Cambodia scrapping Human Rights Day is a worrying sign of the times

This year is the first time since 1993 that International Human Rights Day will not be a public holiday in Cambodia, with its symbolic shunning a sign of the wider deterioration of human rights and democracy in the Kingdom says CCHR executive director Chak Sopheap

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Human rights activists carry banners during a march in Phnom Penh on 10 December 2010. This year is the first time since 1993 that Cambodia has not marked Human Rights Day as a national holiday. Photo: EPA/Mak Remissa

Each year, 10 December marks International Human Rights Day, a global celebration of the day on which the Universal Declaration of Human Rights was adopted in 1948 – the revolutionary document underpinning the international human rights framework and originally enshrining the fundamental human rights owed to everyone.

The importance of the Universal Declaration of Human Rights, as well as the other core human rights conventions, is reflected in the fact that these documents hold constitutional status in the Kingdom of Cambodia, by virtue of Article 31 of the Constitution of Cambodia.

This year, for the first time since 1993, 10 December is not a public holiday in Cambodia following the Royal Government of Cambodia’s announcement that Human Rights Day would be dropped from Cambodia’s list of public holidays.
This move was reflective of their attitude towards human rights, which has continued to decline throughout 2020 with a series of severe blows further tarnishing Cambodia’s human rights record. In particular, 2020 has been characterised by a deeply damaging crackdown on human rights defenders and activists who work tirelessly to make human rights a reality for all in Cambodia.

While the primary responsibility for promoting and protecting human rights lies with States, many have proven to be unwilling or unable to carry out this duty. Cambodia’s ratification of international human rights instruments and their incorporation into the domestic legal framework was a promising start, however, human rights require much more than endorsement on paper.

Despite their constitutional status, the government has failed to translate human rights into practice through concrete actions, leaving human rights protections severely lacking. In this context, human rights defenders – meaning anyone who undertakes peaceful activities for the promotion and protection of human rights – are crucial actors for positive, sustainable human rights progress.

In Cambodia, the deteriorating human rights situation and the continued curtailment of civic space have created both a greater need for outspoken human rights defenders and, regrettably, an increasingly hostile and dangerous environment for them to work in. The government’s disregard for human rights, and its tendency to equate criticism with opposition, have resulted in dissenting voices being wrongly perceived as threats that must be neutralised. 2020 has proven to be a particularly hazardous year for human rights defenders and activists alike, as the renewed crackdown waged by the government against anyone challenging the status quo saw dozens targeted, including union leaders, journalists, environmentalists, youth activists, peaceful demonstrators and civil society members.

In a bid to silence critics and stifle public participation, the government resorted to judicial harassment and intimidation, and the year has been rhythmmed by summons, arrests and convictions of peaceful activists and human rights defenders. The crime of ‘incitement to commit a felony’, Article 495 of the Cambodian Criminal Code, has been utilised perpetually against human rights defenders and activists throughout 2020, with the vast majority of criminal proceedings resting on this problematic offence. Article 495 is a broad and imprecise provision, permitting it to be used liberally, beyond reasonable and objective determinations of ‘incitement’, in an arbitrary application of the law.

In addition to facing judicial harassment and imprisonment infringing their rights to liberty and security, multiple human rights defenders have also experienced physical assault. Attacks by unknown assailants, as well as frequent excessive use
of force by authorities during protests, have led to many human rights defenders and activists requiring medical attention. Women human rights defenders and female protesters have been particularly targeted with distressing reports and images of their mistreatment surfacing in recent months.

Notably, 2020 has also been marked by a surge of youth activism, with many young Cambodians bearing the brunt of the government’s crackdown. Demonstrations led or attended by Cambodian youths were violently dispersed by the authorities, and youth organisations were closely monitored, their activities hampered and their members targeted.

This attempt at suffocating youth mobilisation has been a regional trend in 2020. Other countries in the region have experienced a parallel surge in youth activism, and a corresponding crackdown on youth activists. The youth-led movements calling for reform in Hong Kong and Thailand elicited a heavy-handed response from the respective authorities, and students in Myanmar have been jailed for organising rallies and campaigns denouncing human rights abuses in the country. These repressive measures in Cambodia and abroad seem to expose governments’ fears that, if left unchecked, the younger generations could truly be catalysts for change, a first step towards the galvanisation of others, with both the potential and the ability to enact wide-reaching reforms.

Youth mobilisation and the younger generations’ refusal to be complacent in the face of injustices should be lauded, rather than restricted. Cambodia’s growing and increasingly informed youth are promising agents for reform and their activism represents a glimmer of hope for a brighter future for human rights. While the government has recognised youth as a core resource for the country’s development, the potential of younger generations continues to be fettered through infringements on their fundamental freedoms. The government’s empowerment of young people has been disappointingly selective, focusing on their economic contribution but stifling their public participation, when instead the government should be emancipating the youth in all domains, public and private.

2020 also saw the RGC use its legislative power to further curtail Cambodian civic space. The problematic Law on the Management of the Nation in State of Emergency, promulgated in April, grants the RGC extensive, unfettered powers to restrict fundamental freedoms during a state of emergency, raising concerns that it could be used to arbitrarily target dissenting voices.
Considering the government’s track record for targeting critics, it is reasonable to anticipate that these latest legislative developments would be utilised to silence activists and human rights defenders.

The government is also progressing with other repressive legislative developments, draft versions of which have been leaked this year, including the draft the *Law on Public Order*, the draft *Sub-Decree on the Establishment of the National Internet Gateway*, and the draft *Law on Cybercrime*.

Each of these draft legislative norms impedes on the exercise of fundamental freedoms and uses vague and broad language that risks arbitrary enforcement, restricting rights beyond permissible limitations prescribed in international human rights law. Considering the government’s track record for using the domestic legal framework to target government critics, it is reasonable to anticipate that, if enacted, these latest legislative developments would be utilised to further silence activists and human rights defenders.

The government’s perception of human rights defenders and activists as troublemakers to be silenced and incapacitated is incredibly damaging, as it deter other activists and the public at large from exercising their fundamental freedoms, which is counterproductive for a just, democratic society. Further, it stands in the
way of the realisation of human rights in Cambodia, at the expense of the whole population.

The government should be reminded that human rights defenders act as a last line of defence, attempting to protect the human rights that governments have failed to uphold. The claims and issues they raise should therefore be given full attention and be adequately addressed, rather than dismissed because they impede the ruling elite’s agenda or require governmental introspection. Human rights defenders are engines towards a better future, a future with heightened respect for human rights and fundamental freedoms, and it is high time that the Cambodian government recognises them as such.

On this Human Rights Day, we refuse to let its somewhat symbolic removal from the list of Cambodian public holidays stand in the way of celebrating the frontline defenders working tirelessly to ensure that the Universal Declaration of Human Rights, adopted 72 years ago today, is translated into action.

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Details: [https://southeastasiaglobe.com/cambodia-silences-the-voices-of-activists/?fbclid=IwAR15766QxcPoelJWrWXUzspyVvxOYvLAEXmMioFE_FeFOrQyDyr_hZEA9KA](https://southeastasiaglobe.com/cambodia-silences-the-voices-of-activists/?fbclid=IwAR15766QxcPoelJWrWXUzspyVvxOYvLAEXmMioFE_FeFOrQyDyr_hZEA9KA)