

## カンボジア

2021年3月11日ドラフト作成

1. 一般情報.....	1
(1) 人口・地理.....	1
(2) 内政.....	2
2. 人権状況.....	2
3. 関連する政治組織等、政治活動／政府批判（労働運動含む）の取扱い.....	3
(1) 救国党を含む野党および野党メンバーの状況.....	3
(2) インターネット上での政府批判者の取扱い.....	9
(3) 人権活動家の取扱い.....	12
(4) 土地権利活動家の取扱い.....	12
4. ジェンダー、DV および子ども.....	13
5. LGBT.....	13
6. 汚職、非国家主体による犯罪、国家による被害者の保護.....	14
7. 兵役、強制徴集（非国家主体の）.....	15
8. 司法制度・刑事手続.....	15
9. 警察・治安部隊（刑務所等の状況含む）.....	15
10. 報道の自由.....	15
11. 宗教の自由（未調査）.....	17
12. 国籍、民族および人種（未調査）.....	17
13. 出入国および移動の自由（未調査）.....	17
14. 国籍／市民権（パスポートを所持していない者の）.....	17

## 1. 一般情報

## (1) 人口・地理

ア 外務省「[カンボジア基礎データ](#)」（2019年7月29日）

4 民族 人口の90%がカンボジア人（クメール人）とされている。

5 言語 カンボジア語

6 宗教 仏教（一部少数民族はイスラム教）

...

## 9 経済概況

カンボジア経済は2004年から2007年までの4年間、10%を超える高い経済成長を記録した。しかし、サブプライムローン問題に端を発した世界同時不況の影響

を受け、2009年の経済成長率は0.1%まで落ち込んだものの、翌年の2010年には6.1%にまで回復し、2011年以降は7%成長を続けている。経常収支及び財政収支は慢性的に赤字であり、2018年（IMF予測値）では、前者は-10.8%（対GDP比）、後者は-3.5%（対GDP比）と予想されている。堅調な縫製品等の輸出品、建設業、サービス業及び海外直接投資の順調な増加により、今後も安定した経済成長が見込まれている。

## (2) 内政

ア ジェトロ・アジア経済研究所／初鹿野直美「[最大野党排除のままの総選挙実施と選挙後の懐柔策：2018年のカンボジア](#)」『アジア動向年報2019年版』（2019年）

### 概況

前年に最大野党の救国党が解党されるなど、選挙の正当性に疑義がもたれるなか、7月に第6回国民議会議員選挙（総選挙）が行われ、与党・人民党が125議席を独占するという結果となった。…

### 第6回国民議会議員選挙

7月29日に行われた第6回国民議会議員選挙（総選挙）は、前年に最大野党の救国党への解党命令が出されたことで、与党・人民党にとって有力な対抗勢力がないなかで行われた。全25選挙区での拘束名簿式比例代表制による直接選挙が行われ、救国党を含まない19野党も参加したが、いずれの野党も議席をとることができず、人民党が全125議席を独占するという一方的な結果に終わった。…

## 2. 人権状況

ア ●HRW「[ワールドレポート2021 - カンボジア](#)」（2021年1月13日）

... During the year, the government repeatedly resorted to violence against peaceful protesters, and arrested human rights defenders, journalists, opposition party members, and ordinary citizens for peacefully expressing their opinions. At time of writing, Cambodia held over 60 political prisoners.

イ ●HRW「[ワールドレポート2020 - カンボジア](#)」（2020年1月14日）

Respect for human rights in Cambodia deteriorated in 2019, following national elections the previous year in which Prime Minister Hun Sen and the ruling Cambodian People's Party (CPP) secured all 125 National Assembly seats after the CPP-controlled Supreme Court dissolved the main opposition party, effectively creating one-party rule. The number of political prisoners also increased, with key opposition figures either in detention or having fled the country to avoid arrest. Authorities criminalize involvement with the main opposition party, the Cambodia National Rescue Party (CNRP); 107 out of

118 senior CNRP politicians remained banned from engaging in politics for five years.

### 3. 関連する政治組織等、政治活動／政府批判（労働運動含む）の取扱い

#### (1) 救国党を含む野党および野党メンバーの状況

ア ジェトロ・アジア経済研究所／初鹿野直美 [「旧救国党勢力の分断と EBA 適用停止問題への対処：2019 年のカンボジア」](#) 『アジア動向年報 2020 年版』（2020 年）

#### 概況

2019 年は、救国党不在の既成事実化が進み、粛々と経済改革が進められた 1 年であった。年初、2017 年に解党された旧救国党出身者の政治活動が許され始め、一部は新党を結成するなどした。海外に滞在するサム・ランシー旧救国党前党首は 11 月に帰国を企図するも実現せず、また、支援者らの逮捕が続き、旧救国党勢力の分断が深まった。

…

#### 政党法再改正と救国党勢力分断

2018 年末に 2017 年以来 9 回目の政党法改正が行われ、2017 年 11 月に救国党の解党と同時に政治活動を禁止された政治家 118 人に対し、内務省への要請手続きのうえ、国王が最終的な署名を行った者にかぎり、政治活動が容認されることとなった。一方で、サム・ランシー旧救国党前党首を含む海外に滞在する党出身者や彼らを支持する勢力には、その言動に対して逮捕状が発行されたり、有罪判決が出されるなど厳しい措置がとられた。政府・人民党のこのようなやり方は、国内に残って何らかの発言をすることで政策の実現を図っていこうという人たちと、徹底抗戦をすることでより正しい民主化を実現すべきと考える人たちとのあいだに温度差を生じさせ、結果的に旧救国党勢力の分断を加速させている。

政治活動復帰を認められた 9 人は、新たな政党を立ち上げ、あるいは人民党に参加した。政党法改正後、まっさきに手続きを行ったのは、旧救国党元幹部のコン・コアムとその息子のコン・ボラであった。もう 1 人の息子コン・モニカは、元々政治活動は行っていなかったが、救国党解党後にクメール意思党を結成して、2018 年総選挙にも「救国党の後継者」を名乗って参加していた。コン・コアムはクメール意思党の名誉党首に就き、コン・ボラは人民党に入党した。また、クム・ソカー旧救国党党首の娘で党広報副局長を務めていたクム・モノヴィチアは、具体策のないサム・ランシー前党首への批判を隠さず、「クム・ソカーは有罪判決後に国王から恩赦を受けることを見越している」などの噂を流すサム・ランシー前党首に近い人々を非難していた。

海外に滞在するサム・ランシーは 8 月、「11 月 9 日に帰国する」と発表した。しかし、11 月 7 日、滞在先のパリにて、カンボジアへの帰国便の経由地となるクアラルンプール行きのマレーシア航空機への搭乗を拒否され、計画は阻止された。フ

ン・セン首相は、ASEAN 各国に対して、サム・ランシーの逮捕状を送り、帰国阻止への協力を要請した。なお、サム・ランシーの帰国を助けようとした国内の旧救国党の活動家たちは相次いで逮捕され、厳しい措置がとられた。…

イ ジェトロ・アジア経済研究所／初鹿野直美「[最大野党排除のままの総選挙実施と選挙後の懐柔策：2018年のカンボジア](#)」『アジア動向年報 2019年版』（2019年）

### 第6回国議会議員選挙

7月29日に行われた第6回国議会議員選挙（総選挙）は、前年に最大野党の救国党への解党命令が出されたことで、与党・人民党にとって有力な対抗勢力がないなかで行われた。全25選挙区での拘束名簿式比例代表制による直接選挙が行われ、救国党を含まない19野党も参加したが、いずれの野党も議席をとることができず、人民党が全125議席を独占するという一方的な結果に終わった。野党のなかには、旧救国党党員が候補者の6割を占めたクメール意思党（KWP）やクム・ソカー救国党党首の釈放を訴えた草の根民主党（GDP）など、複数の政党が旧救国党の支持層の票の獲得を試みた。しかし、いずれの党も、人材や資金のキャパシティや知名度も不足しており、十分な票は獲れなかった。

救国党勢力は国外から選挙のボイコットを訴えたが、政府は投票推進のキャンペーンを積極的に行い、最終的な投票率は83%を超えた。ただし、救国党支持者で周囲の声に耐えかねて仕方なく投票に赴いたものの投票したい政党がないという人々が、投票用紙に「×」や文言を記入した無効票を大量に投じたことから、無効票は投票総数の8.5%である59万票を超えた（表1）。これにより、さらに野党票は分裂して、結果的には人民党の1人勝ちを後押しした。

なお、前回の2013年総選挙の後、選挙不正があったのではないかと主張した野党・救国党が結果を受け入れず、国民議会を約1年ボイコットするという事態があった。2014年7月に国民議会が正常化した際の与野党合意により、選挙管理委員会のメンバーを与野党双方から推薦する仕組みに変更したり、投票人名簿の電子登録による見直しが徹底して行われるなどの改革が遂行された。今回は、改革後に初めて実施された国民議会議員選挙であった。

### 選挙直前までの締め付け

選挙前の上半期は、前年に引き続いて、野党勢力、メディアなどへの締め付けが続いた。選挙キャンペーンおよび投票は平穏に行われたが、それは、自由な発言ができない状況におかれていたが故の静けさであったともいえる。

…刑法と同時に憲法改正も行われ、団体・政党を結成する際には、直接的にも間接的にも国益・国民の利益を損ねてはならない（憲法新42条）、個人が国益や国民の利益を損なうことを禁じる（憲法新49条）、内政に関して他国からの介入を一切受けない（憲法新53条）といった事項が盛り込まれた。これらは、2017

年にクム・ソカー救国党党首が海外勢力と手を組んで政府転覆を企図したという疑いで逮捕されたことを踏まえた文言であり、「国益や国民の利益への影響」が恣意的に解釈される事態は想像に難くない。なお、同時に、選挙法によって選挙権・被選挙権に制限を課しうること（憲法新 34 条）、（国民議会の承認が必要となる）内閣メンバーを首相、副首相、上級大臣、国务大臣とすること（憲法新 118 条）という変更も行われた。刑法および憲法の改正法は、2月27日に不在の国王に代わってサイ・チュム上院議長によって署名され発効した。

...

### 選挙後に始まった野党勢力との「対話」

選挙が終了すると、政府は少しずつ、野党や政府に批判的な勢力への対応を柔軟化させていった。まず、選挙前に逮捕されていた野党関係者や活動家などが8～9月に釈放された。2016年8月の抗議活動中に逮捕された土地問題活動家のテープ・ヴァニー氏、2017年11月に海外機関に国の安寧を害するような情報を提供していたとして逮捕された元 RFA 記者2人、2017年2月にカエム・ライ氏暗殺事件の背後に人民党がいるという発言がきっかけとなって逮捕された政治評論家のキム・ソック氏、2014年に行った集会で生じた暴力事件で逮捕されていた旧救国党党员14人、2016年のクム・ソカー救国党副党首の女性スキャンダル騒動に関連して収賄の疑いで逮捕されていた NGO の ADHOC 関係者5人等が、相次いで恩赦により釈放された。9月10日には、1年前に逮捕されたクム・ソカー救国党党首が、裁判所の監視付きながら自宅に戻ることを許された。

...

## ウ ●AI「[Cambodia: 150 opposition politicians and supporters face jail in mass trials](#)」 (2021年1月14日)

According to information received by Amnesty International, the Phnom Penh Municipal Court will hold trial hearings in six politically motivated cases involving approximately 150 CNRP-affiliated defendants across four dates: 14 January, 22 January, 29 January and 4 March. The defendants comprise politicians, activists and supporters of the CNRP including senior party leaders such as Sam Rainsy, Mu Sochua, Ho Vann and Eng Chhai Eang. Several CNRP politicians are accused in more than one of these cases.

The charges vary in each case and include “plotting”, “incitement to commit a felony”, “inciting military personnel to disobedience” and “criminal attempt” under Articles 453, 494, 495, 471, and 451 of the Criminal Code, respectively. Many of the charges relate to the planned return of self-exiled CNRP leaders to Cambodia in November 2019. “Criminal attempt” is punishable by up to 30 years’ imprisonment.

Since 2017, the CNRP has faced politically-motivated accusations that it colluded with the United States government to foment a so-called “colour revolution”, characterized as a coup d’état by the Cambodian authorities. This accusation formed the basis of the arbitrary

dissolution of the CNRP by the Supreme Court in November 2017, which Amnesty International called a “blatant act of political repression” and a serious violation of freedom of association.

Hundreds of CNRP activists and supporters have been arbitrarily arrested, detained, and have faced politically motivated criminal charges since then. Many CNRP activists have been physically attacked and injured by unknown assailants during this period, with no credible investigations into the attacks taking place to date.

...

エ ●HRW [「ワールドレポート 2021 - カンボジア」](#) (2021年1月13日)

**Arrest and Harassment of Opposition Members and Supporters**

Hun Sen continued to threaten opposition activists. In June, he claimed that the Cambodia National Rescue Party (CNRP) was trying to use the pandemic to “cause chaos.” He alluded to a statement by exiled former opposition leader Sam Rainsy that borrowers unable to repay their micro-loan debts should not have to sell their land or homes to pay back their debtors. Hun Sen threatened CNRP activists with arrest, repeating “If you act, I will arrest.”

Over 30 opposition activists were imprisoned at time of writing. Another 78 opposition activists released on bail in November 2019 have charges pending against them and risk re-arrest at any time. The CNRP’s leadership remains largely in exile because of fear of being arrested if they return to Cambodia.

The government released Kem Sokha, head of the CNRP, from de facto house arrest in November 2019. However, he continued to face trumped-up treason charges. In mid-May 2020, authorities said that his trial would be delayed indefinitely. On July 20, the Phnom Penh municipal court warned him to not violate the conditions of his bail, which prohibit, among others, any political activities.

オ ●米国国務省 [「人権状況報告 2019年 - カンボジア」](#) (2020年1月14日)

**D. ARBITRARY ARREST OR DETENTION**

The law prohibits arbitrary arrest and detention and limits pretrial detention to a maximum of 18 months; however, the government in some cases did not respect these prohibitions, notably with the arbitrary detention of former CNRP leader Kem Sokha well beyond the legal limit. As of November, Kem Sokha had spent 26 months in pretrial detention before the government partially lifted judicial restrictions, effectively releasing him from house arrest, but not allowing him to travel abroad or engage in political activity. In addition, the charges of treason against him still stand and he remains under court supervision.



**B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION**

...

**FREEDOM OF PEACEFUL ASSEMBLY**

Although the constitution provides for freedom of peaceful assembly, the government did not always respect this right.

As of October more than 150 CNRP members had been detained or summoned to court for questioning related to their participation in mostly informal gatherings over meals. NGOs reported that during questioning the government accused the opposition officials of violating the 2017 Supreme Court decision to dissolve and ban the CNRP.

**Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. By law, however, the government has the ability to dissolve parties and ban individuals from party leadership positions and political life more broadly. The law also bars parties from using any audio, visual, or written material from a convicted criminal.

As of October only nine of 118 CNRP officials barred from political activity from 2017-22 had applied for and been granted a restoration of their political rights. Local experts and opposition party members complained the “rehabilitation” process is arbitrary, creates a false appearance of wrongdoing on the part of the banned politicians, and puts the prime minister in the position of being able to choose his own political opponents. The original ban on political activity followed the Supreme Court’s 2017 dissolution of the CNRP, a decision a number of observers decried as driven by political bias, noting that the decision to ban the CNRP was based on the accusation that its leader had committed “treason” before its leader was convicted on any charges. Along with the dissolution of the CNRP, 5,007 elected officials from the party were removed from their positions and replaced with ruling party CPP officials. As a result, the CPP now dominates all levels of government from districts and provincial councils to the national assembly.

...

**カ ●HRW [「ワールドレポート 2020 - カンボジア」](#) (2020年1月14日)**

In mid-November 2019, the government held around 90 people in pretrial detention or prison on politically motivated convictions. While Hun Sen sought royal pardons for 16 political prisoners after the 2018 elections to deflect international criticism, targeting of peaceful dissent continued in 2019, and other human rights defenders and political opposition activists were tried and imprisoned in 2019.

...

**Attacks on Political Opposition**

On January 6, 2019, an amendment to the Law on Political Parties gave Prime Minister Hun Sen unfettered discretion to decide which of the initial 118 banned senior CNRP members could regain their political rights. The amendments provide that political rights can be restored only if the individual first submits a request to Hun Sen or Interior Minister Sar Kheng, which is then passed on to the king. Less than a dozen banned CNRP members have made such a request; the rest have refused to submit to what they maintain is a politicized and arbitrary process.

On November 10, 2019, the investigating judge decided to lift CNRP leader Kem Sokha's restrictive judicial supervision, amounting to house arrest, upon the condition that he refrain from political activities and from travelling abroad and be cooperative in his continuing investigation into bogus treason charges. Kem Sokha had been in arbitrary detention for over two years. If convicted of treason, he faces up to 30 years in prison.

On March 12, 2019, a court issued arrest warrants on charges of “conspiring to commit treason” and “incitement to commit felony” for eight leading members of the CNRP who had left Cambodia ahead of the July 2018 election—Sam Rainsy, Mu Sochua, Ou Chanrith, Eng Chhai Eang, Men Sothavarin, Long Ry, Tob Van Chan, and Ho Vann. On September 26, a Phnom Penh court charged them.

Between January and May 2019, Cambodian authorities issued over 147 arbitrary court and police summonses against CNRP members or supporters. Summonses seen by human rights groups lack legal specifics, containing only vague references to allegations that the person summoned may have violated the Supreme Court ruling dissolving the CNRP. Between August and November, authorities arrested and detained over 60 opposition members and supporters based on different spurious charges and charged over 100. On August 16, acting and exiled CNRP leader, Sam Rainsy announced his return to Cambodia on November 9; however, based on a number of restrictive measures adopted by Hun Sen, including the closure of land border crossings and arrest warrants sent to ASEAN governments, CNRP leadership was prevented from entering the country—a blatant violation of their human rights.

On January 16, 2019, police arrested Kong Meas, a banned CNRP member, after he posted on Facebook that the EU was planning to impose a tariff on Cambodian rice. On October 18, the Phnom Penh court convicted him of incitement to commit a felony and sentenced him to 18 months in prison.

On April 18, 2019, Tith Rorn, a CNRP activist and the son of a former CNRP commune council member in Kampong Cham province, died in police custody. His body had visible bruises, suggesting he was beaten. Police had arrested him on April 15 in connection with a 13-year-old assault charge, even though the statute of limitations for the offense had expired. Cambodian authorities claim Tith Rorn fell in the bathroom of his jail cell, but failed to seriously investigate.



## (2) インターネット上での政府批判者の取扱い

ア ●HRW [「ワールドレポート 2021 - カンボジア」](#) (2021年1月13日)**Attacks on Human Rights Defenders**

...

Between January and April, authorities detained and interrogated at least 30 people, including a 14-year-old girl, for Facebook posts related to the Covid-19 pandemic. The government labelled their posts as “spreading fake news.” Twelve persons with affiliation to the opposition Cambodian National Rescue Party (CNRP) and four others were charged with criminal offenses; fourteen were held in pre-trial detention and two released on bail. Those released upon arrest had to sign “re-educating” pledges to refrain from similar posts in the future.

イ ●米国国務省 [「人権状況報告 2019年 - カンボジア」](#) (2020年1月14日)**POLITICAL PRISONERS AND DETAINEES**

As of October a local human rights NGO estimated authorities held at least 65 political prisoners or detainees, 56 of whom were charged with “plotting against the state” or “attack against the state,” which carry a prison sentence of up to 10 years for private citizens (longer for government employees). The charges were based on accusations that the individuals were planning public demonstrations to coincide with opposition CNRP leader Sam Rainsy’s possible return from exile, or for posting statements to social media in support of Rainsy or the CNRP. An additional 48 individuals were similarly charged but have not been arrested. NGOs warned these charges marked an escalation from the criminal charge of “incitement” leveled against most of the remaining political prisoners, which carries a two-year maximum prison sentence.

On November 10, the government partially lifted judicial restrictions on Kem Sokha, releasing him from what had been effectively house arrest. Sokha was allowed to travel outside his home after spending 26 months in pretrial detention, eight months longer than the maximum 18 months authorized under law, following his 2017 arrest on charges of treason. As of November, Sokha was not permitted to exercise his political rights and was restricted from traveling outside the country. The government’s case against Sokha centered on a 2013 video of him telling an audience in Australia of his party’s work in grassroots organizing with advice from foreign experts. The government claimed this amounted to Sokha “confessing” that a foreign country had instructed him on how to foment a “color revolution” in the country. Legal experts said there has been no progress in the government’s investigation. In September 2018 the government transferred Sokha from prison to what amounted to house arrest, although there was no legal basis for “house arrest” under the country’s law. Authorities prevented Sokha from leaving a roughly three-block radius

surrounding his house; meeting with CNRP leaders, journalists, and foreigners; and participating in any political activity or gatherings.

...

#### **A. FREEDOM OF EXPRESSION, INCLUDING FOR THE PRESS**

...

In February 2018 the government adopted a new *lese-majeste* (royal insult) law that led to the arrest of at least three citizens. On January 9, Ieng Cholsa was sentenced to three years in prison for Facebook posts deemed insulting to the king. The government used criminal defamation laws to pursue perceived opponents. In September self-exiled former CNRP leader Sam Rainsy was charged with public defamation and incitement to commit felony when he accused Hun Sen of using the king as a hostage and a puppet.

...

#### **INTERNET FREEDOM**

There were credible reports that government entities monitored online communications.

The telecommunications law was widely criticized by leading civil society and human rights activists, who stated it provides the government broad authority to monitor secretly online public discussion and communications using private telecommunication devices. The law gives the government legal authority to monitor every telephone conversation, text message, email, social media activity, and correspondence between individuals without their knowledge or consent. Any opinions expressed in these exchanges that the government deemed to violate its definition of national security could result in a maximum 15 years' imprisonment.

The government has the authority to shut down any social media page or website that publishes information leading to “turmoil in the society that undermine[d] national defense, national security, national relations with other countries, the economy, social order, discrimination, or national culture or tradition.” For example, three days before the 2018 national election the government ordered local telecommunication companies to block several independent news websites, including Voice of America in Khmer, RFA Khmer, and Voice of Democracy.

A “cyber war team” in the Council of Ministers’ Press and Quick Reaction Unit was responsible for monitoring and countering “incorrect” information from news outlets and social media. The prime minister has threatened that within four minutes his cyber experts could identify, to within five feet, the telephone of anyone who posted a defamatory Facebook post.

ウ ●HRW [「ワールドレポート 2020 - カンボジア」](#) (2020年1月14日)

**Attacks on Human Rights Defenders**

A series of new repressive laws or amendments to existing laws—including amendments to the Law on Political Parties, the Law on Non-Governmental Organizations, the Law on Trade Unions and a lese majeste clause in the penal code—severely restrict rights to freedom of expression, peaceful assembly, and association.

In December 2018, a court convicted six prominent union leaders on baseless charges of initiating intentional violence and causing damage, handing them suspended prison sentences of between eight months and four-and-a-half years and a collective 35 million Cambodian riels (US\$8,600) compensation payment to civil parties. An appeals court overturned the convictions in May 2019, just ahead of the arrival of an EU fact-finding mission related to the EBA review.

...

Since the introduction of a lese majeste crime in 2018, three people have been convicted and imprisoned under the law; a fourth person was being held in pretrial detention at time of writing. All the cases involved people expressing critical opinions of the government and the king on Facebook, or sharing other people's Facebook posts.

In July 2019, authorities detained two youth activists, Kong Raya and Soung Neakpoan, for participating in a commemoration ceremony on the third anniversary of the murder of prominent political commentator Kem Ley in Phnom Penh. In November, the Supreme Court denied Raya bail. Authorities charged both with “incitement to commit a felony.” They arrested seven people for commemorating the anniversary; and disrupted or canceled commemorations around the country.

エ ジェトロ・アジア経済研究所／初鹿野直美 [「最大野党排除のままの総選挙実施と選挙後の懐柔策：2018年のカンボジア」](#) 『アジア動向年報 2019年版』(2019年)

#### 選挙直前までの締め付け

選挙前の上半期は、前年に引き続いて、野党勢力、メディアなどへの締め付けが続いた。選挙キャンペーンおよび投票は平穏に行われたが、それは、自由な発言ができない状況におかれていたが故の静けさであったともいえる。

2月には、刑法437条が改正され、国王を侮蔑する発言をした場合に、最大で禁錮5年および1000万リエル（約2500ドル）の罰金を科すことになる不敬罪が新設された。これにより、ソーシャル・メディアでの投稿が国王を侮蔑したものであるとして、一般市民が逮捕されるケースが2件確認された。...

さらに5月28日には、政府は、国防、治安、他国との関係、国の経済、公序を揺るがしたり、差別を広めたり、文化や伝統を貶めるような情報を拡散することを禁じるとして、ウェブサイトおよびソーシャルメディアを通じた発信の管理に関する省庁間布告（第170号）を発表した。このなかで、情報省、内務省、郵便・電信省は共同で、インターネット接続事業者への管理を強化して監視を行うとも

に、違法なコンテンツをブロックしうることを規定した。なお、総選挙投票日前日から翌日（7月28～30日朝）にかけて、ラジオ・フリー・アジア（RFA）、ボイス・オブ・アメリカ（VOA）などの政府に比較的批判的な立場をとるメディア17社のウェブサイトへのアクセスがブロックされた。

### (3) 人権活動家の取扱い

#### ア ●HRW「[ワールドレポート 2021 - カンボジア](#)」（2021年1月13日）

##### **Attacks on Human Rights Defenders**

Authorities banned protests organized by youth and environmental activists. Between August and October, authorities detained and charged 12 activists based on bogus allegations of “incitement to commit a felony” when organizing protests to call for the release of political prisoners, including detained union leader Rong Chhun. Peaceful protests by family members calling for the release of detained opposition activists were frequently met with excessive use of force by Phnom Penh district level security forces and plainclothes police officers.

Environmental activism continues to be dangerous in Cambodia. In March, authorities arrested four environmental activists, including activists of the Prey Lang Community Network and prominent environmentalist Ouch Leng, following their investigation into allegations of illegal logging in Kratie province by the company Think Biotech. The company held the activists incommunicado overnight and inflicted a bleeding head injury on one of them. The next day, they were handed over to police for questioning. Authorities released the activists after two days but said they would continue a criminal investigation against them. So far, no charges have been imposed.

...

### (4) 土地権利活動家の取扱い

#### ア ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」（2020年1月14日）

##### **A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS**

As of October no suspects had been arrested in the case of the March 2018 violence in Kratie Province when security forces opened fire on persons protesting the transfer of land, decades before, to a rubber plantation. Several media outlets reported a death toll of two to six persons with another 40 injured. Shortly after the violence occurred, the government ordered local media to “correct” its news reports. Four NGOs and the UN Office of the High Commission on Human Rights (OHCHR) formed an investigation committee to tour the site. They found the company began demarcating its land and that a day later 150 soldiers, military police, and police burned down villagers’ houses, leading the villagers to block the

main road and demand an immediate stop to the arson. According to the OHCHR report, the security forces opened fire to disperse the villagers. The OHCHR acknowledged that, because the security forces closed off the site of the shooting, there were no reliable counts of the dead or injured.

イ ●HRW「[ワールドレポート 2020 - カンボジア](#)」(2020年1月14日)

On January 20, 2019, soldiers arrested land activist Sum Moeun in Preah Vihear and detained him at the Kulen Promtep Wildlife Sanctuary Headquarters. Authorities could not account for his whereabouts the next morning. Two months later, he reappeared out of hiding after having escaped the Sanctuary, waiting to receive assurances that he will not be re-arrested. Fourteen other villagers, including his son, were arrested and charged with illegal clearing of state forest land; the charges against four were dropped and the ten others were released on bail between June and July, their charges are pending. While Moeun had not been re-arrested, a trial against him started in October based on same charges as the fourteen.

4. ジェンダー、DV および子ども

ア ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」(2020年1月14日)

**WOMEN**

**Rape and Domestic Violence:** Rape and domestic violence were significant problems. The law criminalizes rape and assault. Rape is punishable by five to 30 years' imprisonment. Spousal rape is not specifically mentioned in the penal code, but the underlying conduct can be prosecuted as "rape," "causing injury," or "indecent assault." Charges for spousal rape under the penal code or domestic violence law were rare. The law criminalizes domestic violence but does not set out specific penalties. The penal code assigns penalties for domestic violence ranging from one to 15 years' imprisonment.

Rape and domestic violence were likely underreported due to fear of reprisal, social discrimination, and the distrust of the judiciary. Women comprised a very small proportion of judicial officials: 14 percent of judges, 12 percent of prosecutors, and 20 percent of lawyers, which likely contributed to underreporting of rape and domestic abuse. NGOs reported authorities inadequately enforced domestic violence laws and avoided involvement in domestic disputes.

...

5. LGBT

ア ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」(2020年1月14日)

**ACTS OF VIOLENCE, DISCRIMINATION, AND OTHER ABUSES BASED ON**

**SEXUAL ORIENTATION AND GENDER IDENTITY**

No law criminalizes consensual same-sex sexual conduct, nor was there official discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; however, societal discrimination persisted, particularly in rural areas.

In general, LGBTI persons had limited job opportunities due to discrimination and exclusion. LGBTI persons were occasionally harassed or bullied for their work in the entertainment and commercial sex sectors.

A local LGBTI rights organization reported incidents of violence or abuse against LGBTI persons, including domestic violence by family members. Stigma or intimidation may have inhibited further reporting of incidents.

**6. 汚職、非国家主体による犯罪、国家による被害者の保護**

ア ジェトロ・アジア経済研究所／初鹿野直美 [「旧救国党勢力の分断と EBA 適用停止問題への対処：2019 年のカンボジア」](#) 『アジア動向年報 2020 年版』（2020 年）

**公的セクターでの不正撲滅に向けた動き**

政府は、公的セクターでの不正撲滅のため、政府高官や財閥に近い人たちに対しても例外のない摘発を進め、彼らの行動を正すための取り組みを行い、人びとのあいだに広まる根強い不信感の払拭を試みた。

2月23日、国内最大の財閥のひとつであるロイヤル・グループのキット・メン代表の兄であるキット・ティアンが経営するプノンペン最大のナイトクラブの「ロック」(Rock) が薬物取引の場となっていたことにより摘発された。現場では300人以上が逮捕され、50キログラム以上の薬物が押収された。キット・メンの関与は認められなかったが、3月11日にキット・ティアンが逮捕され、ロックは閉鎖された。

8月、フン・セン首相は、軍・警察高官らが国のポストと私人に付与される爵位「オクニャー」の両方を保持している場合、公的権力と私的権威を利用した不正を防ぐためにどちらかを捨てるように要求した。オクニャーは、50万ドル以上の寄付を行い国の発展に寄与した人たちに与えられる。この爵位を持つことで得られる威光は大きく、軍や警察の高官がこの位をあわせもつことで権力を濫用することが問題視されてきた。過去2年間、違法な森林伐採や土地収奪など、天然資源をめぐる犯罪などで12人のオクニャーが逮捕されている。首相の要求を受けて、9月以降12月までに国家警察副長官らを含む150人以上の軍・警察高官らが爵位を捨てることを選んだ。

イ ●米国国務省 [「人権状況報告 2019 年 - カンボジア」](#) (2020 年 1 月 14 日)

A pervasive culture of impunity continued. There were credible reports that government



officials, including police, committed abuses with impunity, and in most cases the government took little or no action. Government officials and their family members were generally immune to prosecution.

7. 兵役、強制徴集（非国家主体の）
8. 司法制度・刑事手続

ア ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」（2020年1月14日）

#### **ARREST PROCEDURES AND TREATMENT OF DETAINEES**

The law requires police to obtain a warrant from an investigating judge prior to making an arrest, unless police apprehend a suspect while in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before they must file charges or release a suspect. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. Nevertheless, authorities routinely held persons for extended periods before charging them.

9. 警察・治安部隊（刑務所等の状況含む）

ア ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」（2020年1月14日）

#### **PRISON AND DETENTION CENTER CONDITIONS**

Prison conditions remained harsh and in many cases life threatening.

Physical Conditions: Overcrowding was a problem. According to the Ministry of Interior's General Department of Prisons (GDP), in 2017 authorities held more than 26,000 prisoners and detainees in 29 prisons designed to hold a maximum 11,000 prisoners.

...

Local NGOs maintained that allowances for food and other necessities were inadequate in many cases. Observers continued to report that authorities misappropriated allowances for prisoners' food, exacerbating malnutrition and disease.

10. 報道の自由

ア ●HRW「[ワールドレポート 2020 - カンボジア](#)」（2020年1月14日）

#### **Freedom of Media**

The government significantly curtailed media freedom by targeting independent media outlets and critical journalists. In the first six months of 2020, the government revoked the licenses of independent media outlets TVFB, Rithysen radio station and online news site, and CKV TV Online. The license of Cheat Khmer newspaper was under review after the

politically motivated arrest of its owner, Ros Sokhet in June.

Two Radio Free Asia journalists, Yeang Sothearin and Uon Chhin, faced a never-ending investigation on fabricated espionage charges, for which a judge ruled in October 2019 there was no evidence. However, inexplicably, the judge refused to dismiss the case. In January and October, Phnom Penh’s appeal court and the Supreme Court, respectively, rejected an appeal to dismiss the case, allowing for continued investigations. While both journalists were released on bail after nearly one year in arbitrary pretrial detention, they are not allowed to leave the country.

In March, Interior Minister Sar Kheng warned that anyone who spread misinformation about Covid-19 “to stir chaos” would face legal action. In April, authorities arrested and detained reporter and director of online TVFB news site, Sovann Rithy, alleging he committed “incitement to commit a felony” by quoting sections of Hun Sen’s speech regarding the economic impact of Covid-19. Authorities ordered his pre-trial detention and convicted him on October 5, sentencing him to 18 months in prison—deducting time served in pretrial detention and suspending the remainder. At time of writing, authorities detained a total of three journalists: Sok Oudom, Ros Sokhet, and Rath Rott Mony. Mony is currently serving a two-year prison sentence upon conviction for incitement.

イ ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」(2020年1月14日)

**A. FREEDOM OF EXPRESSION, INCLUDING FOR THE PRESS**

...

Press and Media, Including Online Media: The government, military forces, and the ruling political party continued to own or otherwise influence newspapers and broadcast media; there were few significant independent sources for news. The three largest pro-CPP newspapers did not criticize the government for politically motivated acts or human rights issues. In 2017 the government shuttered 32 FM radio frequencies across 20 provinces, affecting stations relaying independent news—Radio Free Asia (RFA), Voice of America, and the Voice of Democracy.

The May 2018 National Election Committee (NEC) code of conduct for the September 2018 election established a maximum fine of 30 million riel (\$7,500) for reporters who interviewed any voter near a polling station or who published news that could affect political stability or cause the public to lose confidence in the election.

ウ ●HRW「[ワールドレポート 2020 - カンボジア](#)」(2020年1月14日)

**Freedom of Media**

The Cambodian government continued in 2019 to significantly curtail media freedom. While Voice of Democracy and Voice of America have conducted independent English and

Khmer online reporting in 2019, previously existing local independent newspapers and radio outlets remained shut or sold to owners with ties to the government. Social media networks also continued to face surveillance and intervention by the government, reinforced by the adoption of a decree titled “Publication Controls of Website and Social Media Processing via Internet” in 2018, which allows for interference with online media and government censorship.

Cambodian authorities proceeded in 2019 with the politically motivated prosecution of two Radio Free Asia (RFA) journalists, Yeang Sothearin and Uon Chhin. The journalists were [arrested](#) on November 14, 2017, on fabricated espionage charges for reporting for RFA after the government forcibly shuttered RFA’s Cambodia office. Upon determining that sufficient evidence was lacking for a conviction, the judge of the Phnom Penh court decided on October 3 to send the case back to the investigating judge for re-investigation.

On January 11, 2019, Hun Sen announced the resubmission to the National Assembly of a cybersecurity bill and a “fake news” law, raising concerns about additional restrictions on free expression and expanded surveillance against civil society groups, the political opposition, and independent media. While such laws have not been adopted yet, intimidating threats by the Cambodian authorities of all communication being surveilled has left Cambodians fearful and cautious.

11. 宗教の自由 (未調査)
12. 国籍、民族および人種 (未調査)
13. 出入国および移動の自由 (未調査)
14. 国籍／市民権 (パスポートを所持していない者の)

ア ●米国国務省「[人権状況報告 2019年 - カンボジア](#)」(2020年1月14日)

#### G. STATELESS PERSONS

The country had habitual residents who were de facto stateless. There were no recent, reliable data on the number or demography of stateless persons; however, UNHCR reported they were primarily ethnic Vietnamese. The government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality (see section 6, Children). The most common reason for statelessness was lack of proper documents from the country of origin. On August 21, local media reported the government had rejected a request from Vietnam to provide Cambodian citizenship to these persons.

According to an NGO, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, or the right to own land.