



ASEAN PARLIAMENTARIANS FOR HUMAN RIGHTS

End of Mission Statement by APHR Delegation to Cambodia

20 March 2017

ASEAN Parliamentarians for Human Rights (APHR) recently concluded a two-day fact-finding mission to Cambodia. Our delegation, which included parliamentarians from Malaysia and the Philippines, met with a variety of stakeholders, including victims of human rights abuses and human rights defenders, with the aim of understanding their concerns and the threats they face in the current political climate.

As local elections approach in June of this year and with national elections on the horizon in the summer of 2018, it is clear that the political situation is rapidly deteriorating. Our objective on this visit was to better understand the full scope of issues and political dynamics, as well as hear directly from civil society and other stakeholders on the ground about their concerns. From our meetings and conversations, several overarching themes emerged. Below is a summary of our observations.

Parliament and Elections

Since the breakdown of the so-called “culture of dialogue” between the ruling party and the opposition almost two years ago, there has been a notable increase in repression of opposition politicians, including judicial prosecutions of parliamentarians and legislative changes intended to place further restrictions on political parties. Stakeholders told us that the effectiveness of the Parliament has decreased over the past year due to the repeated violations of parliamentary immunity provisions by the courts and the legislature itself. It is apparent that the government’s assault against the opposition has undermined the capacity of members of Parliament to fulfill their representative and oversight roles.

The recent amendments to the Law on Political Parties, which give the government unprecedented power to shutter parties, are particularly concerning, especially with an eye toward their impact on upcoming electoral contests.

Concerns about the legitimacy of upcoming elections were at the forefront of nearly every conversation we had in Phnom Penh. The stakeholders with whom we met voiced consistent concerns about the possible impacts of recent government actions, including the intensifying crackdown on opposition lawmakers, on the potential for free and fair elections this year and in 2018. While reforms to the National Election Committee (NEC) seem to have had some initial positive results, particularly on the voter registration process and on the accuracy of voter lists, the broader political environment, including the prevalence of attacks against opposition politicians and the climate of fear they create, threatens the potential for a free and fair vote. Ultimately, the legitimacy of the elections will be judged by the degree to which an enabling environment exists for a free and fair contest in advance of election day itself. The urgent need is therefore apparent for international observers to monitor the commune elections in June and to begin that process as soon as possible.

Stakeholders also expressed fears about the possible escalation of government harassment against opposition voices in the lead-up to the commune elections, as well as after the vote, particularly if the opposition makes significant gains. We are especially concerned by the possibility of increased violence as campaigning ramps up ahead of the elections.

Civil Society Space

We were struck by the resolve of the members of civil society with whom we met, who have continued their work in the face of increasing repression and intimidation. Still, the prevailing climate of fear among human rights workers and other civil society members was impossible to ignore. Although civil society is vibrant in Cambodia, the sharp uptick in threats, intimidation, and attacks faced by NGO workers and others represents an existential threat and significantly undermines the capacity of these groups to carry out their important work. Groups and individuals that work on human rights seem to be at particular risk, especially those who speak out on controversial topics, such as land rights, judicial reform, and freedom of expression.

In our discussions with civil society, we were told that events over the past year, including attacks against the opposition, the imprisonment of NGO staff, and the murder of political analyst Kem Ley, have instilled a deep sense of fear among many. Increasingly, this fear has caused NGOs to self-censor, as they worry about their own safety. It was clear from our discussions that these attacks are preventing progress toward urgently needed reforms and undermining the hard-fought gains of previous decades.

Representatives from NGOs noted particular concerns about the Law on Associations and Non-Governmental Organizations (LANGO), passed in 2015, which includes vague provisions that give the authorities excessive leeway to shut down and prosecute organizations that criticize the government. Concerns were also raised with regard to other legislation, including a law on trade unions passed in 2016. Like the recent amendments to the Law on Political Parties, these statutes provide the government with an extensive and dangerous toolbox to use against any and all opposition voices when politically expedient.

Human Rights Defenders

During our visit, we met with human rights activists from Phnom Penh's Boeung Kak Lake community, who have been fighting for their rights, as well as those of victims of forced evictions, since the lake was leased to a private company for development purposes in 2007 and subsequently filled in with sand. Many of the activists have been beaten during protests and have faced prosecution and imprisonment as a result of their activism in defense of their rights. They told us about their ongoing fight to see Tep Vanny, one of the community's most vocal and prominent members, freed from prison. She has been imprisoned since last summer and was recently convicted and sentenced to two and a half years in jail. It is clear that this conviction is little more than an attempt to silence a vocal human rights defender and represents a violation of her fundamental freedoms, as well as those of the community as a whole.

We also met with relatives of current and former staff members from the Cambodian Human Rights and Development Association (ADHOC), who were all jailed in a case of alleged corruption and have been in pre-trial detention for nearly a year. The family members described the stress that their relatives' imprisonment has caused, as well as the difficult conditions inside the prisons, where their loved ones are being held in overcrowded cells with convicted criminals. Their heartbreaking stories were a sobering reminder of the human toll of Cambodia's toxic political environment. It is our assessment that there is, quite simply, no justification for their imprisonment aside from the government's desire to send a chilling message to civil society.

Justice System

Throughout our discussions, issues with the justice system emerged as a key, unifying area of concern. Cambodia's judiciary has long been criticized for its lack of independence and its frequent pursuit of politically motivated cases. The slew of recent cases against opposition parliamentarians, NGO staff, human rights activists, and political commentators only reinforces the extent to which courts act on behalf of the executive branch and serve political aims. From our conversations, it is apparent that this lack of independence is of great concern to a wide variety of stakeholders, who view the court system itself as a significant threat.

Stakeholders explained in detail how the courts have repeatedly failed to provide fair trials and judgments, and expressed a serious lack of hope in the justice system's ability to render impartial decisions. Based on our discussions and observations, we believe that these deficiencies represent one of the most substantial impediments to Cambodia's long-term reform potential and have a deeply damaging effect on all institutions of democratic governance in Cambodia.

Conclusion

It is clear that all of these issues are deeply interconnected: Cambodia's judiciary enables the ruling party's continued harassment of the opposition, as well as independent civil society, which have, as a result, become increasingly fearful of speaking out and of exercising their fundamental rights. This in turn has a significant and damaging impact on Cambodia's institutions, which are increasingly incapable of fulfilling their core functions.

The patterns we observed in Cambodia are reminiscent of challenges faced by a number of ASEAN member states. However, the situation in Cambodia is of particular concern because of the severity of the crackdown and the possible destabilizing impacts on a country that only relatively recently emerged from civil war. These issues should be of priority to regional and international partners, who have a responsibility to pressure the Cambodian government to address these issues and help ensure that democratic process and institutions, as well as space for civil society and free expression, are respected.