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[Home](#) > Cambodia

## Cambodia

**Country:**

Cambodia

**Year:**

2015

**FIW Status:**

NF

**PR Rating:**

6

**CL Rating:**

5

**Aggregate Score:**

31

**Combined Freedom Score:**

5.5

**Overview:**

The Cambodia People's Party (CPP) and the Cambodian National Rescue Party (CNRP) finally reached an agreement in July 2014, bringing to an end the CNRP's 10-month parliamentary boycott over Cambodia's contested national elections and enabling opposition members to take their seats and re-form the National Election Commission.

In January, police shot and killed at least four protesters in Phnom Penh during demonstrations for higher wages and better working conditions. Protests and public demonstrations were subsequently banned until late July.

In August, the Extraordinary Chambers in the Courts of Cambodia (ECCC), commonly known as the Khmer Rouge Tribunal, found former top Khmer Rouge officials Khieu Samphan and Nuon Chea guilty of crimes against humanity, homicide, torture, genocide, and religious persecution against the Khmer Cham and ethnic Vietnamese minorities. The octogenarians were sentenced to life imprisonment. A second part of the genocide trials is expected to continue in 2015.

Relations with Vietnam and ethnic Vietnamese in Cambodia took a turn for the worse in February, after a traffic incident escalated into a deadly mob attack against an ethnic Khmer man. Diplomatic relations with Thailand also came under strain when more than 240,000 Khmer laborers in Thailand fled to Cambodia amid rumors of a Thai military crackdown on undocumented migrant workers in July.

## Political Rights and Civil Liberties:

**Political Rights:** 11 / 40 (+1) [Key]

### A. Electoral Process: 4 / 12 (+1)

Under the current Cambodian constitution, promulgated in 1993, the king, 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 parliamentarians and commune councils, 2 are elected by the National Assembly, and 2 are appointed by the king for six-year terms. The prime minister and cabinet are approved by a majority vote in the National Assembly. Voting is tied to a citizen's permanent resident status in a village, township, or urban district, and cannot be changed easily.

In the 2012 Senate elections, the CPP won a 46-seat majority. The remaining 11 seats went to the personalist liberal Sam Rainsy Party (SRP), now part of the CNRP. In the 2013 National Assembly elections, the CPP captured 68 of 123 seats, its worst showing since 1998. The elections were marred by reports of duplicate voter names, vote buying, and large groups of 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 missing names from voter rolls. The CNRP rejected the official results, charging that it had won 63 seats, and—despite the NEC's findings—unsuccessfully petitioned for the creation of an independent authority to investigate its claims. As a result, all 55 CNRP parliamentarians refused to take their seats at the 2013 assembly's opening session. The CPP nominated Hun Sen for his fifth term as prime minister, and the single-party legislature formed a government without the CNRP. The CPP and CNRP reached an agreement in July 2014 that ended the CNRP's boycott and led to the appointment of a new NEC by both parties. The government agreed to formally recognize a minority leader in parliament who would be responsible for representing minority interests to the prime minister.

### 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. Opposition lawmakers were arrested on numerous occasions during 2014 related to protests that took place in July. The CPP is known to reward its supporters with coveted positions and financial incentives. In June 2013, the CPP-run National Assembly stripped 27 opposition lawmakers of their parliamentary status on the grounds that they held membership in multiple parties, since many CNRP parliamentarians were also members of the now-defunct SRP or HRP.

In 2013, longtime opposition leader Sam Rainsy returned to Cambodia after fleeing 2010 charges by the Cambodian government related to allegations he made that Cambodia ceded

territory along the border to Vietnam. The SRP joined Kem Sokha's Human Rights Party (HRP) to form the CNRP in 2012, creating the nation's second-largest party and the strongest opposition to the CPP in recent years.

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

Corruption remains a serious obstacle to Cambodia's economic development and social stability. A 2010 law established the Anti-Corruption Unit (ACU), though 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. Following unexpectedly poor showings in the 2013 elections, the CPP forced several party members to resign so that the sons of high-ranking party leaders, including those of Prime Minister Hun Sen and Interior Minister Sar Kheng, could assume seats in parliament.

**Civil Liberties:** 20 / 60

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

Freedom of speech is not fully protected. A 2010 law continues to criminalize defamation and bar written criticism of public officials or institutions. The government uses lawsuits, criminal prosecution, and occasionally violent attacks as means of intimidation against the media. Criticism of government policy is not well tolerated, and authorities are especially sensitive to media coverage of land grabs and extralegal resource extraction. The death of Chut Wutty, an environmentalist killed in 2012 while assisting investigations into illegal logging, remains unsolved.

Print journalists are somewhat freer to criticize the government than television or radio broadcasters, but print media reaches only about 10 percent of the population. There are roughly 20 privately owned print and broadcast outlets, including several owned and operated by the CPP and opposition parties, though a number have closed in recent years due to financial difficulties. Broadcast licensing processes remain opaque. There are no restrictions on access to foreign broadcasts via satellite.

A draft of a cybercrime law was leaked in April 2014. The law would criminalize libel of government institutions posted on online media, including social media like Facebook and Twitter, and curtails forums for public dissent. The government claimed that the bill had already been dropped.

The majority of Cambodians are Theravada Buddhists and can practice their faith freely, but societal discrimination against religious and ethnic minorities remains a problem.

Teachers and students practice self-censorship regarding discussions about Cambodian politics and history. Criticism of the prime minister and his family is often punished.

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

The government's tolerance for freedoms of association and assembly has declined in recent years. Crackdowns are unpredictable and often harsh. Violence against activists continued in 2014, especially during protests of forced evictions and workers' rights.

Hundreds of thousands of Cambodians from across the country participated in 2013 protests calling for an independent investigation into the results of the July elections. Protests were banned for the first half of 2014 following a violent January 3 demonstration by labor rights activists and workers in which at least four people were killed. Demonstrations resumed in summer 2014, including in protest of the ban. In July 2014, demonstrators violently attacked security forces, and activists, including several opposition lawmakers, were arrested; at the end of the year, 19 people remained in prison on charges of insurrection related to the July events. The protest ban was lifted in July and the barbed wire surrounding Freedom Park in Phnom Penh and other public spaces was removed later that month.

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.

Cambodia has a small number of independent unions, and workers have the right to strike, though many face retribution for doing so. Tensions between garment workers and law enforcement officials grew in 2014 as workers protested low wages and poor or dangerous working conditions. The government raised the minimum wage several times throughout the year from \$61 a month to \$100 in response to protests, but challenges to labor rights remain. A lack of resources and experience limit union success in collective bargaining, and union leaders report harassment and physical threats.

## **F. Rule of Law: 2 / 16**

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, which has also undermined the Khmer Rouge tribunal. Abuse by law enforcement officers, including illegal detention and the torture of suspects and prisoners, is frequent. Impunity of elites and sham trials are common. When the former Bavet governor was convicted for the 2011 shooting of three protesters in 2013, he was sentenced to only one and a half years in prison. There were more politically motivated charges in 2014, with the ongoing detentions of CNRP supporters, many of whom are being held without trial. Jails are severely overcrowded, and inmates often lack sufficient food, water, and health care.

The ECCC, established to try the leaders of the genocidal Khmer Rouge regime, found Khieu Samphan and Nuon Chea guilty of crimes against humanity, homicide, torture, genocide, and religious persecution against the Khmer Cham and ethnic Vietnamese minorities in August 2014. Both Samphan and Chea were sentenced to life imprisonment and are currently appealing their sentences. Their convictions follow on the 2012 life sentence of former chief of the Tuol Sleng prison Kang Kek "Duch" Iew, the 2012 release of Ieng Thirith after she was declared mentally unfit to stand trial, and the 2013 death of Ieng Sary. A second trial against Samphan and Chea for charges of genocide began in August 2014.

Minorities, especially those of Vietnamese descent, often face discrimination. Anti-Vietnamese sentiment continued against Vietnam and the ethnic Vietnamese minority. In July, an ethnic Vietnamese man was killed in Phnom Penh following a traffic incident that escalated into an anti-Vietnamese mob.

While same-sex sexual relationships are not criminalized, gays and lesbians have neither the right to marry nor legal protections from discrimination.

### **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, restrictions do occur. Reports surfaced in 2013 that police prevented protesters in Svay Rieng province from traveling to Phnom Penh to participate in political opposition demonstrations.

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 in concessions to private developers. Over the past several years, hundreds of thousands of people have been forcibly removed from their homes in both rural and urban areas, with little or no compensation or relocation assistance, to make room for commercial plantations, mine operations, factories, and high-end office and residential developments. Senior officials and their family members are frequently involved in these ventures, alongside international investors. Throughout 2014, protests continued in response to forced evictions for a development project in Boeung Kak Lake, leading to several arrests of land rights activists in November.

Women suffer widespread economic and social discrimination, lagging behind men in secondary and higher education. Rape and violence against women, including acid attacks, are common. The first conviction for an acid attack under a 2011 law outlawing the practice took place in 2013, but attacks are still frequent. Men, women, and children are frequently trafficked to and from Cambodia for prostitution and forced labor, and the government has done little to address the issue or provide assistance to victims.

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

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**

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