



CAMBODIA

SUBMISSION TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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INTRODUCTION

This submission has been prepared in advance of the consideration by the UN Committee on Economic, Social and Cultural Rights (the Committee) at its 73rd session of the second periodic report on Cambodia's implementation of the International Covenant on Economic, Social and Cultural Rights (the Covenant).

The submission provides information about human rights violations in the context of drug policies, forced evictions, and the rights of Indigenous peoples. It should not be seen as an exhaustive account of Amnesty International's concerns.

DRUG POLICY (ART. 2.2, 3 AND 12)

In January 2017, the Cambodian government initiated a six-month campaign against drugs which has been repeatedly and indefinitely extended since then.¹ To date, the campaign's overwhelming emphasis on detention and prosecution rather than ensuring access to adequate healthcare for people who use drugs, including treatment and harm reduction, has led to an escalating public health and human rights crisis.

Cambodia's campaign against drugs has not only failed in its primary mission of reducing drug use and drug-related harms, but it has also led to serious and systematic human rights violations. During the first three years of the anti-drug campaign, at least 55,770 people were arrested on suspicion of using or selling drugs.² According to government data, as of December 2022, more than 54% of all people in Cambodian prisons were held on drug-related charges.³ Of these, a large proportion are being held solely for using or possessing small quantities of drugs, and at least 39% of the 21,740 individuals prosecuted as part of the anti-drug campaign between 2017 and 2019 were jailed for minor offences, including use and possession of drugs.⁴

Cambodia's Law on Drug Control, enacted in 2012, continues to provide the primary legal basis for drug prosecutions under the anti-drug campaign.⁵ The law contains a wide range of criminal offences, including the crime of "keeping" drugs (possession of drugs for personal use), which carries a sentence of two to five years' imprisonment, and up to ten years' imprisonment in cases of repeat offending (Articles 40 and 48). Separately, the law criminalizes the "unlawful consumption of narcotic substances" for individuals who have "already accepted compulsory treatment", providing penalties of between one and six months in prison, or up to one year in cases of repeat offending (Articles 45 and 53). Trafficking is criminalized under Article 40, carrying prison sentences of two to 20 years. People suspected or accused of using or possessing drugs are detained under two parallel systems of detention and punishment: the criminal justice system or drug-related administrative detention. Decisions as to whether an individual is held in a drug detention centre or criminally prosecuted appears not to follow any clear or systematic pattern. Several individuals interviewed by Amnesty International reported being asked to pay bribes to police to ensure that they would be sent to drug detention centres rather than face criminal prosecution.⁶

The police have significantly stepped up their efforts to identify, locate, and arrest people who use drugs since the beginning of Cambodia's anti-drug campaign in 2017. Drug raids in residential areas and sweeps of urban streets are common features of the campaign. According to testimonies gathered by Amnesty International, police have targeted neighbourhoods surrounding facilities that provide harm reduction, drug treatment, and other health services. Many of the people interviewed by Amnesty International were arrested in the immediate vicinity of the methadone clinic at the Khmer-Soviet Friendship Hospital in Phnom Penh, one of the few healthcare facilities in Cambodia that provides methadone, a prescribed drug that can be used to substitute heroin in the treatment of opioid dependence.⁷ Many of those who have been arrested are poor, homeless, and struggling with drug dependence and, according to interviews

¹ National Authority for Drugs and Crime website: <https://www.nacd.gov.kh/>

² National Authority for Combatting Drugs, Full Year Annual Report 2017, 26 February 2018; National Authority for Combatting Drugs, Full Year Annual Report 2018, 3 April 2019; National Authority for Combatting Drugs, First Six Months Report 2019, November 2019; Khouth Sophak Chakrya, "Over 5,500 arrested for drugs," Phnom Penh Post, 6 April 2020.

³ Kim Sarom, "Community sentences aim to ease overcrowding in prisons: Sar Kheng," The Phnom Penh Post, 26 December 2022, <https://bit.ly/3XetD1r>

⁴ National Authority for Combatting Drugs, Full Year Annual Report 2017, 26 February 2018; National Authority for Combatting Drugs, Full Year Annual Report 2018, 3 April 2019; National Authority for Combatting Drugs, First Six Months Report 2019, November 2019.

⁵ Law on Drug Control, promulgated January 2012, Royal Kram NS/RKM/0112/001.

⁶ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 18-23. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

⁷ A mass arrest of people suspected of using drugs and their children, including at least three infants, was filmed outside the Khmer-Soviet Friendship Hospital and shared online on 12 June 2017. Amnesty International has verified the video, which can be found here: <https://bit.ly/2xo82wQ> (video credit: K01 TV News).

conducted by Amnesty International and other civil society organizations, most people arrested on drug-related charges had a very limited understanding of their rights, rendering them at heightened risk of human rights violations.⁸

Although the Cambodian authorities frequently claim that they only target drug traffickers in their anti-drug operations, Amnesty International interviewed many people who were arrested and detained solely on the basis of their alleged drug use. In other cases, individuals told Amnesty International that they were convicted despite not being found in possession of any drugs. The presence of drug paraphernalia, including syringes or pipes, or the mere association with an individual in possession of drugs, is commonly seen as sufficient cause for arrest. In this context, the odds are stacked against any person living in poverty who enters the criminal justice system; simply being in the wrong place at the wrong time or being wrongfully accused by another person, can lead to years in prison on drug-related charges.

The anti-drugs campaign has skyrocketed Cambodia's prison population, which almost doubled since the campaign started, going from 21,900 at the end of 2016 to over 38,997 in March 2022,⁹ even though Cambodia's prisons have an estimated capacity of just 26,593. In early 2020, the population of Cambodia's largest prison, Phnom Penh's CC1, exceeded 9,500 prisoners – 463% over its maximum capacity of 2,050.¹⁰ This overcrowding crisis is causing serious and systematic human rights violations, including of right to health and, in some instances, amounts to torture or other ill-treatment.¹¹ Despite the harrowing levels of overcrowding in its detention centres and the threat of Covid-19 transmission since the pandemic began in early 2020, the Cambodian government persistently resisted calls to release people in prison as a way to prevent further transmissions of Covid-19.¹²

COMPULSORY TREATMENT IN DRUG DETENTION

Thousands of people each year are detained in so-called drug “rehabilitation” centres and “social affairs” centres. People formerly held at such drug detention centres described conditions which were even more inhumane than those found in the prison system. Though these centres claim to treat people with drug dependence, in reality they operate as punitive and abusive detention centres, utterly lacking in medical facilities and properly trained staff. Rather than receiving evidence-based treatment, people are detained against their will and face systematic abuse.¹³

There are currently at least seven state-run drug detention centres in which people who use drugs are compulsorily held, spread across various provinces of Cambodia.¹⁴ These centres are variously overseen by the national police, military police (gendarmierie), and the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSAVY), in tandem with municipal and provincial authorities. The MoSAVY also runs “youth rehabilitation” and “vocational training” centres, including Prey Speu, a social affairs centre on the outskirts of Phnom Penh where people who use drugs are also regularly detained.

These centres mostly hold individuals arrested by the police in anti-drug operations and “city beautification” efforts. In addition to people who use drugs, other marginalised groups are often detained in these centres, including homeless people, sex workers, and people with mental disabilities.¹⁵ Many individuals are also brought to drug detention centres by family members, hoping that their relatives might find the treatment and rehabilitation services they may require. Families typically have to pay the centre an initial entry fee in addition to a monthly “donation” for each month their relative remains there.¹⁶ Individuals are usually held in drug detention centres for six months; however, longer periods of detention—up to two years—are permitted under the Law on Drug Control.¹⁷

Cambodia's compulsory detention centres for people suspected of using drugs operate in a legal vacuum, with no domestic legislation adequately governing their management or operations. As such, these centres not only violate the prohibition of arbitrary detention,¹⁸ they also operate in the absence of oversight and regulation, rendering people detained therein at heightened risk of abuse.¹⁹

⁸ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 37-43. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

⁹ UCA News, “Cambodia's prison population doubles in six years”, *The Cambodia Daily*, 16 March 2022, <https://bit.ly/3CwzCqs>

¹⁰ Niem Chheng, “Prey Sar prison no longer accepting pre-trial detainees to ease burden,” *Phnom Penh Post*, 20 January 2020, <https://bit.ly/20QVYKx>.

¹¹ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 43-45. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

¹² Khouth Sophak Chakrya, “Over 5,500 arrested for drugs,” *Phnom Penh Post*, 6 April 2020, <https://bit.ly/3ejbwIB>.

¹³ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 18-35. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

¹⁴ 1) Orkas Knhom Center, Phnom Penh; 2) Chivit Thmey Youth Rehabilitation Center, Banteay Meanchey; 3) Educational and Rehabilitation Center of Military Police, Banteay Meanchey; 4) Hope Center of Civilian Police, Battambang; 5) Educational and Rehabilitation Center of Military Police, Battambang; 6) Rehabilitation Center for Drug Dependence, Siem Reap; and 7) Education and Rehabilitation Center of Military Police, Sihanoukville.

¹⁵ Human Rights Watch, “Skin on the Cable: The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia,” 25 January 2010, <https://bit.ly/2uJh8U1>; Human Rights Watch, “They Treat Us Like Animals: Mistreatment of Drug Users and “Undesirables” in Cambodia's Drug Detention Centers, 2013, <https://bit.ly/37krUgH>.

¹⁶ Amnesty International interview with drug rehabilitation expert, Phnom Penh, 24 October 2019.

¹⁷ Law on Drug Control, Article 102 (5).

¹⁸ UN Working Group on Arbitrary Detention, *Arbitrary detention related to drug policies*, 18 May 2021, A/HRC/47/40, para. 84

¹⁹ The 2012 Law on Drug Control, in addition to Circular No. 03 of 2006 on the Implementation of Measures on Drug Education, Treatment and Rehabilitation for Drug Users, are the only sources of law which refer to state-run “rehabilitation” centres, yet they are wholly inadequate as a legal basis for the system of mass

Data on the number of people compulsorily detained in drug detention centres in Cambodia is difficult to access and verify. According to the limited government data available, 3,400 people were reportedly sent to drug-detention centres in 2016, increasing to 8,700 people in 2017 – an increase of 256% during the first year of the anti-drug campaign.²⁰ People interviewed by Amnesty International who were formerly held at these centres described extreme overcrowding during their time in drug-related detention, with the situation deteriorating markedly after 2017 as a result of the anti-drug campaign.²¹ People formerly detained in drug detention centres consistently described conditions which were so cramped that it was impossible to sleep on one's back on the floor of the cell. Instead, detainees crowded together on their sides, or have to sleep in shifts. Conditions are exacerbated by a lack of ventilation, with many former detainees describing hot, windowless cells infested with mosquitoes. Severe overcrowding, in combination with a lack of access to clean water and nutritious food, has a major impact on their physical and mental health.

People who were formerly detained in drug detention facilities described frequent instances of physical abuse, often amounting to torture and other ill-treatment. People interviewed by Amnesty International described regimes of violence and fear in which “room leaders” (long-term detainees who have been selected by the centre staff to maintain discipline and order over other detainees in exchange for privileges and benefits) and centre staff exercise apparently unlimited power over detainees. Amnesty International received worrying accounts of people being beaten to death by centre-appointed “room leaders”, followed by alleged cover-ups by centre authorities in both the Orkhas Khnom and Prey Speu centres in Phnom Penh.²² Several detainees reported witnessing the deaths of their fellow inmates, often due to a combination of physical abuse, drug withdrawals without any medical support, and inhumane conditions of detention.²³ Other former detainees recounted witnessing frequent suicide attempts because of the combination of suffering through unsupported drug withdrawals and severe physical abuse. In two cases documented by Amnesty International, former detainees described attempted cover-ups by the centre authorities after detainees were beaten to death. According to the Cambodian League for the Promotion and Defence of Human Rights (LICADHO), at least 10 people died in Prey Speu between July and August 2022 alone.²⁴ These deaths were rarely, if ever, investigated by the authorities.

LACK OF EVIDENCE-BASED TREATMENT AND HARM REDUCTION SERVICES

Cambodia's drug detention centres have faced sustained criticism over the years, including allegations of torture, forced labour, sexual violence, and deaths in detention.²⁵ Despite the many concerns raised from civil society organizations and several international human rights mechanisms, including from this Committee during Cambodia's previous review,²⁶ there has been little or no improvement in the monitoring and supervision of these detention facilities and reports of human rights abuses continue to be rife.

Testimonies of individuals formerly detained in Cambodia's drug detention centres strongly suggest that this system is not intended to meaningfully assist those with drug dependence, but rather appears intended to remove individuals deemed “undesirable” from public spaces and to punish people for their perceived moral failings. Individuals formerly detained in the name of “rehabilitation” spoke to Amnesty International of the complete absence of appropriate medical care and facilities within detention centres and described an absence of concrete rehabilitation and treatment plans, with an apparent reliance on abstinence as the sole solution to drug dependence.²⁷ Several medical studies have concluded that there is no evidence to suggest that compulsory treatment approaches have better outcomes than non-compulsory methods.²⁸ In fact, the UNODC has also recognized that mandatory confinement has not resulted in sustained treatment outcomes but rather has been associated with increased HIV risks, added stigma and discrimination against people who

detention which currently exists, due to their lack of clarity regarding the circumstances under which individuals can be involuntarily detained. The Law on Drug Control makes reference to “compulsory drug rehabilitation” but does not provide specific determination procedures for the involuntary committal of individuals.

²⁰ Kong Meta, “Ongoing drug crackdown straining facilities,” *Phnom Penh Post*, 3 January 2016, <https://bit.ly/37m4mYU>.

²¹ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 33-35. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

²² Amnesty International. “Substance abuses: The human cost of Cambodia's anti-drug campaign”. May 2020. Index Number: ASA 23/2220/2020, pp. 18-33. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

²³ Amnesty International. “Substance abuses: The human cost of Cambodia's anti-drug campaign”. May 2020. Index Number: ASA 23/2220/2020, pp. 18-33. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

²⁴ LICADHO, “Close Prey Speu: Multiple detainee deaths reported at unlawful detention centre”, 7 December 2022, <https://bit.ly/3CxBakd>

²⁵ UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations of the Committee on Economic, Social and Cultural Rights – Cambodia, June 2009, E/C.12/KHM/CO/1, para. 33; UN Committee Against Torture, Concluding observations of the Committee against Torture – Cambodia, January 2011, UN Doc. CAT/C/KHM/CO/2, para. 18-20; Committee on the Rights of the Child (CRC), Concluding observations: Cambodia, August 2011, CRC/C/KHM/CO/2-3, para. 38-39; World Health Organization (WHO), “Assessment of Compulsory Treatment of People Who Use Drugs in Cambodia, China, Malaysia and Viet Nam”, 2009

²⁶ UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations of the Committee on Economic, Social and Cultural Rights – Cambodia, June 2009, E/C.12/KHM/CO/1, para. 33

²⁷ Amnesty International. “Substance abuses: The human cost of Cambodia's anti-drug campaign”. May 2020. Index Number: ASA 23/2220/2020, pp. 18-33. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

²⁸ See Werb *et al*, The effectiveness of compulsory drug treatment: A systematic review, *International Journal of Drug Policy*, February 2016, vol. 28, pp. 1-9, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4752879/>

use drugs, numerous violations of human rights, and significant deviations from evidence-based best practices in drug dependence treatment.²⁹

Cambodia's drug detention centres are bereft of medical facilities and lack staff trained to assist individuals with drug dependence. Instead, people held in these prison-like facilities are left idle and are often forced to suffer through painful withdrawals while being subjected to severe overcrowding, torture and other abuse. In many centres, people are obliged to undergo military-style drills and exercise regimes considered to be part of the recovery. The very existence of Cambodia's drug detention centres is founded on a deeply flawed set of assumptions, including a belief that the combination of detention, forced abstinence, and exercise helps people to recover from drug dependence and ultimately stop using drugs.³⁰

Cambodia's anti-drugs campaign has also led to police raids targeting drug treatment and other health facilities, further deterring people from seeking the health care they may require and creating additional barriers to the right to health of people who use drugs.³¹ As told to Amnesty International by service providers, raids regularly involve the arbitrary arrest and detention of people who use drugs, interrupt essential health services, and act as a deterrent to individuals who are seeking to access drug treatment and rehabilitation.³² This practice further underlines the skewed implementation of the anti-drug campaign in favour of criminalisation and incarceration at the expense of public health and human rights.

People arrested during these raids are regularly subjected to compulsory drugs urine testing and asked to sign or thumbprint documents which they often cannot read or do not understand in what constitutes an arbitrary interference with the right to privacy.³³

DISPROPORTIONATE IMPACT ON WOMEN AND MARGINALIZED GROUPS

Cambodia's anti-drugs campaign has had a disproportionate impact on women and a number of marginalised groups, including people living with HIV, sex workers and ethnic minority groups. While more than 50% of all prisoners in Cambodia are held on drug-related charges, 73% of all women prisoners are imprisoned on drug-related charges.³⁴

Amnesty International interviewed five women who were prosecuted under anti-drug legislation.³⁵ Among them, four were convicted for trafficking, while one was convicted for using drugs. Four of them stated that they were not in possession of any drugs when they were arrested; two of these women were convicted based on forced urine testing, and two told Amnesty International that they were arrested as bystanders in drugs raids despite never having possessed or used drugs. All five trials described to Amnesty International failed to meet fair trial standards, did not meet evidentiary standards and contravened the presumption of innocence.³⁶

All five women, three of whom were imprisoned alongside their infant children, described harrowing prison conditions that severely impacted their physical and mental well-being and that of their children. Two of these women gave birth to their children while serving prison sentences and another one was imprisoned with her infant child. Their accounts suggested that overcrowding and poor conditions also pervade women's prisons and have a particularly serious impact on women and their children. In none of the accounts told to Amnesty International did the trial judge explicitly consider non-custodial sentences for pregnant women or women with infant children.

Women told Amnesty International that they suffered from a complete lack of pre-natal and post-natal care inside the prison system, despite the fact that Article 40 of the Prison Law requires that such care be provided.³⁷ Women detained in CC2 prison reported that their children received no food from the prison, and that they received no additional food when breastfeeding. Food was reported to be of poor nutritional value and portions were inadequate. No portions were provided for infants in detention, so mothers had to share their own meagre portions or find ways to purchase additional food. Several women complained that their infant children often fell ill in prisons due to a combination of unsanitary conditions, overcrowding, stale air, and insufficient food of poor quality.

²⁹ UNODC, *Transition from compulsory centres for drug users to voluntary community-based treatment and services* – discussion paper, 2015

³⁰ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 10-17. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

³¹ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, United Nations General Assembly, 2010, A/65/255

³² Amnesty International. "Substance abuses: The human cost of Cambodia's anti-drug campaign". May 2020. Index Number: ASA 23/2220/2020, pp. 59. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

³³ UN General Assembly, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, August 2009, UN Doc. A/64/272 para 32.

³⁴ Khuon Narim, "New Justice Minister vows reforms and speedier trial procedures," Khmer Times, 02 April 2020, <https://bit.ly/2wEgKY6>; "The interior minister shows the number of prisoners in prison" [Khmer], Sabay News, 02 April 2020, <https://bit.ly/39Zw1QM>.

³⁵ Amnesty International. "Substance abuses: The human cost of Cambodia's anti-drug campaign". May 2020. Index Number: ASA 23/2220/2020, pp. 50-54. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

³⁶ Amnesty International. *Substance abuses: The human cost of Cambodia's anti-drug campaign* (ASA 23/2220/2020), May 2020, pp. 50-59. Available at <https://www.amnesty.org/en/documents/asa23/2220/2020/en/>

³⁷ Law on Prisons 2011, Article 40.

Women sex workers interviewed by Amnesty International reported being severely impacted by the anti-drug campaign, partly because those who solicit in public spaces are frequently targeted in street sweeps and partly because of reported high levels of drug use among sex workers. Several sex workers told Amnesty International that they used drugs in order to facilitate their work, as it enabled them to work for longer hours, and to feel better while working. Many sex workers have been sent to drug detention centres after being rounded up in street sweeps.

People living in poverty and people living with HIV have also borne the brunt of heavy-handed policing of anti-drug operations. Organizations supporting people living with HIV have complained of significant difficulty in providing effective treatment to those with whom they work as a result of the anti-drug campaign.³⁸ A representative from one organization providing harm reduction, counselling, and rehabilitation services for people who use drugs told Amnesty International that police raids break the cycle of treatment and recovery for people living with HIV and tuberculosis, explaining how difficult it becomes to find them after they are released to allow the treatment to continue.³⁹

Community and outreach workers with public health organizations, including those promoting harm reduction services, have also been arrested in drugs raids while conducting outreach activities and sometimes detained in compulsory drug detention centres.⁴⁰ Such arrests have had a significant deterrent effect on people who may need to access the services that outreach workers are promoting due to fear of the police. Amnesty International heard of the chilling effect that these raids have had, preventing people who use drugs from seeking healthcare, information or tools that may help them to avoid infection and minimize the risk of vein damage and other more serious health consequences.

Cambodia's Vietnamese population – both established ethnic Vietnamese communities and more recent arrivals – face widespread discrimination in Cambodian society. Many are denied legal recognition in the form of identification cards and family books, putting them at a heightened risk of homelessness and poverty.⁴¹ Ethnic Vietnamese people interviewed by Amnesty International described particularly harsh treatment at the hands of police and within compulsory drug detention centres.

RECOMMENDATIONS

Amnesty International recommends that the government of Cambodia:

- Immediately launch a comprehensive review of the anti-drug campaign designed to bring drug laws and policies into conformity with international human rights law and standards to ensure the greatest protection of public health and human rights.
- Amend the 2012 Law on Drug Control in order to explicitly prohibit compulsory drug treatment and mandatory detention for the purpose of drug rehabilitation.
- Remove all criminal offences for the use and possession of drugs for personal use.
- Order the immediate and permanent closure of all compulsory drug “rehabilitation” centres while ensuring the provision of adequate healthcare and social support for people released from drug detention centres as per their individual needs.
- Ensure that all drug treatment provided in public and private centres is evidence-based, voluntary, and safeguarded by informed consent.
- Increase access to health and social services to reduce the risks and harms associated with the use of drugs, including prevention, information, harm reduction, voluntary treatment and rehabilitation services where medically indicated and on a non-discriminatory basis, including in prisons and other situations where people are deprived of their liberty.
- Ensure that harm reduction, treatment and rehabilitation services are available, acceptable and easily accessible to everyone on a non-discriminatory basis, and ensure that they are of good quality, paying particular attention to the needs of the most marginalized and to the specific needs of women, children, and adolescents.
- Put in place a wide set of gender-sensitive and holistic socio-economic protection measures to ensure that drug control laws and policies contribute to overcoming structural sources of vulnerability, stigma and discrimination that affect people who use drugs or who engage in the drug trade, especially women and those belonging to marginalized and disadvantaged communities.

³⁸ See, for example, Martin de Bourmont and Khouth Sophak Chakrya, “Is Cambodia’s war on drugs working?” *Phnom Penh Post*, 14 June 2017, <https://bit.ly/37nY7UH>.

³⁹ *Substance abuses: The human cost of Cambodia’s anti-drug campaign*, previously cited, pp. 59.

⁴⁰ Amnesty International interview with a man detained during anti-drug campaign, Phnom Penh, 18 November 2019.

⁴¹ Report of the Special Rapporteur On the Situation of Human Rights in Cambodia, September 2019, UN Doc. A/HRC/42/60/Add.1, paras. 47-51; Minority Rights Group, “Cambodia: Ethnic Vietnamese,” November 2017, <https://bit.ly/2vwUQFm>; Tim Frewer, “Cambodia’s Anti-Vietnam Obsession,” *The Diplomat*, 6 September 2016, <https://bit.ly/2uHhJWg>.

- Address the root causes and socio-economic factors that may increase the risks of using drugs or that lead people to engage in the drug trade, including ill-health, denial of education, unemployment, lack of housing, poverty, and discrimination.

RIGHT TO ADEQUATE HOUSING – FORCED EVICTIONS (ART. 11)

Since the beginning of the Covid-19 pandemic, the Cambodian authorities have forcibly evicted people from ten sites⁴² comprising 1,507 families,⁴³ in and around Phnom Penh. The circumstances in which the forced evictions occurred are endangering to life because they were undertaken during a pandemic. Amnesty reviewed the process for these evictions, which regularly involved a lack of due legal process, including not providing evicted families with clear information about their eviction so that they may seek to challenge it in court. Evicted families typically received less than 90 days' notice of the eviction, which is recommended by the UN Basic Principles and Guidelines on Development-based Evictions and Displacement. Written notices were provided to families at only two sites of evictions. In addition, little or no compensation and/or relocation to sites that were not fit for housing was reported at five sites. Cambodia's track record on evictions has not improved since Cambodia's last review before this Committee,⁴⁴ and the latest forced evictions indicate that the authorities are unwilling to protect public health and human rights during a global health crisis.

Cambodia's Land Law, enacted in 2001, continues to provide the primary legal basis for evictions. The law provides classifications for types of property (land) that can and cannot be owned by individuals (Articles 15, 16). State public property is land that is for public use, such as rivers, lakes, and train-tracks (Article 15). This land cannot be owned by private individuals, but it is often unclear where the boundaries of a lake end, and the private land of an individual may begin. Occupation of state public property is a crime (Article 19) and is the primary argument used against communities to evict them at will. The authorities have justified most evictions in Phnom Penh because the communities allegedly occupied state public property – typically by living on the edge of a lake, river or train track.⁴⁵ The Land Law also provides avenues for the government to provide land to landless groups (Article 17); however, instead the authorities have forcibly evicted communities in the absence of legal and procedural safeguards against forced evictions and rendered them homeless or living in highly inadequate housing and precarious circumstances.

On 28 April 2020, as the Covid-19 pandemic took hold, people living in poverty in both urban and rural settings joined together to submit a petition to the government outlining their requests for support to withstand the effects of Covid-19, including a request to halt all evictions.⁴⁶ Authorities responded to the petition by detaining and interrogating community members who tried to peacefully submit it.⁴⁷ Rather than listening to the calls for assistance from the public petition, the Cambodian government utilised the crisis as an opportunity to forcibly evict more communities, while civil society organizations and the media were often unable to monitor the conduct of the evictions due to the pandemic.

On 28 April 2020, the UN Special Rapporteur on the right to adequate housing released further guidance that warned governments against evicting anyone during the global health crisis, calling it a “potential death sentence”.⁴⁸

FORCED EVICTIONS DURING COVID-19

Of the ten sites where evictions occurred, seven were not provided with legal documents that adequately showed that they occupied state public property, which was the most common argument used by the authorities to evict people. Some

⁴² Families were evicted between 2019 and 2022 from the following locations: 1 Banteay Sluek (in 2020), Boeung Chhouk A (2021), Boeung Samrong (2019), Stung Kambot (2022), Boeung Tamok (2021-2022), Boeung Tamok 1 (2021), Pluev Roet Pleung (2022), Toul Sangke A (2022), Plov Ciet Lek Pram (2022) and at the Kandal Airport site (2021-2022).

⁴³ A further 88 families lost land to land grabbing during the pandemic, while 296 families reported being in the process of eviction which was either started or continued throughout Covid-19.

⁴⁴ UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations of the Committee on Economic, Social and Cultural Rights – Cambodia, June 2009, E/C.12/KHM/CO/1, para. 30

⁴⁵ Sahmakum Teang Tnaut, 'Eviction and Relocation', 2020. Available at teangtnaut.org.

⁴⁶ Sahmakum Teang Tnaut, 'Facts and Figures #46: COVID-19 and the help provided'. Available at https://teangtnaut.org/wp-content/uploads/2022/03/STT_Facts-and-Figures46_ENG_Final.pdf, see Request Number 5.

⁴⁷ Joint Statement: Stop Harassment of Community Representatives over COVID-19 Petition | Cambodia, available at <https://www.licadho-cambodia.org/pressrelease.php?perm=450&english>

⁴⁸ UN COVID-19 Guidance Note: Prohibition of evictions, available at https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf.

families reported receiving as little as a few days before being evicted. This is in stark contrast to the 90-day minimum time limit recommended by UN guidelines on evictions.⁴⁹

At one site, on 27 October 2021, negotiations were cancelled by authorities when they brought excavators to the site with the threat “you take the money now or you leave with nothing”. Some of the houses had already been partially demolished before the threat was issued.⁵⁰ Further, the process for delivering notices to evict was inconsistent in practice and often unclear.⁵¹ In some cases, letters outlining a notice to evict were delivered to communities and posted in public areas or attached to houses. In other cases, police verbally informed communities they would be evicted “soon” but gave no definitive timeline.⁵² This made it impossible for families to challenge their evictions as they had no written clarification of the reasons for their eviction which they could refer to. In a case from 2022, evictions began as negotiations between families and authorities were ongoing.⁵³ Some residents had lived at the site for more than 30 years.

Throughout the process of eviction for the ten sites, there was little monitoring by independent groups. In some cases, this was because evicted communities were not provided with enough information or resources to inform monitoring groups beforehand.

PUBLIC HEALTH CONCERNS AND UNPREPARED RELOCATION SITES

The risks posed by forcibly evicting communities into homelessness during the Covid-19 pandemic where they would not be able to keep themselves safe or take adequate measures to recover were ignored by the government, thus violating not only their right to housing but also to health. Where evicted households were sent to relocation sites, they routinely lacked essential services, placing relocated households at risk of further violations, especially of their rights to health, water and sanitation. Location of the resettlement sites also often adversely impacted their income opportunities.

A community evicted in 2020, at the height of the pandemic, was relocated to land outside of Phnom Penh, more than 20 kilometres from where they used to live, where there were no houses available to them. The families were provided with only plots of land with water and electricity connections available only after they built houses. The community received \$100 USD as compensation, a 4m x 15m plot of land without housing, and a month’s stay in rental housing, which was granted to the community so that they could be sheltered while they built their houses. As a result, many community members went into debt to pay for new housing. In some cases, houses were not built after a month and the families were then homeless, forced to either spend money on rental housing, or construct tent-like shelters.

This type of relocation put evicted people at risk of health problems caused by lack of access to housing and removed them from local income generating opportunities, further exacerbating the debt they had incurred to build new houses. Complaints of debt issues because of evictions and relocations were not uncommon.

RECOMMENDATIONS

Amnesty International recommends that the government of Cambodia:

- Stops all forced evictions and ensure that no one is made homeless as a result of eviction.
- Introduces and implements national legislation in compliance with international human rights standards to explicitly prohibit forced evictions.
- Introduces guidelines based on, and compliant with, the UN Basic Principles and Guidelines for Development-based Evictions and Displacement for officials carrying out evictions.
- Provides a minimum degree of security of tenure to all, especially those living in informal settlements.
- Ensures that all victims of forced evictions have access to effective remedy.
- Takes urgent steps to ensure that alternative housing provided to all those evicted is in line with international standards on adequacy of housing.

⁴⁹ United Nations, ‘Basic Principles and Guidelines on Development Based Evictions and Displacement’, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living A/HRC/4/18, https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/Guidelines_en.pdf, page 13.

⁵⁰ The location of this eviction is along the newly constructed Sihanoukville expressway. See: <https://www.vodkmer.news/2021/10/30/families-impacted-in-pp-sv-highway-project-regret-that-authorites-destroyed-their-house/>.

⁵¹ See [Families affected by Kandal airport demand clarity on compensation | CambolA News](#) as an example of the lack of transparency and clarity related to compensation for land and housing.

⁵² See [Boeng Tamok Residents Protest for Fear of Forced Evictions \(vodenglish.news\)](#), for an example of how a community suffers due to the uncertain and unclear process of eviction after being flagged as illegal occupants.

⁵³ [Russej Keo Riverside Families Want Fair Compensation to Leave \(vodenglish.news\)](#). These families are referred to above as Plov Ciet Lek Pram.

- Publicly and unambiguously classify land prior to evictions and submit documents to communities for them to review.
- Conducts impartial, independent and transparent investigations into the evictions that occurred during the Covid-19 pandemic to check their compliance with international guidelines on evictions and resettlement and to ensure that all those responsible for carrying out forced evictions are held to account.
- Ensures that all evictions occur only when there is a legal basis for the evictions, the persons being evicted have been provided with enough information to understand the situation properly, and provide at least 90 days of written notice to ensure persons being evicted can challenge the evictions in court or other forum.
- Ensures that all necessary measures are put in place to minimise the disruptive impact of evictions including on children's education, people's livelihoods and access to essential services.

INDIGENOUS PEOPLES' RIGHTS (ART. 15)

Illegal logging has had a devastating impact on Indigenous peoples' rights within Cambodia. Amnesty International has documented these impacts on Kuy communities, who rely on the forest to sustain their traditional livelihoods and to maintain their spiritual and cultural practices. The destruction in Prey Lang and Prey Preah Roka forests has led to violations for the Kuy who have been barred from accessing their ancestral lands, unable to utilise the natural resources within the forests, and threatened with guns by illegal loggers and corrupt government officials.

RESTRICTION OF ACCESS TO INDIGENOUS LANDS AND SACRED AREAS

Cambodian environmental authorities have increasingly resorted to conservation-based arguments to justify their harassment and marginalisation of independent environmental activists in recent years. On 22 February 2020, at various locations around the Prey Lang forest, armed forest rangers deployed by the Ministry of Environment intercepted, harassed and in some cases temporarily detained members of PLCN (Prey Lang Community Network), monks and community members seeking to participate in PLCN's annual tree blessing ceremony.⁵⁴ The tree blessing ceremony is an important event for local Kuy communities, both in terms of their cultural and spiritual practices, and in respect of their efforts to protect Prey Lang. PLCN explains that its annual tree blessing ceremony event is: "[c]elebrated so that the spirits of the mountain, valley, and the streams that take care of the territory and forests would keep them peaceful and prosperous".⁵⁵

Official reasons for not being allowed to enter forests provided to Kuy monitoring groups were that they were not officially registered either as a community forest groups or NGO.⁵⁶ Ministry of Environment officials have weaponised Cambodia's Law on Associations and Non-Governmental Organisations (LANGO), and the Law on Protected Areas to restrict groups such as PLCN and PPRFCN (Prey Preah Roka Forest Community Network) that are not "registered" (Article 6 of LANGO) from engaging in forest patrols. LANGO was introduced in August 2015 amid heavy criticism from international and Cambodian human rights organisations, with Amnesty International calling for the law to be rejected, citing inconsistencies with the right to freedom of association and the potential negative impacts on grassroots activism.⁵⁷ Penalties for conducting activities in the absence of registration under the LANGO include bans on activity, fines, and can lead to the criminal prosecution of members.

REDUCTION IN INCOME GENERATION FROM ILLEGAL LOGGING

Amnesty International and Space4good, a remote sensing agency, estimated the deforestation of at least 6,271 hectares (an area in size equivalent to 8,784 soccer pitches) in Prey Lang and Preah Roka protected areas during 2021. The

⁵⁴ Amnesty International, Cambodia: Harassment of forest defenders undermines struggle against climate change (Index Number: ASA 23/2004/2020), 20 March 2020, [amnesty.org/en/documents/asa23/2004/2020/en/](https://www.amnesty.org/en/documents/asa23/2004/2020/en/); Cambodian League for the Promotion and Defense of Human Rights (LICADHO), "Authorities' Obstruction of Grassroots Activism Hurts Prey Lang Conservation", 25 February 2020, [licadho.org/pressrelease.php?perm=448](https://www.licadho.org/pressrelease.php?perm=448)

⁵⁵ Amnesty International, Cambodia: *Our traditions are being destroyed: Illegal logging, repression, and Indigenous peoples' rights violations in Cambodia's protected forests* (ASA 23/5183/2022), January 28, 2022, <https://www.amnesty.org/en/documents/asa23/5183/2022/en/>

⁵⁶ Amnesty International interview with Lin Boramey, September 2021; Amnesty International interview with Dy Vuthy, September 2021.

⁵⁷ Amnesty International, Cambodia: *Withdraw draft Law on Associations and Non-governmental Organisations* (Index: ASA 23/1909/2015), 22 June 2015, [amnesty.org/en/documents/asa23/1909/2015/en/](https://www.amnesty.org/en/documents/asa23/1909/2015/en/)

analysis estimates that Prey Lang and Preah Roka lost at least 6,026 hectares and 246 hectares of forest (respectively) over that 12-month period.⁵⁸

The loss of the forest has also meant the loss of livelihoods for many Kuy families. Resin tapping, which involves the sustainable collection of oleoresins from various species of dipterocarp trees growing wild in the forest, has been extremely important to Kuy livelihoods.⁵⁹ Research has shown that tapping of a single tree can continue for decades.⁶⁰ The wood of the *dipterocarpus* species is commercially valuable, although not of the highest quality. It is classed as Grade 2 and is highly sought after by many Cambodian timber traders, in part because it is ideal for plywood.⁶¹ Resin trees in Prey Preah Roka are mostly the species *dipterocarpus alatus* (Cher Teal in Khmer) and *dipterocarpus crispalatus* (trach in Khmer) which are commonly used as tables, doors, ceiling beams, chairs and beds.

The resin trees tapped by people in Prey Preah Roka have increasingly come under pressure from loggers over the last decade, but community members reported a spike in resin trees being lost over the last two years, coinciding with the Ministry of Environment's restrictions on forest protection activities by grassroots organisations. Aside from resin, community members also reported that there has been a significant reduction in the availability of other non-timber forest products (NTFPs) like seasonal fruits. Some villagers estimated that in past years they were able to collect enough of these fruits to generate 100,000 riel (approximately USD 25), typically from a one- or two- day trip in the forest.⁶²

The traditional user rights of local communities to harvest forest products and by-products is recognized in the Law on Protected Areas (2008), the Law on Forestry (2002), the Law on Environmental Protection and Natural Resource Management (1996), and the Land Law (2001). Article 20 of UNDRIP also recognizes that Indigenous peoples have the right "to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities", and the Cambodian authorities have a corresponding duty to protect this right. Furthermore, Article 20.2. states that "Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress." The Cambodian authorities therefore have a responsibility under domestic and international law to protect the forests on which Indigenous peoples traditionally depend and to guarantee the right of Indigenous peoples to participate in forest conservation.

STATE COMPLICITY IN LOGGING, DEATH THREATS AND INCREASING GUN POSSESSION

Investigations into illegal logging in Prey Lang and Prey Preah Roka have consistently pointed to the role of corruption on the part of state officials in facilitating the illegal logging trade.⁶³ The illicit activities of logging companies would not be possible without facilitation by Ministry of Environment rangers and police. The November 2021 report by USAID and Tetra Tech also contains references to evidence of official corruption within the Ministry of Environment in the context of the illegal logging of Prey Lang Wildlife Sanctuary.⁶⁴ Across both Prey Lang and Prey Preah Roka, community members consistently told Amnesty International that Ministry of Environment officials and local police were making a profit from the illegal logging trade.⁶⁵

Government authorities routinely use repressive tactics to intimidate and threaten environmental defenders. Testimony from 10 PLCN members indicates death threats occur frequently. In one case, a PLCN member overheard communications between police and loggers indicating the police were coming to kill him. In another, a police officer asked a PLCN member if he was familiar with the case of Chut Wutty, which was interpreted as threatening given Wutty's murder. In April 2012, renowned environmental activist Chut Wutty was shot dead by a military police officer while investigating illegal logging in Koh Kong province. Wutty was widely known for his work to protect Prey Lang and had worked closely with PLCN since its foundation, but nobody was brought to justice for his murder.⁶⁶

The PLCN has also reported that the complicity of the state in illegal logging has led to a rise in home-made firearms amongst illegal loggers. Testimony and photographic evidence indicate that illegal loggers are bringing home-made

⁵⁸ Cambodia: 'Our traditions are being destroyed', previously cited.

⁵⁹ Swift, Changing ethnic identities, December 2013, p. 300.

⁶⁰ Tom Evans and others, "A Study of Resin-Tapping and Livelihoods in Southern Monduliri, Cambodia, With Implications for Conservation and Forest Management," Wildlife Conservation Society, January 2003, s3.amazonaws.com/WCSResources/file_20120709_214332_Evans-et-al-Resin-SBCA_JhYoQ.pdf (hereinafter Evans and others, "A Study of Resin-Tapping and Livelihoods").

⁶¹ Evans and others, "A Study of Resin-Tapping and Livelihoods."

⁶² Cambodia: 'Our traditions are being destroyed', previously cited.

⁶³ USAID and Tetra Tech, 'USAID Greening Prey Lang Annual Report #3 October 1, 2020 – September 30, 2021', November 2021, [⁶⁴ USAID and Tetra Tech, 'USAID Greening Prey Lang Annual Report #3 October 1, 2020 – September 30, 2021', November 2021, \[⁶⁵ Cambodia: 'Our traditions are being destroyed', previously cited.\]\(https://dec.usaid.gov/dec/content/Detail_Presto.aspx?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDNmY2Uy&rlD=NTk0MjY0&inr=VHJ1ZQ%3d%3d&dc=YWRk&rrtc=VHJ1ZQ%3d%3d&bckToL=, Annex VI.</p></div><div data-bbox=\)](https://dec.usaid.gov/dec/content/Detail_Presto.aspx?ctID=ODVhZjk4NWQtM2YyMi00YjRmLTkxNjktZTcxMjM2NDNmY2Uy&rlD=NTk0MjY0&inr=VHJ1ZQ%3d%3d&dc=YWRk&rrtc=VHJ1ZQ%3d%3d&bckToL=, Annex VI.</p></div><div data-bbox=)

⁶⁶ Cambodia: 'Our traditions are being destroyed', previously cited.

firearms with them into the forest, primarily for hunting. However, in 2022, there were several incidents in which illegal loggers shot at or around members of the PLCN in attempts to intimidate them.

Violent attacks by loggers are not unheard of in Prey Lang. In March 2016, a prominent woman human rights defender from PLCN, Phon Sopheak, was attacked with an axe by unidentified assailants while she was resting during a PLCN forest patrol in Prey Lang.⁶⁷ PLCN described the attack as attempted murder.⁶⁸ Nobody was ever prosecuted for the attack.

RECOMMENDATIONS

Amnesty International recommends that the government of Cambodia:

- Publicly and unambiguously lift the de facto ban on community patrols in Prey Lang, Prey Preah Roka, and other protected forests throughout Cambodia.
- Publicly and unambiguously clarify that the Indigenous owners of Prey Lang, Prey Preah Roka, and other protected forests always have unimpeded access to these forests without prior permission from the relevant authorities.
- Publicly and unambiguously clarify that informal groups of community activists such as the Prey Lang Community Network and the Prey Preah Roka Forest Community Network have a right to engage in forest conservation activities (including forest patrols), including through access to Prey Lang, Prey Preah Roka, and other protected forests without prior permission from the relevant authorities.
- Cease the harassment and intimidation of environmental activists and investigators and ensure that all human rights defenders working to conserve the environment are protected and supported in their work.
- Conduct impartial, independent and transparent investigations into attacks on environmental activists and hold those responsible to account, in accordance with domestic and international standards of due process.
- Conduct impartial, independent and transparent investigations into allegations of corruption by Ministry of Environment officials and police officers in and around Prey Lang, Prey Preah Roka and other protected forests throughout Cambodia, with a view to holding any perpetrators fully accountable, in accordance with domestic and international standards of due process.
- Ensure that all initiatives (including laws, policies, development projects, and conservation and climate change initiatives) that may affect the rights of Indigenous peoples are only implemented after having obtained their free, prior, and informed consent.
- Repeal or revise the Law on Associations and Non-Governmental Organisations (LANGO) to bring it into line with international human rights law and standards, including, inter alia, by removing the mandatory registration regime for associations and NGOs.
- Undertake an impartial and independent review of all Economic Land Concessions and 'Reforestation' concessions operating in the vicinity of protected forests and investigate the role of corporate complicity in illegal logging.
- Ratify ILO Convention 169 on Indigenous and Tribal Peoples.

⁶⁷ Phak Seangly and Igor Kossov, "Lauded activist attacked while patrolling Prey Lang Forest", 29 March 2021, The Phnom Penh Post, [phnompenhpost.com/national/lauded-activist-attacked-while-patrolling-prey-lang-forest](https://www.phnompenhpost.com/national/lauded-activist-attacked-while-patrolling-prey-lang-forest).

⁶⁸ Cultural Survival, "Attempted Murder on a Prey Lang Community Network Activist", 30 March 2016, [culturalsurvival.org/news/attemptedmurder-prey-lang-community-network-activist](https://www.culturalsurvival.org/news/attemptedmurder-prey-lang-community-network-activist).

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CAMBODIA

SUBMISSION TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

73RD, 13 FEBRUARY- 3 MARCH 2023

This submission has been prepared in advance of the consideration by the UN Committee on Economic, Social and Cultural Rights (the Committee) at its 73rd session of the second periodic report on Cambodia's implementation of the International Covenant on Economic, Social and Cultural Rights (the Covenant).

The submission provides information about human rights violations in the context of drug policies, forced evictions, and the rights of Indigenous peoples. It should not be seen as an exhaustive account of Amnesty International's concerns.