

Kingdom of Cambodia

1. Overview of the human rights and democracy situation: Although there have been some improvements in certain areas such as trafficking in human beings, education and children's protection, and despite some recent actions and announcements releasing some pressure on civil society, the overall situation in the country remains negative.

The decision in November 2017, to dissolve the main opposition party (Cambodia National Rescue Party (CNRP), on the basis of provisions contained in recent amendments to the Law on Political Parties, and the subsequent reallocation of its 55 National Assembly and 5007 commune council seats to other parties, have heavily impacted on the credibility of Cambodia's democratic process. Following the dissolution of the CNRP, the ruling CCP won all seats in the National Assembly election of 29 July 2018. This followed an indirect election on 24 February 2018, in which the CPP won all available seats in the Senate.

The arrest of opposition leader Kem Sokha (September 2017) and the banning from politics for 5 years of 118 CNRP senior members have been of equal concern. Kem Sokha's detention was found to be arbitrary by the UN Working Group on Arbitrary Detention in April 2018. Still awaiting his trial, he was released on bail on 10 September, but under conditions corresponding, in practice, to a house arrest. On 2 January 2019 the King signed an amendment to the Law on Political Parties (Article 45) which may allow, on government's request, "rehabilitation" by the King of persons who have been banned from political activities by the Supreme Court. This amendment may allow banned CNRP officials to return to politics. It was unclear yet whether all the 118 banned officials will be rehabilitated as, according to government statements, they would have to request rehabilitation individually.

The operating environment for civil society organizations has become progressively more restrictive, especially in the months preceding the 29 July General Election. There were a number of cases of use (or threat of use) of legal action to target rights defenders in civil society. Several Civil Society Organisations (CSOs) have reported harassment and excessive monitoring by the authorities. After the 29 July election, some prominent civil society activists and rights defenders were released on suspended sentences or royal pardon. In November 2018, the government revoked a requirement that CSOs give three days advance notice of all activities, and announced the imminent organisation of meetings with representatives of local and international NGOs to address challenges to civil society.

Cambodia ranks 142nd out of 180 countries in the 2018 World Press Freedom Index, dropping 10 positions compared to the previous year. The numerous media outlets closed under different legal provisions in 2017 have not restarted their activities. The introduction of the *Lèse-Majesté* Law, the Inter-Ministerial Prakas No 170 on website and social media control, and the amendment of Articles 42 and 49 of the Constitution (obligation to defend the national interest), as well as the National Election Committee Code of Conduct for the Media, all create new possibilities to further limit freedom of expression. Several journalists and bloggers remain under threat of legal action.

According to the World Justice Project's Rule of Law Index 2017–2018, Cambodia ranked 112th out of 113 countries in terms of rule of law, and scored zero in relation to the independence of

the judiciary. The judicial system has been used as a tool to target political opponents, rights activists, journalists and critical social media users. There were also concerns about the speed of judicial processes and the wide use of pre-trial detention, which contribute to overcrowding of prisons in the country.

The Cambodian government has taken some steps to resolve long standing disputes on Economic Land Concessions (ELCs), notably those for sugar plantations. On 24 December, the Land Ministry released an annual report on land disputes. According to the report, out of 513 cases of land dispute filed to the Ministry, 263 cases have been resolved. However, with specific reference to ELCs, concerns have been raised by NGOs as to the inclusiveness and transparency of the process in some cases. The deterioration of the political environment impacted negatively on labour rights. Many ILO Conventions, and in particular Convention 87 on Freedom of Association, are not effectively implemented in law and in practice.

On 16 November 2018, the Trial Judges at the Extraordinary Chambers in the Courts of Cambodia delivered a historic verdict in Case 002/02, finding senior Khmer Rouge leaders, Nuon Chea and Khieu Samphan, guilty of genocide (in relation to Cham and Vietnamese people), crimes against humanity and grave breaches of 1949 Geneva Conventions.

2. EU action - key focus areas: In 2018, the EU stepped up its engagement with Cambodia with regard to the Everything But Arms (EBA) preferential trade regime due to a lack of compliance with a number of UN Human Rights Conventions and ILO Conventions. An EU fact-finding mission (FFM) visited Cambodia in July 2018 and a dialogue is currently ongoing with the government.

3. EU bilateral political engagement: In line with the priorities set out in the 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 have taken place in the framework of the Roadmap for Engagement with Civil Society and the monitoring of EBA commitments. In November the Delegation hosted the CSO In-country Pre-sessions of the 3rd UN Universal Periodic Review (UPR) on Cambodia (January 2019), organised by UPR Info, Office of the United Nations High Commissioner for Human Rights (OHCHR) and a leading local Human rights NGO (CCHR). Financial support was extended to CSOs, helping to promote citizens' awareness on election processes and voting rights.

4. EU financial engagement: Technical assistance was provided to the Ministry of Justice for the drafting of a national legal aid policy. The EU has also supported the Implementation of the Social Accountability Framework (ISAF) to improve government-citizens partnership for public sector accountability. In collaboration with the Swedish International Development Agency (SIDA), the EU Delegation provided financial assistance to Transparency International Cambodia to implement a national anticorruption strategy. In 2018, a local European Instrument for Democracy and Human Rights (EIDHR) call for proposals focusing on land rights, freedom of expression and labour rights was finalised with five contracts awarded as a result. Moreover the EU has continued its support to the UN OHCHR on land rights, judicial reform and monitoring of human rights situation.

The EU Delegation has also supported CSOs to promote safe migration and reduce undocumented migration to Cambodia's neighbours, especially Thailand. 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: In September 2018, the UN Special Rapporteur on Cambodia, Rhona Smith, presented her third substantive report on the human rights situation in Cambodia (UN Doc A/HRC/39/73). The Memorandum of Understanding with OHCHR, which was due to expire at the end of 2018, was renewed for a two-year period in October 2018.