

## Country Updates on Human Rights and Democracy 2019

### Kingdom of Cambodia

**1. Overview of the human rights and democracy situation:** The human rights situation in Cambodia continued to be a matter of concern during 2019, in particular regarding civil and political rights. The lack of meaningful progress to improve the human rights situation throughout 2018 and early 2019 led to the launch by the European Commission, in February 2019, of a formal procedure to temporarily withdraw tariff preferences granted to Cambodia under the Everything But Arms (EBA) trade scheme. A final decision will be taken by the Commission within twelve months from the initiation of the procedure (by 12 February 2020).

Since the court-ordered dissolution of the main opposition party (the Cambodian National Rescue Party - CNRP) in 2017, the Cambodian People's Party (CPP) is now ruling alone at the National Assembly, and almost with no opposition in the Senate and at local level. The CPP position was further consolidated through the indirect District Council election that took place in May 2019.

The situation of former opposition members remains critical. Former CNRP President Kem Sokha, accused in 2017 of 'conspiring to commit treason', remained on bail under strict court supervision for most of the year. On 10 November 2019, a Cambodian court relaxed his bail conditions. In December 2019, it was announced that his trial would begin on 15 January 2020. An amendment to the Law on Political Parties introduced the possibility for individuals banned from political activities to seek the restoration of their political rights by the king upon request to the prime minister. However, as of May 2019, only nine former CNRP members have successfully invoked this amendment. Former opposition members and supporters continued to face judicial harassment. In March 2019, an arrest warrant was issued against eight leading members of the CNRP who fled Cambodia. They were formally charged in September 2019. Between January and May 2019, over one hundred court and police summonses were issued against former CNRP members and supporters, mostly on allegations of violating the Supreme Court ruling that dissolved CNRP. In addition, following self-exiled opposition leader Sam Rainsy's announcement of his intention to return to Cambodia on 9 November 2019, over 50 political activists were arrested on charges of 'plotting against the state' (most of these individuals were later released on bail). The Cambodian Ministry of Foreign Affairs has also revoked the passports of 27 opposition members who had fled the country, some of whom remaining abroad undocumented.

The operating environment for civil society organisations remained restrictive in 2019. Some small progress was noted, in particular in relation to the initiation of a dialogue at national and provincial level as well as with the launch of discussions to amend the contested 2015 Law on Associations and Non-Governmental Organisations (LANGO). However, the situation remains challenging for advocacy organisations, particularly those working on human rights, environment, land and freedom of expression, with numerous reports of events being monitored by local authorities and policy as well as cumbersome controls from authorities.

Cambodia ranked 143rd out of 180 countries in the 2019 World Press Freedom Index, dropping by one position in comparison to the previous year. The case of two Radio Free Asia journalists accused of espionage and pornography is still ongoing and the Municipal Court decided in August 2019 to reinvestigate both cases. Free media are still restricted albeit Voice of America was allowed to return. The new independent journalist association

CambodJA was registered in October 2019 and in December, they were allowed to start publishing news on their English news site.

According to the World Justice Project's Rule of Law Index 2019, Cambodia ranked 125 out of 126 countries in terms of rule of law. The judicial system continues to be used as a tool to target political opponents, rights activists, journalists and critical social media users.

Cambodia took some actions to address major labour rights complaints. In May 2019, the Appeal Court acquitted six union leaders of all charges, after they had been given suspended jail terms for leading anti-government protests in 2013 and 2014. Amendments to widely criticised Law on Trade Unions were adopted in December 2019. They addressed some of the problems but according to 36 independent local and international NGOs and trade unions, the changes did not go far enough in addressing freedom of association and the rights to organise and collective bargaining.

The Cambodian government has taken some steps to resolve long-standing disputes on Economic Land Concessions, notably those related to sugar plantations in Koh Kong and Oddar Meanchey Provinces. There has been some improvement in land registration but access to land for the most vulnerable, including for indigenous communities, still remains a challenge.

**2. EU action - key focus areas:** In February 2019, the EU launched the procedure for the possible temporarily withdrawal of tariff preferences granted to Cambodia under the Everything But Arms (EBA) preferential trade scheme due to a lack of compliance with a number of UN Human Rights Conventions and ILO Conventions. An EU monitoring mission visited Cambodia in June 2019 to assess the human and labour rights situation. The dialogue with the government, civil society and other stakeholders continued during the year. Following a 6-month monitoring period, the European Commission transmitted to the Cambodian Government its report of findings in November 2019.

**3. EU bilateral political engagement:** In line with the priorities set out in the EU Human Rights and Democracy Country Strategy as well as the European Roadmap for Engagement with Civil Society in Cambodia, the EU delegation to Cambodia has implemented a number of actions to contribute to the protection of human rights and democracy in the country. Several CSO consultations took place in the framework of the EBA monitoring period and as a follow up to the UN Universal Periodic Review process on Cambodia (held in January 2019). The EU delegation organised a dedicated meeting with LGBTI organisations on the International Day against Homophobia, and co-organised the celebrations of Human Right Day with OHCHR Cambodia.

**4. EU financial engagement:** The EU continued to support human rights and democracy mainly via its cooperation instruments in support of civil society and OHCHR. The EU delegation managed grants under the EIDHR and CSO-LA instruments covering broad range of issues including freedom of expression, land issues, rights of migrants, gender equality and child protection. The EU delegation also launched in the first part of 2019 a combined CSO-EIDHR call for proposals with the total budget of EUR 8.4 million. As far as human rights are concerned, six projects were awarded under EIDHR focusing on freedom of expression, land security and tenure, as well as addressing illegal migration and human trafficking. The EU has continued to provide financial support to the Extraordinary Chambers in the Courts of Cambodia (ECCC) to judge crimes against humanity under the Khmer Rouge regime.

**5. Multilateral context:** Cambodia was reviewed under the UN Universal Period Review process in January 2019. In September 2019, the situation in Cambodia was discussed during the 42nd Session of the Human Rights Council where the UN Special Rapporteur on Cambodia, Rhona Smith, presented her fourth substantive report on the human rights situation in Cambodia. The Human Rights Council also adopted a resolution on Advisory services and technical assistance for Cambodia, which underlined the challenges in the country and provided for the extension of the UN Special Rapporteur mandate. Finally, Cambodia presented its report to the UN Committee on the Elimination of Discrimination against Women with the findings of the Committee, published in November 2019.