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ASEAN Intergovernmental Commission on Human Rights
THE ASEAN SECRETARIAT
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Dear Chairperson,

The International Trade Union Confederation (ITUC), Global Union Federations representing workers globally and in Cambodia, and trade union support organisations are writing to bring to your attention our extreme concern on the violation of human and trade union rights in the labour dispute at Nagaworld Casino in Phnom Penh of Cambodia. Between 31 December 2021 and 4 January 2022, 29 members and activists of the Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU) including the union chair, Chhim Sithar had been arrested with incitement charges under the Cambodian Penal Code.

The [UN human rights experts](#) including the Special Rapporteur on the Situation of Cambodia have condemned the arrests and pointed out that the Cambodian authorities' use of penal sanctions against the peaceful workers during the strike constitute violation of the right to freedom of association, speech and peaceful assembly under the ICCPR. Such rights are fully enshrined under the [ASEAN Declaration of Human Rights](#) and to be upheld by the member states of ASEAN.

We are deeply disturbed by the authorities' handling of the current labour dispute at Nagaworld which stems from the long-standing failure of the management of NagaWorld Integrated Resort to respect the right of workers to freely organize under the LRSU and bargain collectively for better wages and working conditions. The company has not abided by the government's policies on job, safety and health protection under the Covid-19 pandemic. Without observing trade union consultation on retrenchment required under the Cambodian Labour Law, 1,329 workers have been laid off and 1,100 of them are trade union members. The Cambodian Ministry of Labour and Vocational Training (MoLVT) has been failing to enforce the legal protections for Nagaworld workers.

The decision of the LRSU to go on strike on 18 December was adopted overwhelmingly by 97 percent of the members and notifications had been sent immediately to the management and the relevant authorities including the MoLVT in November 2021. The right of the LRSU to

continue the strike, after observing the strike procedure in the law and after the failure of both parties to reach an agreement in labour arbitrations and the government-convened mediations since December, is guaranteed under the Cambodian laws.

We recall here that strike and labour protests, as an essential means for workers and their trade unions to defend their economic and social interests are legitimate rights protected under ILO Convention No.87 on Freedom of Association (para 753, Compilations of Decisions, ILO). The authorities should refrain from disrupting a labour strike and a peaceful labour protest with the exception in an essential service which the casino and entertainment business in this case is not, and could hardly be justified.

Since 18 December, nearly 1,000 workers have joined the strike. They take turns to sit outside the company everyday and disperse orderly in the evening. It does not conform with the principle of freedom of association for the authorities to use criminal laws to declare the LRSU's strike an illegal one as peace has not been breached since the strike began.

We condemn the police raid of the LRSU's office and confiscation of the union documents, computers, the leaders' mobile phones on 31 December, and the arrest of 29 striking unionists as of now. Nine of them have been charged of incitement under the Cambodian Penal Code on 3 January 2022, and 8 of them remain under detention, namely, the union chair Chhim Sithar; union secretary Chhim Sokhorn; union advisor Sok Narith, and union activists, Ry Sovandy, Sun Sreypich, Hai Sopheap, Klaing Soben, Touch Sereymeas.

During the police press conference on 4 January 2022, the union leaders and the solidarity support extended to the union were vilified by the police. Police trucks, uniformed and plain-clothed police are present amongst the protesting workers to surveil, harass and intimidate them.

We must recall again that no one should be penalized for carrying out or preparing to carry out a legitimate strike, and workers should enjoy the right to peaceful demonstration to defend their occupational interests (Para 953, 208, Compilations of Decisions, ILO). The government of Cambodia has obligations to observe the request concluded by the Committee of Application of Standards on Convention No.87 at the 109th International Labour Conference in June 2021, and take all necessary measures to stop arbitrary arrest, detention and prosecution of trade unionists for undertaking legitimate trade union activity. The Committee has further asked the government to bring the policing and handling of industrial and protest actions into compliance with the Convention with the technical assistance of the ILO.

The arrests and undue interference of the authorities in the legitimate strike of LRSU has created a chilling effect amongst our members and workers in Cambodia as whether their legally entitled and internationally respected rights to freedom of association, collective bargaining and peaceful assembly can be fully protected without being criminalized.

We believe that it is within the mandate of the AICHR to promote and support the member states of the ASEAN in upholding the UN Charter and the ratified international human rights laws. We therefore urge you to use your good office to call on the Cambodian government to respond to the UN human rights experts' request for an explanation of the police operations

and their handling of the peaceful strike led by the LRSU; seek for the immediate release of the 8 LRSU leaders from custody and drop of the charges against them; and to fully comply with ILO Convention No.87, 98 and its obligations set out in the ICCPR.

Yours sincerely,



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