

46th session of the Universal Periodic Review Working Group**Cambodia****Pre-session statement delivered by Ahmed Adam****On behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA)**

I make this statement on behalf of FORUM-ASIA. The fact that I am making this statement, instead of human rights defenders from Cambodia, is an indication of the risks and threats of reprisals against Cambodian human rights defenders, especially those who work on civil and political rights.

This statement relates to the rights to freedom of association, freedom of peaceful assembly, freedom of expression and situation of human rights defenders, journalists and activists or civic and political space in the country.

During the 3rd UPR cycle, Cambodia received 50 recommendations related to space for civic space. The government accepted 35 of these recommendations and noted 15. Joint submission¹ by FORUM-ASIA and CIVICUS to this current cycle of UPR demonstrate that there has been no progress in the implementation of any of the accepted recommendations over the past four years. In fact in most cases, we recorded considerable regression.

Freedom of association

The Law on Associations and Non-Governmental Organizations (LANGO) in Cambodia imposes stringent restrictions on freedom of association. It mandates registration for all associations with burdensome requirements, broad powers to deny registration, and onerous reporting obligations. The LANGO has been used to suppress civil society, label groups as illegal, and intimidate international organizations. Similarly, the Trade Union Law (TUL) and the Law on Political Parties also restrict freedom of association through mandatory registration requirements and vague provisions. The opposition, particularly the Cambodia National Rescue Party (CNRP) and the Candlelight Party, has faced sustained repression, including arbitrary arrests, politically motivated charges, and harassment. Recent amendments to the Election Law further restrict political participation by disqualifying those who did not vote in the July 2023 election from future ballots.

Recommendations

- Review the Law on Associations and Non-Governmental Organisations (LANGO), the Trade Unions Law and Law on Political Parties in line with international human rights standards.
- Create in law and in practice a safe and an enabling environment for civil society organisations, trade unions and political parties including by removing legal and policy measure the unwarrantedly limit freedom of association.
- Remove all undue restrictions on the ability of civil society organisations to receive funding including from foreign and domestic sources in line with recommendations by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.

¹ https://www.civicus.org/documents/upr-submissions/UPR46_JointSubmission_Cambodia.pdf

Freedom of peaceful assembly

The primary legislation governing assembly is the 2009 Law on Peaceful Demonstrations, which requires a five-day notice for organizing peaceful assemblies and allows prohibition based on certain holidays or vague grounds like affecting public order. Civil society has documented arbitrary denial of permission, arrests of organizers, and the use of excessive use of force against protesters, leading to widespread arrests and detentions. Vague provisions in the law risk broad interpretation and undue limitations on assemblies. Various incidents, including the blocking of International Women's Day marches and violent crackdowns on gatherings in front of the municipal court by imprisoned members of the now dissolved Cambodia National Rescue Party, highlight the challenges faced by activists. Trade unions, youth activists, and land rights protesters have also faced violence, arrests, and disruptions by authorities, indicating a broader pattern of suppression of dissent in Cambodia.

Recommendations

- Amend the Law on Peaceful Demonstrations to fully guarantee the right to peaceful assembly as provided for in the international law and standards. In particular, repeal provisions that impose restrictions inconsistent with international standards.
- Conduct transparent, impartial and credible investigations into all cases of arbitrary detention and arrest of peaceful protestors as well as all allegations of violence and excessive use of force against peaceful protestors and bring those responsible to justice.
- Adopt good practices, guidelines and recommendations on the management of peaceful protests as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the General Comment 37 on the right to freedom of peaceful assembly by the UN Human Rights Committee in 2020.

Freedom of expression, media freedom and access to information

The Cambodian government has utilized various legal and criminal provisions to suppress dissent and restrict freedom of expression, including 'incitement', 'insulting the king', and 'plotting'. Laws such as the 2015 Law on Telecommunications and the Inter-Ministerial Prakas on Website and Social Media Control allow for unfettered surveillance and censorship of digital communications, violating privacy rights. During the COVID-19 pandemic, emergency laws² were enacted to restrict criticism of the government's handling of the pandemic, leading to disproportionate prison sentences for those who violated these measures. Additionally, proposed cybercrime and cybersecurity laws raise concerns about further censorship and restrictions on online activities. Independent media outlets including Voice of Democracy and several others, have faced closure, license revocations, harassment and blocking of access to websites and social media accounts for reporting on sensitive issues or exposing government corruption. Criticism or dissent expressed online or through music has also been met with legal action, including charges of 'incitement'. The slow progress on enacting a freedom of information law further limits access to information and transparency in Cambodia.

Recommendations

- Repeal or amend 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 that criminalise the exercise of fundamental freedoms to bring them into line with Cambodia's obligations under the ICCPR.

² Measures to Prevent the Spread of COVID-19 and other Deadly and Serious Infectious Diseases Law

- Decriminalise defamation and bring any other relevant provisions of the Criminal Code and the Law on Telecommunication, as well as the proposed Cybercrime and Cybersecurity Bill, in line with ICCPR article 19.

Harassment of human rights defenders, journalists and political activists

Human rights defenders (HRDs) in Cambodia face harassment, detention, and convictions under vague charges like 'incitement to commit a felony' under the Criminal Code. Highly politicized judiciary leads to prolonged pretrial detention or disproportionate sentences against defenders in criminal trials that lack due process and violate international fair trial standards. In several cases, activists affiliated with environmental and social justice groups have been convicted and sentenced for organizing protests. Union leaders advocating for better working conditions have also been targeted, with some receiving prison sentences. Journalists reporting on sensitive issues such as land disputes and government corruption have been arrested, charged, and harassed. Additionally, journalists have faced physical attacks, including assault by illegal loggers and harassment by authorities while covering protests.

Recommendations

- Release all human rights defenders, journalists and political activists arbitrarily detained for exercising their fundamental freedoms.
- Repeal or amend all laws including provisions of the Criminal Code that impose undue restrictions on human rights defenders, journalists and political activists in line with Cambodia's obligations under international human rights standards including the UN Declaration on Human Rights Defenders.

Finally, we recommend Cambodia to:

Implement without delay the 20 benchmarks presented by the UN Special Rapporteur on the situation of human rights in Cambodia to the UN Human Rights Council in October 2022 to promote human rights implementation in the country, as well as the 10 point forward looking human rights action agenda presented by the Special Rapporteur to the Council in October 2023.
