Cambodia’s Post-Pandemic Law and Order

Amid economic crisis, sweeping new legislation on “public order” would stifle dissent—and effectively criminalize people for being poor.

BY LINDSEY KENNEDY, NATHAN PAUL SOUTHERN

| FEBRUARY 10, 2021, 8:00 AM

Swift border closures and other restrictions have kept Cambodia relatively insulated from the health effects of the coronavirus pandemic, but the economic toll is evident everywhere. During the last year, the government suspended tourist visas, and visitor numbers Meanwhile, microlenders are now calling in their debts, threatening many Cambodians’ livelihoods.

As the specter of homelessness and unemployment looms, the government of Prime Minister Hun Sen has proposed a raft of new laws that could make matters worse. The sweeping legislation, referred to as the “draft law on public order,” would regulate and even criminalize unsanctioned behavior in public spaces. The law has a clear political objective: to quash protests and other expressions of political dissent. But its 48 articles also include bans on public smoking, short skirts, drying laundry when visible to the street, and tipping out wastewater in the gutter.

Given the total lack of political opposition in present-day Cambodia, the bill is almost guaranteed to pass in its current form. And in fact, the crackdown has already begun—even
though the bill hasn’t been passed. On Jan. 20, Phnom Penh police detained 13 men, mostly tuk-tuk drivers, for urinating in a public park—a disruption to public order.

In effect, the legislation criminalizes people for being poor. The law targets low-income people who work and often live mostly in public spaces, such as informal street sellers, bar girls, and sex workers. Although many of the regulations resemble those elsewhere in Southeast Asia, such as in Singapore, Cambodia lacks the infrastructure investment and social safety net that make such laws sustainable in richer countries. The draft law doesn’t attempt to alleviate poverty but rather gives the authorities a way to police it—in practice, providing the police with an excuse for extortionate corruption and legitimized brutality. If passed, it will exacerbate already dire conditions for the most vulnerable while empowering Hun Sen’s increasingly authoritarian government.

In seeking to push through hard-line legislation in the wake of the pandemic, Hun Sen is part of a regional trend. In July 2020, militarized police in the Philippines were granted powers to conduct house raids against people suspected of having COVID-19. Human rights groups have raised alarm that Thai authorities have misused state of emergency decrees to crush protests and used rules against insulting the royal family to clamp down on online dissent. Meanwhile, China’s notorious new national security law in Hong Kong provides a useful model for countries like Cambodia, Indonesia, and the Philippines that rely on Beijing’s support.

While the draft law is more far-reaching than previous legislation in Cambodia, it is not without precedent. In April 2020, Hun Sen tested the waters by introducing an emergency law—ostensibly in response to the pandemic—that granted the government and military unfettered powers to enforce public order. But that is a temporary measure; the new legislation will be permanent. Moreover, it broadens the definition of what constitutes a breach of public order, shifting from repression of political dissent to more all-encompassing control of urban life.

Many of the proposed rules outlaw activities that are ubiquitous in Cambodia’s cities and larger towns.

Many of the proposed rules outlaw activities that are ubiquitous in Cambodia’s cities and larger towns: begging or sleeping in the street, informal sidewalk labor, and burning trash. The bill would hit those in Phnom Penh the hardest. Although the average Cambodian household in 2017 brought in just $115 per month, renting a studio apartment on the outskirts of the capital cost at least $150. Casual laborers, such as tuk-tuk drivers or construction workers, often sleep in their vehicles or on job sites between shifts—without access to bathroom facilities. (The draft law, meanwhile, prohibits public urination but also makes it illegal to build a public toilet.)

Cambodia’s local authorities already operate in part on a system of casual bribes. The proposed regulations expose members of the public to further exploitation and abuse at the hands of the police. Under the law, police units can be granted the authority to issue fines, mediate compensation agreements, and file court cases. “The potential for these powers to be weaponized against society’s most vulnerable people—urban poor, people living with
mental illness, informal workers, and opposition supporters—is immense,” said Naly Pilorge, the director of the Cambodian League for the Promotion and Defense of Human Rights.

Under the law, people deemed undesirable can be harassed, relocated, or forced from public view. Some proposed regulations explicitly target people with disabilities; Article 25 prohibits individuals with a “mental disorder” from moving freely in public places, for example. This provision could violate the right to nondiscrimination as enshrined in international human rights law, said Sopheap Chak, the executive director of the Cambodian Center for Human Rights. Regulations targeting those already disadvantaged by society could “further entrench poverty and systemic inequality,” she said.