



Published on *Freedom House* (<https://freedomhouse.org>)

[Home](#) > Cambodia

## Cambodia

**Country:**

Cambodia

**Year:**

2016

**Freedom Status:**

Not Free

**Political Rights:**

6

**Civil Liberties:**

5

**Aggregate Score:**

32

**Freedom Rating:**

5.5

**Overview:**

Although the opposition Cambodia National Rescue Party (CNRP) ended its boycott of Parliament after reaching an agreement with the ruling Cambodian People's Party (CPP) in 2014, the fragile truce quickly eroded in 2015. The authorities sentenced 11 opposition activists to prison on insurrection charges and arrested a CNRP senator for posting a disputed diplomatic document online. An arrest warrant was issued for opposition leader Sam Rainsy on defamation charges, and he remained outside the country at year's end. Prime Minister Hun Sen appeared to be working to solidify his hold over the CPP in advance of 2018 national elections.

Also in 2015, Parliament passed a new law that forces all nongovernmental organizations (NGOs) to register with the government and allows officials to deny licenses or disband the groups if they are judged to be partisan or to have undermined national unity, peace, national security, or Cambodian culture. Authorities have increasingly harassed and detained NGO representatives, particularly those working on land rights issues.

**Political Rights and Civil Liberties:**

**Political Rights: 11 / 40 [Key]**

**A. Electoral Process: 4 / 12**

Under the current constitution, promulgated in 1993, the monarch, currently King Norodom Sihamoni, is chief of state. The monarchy remains highly revered as a symbol of national unity but has little political power.

Cambodia's bicameral legislature consists of a 123-seat National Assembly and a 61-seat Senate. National Assembly members are elected by party-list voting to serve five-year terms. In the Senate, 57 members are elected by local councillors, 2 are elected by the National Assembly, and 2 are appointed by the king for six-year terms. The prime minister is appointed by the king and approved by the National Assembly, and members of the Council of Ministers are nominated by the prime minister, appointed by the monarch, and approved by the National Assembly. Voting is tied to a citizen's permanent local residency, which cannot be changed easily.

In the 2012 Senate elections, the CPP won 46 seats. The remaining 11 seats went to the Sam Rainsy Party (SRP), now part of the CNRP. In 2013 National Assembly elections, the CPP captured 68 of 123 seats, its worst showing since 1998. The CNRP won 55 seats. The elections were marred by reports of duplicate voter names, vote buying, and voters casting ballots in communes where they were not registered; the National Election Committee (NEC) identified more than 250,000 duplicate names and 290,000 names missing from voter rolls.

The CNRP rejected the official results, charging that it had won 63 seats, but—despite the NEC's findings—its petition for the creation of an independent authority to investigate its claims was unsuccessful. As a result, all 55 CNRP members refused to take their seats at the new National Assembly's opening session. The CPP and CNRP reached an agreement in July 2014 that ended the CNRP's boycott. The government agreed to recognize a minority leader in Parliament who would be responsible for representing opposition interests to the prime minister, create a new NEC with members appointed by both parties, and release seven opposition legislators from jail. The new election commission is considered less partisan than its predecessor, but it has not yet been tested in a national election.

## **B. Political Pluralism and Participation: 4 / 16**

The constitution outlines the right of Cambodians to participate in multiparty democracy, but in practice, political opposition is restricted. Harassment or threats against opposition supporters are not uncommon, and opposition leaders have faced legal suits for criticizing the ruling party. The CPP is known to reward its supporters with coveted positions and financial incentives. In April 2015, Hun Sen announced his candidacy for the 2018 election, and in June he was elected CPP president.

Although the CNRP has constituted the most formidable opposition to the CPP in years, the government harassed and intimidated opposition lawmakers throughout 2014 and 2015. The two sides' 2014 pledges to foster a "culture of dialogue" largely broke down in 2015, as both parties verbally attacked each other and the government pursued criminal charges against CNRP politicians, including Sam Rainsy. In November, a court ordered Sam Rainsy's arrest based on a past defamation conviction, though the opposition said the verdict had been voided by a 2013 pardon. The National Assembly subsequently

voted to remove Sam Rainsy from his seat and thereby revoke his parliamentary immunity. The opposition leader, who was traveling abroad at the time, remained outside Cambodia at year's end. Separately, in August, police arrested a CNRP senator for posting an allegedly fake diplomatic document on Facebook. In October, a crowd of government supporters and security personnel attacked two opposition lawmakers outside the legislature; three members of Hun Sen's bodyguard unit were subsequently detained.

The politicized security forces limit citizens' political choices in Cambodia. Military and police commanders campaigned for the CPP before the 2013 elections, and the army helped suppress opposition demonstrations after the flawed vote. The military organized anti-CNRP demonstrations during 2015.

The constitution explicitly protects the rights of "Khmer people" only, leaving ethnic Vietnamese, Chinese, and other minorities vulnerable to political exclusion. Animosity toward the Vietnamese is common in Cambodian politics. Non-Khmer residents cannot easily establish their citizenship and political rights, particularly if their births were not registered, due to either discrimination or past conflict and political turmoil in the country.

### **C. Functioning of Government: 3 / 12**

The CPP leadership sets and implements state policy, but the flawed electoral process undermines its legitimacy, and the intimidation and legal harassment directed at opposition lawmakers prevents them from contributing to governance.

Corruption remains a serious obstacle to Cambodia's economic development and social stability. A 2010 law established the Anti-Corruption Unit (ACU), but its implementation has been slow. Many in the ruling elite abuse their positions for private gain. Increased investment in mining, forestry, agriculture, textile manufacturing, tourism, hydropower, and real estate has brought notable economic growth in recent years, but these enterprises frequently involve land grabs by powerful politicians, bureaucrats, and military officers.

Nepotism and patronage undermine the functioning of a proper, transparent bureaucratic system. In the 2013 elections, the sons of high-ranking party leaders, including those of Hun Sen and Interior Minister Sar Kheng, ran for seats in Parliament, spurring accusations that CPP leaders were attempting to build political dynasties.

Cambodia was ranked 150 out of 168 countries and territories assessed in Transparency International's 2015 Corruption Perceptions Index.

### **Civil Liberties: 21 / 60 (+1)**

#### **D. Freedom of Expression and Belief: 9 / 16**

Freedom of speech is not fully protected. A 2010 law criminalizes defamation and bars written criticism of public officials or institutions. The government uses lawsuits, criminal

prosecution, and occasionally violent attacks to intimidate the media. Authorities are especially sensitive to coverage of land grabs and extralegal resource extraction.

There are about 20 active newspapers and magazines, 18 television stations, and some 175 radio stations, most of which are controlled or influenced by the CPP. As part of the July 2014 political agreement, the government granted the CNRP the right to broadcast radio programs in the provinces, and in May 2015 Sam Rainsy announced that the CNRP was preparing to launch a television station, but it was not operational by year's end. There are no restrictions on access to foreign broadcasts via satellite.

Buddhism is the state religion, and the government supports Buddhist education, but the constitution bars religious discrimination. Most Cambodians are Theravada Buddhists and can practice their faith freely. Societal discrimination against religious minorities has been rare in recent years.

Teachers and students practice self-censorship when discussing Cambodian politics and history. In August 2015, the Ministry of Education issued a directive banning political activity at academic institutions, reinforcing a 2007 law on the subject.

Online criticism of the government and CPP leaders has been prosecuted under defamation laws, and the government reportedly monitors online discussion. In September 2015, the Interior Ministry said it would enforce rules requiring SIM card retailers to collect identification information from customers, and existing customers would have to submit such information to their service providers, raising concerns about privacy and surveillance.

### **E. Associational and Organizational Rights: 3 / 12**

Despite constitutional protections for freedom of assembly, the government often denies permits for demonstrations and sometimes uses force to disperse them. Protests in Phnom Penh were banned for the first half of 2014 following a violent January labor demonstration in which at least four people were killed. In July 2015, 11 opposition activists were sentenced to between 7 and 20 years in prison on insurrection charges related to a violent July 2014 protest.

Civil society groups work on a broad spectrum of issues and offer social services, frequently supported by international funding. Those that work on justice and human rights, as opposed to social or health issues, generally face more state harassment. In February 2015, the government expelled the foreign head of an NGO involved in organizing opposition to the proposed Chhay Areng dam in Koh Kong Province. In July, Parliament passed the Law on Associations and Non-Governmental Organizations, which imposed a range of new restrictions on both domestic and foreign NGOs. Among other provisions, the law requires NGOs to register with the government and allows them to be shut down for undermining "national security," "national unity," "peace, stability and public order," or Cambodian culture.

Cambodia has a small number of independent unions, and workers have the right to strike, though many face retribution for doing so. A lack of resources and experience limit

union success in collective bargaining, and union leaders report harassment and physical threats. A March 2015 report by Human Rights Watch documented chronic abuse and underpayment in the garment sector, as well as retaliation by factory owners against workers who try to unionize, raise concerns over work conditions, or refuse to work overtime. During 2015, the government drafted a new Trade Union Law that many union leaders characterized as a means of suppressing labor disputes. If passed, the legislation would impose more government regulations on forming and operating unions, increase financial reporting requirements, and restrict the right to strike.

#### **F. Rule of Law: 3 / 16 (+1)**

The judiciary is marred by inefficiency, corruption, and a lack of independence. There is a severe shortage of lawyers, and the system's poorly trained judges are subject to political pressure from the CPP. Abuse by law enforcement officers, including illegal detention and the torture of suspects and prisoners, is common. Jails are severely overcrowded, and inmates often lack sufficient food, water, and health care.

Although government supporters frequently enjoy impunity for abuses, three suspects in the October 2015 attack on two opposition lawmakers surrendered the following week and were detained and charged. They were later identified as members of Hun Sen's bodyguard unit. Their cases were pending at year's end, and it remained unclear whether investigators would pursue other suspects.

Those who criticize judges can face retribution. In July 2015, a Phnom Penh court charged activist Ny Chakrya of the Cambodian Human Rights and Development Association with defamation after he accused a judge and prosecutor of acting improperly in a land rights case. He faced more than three years in prison if found guilty.

Hun Sen has repeatedly opposed expanding prosecutions at the Extraordinary Chambers in the Courts of Cambodia (ECCC)—established to try leaders of the genocidal Khmer Rouge regime—beyond the small handful of figures already indicted. One former prison chief was sentenced to life in prison in 2012, another defendant died in 2013, and defendants Khieu Samphan and Nuon Chea were convicted of “murder, extermination, persecution on political grounds, and other inhumane acts” in 2014. A second trial against Khieu Samphan and Nuon Chea on charges of genocide is ongoing. In March 2015, the ECCC charged alleged former labor camp leader Im Chaem and former navy chief Meas Muth with crimes against humanity and issued warrants for their arrest. In July, after police failed to execute the warrants, American jurist Mark Harmon resigned as the international co-investigating judge. He was the fourth foreign judge to resign from the tribunal. In August, former Khmer Rouge minister for social affairs Ieng Thirith died. The tribunal had charged her, but she was deemed mentally unfit in 2012 and did not stand trial.

Minorities, especially those of Vietnamese descent, often face discrimination. Refugees and asylum seekers in Cambodia also encounter discrimination and struggle to find employment. Nevertheless, under a multimillion-dollar resettlement agreement with Australia, Cambodia in 2015 accepted a small group of refugees who had been detained on Nauru. Also during the year, Cambodia frequently refused to offer protection to ethnic

minority Montagnards fleeing Vietnam, where they are often persecuted by the Vietnamese government.

While same-sex sexual relationships are not criminalized, there is no legal protection from discrimination based on sexual orientation or gender identity. LGBT (lesbian, gay, bisexual, and transgender) people reportedly face some societal discrimination in practice.

### **G. Personal Autonomy and Individual Rights: 6 / 16**

The constitution guarantees the rights to freedom of travel and movement, and the government generally respects these rights in practice. However, authorities have sometimes prevented the movement of protesters from the provinces to the capital, and citizens' ability to choose their residence, employment, or educational institution can be affected by corruption.

In a related problem, land and property rights are regularly abused for the sake of private development projects. While estimates vary, the state has seized 12 percent or more of Cambodia's land for such concessions. Hundreds of thousands of people have been forcibly removed from their homes, with little or no compensation or relocation assistance, to make room for commercial plantations, mine operations, factories, and high-end office and residential developments. In February 2015, a prominent land rights organization reported that the number of families filing land-dispute complaints had increased threefold between 2013 and 2014.

Women suffer widespread discrimination, particularly in the economic sphere. Rape and violence against women are common. In a high-profile incident in July 2015, real-estate tycoon Sok Bun was captured on video apparently kicking, punching, and stomping on a well-known female television personality. A trial was pending at year's end.

Men, women, and children are frequently trafficked to and from Cambodia for prostitution and forced labor. Cambodian men are often forced to work in slavery-like conditions on fishing vessels in international waters, and women have been drawn into forced prostitution or factory labor after traveling to China for brokered marriages. Corrupt officials reportedly impede antitrafficking investigations to protect suspects with government ties.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**

**Source URL:** <https://freedomhouse.org/report/freedom-world/2016/cambodia>