



Submission to the Universal Periodic Review of Cambodia

Human Rights Watch

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Introduction

This submission highlights Human Rights Watch's concerns regarding the human rights situation in Cambodia. In 2019, during its third Universal Periodic Review (UPR), Cambodia accepted 173 out of 198 recommendations received, and noted the remaining 25. However, the government has largely failed to implement the accepted recommendations.

The government intensified its onslaught on Cambodia's political opposition, civil society leaders and their organizations, and the few remaining independent media outlets, with the apparent aim of dismantling political opposition networks and silencing critical voices in the lead-up to the general election on July 23, 2023. Then-Prime Minister Hun Sen intensified his [violent rhetoric, prompting a government crackdown on the political opposition, independent media, land rights activists](#), civil society leaders, and [trade union leaders](#). At the prompting of the government and the ruling Cambodian People's Party (CPP), the National Election Committee barred the main opposition party, the Candlelight Party, from contesting the election, effectively making the election a meaningless exercise. Although the former CPP government coalition partner FUNCINPEC won 5 out of the 125 national assembly seats, Cambodia remains a de facto one-party state controlled by the CPP.

Government authorities used threats, violence, and repressive laws against community leaders, nongovernmental organizations, and activists who seek to expose human right abuses, corruption, and government overreach. Cambodia's judiciary remains fully subservient to the CPP, and the justice system unjustly prosecutes those targeted by the government for exercising their basic rights to freedom of expression, association, and peaceful assembly.

The authorities have threatened and shut down independent media outlets while a number of opposition political party leaders and supporters, civil society activists, and journalists have fled the country or remained in exile in fear of arbitrary arrest.

Attacks Against Opposition Members

In 2019, Cambodia accepted several UPR recommendations calling upon the government to protect freedom of expression and the enjoyment of civil and political rights,¹ but the authorities instead targeted and prosecuted the political opposition in mass trials on politically motivated charges.

On March 1, 2021, the Phnom Penh Municipal Court [convicted in absentia nine exiled leaders of the dissolved Cambodia National Rescue Party \(CNRP\)](#) on charges of "attempt to commit felony" and "attack...liable to endanger the institutions of the Kingdom of Cambodia" under articles 27 and 451 of Cambodia's Criminal Code. The case concerned unfounded allegations that the defendants were attempting to stage a coup by simply announcing their plans to return to Cambodia on November 9, 2019.

On March 3, 2023, a court found political opposition leader Kem Sokha guilty of treason in a politically motivated trial, and sentenced him to a 27-year prison sentence with his political rights to vote and to stand for election indefinitely suspended. Sokha is the former president of CNRP, which the Supreme Court arbitrarily dissolved in 2017. Since his arrest that year, Sokha faced mistreatment in custody and a ban on participating in any political activity. The United Nations Working Group on

¹ A/HRC/41/17/Add.1, *among others*, recommendation 110.85; 110.86; 110.87; 110.88; 110.89; 110.90; 110.91.

Arbitrary Detention declared in 2018 that [Sokha's pretrial detention was "arbitrary"](#) and "politically motivated." Since being convicted, Sokha remains under de facto house arrest at his residence.

On June 14, 2022, [51 opposition politicians and activists were convicted in a mass trial](#) on unsubstantiated charges of "incitement" and "conspiracy." The court sentenced 12 defendants to eight years in prison and another 19 defendants to six years in prison. Another 20 defendants received five-year suspended prison sentences. Many of the defendants were tried *in absentia*, with 27 of the defendants currently in exile.

Despite accepting the 2019 UPR recommendation to "protect ... members of the political opposition ... from harassment, arbitrary arrest and physical attacks, and investigate and prosecute the perpetrators of such attacks,"² Cambodia failed to implement it. Since its last UPR, the government intensified surveillance and intimidation, violent attacks, and judicial harassment against members of the political opposition, both inside and outside Cambodia ahead of the 2023 national elections.

During a [speech on January 9, 2023](#), then-Prime Minister Hun Sen warned the main political opposition – reorganized under the Candlelight Party in late 2021 – to not criticize the ruling Cambodian People's Party ahead of the upcoming elections. He threatened that defiance would be met with either punitive rulings by CPP-controlled courts or with mob violence. In the months that followed, a number of opposition party members were [assaulted in Phnom Penh in broad daylight](#), while others were convicted or arrested on politically motivated criminal charges. Attacks against [opposition activists](#) and [critics](#) continued after the election in both Thailand and Cambodia. Police failed to seriously investigate these attacks or arrest the perpetrators.

In March 2023, a court [sentenced Cambodia National Heart Party co-founder Seam Pluk and 12 other members of the political opposition](#) to prison terms on fabricated, politically-motivated charges connected to gathering signatures on party registration documents. That same month, authorities [arrested](#) two former CNRP members for "insulting the monarchy" on Facebook. In July 2023, the National Election Committee fined and banned 18 opposition party members from holding elected office for 10 to 20 years after they were convicted *in absentia* [for inciting voters to spoil their national election ballots](#). They included six [former lawmakers](#) from the dissolved CNRP [and 11 activists](#).

Recommendations to the Government of Cambodia:

- Cease threats against political opposition members and civil society activists, and investigate and appropriately prosecute those responsible for assaults on Candlelight Party members and government critics;
- Quash the politically motivated conviction of Kem Sokha, and immediately and unconditionally release him. The government should cease politically motivated harassment and prosecution of opposition members and supporters, including those from the CNRP and the [Candlelight Party](#);
- Immediately and unconditionally release all political opposition and civil society activists imprisoned for peacefully exercising their human rights. Abide by Cambodia's obligations under international human rights law and respect the rights to freedom of expression, association, and peaceful assembly, the independence of the judiciary, and the right to a fair

² A/HRC/41/17/Add.1, Recommendation 110.113.

trial for all.

Election Issues

Cambodia failed to implement the UPR 2019 recommendation to “restore democratic and political space, ensuring participation for political parties, civil society and independent media,”³ and “to take the necessary measures to allow members of the opposition to participate in Cambodian political life.”⁴ For more than two years, the CPP systematically attacked the main opposition party, the Candlelight Party (CLP), and on May 15 the government-controlled National Election Committee (NEC) barred the CLP from competing in the 2023 National Election by baselessly rejecting the CLP’s application documents, creating conditions for a [fundamentally flawed and unfair election](#).

Cambodia also failed to fulfill its pledge to “Promote dialogue among political actors, freedom and the rights of the people and the democratic process, in order to ... ensure an environment in which the rights of all political actors, civil society, the media and others are respected and their activities are not constrained.”⁵ On June 23, the CPP one-party National Assembly [voted unanimously to amend the election law](#) to penalize anyone who boycotts an election from running as a candidate in future elections. Prospective candidates [must have voted](#) in at least two elections to qualify as a candidate in local and national elections. The NEC also interpreted the amendments to include criminalizing any acts advocating the boycotting of an election or deliberately spoiling a ballot. The action came in response to CLP activists’ calls on [social media](#) to their supporters to [spoil ballots](#) or stay away from the election. [The government’s imposition of criminal penalties for spoiling ballots and calling for others to spoil ballots](#) violates the rights of citizens to vote by secret ballot to ensure the free expression of the will of the electorate, which is protected under articles 19 and 25 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Cambodia.

Despite accepting the 2019 UPR recommendation, Cambodia failed to “continue its efforts in the area of electoral reform.”⁶ Human Rights Watch did a [systematic analysis of “1102” forms](#) used for recording election results in Phnom Penh during the June 2022 commune elections and found significant irregularities that suggest that election fraud and vote tampering may have occurred because ballots across Phnom Penh were not properly counted and reported. The NEC publicly replied and admitted that errors were made, but then failed to explain how it plans to prevent similar irregularities in the future.

Recommendations to the Government of Cambodia:

- Establish an independent National Election Committee, capable of administering future elections without favoritism or bias towards any political party, which is also prepared to hold all political parties accountable for malfeasance and criminal offenses;
- Repeal the amendments to the Law on Political Parties that permit the arbitrary dissolution of political parties and ban party leaders from political activity without due process;
- Repeal the amendments to the election law penalizing those who boycott elections, deliberately spoil ballots, or advocate or call for people to take such actions.

³ A/HRC/41/17/Add.1, Recommendation 110.88.

⁴ A/HRC/41/17/Add.1, Recommendation 110.80.

⁵ A/HRC/41/17/Add.1, Recommendation 110.103.

⁶ A/HRC/41/17/Add.1, Recommendation 110.138.

Attacks on and Control of the Media

Cambodia failed to implement the 2019 UPR recommendation it accepted to “immediately remove all undue restrictions on civil society and independent media ...”⁷ and to “redouble efforts to protect freedom of opinion and expression, both online and offline, to ensure and promote a safe environment for journalists, human rights defenders and the political opposition, and effectively and thoroughly investigate all attacks against them.”⁸

The Cambodian government effectively controls all Khmer language national TV and radio stations, and newspapers. The few remaining independent outlets publishing online are subject to regular harassment, intimidation, and threats of shutdowns.

On February 12, 2023, Hun Sen ordered the [revocation](#) of the media operating license of the Voice of Democracy (VOD). Established in 2003, [VOD produced](#) radio programs and published an online news site in both Khmer and English. VOD investigated and reported on issues of corruption and government wrongdoing, human rights violations, online scam centers and human trafficking, targeted attacks on organized labor, land seizures, abuses linked to micro-finance lending, and environmental destruction. VOD’s reporting evidently angered senior government officials when it exposed corrupt links between high-ranking officials and their associates and the looting of natural resources.

Hun Sen used as an excuse a [February 9, 2023 VOD article](#) alleging that his son and current prime minister Hun Manet had been improperly acting in place of his father by signing a financial aid package for earthquake stricken Turkey. The reporter, Pa Sokheng, fled the country to escape likely criminal charges and a barrage of online harassment, including sexual harassment, from pro-government commentators. She subsequently resettled as a refugee abroad. The shuttering of VOD resulted in the elimination of one of the last remaining independent media outlets in the country.

In July 2023 the government ordered internet service providers to block access to online websites and social media accounts of two major independent media outlets – [The Cambodia Daily](#) and [Radio Free Asia](#) (RFA), as well as independent information platform [Kamnotra](#). The action was taken under a directive authorizing the Department of Information and Audiovisual to block sites that “disseminate misleading news affecting the honor and reputation of the Royal Government.”

In September 2023, the Ministry of Agriculture, Forestry and Fisheries (MAFF) demanded in [a letter posted on Facebook](#) that CamboJA News, perhaps the last remaining independent English language news outlet in the country, rectify “breaches of journalistic ethics” by removing “claims and speculations” that MAFF perceived as linking the ministry and its minister to [an attack against an outspoken critic of the MAFF](#).

Recommendations to the Government of Cambodia:

⁷ A/HRC/41/17/Add.1, Recommendation 110.98.

⁸ A/HRC/41/17/Add.1, Recommendation 110.106.

- Cease the arbitrary interference, blocks, and surveillance of online and offline media and the use of repressive laws to censor and control the media;
- Immediately reinstate the operating license of the Voice of Democracy news outlet;
- Cease intimidation, surveillance, and harassment of independent media outlets, journalists, and government critics, and investigate and appropriately prosecute those who are responsible for attacks against them;
- Repeal the Law on Telecommunications and No. 170 Br.K/Inter-Ministerial Prakas on Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia.

Rights to Freedom of Assembly and Association and Labor Rights

The Cambodian government has failed to implement the 2019 UPR recommendation to “ensure that the trade union rights of workers are guaranteed in line with the relevant ILO Convention and that unions may register unhindered and represent their members.”⁹ Since the onset of the Covid-19 pandemic in early 2020, [the government intensified its crackdown on independent unions](#), using public health and other arguments as ostensible justifications. Many employers adopted retrenchment measures, including mass layoffs, which facilitated the government clampdown on independent unions.

Human Rights Watch research found that authorities and employers used or threatened resort to Cambodia’s politicized criminal justice system to silence union leaders and activist members by arresting, detaining, and prosecuting them, or threatening to do so if union actions did not stop. Officials used bogus charges such as “incitement to commit a felony” and unsubstantiated violations of Cambodia’s problematic Law on Preventive Measures Against the Spread of Covid-19 and other Severe and Dangerous Contagious Diseases, which imposes disproportionately high penalties on persons deemed to violate Covid-19 measures.

The government also failed to implement the 2019 UPR recommendation to “cease all kinds of harassment of and arbitrary interference [of] labor activists, and amend laws and regulations effectively used to limit freedom of association and assembly, such as certain provisions in the law on political parties, the law on associations and non-governmental organizations and the law on trade unions.”¹⁰

In a union case resulting from a mass layoff by NagaWorld casino in Phnom Penh in 2021, Human Rights Watch [documented](#) the use of pandemic-related health restrictions to thwart workers ability to exercise their right to strike. Authorities deemed virtually any strike to be “illegal,” and police, non-uniformed police, and other security forces confronted strikers with excessive use of force and forcibly removed them from picket lines, and physically herded them on to city buses to transport and abandon them on the outskirts of the capital.

On January 3, 2022, the government charged [Chhim Sithar, the leader of the Labor Rights Supported Union of Khmer Employees of NagaWorld](#) with the crime of “incitement to commit a felony or disturb social security.” In her case, the government failed to implement the UPR 2019

⁹ A/HRC/41/17/Add.1, Recommendation 110.151.

¹⁰ A/HRC/41/17/Add.1, Recommendation 110.109.

recommendation to “take all necessary steps towards a substantive reduction in the time spent by persons in pretrial detention.”¹¹ Officials held Sithar for 74 days in pre-trial detention before releasing her on bail in March. The authorities rearrested Sithar on November 26, 2022, for violating bail conditions on international travel by going to Australia to attend (as a guest speaker) the annual global conference of the International Trade Union Confederation. However, neither she nor her lawyer had ever been informed by either the court or prosecutors about the travel restrictions imposed on her as a condition of her bail.

On May 25, 2023, a court found Sithar and eight trade unionists guilty and sentenced her to two years in prison, and other union members to prison terms of between one to one-and-a-half years.

Recommendations to the Government of Cambodia:

- Immediately quash the convictions and unconditionally release Chhim Sithar, leader of Labor Rights Supported Union of Khmer Employees of NagaWorld, and eight other fellow union members or former members;
- Amend the Law on Trade Unions in consultation with workers, labor advocates, and other stakeholders, to bring it into full compliance with International Labour Organization Conventions No. 87 (Freedom of Association) and No. 98 (Right to Organize and Collectively Bargain), both ratified by Cambodia;
- Cease the harassment, arbitrary arrests, and attacks on trade unionists and workers, and investigate and appropriately prosecute the perpetrators of such attacks;
- Restore the work of the Arbitration Council to hear all collective disputes of workers, irrespective of whether they are represented by a union.

¹¹ A/HRC/41/17/Add.1, Recommendation 110.126.