

COUNTRY BRIEF: CAMBODIA

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



(Photo by REUTERS/Cindy Liu)



INTRODUCTION

Prime Minister Hun Sen, whose 36-year rule makes him one of the world's longest-serving leaders, has overseen a systematic assault on fundamental freedoms in Cambodia over the past decade.

The state of civic space in Cambodia is rated [repressed](#) by the CIVICUS Monitor. Repressive laws are routinely misused to restrict civic freedoms, undermine and weaken civil society and criminalise human rights defenders, trade unionists, youth activists, journalists and other critical voices for exercising their rights to the freedoms of association, peaceful assembly and expression.

Hun Sen also used the COVID-19 pandemic as a pretext to further [tighten his grip](#) on power by enacting a draconian [state of emergency law](#) that severely restricts fundamental freedoms. In 2020, the detention of a prominent trade unionist triggered a wave of further arrests of activists, many of whom remain in detention or face charges.

Despite ongoing engagement and reporting by the United Nations (UN) Special Rapporteur on the situation of human rights in Cambodia, multiple resolutions at the UN Human Rights Council and recommendations from the 2019 [Universal Periodic Review](#) and [UN Human Rights Committee](#) to improve fundamental freedoms, the Cambodian government has shown no political will to make democratic or civic space reforms.

Instead, the fragile veneer of democracy engendered by the 1991 Paris Peace Accords – which marked an end to decades of bloody conflict in the country and [promised democratic freedoms](#) and human rights – has disintegrated. The last general elections, held in 2018, were [neither free nor fair](#). Since then, attacks on civil and political rights and the systematic dismantling of any credible opposition have made Cambodia a de facto one-party state. This disturbing trend continued in the June 2022 [commune](#) elections. If the 2023 general elections take place in the current climate, they will further entrench a ruling party that has proven it will use any means at its disposal to remain in power.

A [resolution](#) on Cambodia adopted at the 48th Session of the Human Rights Council [fell short of action](#) needed to address Cambodia's human rights crisis adequately and calls from civil society for enhanced monitoring and reporting by the UN High Commissioner for Human Rights were not considered.

Within this context, this brief covers civic space violations documented by the CIVICUS Monitor following the Human Rights Council's 11 October 2021 [resolution](#). The evidence underscores the lack of any tangible human rights improvements on the ground and the need for stronger action by the Human Rights Council.

JUDICIAL HARASSMENT OF HUMAN RIGHTS DEFENDERS & ACTIVISTS

Cambodian human rights defenders and activists continue to face repression. Over the past year, vaguely worded charges of 'incitement' under articles 494 and 495 of the Criminal Code have been systematically used to harass and convict them. Highly politicised courts mean that those arbitrarily detained and charged are often held for prolonged periods in pretrial detention and have no chance of getting a fair trial.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Cambodia as **"Repressed"**.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



On 26 October 2021, 10 activists who had called for the release of trade unionist Rong Chhun were [sentenced](#) to 20 months' imprisonment for 'incitement'. The 10, comprising seven members of youth group Khmer Thavrak and the Khmer Student Intelligent League Association – which campaign for human rights, environmental protection and social justice – and three supporters of the Cambodia National Rescue Party (CNRP), a banned and dissolved political party, were also fined two million riel (approx. US\$500). They had been in pretrial detention for a year after having been arrested in August and September 2020 for their peaceful activism.



Cambodian unionist Rong Chhun convicted for incitement (Photo Credit: Hong Menea)

Two activists, [Oum Sophy and Snuon Nhoeun](#), were detained on 31 January 2022 and charged with 'intentionally damaging property' for livestreaming a dispute from Tamol Leu village in Cholkiri district in which five families protested against local authorities for allegedly grabbing some of their land to distribute to other families. On 4 February 2022, both were [granted bail](#).

On 23 May 2022, the Phnom Penh Appeal Court [upheld](#) the baseless September 2018 convictions of four members of the Cambodian Human Rights and Development

Association – Lim Mony, Nay Vanda, Ny Sokha and Yi Soksan – and former staff Ny Chakrya, all of whom were previously imprisoned and convicted on spurious charges of bribery. In 2016, in the context of a broader government crackdown on civil society, they were accused of making false statements regarding a criminal case against then-opposition leader Kem Sokha and spent 14 months in pretrial detention. During their criminal trial, the [prosecution failed](#) to present any of the witnesses mentioned in the case or provide any credible evidence to substantiate the charges. They were nevertheless convicted in September 2018. All five received suspended five-year prison terms.

On 8 July 2022, the Ratanakiri Provincial Court [convicted](#) five forest activists, including long-time environmental defender Chhorn Phalla, for allegedly instigating damage to and claiming ownership of forest land in Phnom Art in Ratanakiri province. Phalla was sentenced to six years in prison. Kham Masok, Lat Branh, Sithan Nhan and Tvae Hok, who are all Tampuan Indigenous people, were sentenced to five years in prison. The charges relate to a meeting the five men attended in 2017 in an effort to protect their forest and land and raise awareness about illegal logging.

The Supreme Court [upheld the convictions](#) of three activists from environmental group Mother Nature on 29 July 2022, leaving them subject to restrictive probation conditions. The activists – Long Kunthea, Phuon Keoraksmeay and Thun Ratha – were [convicted](#) on charges of 'incitement' for attempts to organise a march to the prime minister's residence to protest at the filling-in of a city lake in 2020. The courts upheld the convictions in November 2021, including fines of 4 million riel (approx. US\$1,000) each, and suspended parts of their sentences. Ratha's 20-month sentence was suspended by six months, while Keoraksmeay's and Kunthea's 18-month sentences were each suspended by four months.



On the same day, the Supreme Court [upheld](#) ‘incitement’ convictions of Rong Chhun and activists Sar Kanika and Ton Nimol. Chhun, who has spent years defending labour rights, was arrested after making a statement about the Cambodia-Vietnam border in 2020. His detention triggered a wave of further arrests of activists, including of Kanika and Nimol, who were jailed after joining peaceful demonstrations in August and October 2020 respectively. The three were released in November 2021 and given three years of probation with a range of conditions limiting their freedoms.

REPRESSION OF THE LRSU LABOUR UNION STRIKE

Hundreds of workers from the Labour Rights Supported Union of Khmer Employees of NagaWorld (LRSU), a casino workers’ union, have been on [strike](#) since 18 December 2021. The union’s demands include the reinstatement of 365 workers among the more than 1,300 laid off by the company in April 2021. Workers have also refused to accept termination packages from the Hong Kong-listed casino group NagaCorp.



NagaWorld union activists protest in Phnom Penh (Photo: Twitter/@LRSUnion)

In response, the authorities declared the strike to be illegal and attempted to [disrupt it](#). Dozens have been arrested and at least 11 people have been charged. The authorities sought to justify the crackdown on the strikers as part of its [measures related to COVID-19](#) and vilified the strikers as being funded by foreign donors as part of a plan to destabilise the government.

Eight union members spent more than two months in [pretrial detention](#) before being released in March 2022. While they were detained, the Cambodian Center for Human Rights, a human rights group, was [denied access](#) to them by the investigation judge of the Phnom Penh Municipal Court.

Despite the threats and harassment, the strikers have continued their protests near the casino complex but each time the authorities have blocked roads and dragged strikers, sometimes violently, onto [city buses](#) and driven them to the outskirts of the city, dropping them off and forcing them to arrange and pay for their own transport home. This action has been entirely arbitrary without any legal justification or reasoning.

Strikers, mostly women union members, have been [violently assaulted](#) to stop them passing the barricades near the casino. There have been incidents of strikers being [violently pushed](#) to the ground by the authorities, [punched](#) in the face by a uniformed officer and also targeted with [sexual harassment](#). In one incident, strikers were not allowed to leave buses for several hours, [enduring extreme heat](#) to the point that some of them vomited. It was also reported that strikers had been [detained](#) at quarantine centres on charges of violating COVID-19 protocols

The authorities prohibited human rights monitors and journalists from observing the picket lines. In several cases, the authorities physically shoved monitors and journalists, prevented them approaching and taking pictures, and threatened them with arrest and detention.

At the time of writing, at least eight union leaders and members are being investigated on charges of ‘incitement’ under the Criminal Code and three union members are being investigated on charges of ‘obstruction’ under the COVID-19 law, a [restrictive law](#) passed in March 2021.



EXCESSIVE FORCE AGAINST THE 'FRIDAY WOMEN' PROTEST MOVEMENT

Members of the 'Friday Women' movement have been [protesting](#) since June 2020 against the jailing of their husbands, brothers and other relatives who were affiliated with the CNRP.



Police tussle with 'Friday Women' at protest in front of the UN office in Phnom Penh (Photo: RFA)

Due to this, they have been subject to heavy-handed tactics including being beaten, kicked, dragged along the ground and, in many cases, arrested. Those who have avoided jail are often followed by the police and subject to surveillance by local authorities.

On 22 October 2021, the eve of the 30th anniversary of the Paris Peace Accords, police used [excessive force](#) against the group as it gathered outside the French embassy in the capital, Phnom Penh. Police, who outnumbered the protesters, were filmed seizing banners and roughing

up protesters. Police pushed protesters to the floor in an attempt to confiscate a banner calling on Cambodia to respect the Paris Peace Accords.

A mixture of different police forces and plainclothes officers from the Ministry of Interior were present, all using various levels of aggression when dealing with protesters and observers. No arrests were made but numerous protesters sustained injuries. Reporters were also repeatedly told not to document violence against protesters, with police attempting to seize cameras and press passes from reporters.

CONTINUED TARGETING OF JOURNALISTS

Press freedom continues to be at risk in Cambodia. [Reporters Without Borders](#) ranks Cambodia 142 out of 180 countries in the 2022 World Press Freedom Index. According to the group, radio stations and newspapers have been silenced, newsrooms purged and journalists prosecuted, leaving the independent media sector devastated.

A [report](#) published by the Office of the UN High Commissioner for Human Rights on 3 August 2022 found that journalists in Cambodia are increasingly being subjected to various forms of harassment and pressure, as well as violence. All 65 journalists interviewed had faced some form of interference in the course of their work while more than 80 per cent had experienced surveillance and disproportionate or unnecessary restrictions, including in relation to access to information.

On 15 March 2022, the Ministry of Information [revoked the business licences](#) of Bayong Times, Cambodia Today and KCTV, alleging their publications violated journalistic professional ethics and contracts. It is believed that the government's decision was an act of intimidation that came in retaliation for the publication of sensitive information on some government officials who were involved in corruption.

Two teams of reporters who were covering a huge deforestation operation in the Phnom Tamao forest in southern Cambodia were [violently arrested](#) on 16 August 2022. Five journalists from independent news outlet Voice of Democracy (VOD) and four citizen journalists from social justice group Khmer Thavrak were unjustly detained for around seven hours. Authorities told VOD journalists they were not permitted to photograph, film or fly a drone in Phnom Tamao, claiming photos and recordings could be used to spread false information.



CRUSHING THE OPPOSITION

Since 2017, the CNRP has faced politically motivated accusations of fomenting revolution, which formed the basis of its arbitrary dissolution by the Supreme Court in November 2017. Hundreds of CNRP activists and supporters have been arbitrarily arrested and detained, and have faced politically motivated criminal charges since then. Many CNRP activists have been physically attacked and injured by unknown assailants with impunity.

On 17 March 2022, the courts [convicted](#) 21 opposition politicians and activists. The Phnom Penh Municipal Court sentenced senior and local CNRP members to between five and 10 years in prison on unsubstantiated charges of 'incitement', 'inciting military personnel to disobedience' and 'plotting'. They include seven



Detained CNRP opposition party politicians & activists on trial (Photo: Twitter/@UN_SPExperts)

people currently abroad who were tried and convicted in absentia and sentenced to 10-year jail terms. The trial was one of the four mass trials launched against former members and supporters of the CNRP in November 2020.

The courts [convicted](#) at least 51 opposition politicians and CNRP activists on 14 June 2022 of 'incitement' and 'conspiracy'. Twelve were sentenced to eight years in prison and another 19 to six years in, of whom four were already detained while one was taken into custody after the verdict was read. Another 20 defendants were handed five-year suspended sentences. Many of the defendants were tried in absentia, with 27 of them currently in exile.

A report also [revealed](#) efforts linked to China to hack CNRP members. A group of hackers called the 'Speeding Wall', who are suspected of having ties with China, had reportedly tried to launch cyberattacks originating from Cambodian government servers.

Ahead of 5 June 2022 commune elections, on 1 April 2022, Cambodia's National Election Committee (NEC) [removed more than 100 candidates](#) from the opposition Candlelight Party from the list of those standing. Members and activists of the Candlelight Party faced political harassment from the ruling Cambodian People's Party (CPP). On 31 May 2022, the [authorities arrested](#) Ir Channa, a former Cambodian activist, who had returned from exile and reportedly joined political activities associated with the Candlelight Party, on spurious charges of conspiracy to commit treason.

Results announced on 27 June 2022 by the NEC confirmed a [landslide victory](#) for the CPP. The results showed it received 74.3 per cent of the votes, while the Candlelight Party won 22.3 per cent. It meant that the CPP won 1,648 of 1,652 commune chief positions, and the Candlelight Party the remaining four. The Committee for Free and Fair Elections in Cambodia noted various [irregularities](#) in the process.

On 12 July 2022, Candlelight Party Vice President Son Chhay was charged with [defamation](#) (article 305 of the Criminal Code) after he criticised the commune elections and the NEC. He [reportedly said](#) that the preliminary election results of the commune elections did not reflect the 'true will of the people' and the NEC was 'not independent in conducting the 5 June election'.



DIGITAL RIGHTS AT RISK WITH INTERNET GATEWAY

The government has yet to address the [serious human rights concerns](#) raised by civil society groups after it issued a Sub-Decree on the Establishment of the National Internet Gateway (NIG) in February 2021.

The NIG Sub-decree paves the way to establish a digital gateway to manage all internet traffic into and out of Cambodia. Provisions in the Sub-Decree allow government-appointed NIG operators to block or disconnect any online connections, retain traffic data for a year and provide other network information as requested by the authorities and issue broad penalties for non-compliant telecommunications operators. The Sub-Decree states that the purpose of the NIG is to facilitate and manage internet connections to strengthen revenue collection and protect national security in terms that are overly broad, ambiguous and prone to misuse.

In April 2021, three independent experts appointed by the Human Rights Council [expressed concerns](#) that the Sub-Decree ‘poses risks to the fundamental freedoms of individuals, namely the freedoms of expression and opinion and the right to privacy and may expose individuals’ personal information without their consent, which would contravene international human rights instruments and Cambodian laws’.

On 15 February 2022, the government revealed that implementation of the NIG, set to start the next day, would be [delayed](#). No new date for its implementation has been set.

RESTRICTIVE NGO LAW STILL IN PLACE

The October 2021 Human Rights Council resolution expressed serious concern at the reported restrictions imposed on civil society and the negative impact of the 2015 Law on Associations and Non-Governmental Organizations (LANGO). There are [persistent problems](#) with LANGO, as its onerous registration requirements, reporting obligations and broad grounds for denial of registration or deregistration all provide opportunities for government actors to put pressure on civil society organisations (CSOs) for politically motivated reasons.



Protest through the streets of Phnom Penh against the Law on Associations and NGOs

(Photo: Twitter/@licadho)

In January 2022, Amnesty International reported how groups such as the Prey Lang Community Network and the Prey Preah Roka Forest Community Network have been [forcibly prevented](#) from engaging in forest patrols to document and prevent illegal logging as they are not ‘registered’, a requirement under LANGO. This is despite written assurances from Cambodia’s Ministry of Interior that the LANGO does not apply to community-based and informal networks. In May 2022, the [Human Rights Committee](#) raised concerns that LANGO continues to restrict the right to the freedom of association and facilitates the surveillance of human rights defenders.



HUMAN RIGHTS OBLIGATIONS

Cambodia is a party to the International Covenant on Civil and Political Rights (ICCPR), which imposes obligations on states to respect and protect the freedoms of association, peaceful assembly and expression. These freedoms are also guaranteed in the Constitution of the Kingdom of Cambodia.

In its 2019 Universal Periodic Review at the Human Rights Council, the Cambodia government received at least 38 [recommendations](#) related to civic freedoms and the protection of human rights defenders from member states. It accepted recommendations to ‘ensure that all citizens may fully enjoy their rights to freedom of expression and peaceful assembly and association’, ‘immediately remove all undue restrictions on civil society’ and ‘guarantee the full enjoyment of freedom of expression of journalists and protect and human rights defenders, trade union workers, land and environmental activists and other civil society actors, and members of the political opposition’.

More recently, in March 2022, the Human Rights Committee reviewed the status of civil and political rights in Cambodia as part of its mandate to monitor state parties’ compliance with their legal obligations under the ICCPR. In its [Concluding Observations](#) the Committee stated that it was ‘deeply concerned about the persistent violation of the freedom of expression’ including in relation to reports of the closure of multiple national and international media outlets; blockage of websites critical of the government; the use of criminal and civil legal actions against journalists and human rights defenders; and widespread harassment and intimidation of online activists.

The Committee noted with concern that some criminal offences contained in the Criminal Code, including defamation, incitement, insult and lèse-majesté, are often used to restrict the freedom of expression disproportionately and excessively. The Committee was also gravely concerned about reports of arbitrary denial of permission to hold peaceful assemblies and the arrests of organisers of assemblies based on vague legal provisions contained in the Law on Peaceful Assembly. It also reported receiving information regarding the use of excessive and disproportionate force to disperse peaceful demonstrations, leading to widespread arrests and detention of protesters, including human rights defenders, environmental activists, opposition leaders and trade unionists.



RECOMMENDATIONS

To the Cambodian government:

- Immediately drop charges against all human rights defenders, activists and trade unionists prosecuted for exercising their rights to the freedoms of association, peaceful assembly and expression.
- Ensure that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or judicial harassment and other forms of harassment.
- Take steps to amend or repeal provisions in the Criminal Code related to ‘incitement’ (articles 495-497), criminal defamation and insult (articles 305-310), lèse majesté (article 437(bis)), insult of a public official (article 502) and other provisions criminalising the exercise of fundamental freedoms to bring them in line with Cambodia’s obligations under the ICCPR.
- Cease the use of legal and extra-legal measures to restrict the freedom of peaceful assembly, including arbitrary judicial harassment and other forms of harassment of protesters that have the aim of deterring assemblies.
- Effectively investigate all cases of the arrest and detention of peaceful protesters, and acts of violence against them, and bring those responsible to justice.
- Ensure that journalists may work freely and without fear of retaliation for expressing critical opinions or exposing government abuses and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Expedite efforts to repeal or revise the Law on Associations and Non-Governmental Organisations to ensure the right to the freedom of association and ensure there is a meaningful, open and transparent consultation with CSOs and any other relevant stakeholders in all revision exercises.
- End all mass trials as well as arbitrary arrests and acts of harassment, intimidation and violence against members and supporters of opposition parties.

To the International Community:

- Call on the Cambodian government to protect the rights to the freedoms of association, peaceful assembly and expression, and release all those arbitrarily detained for their peaceful activism.
- Take steps through embassies and representations to respond to harassment, arbitrary arrests and prosecution of human rights defenders and activists, including by voicing concerns with the authorities, attending trials, issuing statements and visiting activists in detention.
- Make public statements, including at the Human Rights Council, raising the concerns outlined above, and initiate stronger Council action as required.