¹⁸ *Ibid*.

¹⁹ Anukret No. 148, Article 4.1; and Anukret No. 28. ANKr.BK on the Amendment of Article 4 Point (4.1) Of Sub-Decree N° 148 Dated 29 December 2005 on the Establishment and Management of the Special Economic Zone, dated 14 March 2006.

²⁰ 2020 SEZ and Land Dispossession Report, at 29. See UN Guiding Principles on Business and Human Rights, principle 29; ICJ, 'Effective Operational -Level Grievance Mechanisms,' 2019 available at: <https://www.icj.org/wp-content/uploads/2019/11/Universal-Grievance-Mechanisms-Publications-Reports-Thematic-reports-2019-ENG.pdf>

²¹ 2023 CESCR's Concluding Observations on Cambodia, paras 10-11. The primary legislation governing environmental protection and natural resource management in Cambodia is the 1996 Law on Environmental Protection and Natural Resources Management. According to this law, projects with potential environmental impacts must undergo an EIA. In 1999, the Sub-decree on Environmental

Impact Assessment Process mandated that an EIA be conducted for all public or private projects involving specified activities, such as factories, mining, chemical plants, garment and textiles, power plants, tourism, and infrastructure. However, the sub-decree allows exemptions for "special and crucial projects approved by the Royal Government." In 2020, Prakas No. 021 on the Classification of Environmental Impact Assessment for Development Projects was introduced to categorize projects for initial EIA ("IEIA") or full EIA based on their nature and scale.

²² ODC, 'Environmental impact assessments,' 2023, available at: <https://opendevelopmentcambodia.net/topics/environmental-impact-assessments/#ref-56056-9>

²³ Han Xia, 'The Role and Problems of Environmental Impact Assessment in Governing Hydro-Power Projects in Cambodia,' Beijing Law Review, Vol.11 No.2, June 2020, available at: <https://www.scirp.org/journal/paperinformation.aspx?paperid=100395>

²⁴ Ministry of Environment, 'Cambodia enacts Environment and Natural Resources Code, embracing the power of peace and economic growth in fueling environmental progress,' 1 June 2023, available at: <https://www.prnewswire.com/news-releases/cambodia-enacts-environment-and-natural-resources-code-embracing-the-power-of-peace-and-economic-growth-in-fueling-environmental-progress-301836896.html>

²⁵ ODC, 'Environment and natural resources policy and administration,' September 2015, available at: <https://opendevelopmentcambodia.net/topics/environment-and-natural-resources-policy-and-administration/#ref-78576-10>; Andrew Nachemson, 'In Cambodia, a sweeping new environment code languishes in legal limbo,' Mongabay, 26 August 2020, available at: <https://news.mongabay.com/2020/08/in-cambodia-a-sweeping-new-environment-code-languishes-in-legal-limbo/>

²⁶ For example, Recommendations No. 110.69-77

²⁷ For example, in case of Sihanoukville and Thmor Da SEZs, see: Farrelly, N., Dawkins, A., Deegan, P., 'Sihanoukville: A Hub Of Environmental Crime Convergence,' Global Initiative Against Transnational Organized Crime, September 2022, available at: https://globalinitiative.net/wp-content/uploads/2022/09/GI-TOC-report_Sihanoukville_For-upload.pdf; and U.S. Department of State, '2022 Trafficking in Persons Report: Cambodia,' available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/cambodia/> ("US 2022 Trafficking Report on Cambodia"). See also: Dara, M., Liu, C., 'From Timber to Human Trafficking: Rescued Victims Allege Major Scam Operations in Tycoon's SEZ,' VOD English, 17 November 2021, available at: <https://vodenglish.news/from-timber-to-human-trafficking-rescued-victims-allege-major-scam-operations-in-tycoons-sez/>; Hinz, E., 'Cambodia: Human trafficking crisis driven by cyberscams,' 9 December 2022, available at: <https://www.dw.com/en/cambodia-human-trafficking-crisis-driven-by-cyberscams/a-63092938>.

²⁸ Khmer Times, 'PM Hun Sen reaffirms Cambodia's commitment to development of needed physical infrastructure,' 9 June 2023, available at: <https://www.khmertimeskh.com/501305441/pm-hun-sen-reaffirms-cambodias-commitment-to-development-of-needed-physical-infrastructure/>

²⁹ Matthias Alffram, 'Sihanoukville pays the price for heavy reliance on Chinese,' Bangkok Post, 9 May 2022, available at: <https://www.bangkokpost.com/business/2306938/sihanoukville-pays-the-price-for-heavy-reliance-on-chinese>

³⁰ Scam operations such as telephone scams that duped the victims into transferring money to their accounts, fake forex and digital currency trading ring, an illegal online casino den, and scam call center that were giving out fake loans.

³¹ US 2022 Trafficking Report on Cambodia; Mech Dara, Cindy Liu and Danielle Keeton-Olsen, 'Victims Allege Sihanoukville Precincts With Ties to Major Businesses Are Sites of Scams, Torture, Detention,' VOD, 18 February 2022, available at: <https://vodenglish.news/victims-allege-sihanoukville-precincts-with-ties-to-major-businesses-are-sites-of-scams-torture-detention/>; and Nicholas Farrelly, Alice Dawkins, Patrick Deegan, 'Sihanoukville: a Hub of Environmental Crime Convergence,' Global Initiative Against Transnational Organized Crime, September 2022, available at: https://globalinitiative.net/wp-content/uploads/2022/09/GI-TOC-report_Sihanoukville_For-upload.pdf

³² For example, Benar News, 'Cambodian police deny reports of Thais being held against their will in the country,' 1 April 2022, available at: <https://www.benarnews.org/english/news/thai/trafficking-reports-04012022173952.html>

³³ Interviews with members of Cambodian civil society organizations, September 2023; See also: Kunthear, M., 'Workers faint in Svay Rieng shoe factory: Officials,' Khmer Times, 25 December 2019,

available at: <https://www.khmertimeskh.com/673467/workers-faint-in-svay-rieng-shoe-factory-officials/>; Keeton-Olsen, D., Sineat, Y., 'Unions Looking for Place Within SEZ Boundaries,' VOD English, 14 February 2022, available at: <https://vodenglish.news/unions-looking-for-place-within-sez-boundaries/>

³⁴ 2023 CESCR's Concluding Observations on Cambodia, paras 28-29.

³⁵ AQUARII, 'Minimum Wage in Cambodia,' 15 June 2023, available at: <https://aquariibd.com/minimum-wage-in-cambodia/>; RFA, 'Cambodia increases minimum wage to \$200 per month,' 21 September 2022, available at: https://www.rfa.org/english/news/cambodia/minimum_wage-09212022172817.html

³⁶ Interview with members of Cambodian civil society organizations, September 2023; Thame, C., 'SEZs and Value Extraction from the Mekong: A Case Study on the Control and Exploitation of Land and Labour in Cambodia and Myanmar's Special Economic Zones,' Focus on the Global South, 2017, at 20 – 21. ("2017 SEZ Report").

³⁷ Labour Law, Article 183.

³⁸ Prakas No.: 109 KB/Br.K on Health Care Benefits, Articles 6 and 7.

³⁹ Keeton-Olsen, D., Sineat, Y., 'Unions Looking for Place Within SEZ Boundaries,' VOD English, 14 February 2022, available at: <https://vodenglish.news/unions-looking-for-place-within-sez-boundaries/>.

⁴⁰ Soriththeavy, K., Amarthalingam, S., 'A Long Road for Independent Unions in SEZs,' 31 October 2022, available at: <https://vodenglish.news/a-long-road-for-independent-unions-in-sezs/>.

⁴¹ For example, Recommendations 110.27 and 110.153

⁴² For example, Recommendations 110.151-152

⁴³ For example, Recommendations 110.109, 110.113-114, 110.116

⁴⁴ Article 11 of the Anukret No. 148 affirms that, with regard to the use and management of the labour force, the rights and protections contained in Cambodia's Constitution apply in the zones (the SEZs). These include the right to form and be members of trade unions, and the right to strike as long as they are "exercised within the framework of the law."

⁴⁵ 2017 SEZ Report, at 22.

⁴⁶ OHCHR in Cambodia, 'A Human Rights Analysis of the Draft Law on Trade Unions,' at 26, available at: <https://cambodia.ohchr.org/en/news/ohchr-cambodia-releases-its-human-rights-analysis-draft-trade-union-law>; 2023 CESCR's Concluding Observations on Cambodia, paras 30-31.

⁴⁷ Interview with members of Cambodian civil society organizations, September 2023

⁴⁸ Interview with members of Cambodian civil society organizations, September 2023; Soriththeavy, K., Amarthalingam, S., 'A Long Road for Independent Unions in SEZs,' 31 October 2022, available at: <https://vodenglish.news/a-long-road-for-independent-unions-in-sezs/>.

⁴⁹ Articles 54-56 of the Trade Union Law. See also: Human Rights Watch, 'Only "Instant Noodle" Unions Survive,' 21 November 2022, available at: https://www.hrw.org/report/2022/11/21/only-instant-noodle-unions-survive/union-busting-cambodias-garment-and-tourism#_ftn352; Asian Institute of Technology & Mekong Migration Network, 'Jobs in SEZs: Migrant garment factory workers in Cambodia,' 2019, available at: <http://dds.ait.ac.th/wp-content/uploads/sites/19/2019/08/Policy-Brief-Cambodia-En2.pdf>

⁵⁰ Soriththeavy, K., Amarthalingam, S., 'A Long Road for Independent Unions in SEZs,' 31 October 2022, available at: <https://vodenglish.news/a-long-road-for-independent-unions-in-sezs/>; and Interview with members of Cambodian civil society organizations, September 2023.

⁵¹ For example, in December 2015, local authorities ordered a total work stoppage at Bavet's Tai Seng and Manhattan SEZs following a week of clashes between workers and police over demands for a higher minimum wage. Dara, M., Rollet, C., 'Bavet quiet as SEZ workers turned away,' The Phnom Penh Post, 24 December 2015, available at: <https://www.phnompenhpost.com/national/bavet-quiet-sez-workers-turned-away>; See also: Human Rights Watch, 'Only "Instant Noodle" Unions Survive,' 21 November 2022, available at: https://www.hrw.org/report/2022/11/21/only-instant-noodle-unions-survive/union-busting-cambodias-garment-and-tourism#_ftn352

⁵² For example, Recommendations 110.23 and 110.130-131

⁵³ General Comment No. 7 and 26; and the Basic Principles and Guidelines on Development-based Evictions and Displacement ("Basic Principles"), prepared by the Special Rapporteur on adequate housing, which reflect existing standards and jurisprudence on the issue of forced eviction.

⁵⁴ General Comment No. 26, paras. 22-31.

⁵⁵ Land Law 2001, Article 39.

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- ⁵⁶ The Land Law introduced a categorisation system for land ownership in Cambodia, consisting of: state-public land, state-private land, private-individual land and indigenous/communal land.
- ⁵⁷ Land Law 2001, Articles 17 and 43. For more information, see: ODC, 'Land classifications,' August 2015, available at: <https://opendevelopmentcambodia.net/topics/land-classifications/>
- ⁵⁸ Land Law 2001, Article 34.
- ⁵⁹ Land Law 2001, Article 38.
- ⁶⁰ Interview with members of Cambodian civil society organizations, September 2023
- ⁶¹ Land Law 2001, Article 5.
- ⁶² See Anukret No. 148, Article 3.
- ⁶³ JICA, 'Special Economic Zones,' accessed on 15 September 2023, available at: https://www.jica.go.jp/Resource/cambodia/english/office/others/c8h0vm000001oaq8-att/investment_09.pdf
- ⁶⁴ 2020 SEZ and Land Dispossession Report, at 30.
- ⁶⁵ Interview with members of Cambodian civil society organizations, September 2023
- ⁶⁶ CCHR 2018 Report, at 12 – 15 and 19 – 21; and CCHR Fact Sheet, at 5.
- ⁶⁷ CCHR 2018 Report, at 21.
- ⁶⁸ General Comment No. 26, para 28; 2009 Concluding Observations. See also: OHCHR, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,' General Assembly Resolution 60/147, 16 December 2005, available at: <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx>; See also: Basic Principles.
- ⁶⁹ CESCR, 'General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant,' E/1992/23, 13 December 1991.
- ⁷⁰ CCHR 2018 Report, at 27 – 28; and CCHR Fact Sheet, at 5 – 6.
- ⁷¹ Chakrya, K.S., 'Pursat land dispute nearly settled; 7M titles out by '23,' The Phnom Pehn Post, 20 July 2022, available at: <https://www.phnompenhpost.com/national/pursat-land-dispute-nearly-settled-7m-titles-out-23>.
- ⁷² 2020 SEZ and Land Dispossession Report, at 31. In 2006-2007, local residents reportedly saw company employees demarcating the boundaries of their land and began clearing it to build a road. At that time, the company reportedly paid 5,000 USD per hectare in compensation to 12 affected families who allegedly were relatives of the commune and village chief but did not provide compensation to the other 135 families whose land had also been affected.
- ⁷³ David, S., 'Koh Kong community rep's bail request denied,' The Phnom Pehn Post, 5 November 2014, available at: <https://www.phnompenhpost.com/national/koh-kong-community-rep%E2%80%99s-bail-request-denied>. FIDH, 'Cambodia: Arbitrary detention and judicial harassment of Mr. Heng Sok,' 9 March 2018, available at: <https://www.fidh.org/en/issues/human-rights-defenders/Cambodia-arbitrary-detention-and-judicial-harassment-of-mr-heng-sok>
- ⁷⁴ 2020 SEZ and Land Dispossession Report, at 30 – 31; Channyda, C., 'Tycoon compensates 135 families at SEZ,' Phnom Pehn Post, 10 July 2015, available at: <https://www.phnompenhpost.com/national/tycoon-compensates-135-families-sez-0>. Residents were reportedly awarded up to USD 20,000 in monetary compensation based on the size of their land.