



CAMBODIA

CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



Photo by CamboJA/ Sovann Sreypitch



INTRODUCTION

Cambodia's civic space is rated as [‘repressed’](#) by the CIVICUS Monitor. Prime Minister Hun Sen, whose 38-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.

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. The authorities also have pursued [politically motivated prosecutions](#) against more than 150 opposition political party leaders and members, some of whom fled the country fearing reprisals. There are currently more than 50 political prisoners behind bars.

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.

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.

The country has been added to the CIVICUS Monitor Watchlist due to serious concerns about restrictions on fundamental freedoms, ahead of elections in mid-2023. These ongoing restrictions and attacks on civic space are inconsistent with the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a state party.

DETENTION OF UNION LEADER AND HARASSMENT OF WORKERS

On 26th November 2022, woman human rights defender and trade union leader Chhim Sithar was [detained](#) by immigration police at Phnom Penh International Airport on returning to Cambodia following a 12-day trip to Australia. She was subsequently sent to pre-trial detention.

Sithar was arrested for allegedly [violating her bail](#) conditions. Neither Sithar nor her lawyers were informed about any bail conditions. The request from her lawyers to review the case file to understand the content of any

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



bail conditions granted has been continuously denied. On 19th January, the courts [denied bail](#) to Chhim Sithar. No reason was given for the denial.

Sithar is the recently re-elected President of the Labour Rights Supported Union of Khmer Employees of NagaWorld (LRSU) - a workers' union of Hong Kong-owned casino NagaWorld. She was previously [detained](#) in January 2022 on charges of 'incitement' under Articles 494 and 495 of the Cambodia Criminal Code for her involvement in a protest calling on the company to reinstate 365 workers laid off in April 2021. She was released on bail in March 2022.

LRSU members have been striking since December 2021 following mass layoffs at the NagaWorld casino that included the union's entire leadership and a significant number of members. The authorities vilified the strikers and used [COVID-19 measures](#) to justify its crackdown on the strikers. 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.

According to [human rights group LICADHO](#), Sithar and eight fellow LRSU leaders and members face up to two years in prison if they are convicted of 'incitement'. Another six LRSU members were charged in February 2022 under the 2021 COVID-19 Law. In October 2022, at least 18 additional union members were slapped with charges of breaking and entering; intentionally causing damage with aggravating circumstances; and unlawful arrest, detention and confinement.

PRESS FREEDOM AT RISK

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.

On 13th November 2022, reporters from two news outlets, VOD and VOA, were [denied access](#) to Prime Minister Hun Sen's press conference following the ASEAN Summit from 10th to 13th November. Hun Sen invited foreign and local reporters to a two-hour press conference at the Peace Palace. Journalists from VOD and VOA were carrying press identification cases issued by the Cambodian Ministry of Information, had received attendance passes and were among the first ten media organisations to register. However, before distributing the passes to registered media, two members of the Ministry of Information's press staff told a VOD journalist that their supervisor would not allow VOD and VOA journalists to attend the press conference. VOA journalists approached the summit's media centre to request their passes and were rejected.

In November 2022, The [Cambodian Center for Human Rights \(CCHR\)](#) said that the working environment for journalists is "increasingly dangerous". CCHR said that at least 20 journalists had faced legal action from September 2021 to August 2022, with 14 detained and two convicted over their reporting.

SILENCING OF ACTIVISTS AND CRITICS

Cambodian human rights defenders and activists continue to face repression. In recent years, 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 pre-trial detention and have no chance of getting a fair trial. Further, the draconian 2015 Law on Associations and Non-Governmental Organisations (LANGO) [imposes strict controls](#) on civil society .

On 23rd November 2022, Cambodia's Supreme Court [upheld](#) a five-year jail term for five current and former workers of the Cambodian Human Rights and Development Association (ADHOC), the country's oldest human rights groups, on bribery charges that human rights group believe to be politically motivated. The court provided no reason for its decision. The five activists spent 14 months in pre-trial 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.

On 9th January 2023, Cambodian authorities [ordered](#) that a music video by a rapper that recounts a deadly government crackdown on a workers' protest nine years ago be removed from a social media page. According to reports, Cambodia's culture ministry [ordered](#) police to prevent the spread of the music video called "Blood Workers", citing its "inciting contents that can contribute to instability and social disorder." The video, which had been posted on the human rights group LICADHO's Facebook page, was by rapper Kea Sokun and shows footage of the 3rd January 2014 protests by garment workers in Phnom Penh demanding an increase in the minimum wage, during which police shot four people dead, 38 were wounded and a 15-year-old boy went missing.

The cybercrime police also [questioned](#) Am Sam Ath, operations director at LICADHO, on 9th January 2023 over the NGO's involvement in releasing the rap video. To avoid further legal action, LICADHO [removed](#) the music video from Facebook and a censored page remains in its place. The authorities went further to question Tola Moeun from NGO Centre for Alliance of Labour and Human Rights (CENTRAL), Vorn Pao, president of the Independent Democratic Association of Informal Economy (IDEA) and Theng Savoeun from CCFC (Coalition of Cambodian Farmer Communities) about the video.

ONGOING CRIMINALISATION AND THREATS AGAINST THE OPPOSITION

Since 2017, the banned Cambodia National Rescue Party (CNRP) has faced politically motivated accusations of fomenting revolution, which formed the basis of its arbitrary dissolution by the Supreme Court. 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. Prime Minister Hun Sen has continued his crackdown of the opposition in the lead up to the general elections in July 2023.

On 23rd December 2022, 36 opposition party leaders and activists were [convicted](#) of plotting under Article 453 of the Criminal Code for allegedly assisting attempts by exiled members of the opposition movement to return to the country. Opposition leader Sam Rainsy and several former top-ranking officials in his party, as well as supporters of the now banned Cambodia National Rescue Party (CNRP), were found guilty in the Phnom Penh Municipal Court.

At least 33 of those convicted, including many living in exile after fleeing abroad, were tried in absentia and arrest warrants were issued. A single defendant was acquitted. The former opposition activists each received [sentences](#) ranging from five to seven years in prison, with only three activists receiving suspended sentences. The political rights of 11 activists were also suspended for a period of five years.

According to LICADHO, the political activists were convicted on the basis of their Facebook posts and recorded private phone calls regarding an attempt by Mu Sochua and other former CNRP leaders to return to Cambodia



in January 2021 to stand trial in a separate mass trial. Sochua was denied boarding because the Cambodian government cancelled her passport and refused to issue her a visa for her country of birth.

This was the fourth verdict in five mass trials that have been initiated against a total of 158 leaders and supporters of the former CNRP since November 2020.

On 17th January 2023, Thach Setha, vice president of the opposition Candlelight Party of Cambodia, was [arrested](#) for allegedly issuing worthless cheques in a case his party said is politically motivated. He was accused of issuing several bounced cheques in 2019 and sent to pre-trial detention under a law on payment transactions that provides penalties for irregular financial payments. If convicted, Thach Setha could face two to five years in prison and a fine of up to USD 12,250. Previously in 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 National Election Committee (NEC).

The Hun Sen regime has also threatened to dissolve opposition parties. In October 2022, Hun Sen said he would [dissolve any political party](#) that dared to associate with Sam Rainsy, co-founder of the now banned CNRP. On 9th January 2022, Hun Sen threatened to [seize properties](#) belonging to opposition Candlelight Party members and others who accuse him and the ruling party of stealing the 2022 local elections.



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), 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 (LANGO) 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 freedom 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.