

**Fact Sheet:** Fundamental Freedoms Series: Freedom of Religion in Cambodia



**Fundamental Freedom:** Freedom of Religion

**Snapshot:** Freedom of religion is protected under the Constitution of the Kingdom of Cambodia (the “Constitution”) as well as international law. While it may be rash to claim that there is total freedom of religion in the Kingdom of Cambodia (“Cambodia”), it has made huge progress since the years of communism and the Khmer Rouge, while minority groups now generally face less discrimination on the basis of religion, giving cause for a fair degree of optimism in this regard. However, the right to freedom of religion must be absolute, and should not be restricted under any circumstance, including when the aim is to restrict rights on civil or political rather than on purely religious grounds.

### Introduction

A day after *The Phnom Penh Post* reports that monks were forced to leave their pagoda in Kandal’s Muk Kampoul district and abandon their monkhood for fear of being arrested and defrocked by local authorities (“Guns used to order us out: monk”), the Cambodian Center for Human Rights (“CCHR”) examines the right to freedom of religion and its treatment in Cambodia, including the historical context. Freedom of religion is a fundamental human right. It is the principle that individuals or communities are free, whether in public or private, to teach, practice, worship or observe any religion that they choose, as well as to change religion or reject religion altogether. CCHR is a leading, non-aligned, independent non-governmental organization working to promote and protect democracy and human rights – primarily civil and political rights – throughout Cambodia.

### Domestic and international law

Article 43 of the Constitution provides for freedom of religion for Khmer citizens – “*freedom of religious belief and worship shall be guaranteed by the State on the condition that such freedom does not affect other religious beliefs or violate public order and security*” – while at the same time establishing Buddhism as the state religion. The right to freedom of religion is also guaranteed under international law, namely Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, which Cambodia ratified in 1992. In 1981, the United Nations General Assembly adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (the “Declaration”), which recommends that the rights and freedoms set forth should be granted in national legislation in such a manner that everyone can avail themselves of such rights and freedoms in practice, which Cambodia does in the Constitution but not elsewhere (although the Declaration is not binding).

### Persecution of religion under the Khmer Rouge (1975–1979)

Although the constitution of “Democratic Kampuchea” (as Cambodia was known under the Khmer Rouge) in theory guaranteed the right to worship (or not to worship) according to any religion, in practice leaders sought to eradicate religion. All “reactionary religions” deemed detrimental to the ideals of the Khmer Rouge were strictly forbidden, with many Buddhist monks defrocked or killed, and many Buddhist temples and other religious treasures destroyed. Christians and Cham Muslims faced severe persecution: the Roman Catholic cathedral in Phnom Penh was demolished completely and Muslims were forced to eat pork on pain of death (many chose the latter). Case 002 of the Extraordinary Chambers in the Courts of Cambodia specifically addresses genocidal acts committed against Cham Muslims by the Khmer Rouge. The Cambodian Bahá’í community was almost entirely lost during the Khmer Rouge period, with only a few making it to refugee camps in Thailand.

### Religious freedom in contemporary Cambodia

Since 1979, Cambodia has shown a much greater level of religious tolerance, although there are still some minor restrictions on religious freedom. For example, the Ministry of Cults and Religious Affairs issued a 2003 Directive on Controlling External Religions, which requires all religious groups to submit applications to construct places of worship and conduct religious activities. However, in 2008, a directive was issued permitting all Muslim students and government employees to wear Islamic attire in class and at work – a progressive nod to religious freedom. While the vast majority of the population is Theravada Buddhist, Cambodia boasts a diverse group of minority religions:

- **Buddhism** – Around 96% of Cambodians are estimated to be Theravada Buddhists.
- **Islam** – Islam is the religion of a majority of ethnic Chams and Malay minorities in Cambodia, with about 2% of the population thought to follow Islam, predominantly of the Sunni school.
- **Christianity** – 1.3% of Cambodians are estimated to be Christians, including Protestants, Catholics, Baptists and followers of the Church of Jesus Christ of the Latter-Day Saints.
- **Hinduism** – A few Cambodians still follow the original religion of the ancient Khmer Empire.
- **Others** – Traditional Chinese folk religions, Mahayana Buddhism, Taoism and Confucianism are practiced by a minority of Cambodians and many Chinese and Vietnamese immigrants, while some Cambodians practice indigenous animism – often in conjunction with Buddhism.

### Restriction of freedom of religion on political grounds

The Royal Government of Cambodia (the “RGC”) has been known to restrict the rights of Buddhist monks to practice, albeit when the motivations for such actions have been political rather than religious. One case concerns the ubiquitous “multi-media monk” Loun Savath, who is refused entry to his own pagoda and others around Phnom Penh and has received countless threats from the government-aligned Buddhist “*sangha*” as a result of his attempts to give a voice to victims of severe human rights abuses. Another case involves a Khmer Krom monk – Tim Sakhorn – arrested and defrocked by the Cambodian authorities in June 2007 and returned to Vietnam in contravention of domestic and international law and the right to not be expelled from one’s country of nationality. Tim Sakhorn actively promoted Khmer Krom rights, and was defrocked for undermining Cambodia-Vietnam relations before being sentenced to a year in prison in Vietnam for undermining its national unity policy. The motive for the recent pagoda evictions cited in the introduction is not yet known.

### Conclusion

Freedom of religion is a basic right accorded to all human beings in all societies, and tolerance of diversity – religious and otherwise – is an indicator of a progressive society. Cambodia fares fairly well on this fundamental freedom, especially in light of its highly repressive recent past. In fact, the RGC would do well to mirror the respect for diversity, promotion of tolerance and prevention of discrimination that it espouses as regards religion and extend it to other fundamental freedoms and minorities that are under serious threat in contemporary Cambodia. However, the right to freedom of religion must be absolute, and should not be restricted by the RGC under any circumstances, including when such actions stem from a wish to restrict political or civil rather than religious rights.

For more details, please contact Ou Virak (tel: +855 (0) 1240 4051 or e-mail: [ouvirak@cchrcambodia.org](mailto:ouvirak@cchrcambodia.org)) or Robert Finch (tel: +855 (0) 7880 9960 or e-mail: [robert.finch@cchrcambodia.org](mailto:robert.finch@cchrcambodia.org)).