

# Cambodia- Human Rights Scorecard <sup>1</sup>

Cambodia, officially the Kingdom of Cambodia, is a country located in South-East Asia in the Southern portion of the Indochina Peninsula. The capital is Phnom Penh and the country is bordered by Thailand, Vietnam and Laos.<sup>2</sup>

**Official language:** Khmer

**Ethnic groups:** 90% Khmer; 5% Vietnamese; 1% Chinese; 4% other;

**Government:** Unitary parliamentary constitutional monarchy

- Monarch: Norodom Sihamoni

- Prime Minister: Hun Sen

**Death penalty:** Abolitionist

**Population:** 15,458,332

**Life expectancy:** 72 years

**Under-5 mortality:** 54 per 1000

**Adult literacy:** 77.6 percent



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



#### Partially Respected <sup>3</sup>

Government security forces shot and killed 4 protestors in a clash in Phnom Penh in 2015. On July 26<sup>th</sup> a soldier shot and killed a 19-year-old boy after a scuffle. The soldier was arrested and was put under pre-trial detention.

### Freedom from disappearance



#### Partially Respected <sup>4</sup>

A local NGO reported that a 17-year-old boy went missing in 2015 after allegedly being shot by security forces. The government has not responded to inquiries from the UN committee on Enforced Disappearances or the local UN high commissioner of human rights.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely disrespected <sup>5</sup>

The constitution prohibits such acts however, the physical mistreatment of detainees and prisoners continues to be used, with the incidence increasing in recent years. There are credible reports that security forces beat detainees during interrogation, often until they confess to a crime.

### Freedom from arbitrary arrest or detention



#### Partially respected <sup>6</sup>

Under the law, arbitrary arrest or detention is prohibited, although such laws are not always respected. Judges, prosecutors and other police are required to investigate cases of police abuse but this rarely occurs. Alarming, military personnel are often authorized to practice civil policing.

### Freedom from denial of fair public trial



#### Largely disrespected <sup>7</sup>

The constitution establishes an independent judiciary. However, the government rarely respects judicial independence. The executive branch interferes frequently, and judges and court officials are often corrupt. Influential defendants are often able to pay money to get charges dropped.

### Freedom from arbitrary interference with privacy, family, home or correspondence



#### Partially respected <sup>8</sup>

Police routinely conduct searches and seizures without warrants although Cambodian law provides for the privacy of residence and correspondence. There are cases of forced re-location of peoples due to unclear land-ownership laws.

## Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>9</sup>



**Score: 40.99, Rank: 139 / 179 – Highly controlled, limited or intimidated**<sup>10</sup>

The constitution provides for freedom of speech and press, but these laws are widely ignored. The constitution states that the king is “inviolable” and as such, any public criticism is banned. Government forces regulate broadcast media, and journalists and publishers have often harassed.

### Freedom from academic censorship



**Well respected**<sup>11</sup>

There are no reports of government restrictions on academic or cultural freedom. However, scholars in politically sensitive areas are careful to not offend politicians and thus practice a type of self-censorship.

### Freedom of peaceful assembly and association



**Partially respected**<sup>12</sup>

The constitution provides for freedom of assembly and association. However, permits must be obtained for in advance for demonstrations. For groups critical of the government, these permits are generally denied. Freedom of association is often disrespected in regards to worker’s rights.

### Freedom of religion



**Well respected**<sup>13</sup>

The constitution grants freedom of religion, with the vague stipulation that religious practices not affect the beliefs of others or violate public security. Buddhism is the state religion, and the law requires all groups to apply to the Ministry of Cults if they wish to perform religious activities.

### Protection of refugees and stateless persons



**Partially respected**<sup>14</sup>

Cambodia accepts refugees, and the government has a framework for refugees. However, Cambodia has many residents who are without documents from their country of origin. Such individuals lack access to formal employment, education, marriage and land ownership.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>15 16</sup>



**5/ 7 – Not free**<sup>17</sup>

Cambodia’s overall protection of civil liberties is weak, with serious issues around freedom of speech. While Cambodia has laws regarding civil liberties, respect for them is inconsistent at best, and there is a high degree of corruption at all levels of government.

## Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>18</sup>



**6 / 7 – Not free**<sup>19</sup>

In general elections, significant percentages of the population are unable to vote due to voter registration issues. Even when issues are identified, the government takes no corrective action. The dominant CPP party has also been known to bribe voters with gifts and other material benefits.

## Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>20</sup>



**Score: 21%, Rank: 156 / 175 – Highly corrupt**<sup>21</sup>

The law calls for criminal penalties for officials who act corruptly. However, such laws are not well enforced and officials frequently engage in corrupt practices without suffering consequences. Corruption is common within all branches of government, and even within civil society.

## Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### Partially respected<sup>22</sup>

Most NGOs function without interference or restrictions. However, human rights organizations sometimes face threats, obstacles and acts of intimidation by local officials such as threats of legal action, bureaucratic obstruction, and civil disturbances.

## Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Rights of women (World Economic Forum Gender Gap Index)<sup>23</sup>



#### Score: 65%, Rank: 108 / 142 – Very unequal rights<sup>24</sup>

In theory, the law guarantees equality for women in employment, marriage, property and other rights. In practice, however, cultural traditions make women more vulnerable, and prevent them from advancing professionally. NGOs report that rape and domestic violence is common.

### Rights of Children (KidsRights Index Overall Score)<sup>25</sup>



#### Score: 58%, Rank: 124 / 165 – Slightly Vulnerable<sup>26</sup>

Child abuse is common and child rape remains a serious problem. Public education is poor, and many children leave school to help their families in subsistence agriculture. While the legal age for marriage is 18, child-marriages are culturally acceptable, and girls often marry before 18.

### Rights of persons with disabilities



#### Well respected<sup>27</sup>

The law forbids discrimination, neglect, exploitation or abandonment of persons with disabilities, including mental and physical. While there are no public reports of abuses, Cambodia is a poor nation, and mistreatment of disabled persons is likely unreported.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### Largely disrespected<sup>28</sup>

Constitutional protections extend only to “Khmer people,” and there is a great deal of animosity toward the ethnic Vietnamese and Chinese minorities. Political parties openly espouse anti-Vietnamese positions, and ethnic violence against minorities is not uncommon.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### Partially respected<sup>29 30</sup>

There are no laws criminalizing same sex sexual conduct, and there are no reports of government discrimination based on sexual orientation. Culturally, however, same-sex relationships are viewed suspiciously in Cambodia, and discrimination against the LGBT community is not uncommon.

## Section 7: Workers’ Rights

Workers’ rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

### Rights to freedom of association and to collective bargaining



#### Largely disrespected<sup>31</sup>

The law allows for private sector workers to join trade unions, and to strike and bargain collectively. However, the law does not allow civil servants including teachers, military and judges to join a union. There are frequent reports of anti-union harassment on behalf of employers.

### Freedom from forced or compulsory labour



#### Largely disrespected<sup>32</sup>

The law prohibits compulsory labour. However, forced labour does exist in the domestic and in informal sectors, including the fishing, construction and agricultural sectors. Poor domestic workers, especially children, are often at risk as wealthy families frequently exploit them.

## Freedom from forced labour for children, and a minimum age of employment



### Largely disrespected<sup>33</sup>

The minimum age for employment under the law is 15, and 18 for work that is deemed hazardous. However, child labour is common in a number of sectors, including certain heavy industries like brick making, logging, etc. Children often also work as beggars and street vendors.

## Right to acceptable conditions of work



### Largely disrespected<sup>34</sup>

The law states that the workplace should have health and safety standards and that overtime should be limited and paid. However, work related injuries are common because government enforcement of such laws is weak. Forced overtime is also reported as a problem.

## Right to employment



### 0.38% - Reasonable unemployment<sup>35</sup>

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed November 30, 2015.

<sup>3</sup> <https://www.amnesty.org/en/documents/act50/001/2014/en/>.

<sup>3</sup> "Country Reports on Human Rights Practices for 2013 Cambodia." U.S Department of State. January 1, 2013. Accessed November 30, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>4</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> Ibid. U.S Department of State.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated. ~~The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.~~

<sup>10</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed November 30, 2015.

<http://rsf.org/index2014/en-index2014.php>.

<sup>11</sup> "Country Reports on Human Rights Practices for 2013 Cambodia." U.S Department of State. January 1, 2013. Accessed November 30, 2015.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>12</sup> "Cambodia." World Report 2014: Cambodia. January 1, 2014. Accessed November 30, 2015. <https://www.hrw.org/world-report/2015/country-chapters/cambodia>

<sup>13</sup> "Cambodia." International Religious Freedom Report for 2013. January 1, 2013. Accessed November 30, 2015.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

<sup>14</sup> Cambodia." World Report 2014: Cambodia. January 1, 2014. Accessed November 30, 2015. <https://www.hrw.org/world-report/2015/country-chapters/cambodia>

<sup>15</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>16</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Nov. 30, 2015

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#VldwWzHF98F>

<sup>17</sup> "Cambodia." Freedom in the World 2014: Cambodia. January 1, 2014. Accessed November 30, 2015. <https://freedomhouse.org/country/cambodia>

<sup>18</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed November 30, 2015. <https://www.freedomhouse.org/report/freedom-world-2014/methodology#VldwWzHF98F>

<sup>19</sup> "Cambodia." Freedom in the World 2014: Cambodia. January 1, 2014. Accessed November 30, 2015. <https://freedomhouse.org/country/cambodia>

<sup>20</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>21</sup> "Cambodia." Corruption by Country. January 1, 2014. Accessed November 30, 2015. <http://www.transparency.org/country#KHM>

<sup>22</sup> "Country Reports on Human Rights Practices for 2013 Cambodia." U.S Department of State. January 1, 2013. Accessed November 30, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>23</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>24</sup> "Cambodia." World Economic Forum. January 1, 2014. Accessed November 30, 2015. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=KHM>

<sup>25</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>26</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed November 30, 2015. <http://www.kidsrightsindex.org/>

<sup>27</sup> "Country Reports on Human Rights Practices for 2013 Cambodia." U.S Department of State. January 1, 2013. Accessed November 30, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>28</sup> Ibid. U.S Department of State.

<sup>29</sup> "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed November 30, 2015. <http://ilga.org/>. See also Ibid. U.S Department of State.

<sup>30</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>31</sup> "Country Reports on Human Rights Practices for 2013 Cambodia." U.S Department of State. January 1, 2013. Accessed November 30, 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>32</sup> Ibid. U.S Department of State.

<sup>33</sup> Ibid. U.S Department of State.

<sup>34</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at [http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>35</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed November 30, 2015. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang-en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang-en/index.htm).