

CAMBODIA

EMERGENCY LAWS RAISE CONCERNS ABOUT HUMAN RIGHTS

ESTIMATED POPULATION (2020): 16.719 MILLION

COVID-19 statistics at 1 June 2020

TOTAL CASES	125
TOTAL RECOVERED	123
DEATHS	0

Introduction: Cambodia, officially known as the Kingdom of Cambodia, is a constitutional monarchy with King Norodom Sihamoni as the head of state, and a government led by the Prime Minister, an office currently held by Hun Sen of the Cambodian People's Party (CPP). Legislative powers are shared between the executive government and the bicameral Parliament, consisting of the National Assembly (the lower house) and the Senate (the upper house). The Constitution affirms Cambodia is a multi-party liberal democracy.¹

Cambodia has experienced very few confirmed cases of COVID-19. Despite the low infection rate, the government has passed state of emergency legislation under Article 22 of the Constitution, suspended foreign visas, closed all private and public educational institutions, cancelled Khmer New Year (the major national holiday) and allocated more resources to the health sector. Concerns have been raised as to the extent of the government's powers, including restrictions on freedom of assembly, increased surveillance and intensifying public and social media control.

COVID-19 in Cambodia: According to the 2019 Global Health Security Index, Cambodia ranked 89th out of 195 countries globally, and ninth out of 11 countries in the Southeast Asian region, in preparedness for infectious diseases.² The first case of COVID-19 infection was confirmed on 27 January 2020 in the coastal town of Sihanoukville.³ The majority of reported cases have been either foreign nationals or Cambodians returning from abroad. The number of detected infection cases spiked in mid-March.⁴ Reportedly, the testing capacity of the *Institut Pasteur*

du Cambodge and National Institute of Public Health is around 600 tests per day,⁵ with 15,830 tests being carried out between January and 21st May.⁶

In early April, the World Bank announced a US\$20 million credit from the International Development Association for the *Cambodia COVID-19 Emergency Response Project* to strengthen the preparedness and response to infectious diseases,⁷ including supporting the Ministry of Health's Rapid Response Teams across the country and establishing emergency operation centres in the provinces.⁸

Government Response: On 18 March, the government established the National Committee for Combating COVID-19 (the Committee), comprising representatives of various ministries, including the military, police and gendarmery, as well as governors of all cities and provinces.⁹ The key functions of the Committee have been to set up a national policy on combating the pandemic and to manage the political, economic and social impact of the pandemic. The term of the Committee, headed by the Prime Minister, is indefinite; it will exist for as long as its work is deemed necessary.

On 10 April, the government introduced the *Law on the Management of the Nation in a State of Emergency* (the Emergency Law), which was passed unanimously by the National Assembly and the Senate,¹⁰ and promulgated by the King on 29 April,¹¹ but, at the time of writing, was still not declared. Under the Emergency Law (Articles 7 to 9), those intentionally disregarding emergency measures could face punishment from one month to a year in jail, with up to 10 years for obstructing an emergency response when it leads to a significant risk to national security and public order, as well as fines of up to 10 million Riels (app. US\$2,500), or up to 1 billion Riels (app. US\$250,000) for a legal person.

Following the advice from the Committee, gradual restrictions have been introduced on the operation of public and private businesses. On 17 March, the government ordered nationwide bans on KTVs (karaoke bars), nightclubs, cinemas and museums in response to an increase in cases of COVID-19 infections,¹² followed by further bans on concerts¹³ and certain religious gatherings.¹⁴ From 1 April, the closing order on casinos was issued,¹⁵ and further restrictions were introduced on

1 Constitution of the Kingdom of Cambodia 1993, Preamble, <https://pressocm.gov.kh/en/archives/9539>

2 Global Health Security Index, 2019, <https://www.ghsindex.org/>

3 *Channel News Asia*, 'Cambodia confirms first case of Wuhan virus: Health minister', 27 Jan 2020, <https://www.channelnewsasia.com/news/asia/wuhan-virus-cambodia-confirms-first-case-china-health-minister-12358724>

4 *Fresh News Asia*, 'Cambodia Confirms 12 New Cases of Covid-19, Tallying to 24', 17 Mar 2020, <http://m.en.freshnewsasia.com/index.php/en/17329-2020-03-17-03-00-11.html>

5 Kong Met and Ananth Baliga, *VOA Cambodia*, 'Takeo Health Centers Focus on Travel Histories; Disregarding 'Normal Flu' Cases', 24 Apr 2020, <https://www.voacambodia.com/a/takeo-health-centers-focus-on-travel-histories-disregarding-normal-flu-cases/5389811.html>

6 For most recent data see Ministry of Health, Communicable Disease Control Department, <http://www.cdcmoh.gov.kh/479-update-on-covid-19>

7 The World Bank, Cambodia COVID-19 Emergency Responses Project, n.d., <https://projects.worldbank.org/en/projects-operations/project-detail/P173815>

8 The World Bank, Press Release: 'World Bank Approves \$20 Million for Cambodia's COVID-19 Response', 2 Apr 2020, <https://www.worldbank.org/en/news/press-release/2020/04/02/world-bank-approves-20-million-for-cambodias-covid-19-coronavirus-response>

9 Xinhua, 'Cambodia sets national committee to combat COVID-19', 18 Mar 2020, http://www.china.org.cn/world/Off_the_Wire/2020-03/18/content_75830861.htm

10 Passed under the Royal Decree N.S/R.K.M No. 0420/018, 29 April 2020; unofficial translation by the International Centre for Non-for-profit Law: <https://www.icnl.org/covid19tracker/covid19uploads/Cambodia%20-%20Unofficial%20ENG%20translation%20-%20State%20of%20Emergency%20Law.pdf>; see also <https://thediplomat.com/2020/04/cambodias-covid-19-response-in-the-headlines-with-new-state-of-emergency/>

11 Sun Narin, *VOA Cambodia*, 'Cambodia's Controversial State of Emergency Draft Signed into Law', 30 Apr 2020, <https://www.voacambodia.com/a/cambodia-s-controversial-state-of-emergency-draft-signed-into-law/5398771.html>

12 *Fresh News Asia*, 'Cambodian Government Closes KTVs and Cinemas Nationwide to Fight Covid-19', 17 Mar 2020, <http://m.en.freshnewsasia.com/index.php/en/localnews/17335-2020-03-17-06-28-25.html>

13 *Fresh News Asia*, 'Cambodian Government Bans Concerts Nationwide to Fight Covid-19', 17 Mar 2020, <http://m.en.freshnewsasia.com/index.php/en/localnews/17344-2020-03-17-14-44-23.html>

14 *Cambodia News English*, 'Health Ministry Stops Religious Gatherings', 17 Mar 2020, <https://cne.wtf/2020/03/17/health-ministry-stops-religious-gatherings/>

15 *Khmer Times*, 'All casinos to be temporarily shut on April 1 amid COVID-19 pandemic', 30 Mar 2020, <https://www.khmertimeskh.com/707543/all-casinos-to-be-temporarily-shut-on-april-1-amid-covid-19-pandemic/>

massage bars, spas and beauty parlours.¹⁶ To ensure food security, in early April, Cambodia issued a temporary ban on the export of paddy and white rice,¹⁷ and fish.¹⁸

In response to the plight of the tens of thousands of Cambodian garment workers employed in global supply chains, those made redundant due to their factory suspending its operations have been guaranteed a salary of US\$70 a month (with a US\$40 contribution made by the government and the rest met by the employee's factory), initially for two months, which covers 37% of the monthly minimum wage in the sector.¹⁹ The government also promised the public and private sectors be reimbursed "at the appropriate time" for expenses incurred due to the cancellation of the national holiday for the additional working days.²⁰

Restrictions on Movement: Cambodia introduced restrictions and limitations on international and domestic travel in response to the outbreak. On 18 March, the Ministry of Foreign Affairs announced the closure of Cambodia's border with Vietnam, with the exception of diplomats and official passport holders, but the restriction came into effect on 20 March to avoid the requirement of a quarantine for Cambodians wishing to return from Vietnam.²¹ On 23 March, the Thai-Cambodian border closed, initially for 14 days.²² From 30 March, Cambodia imposed foreign travel restrictions on all foreigners, which are still largely in force at the time of writing.²³ Internal travel between the 24 provinces, as well as between districts outside the capital,

was suspended between 10 and 16 April, with the exception of goods, military and government officials' transportation, and travel by medical and sanitation services.²⁴ The travel ban led to a 'postponement' of the Khmer New Year celebrations (13-16 April),²⁵ which is one of the largest Cambodian holidays. The aim of the travel ban was to curtail public gatherings and prevent factory workers from travelling to the provinces to visit their families, with the government declaring "at this moment, the safest place is the workplace".²⁶

Education: Public and private schools in the Phnom Penh and Siem Reap provinces were closed. On 16 March, the Minister of Education announced a nationwide closure of public and private educational institutions by moving forward the summer vacation. For the purpose of grading in semester 1, schools were recommended to average students' grades received between December 2019 and March 2020.²⁷ As of 15 April, schools and universities have been encouraged to move online,²⁸ with materials for grades 1 to 12 being streamed on the "Krou Cambodia" Facebook page²⁹ and on television. The lack of access to the Internet and mobile devices for many students has highlighted social inequality and impeded access to education, especially for those in rural areas.

Assessment: Cambodia has a very small number of reported cases, and the government has linked cases of COVID-19 exclusively to foreigners and Cambodians returning from abroad, thus effectively dismissing claims of community transmission.³⁰

- 16 *The Star*, 'Cambodia closes massage parlours, health spas to curb virus', 7 Apr 2020, <https://www.thestar.com.my/news/regional/2020/04/07/cambodia-closes-massage-parlours-health-spas-to-curb-virus>
- 17 *Reuters*, 'Cambodia to ban some rice exports April 5 due to coronavirus', 30 Mar 2020, <https://www.reuters.com/article/us-health-coronavirus-cambodia-rice/cambodia-to-ban-some-rice-exports-april-5-due-to-coronavirus-idUSKBN21HIE6>
- 18 Hin Pisei, *The Phnom Penh Post*, 'Gov't bans fish exports', 5 Apr 2020, https://www.phnompenhpost.com/business/govt-bans-fish-exports?__cf_chl_jschl_tk__=8305c6bc4fe085927bc08088ed9658636feb86a-1589422581-0-AflAXN1HicUdHoHg_uMoHGc96YX0AbjHHw8eVYU_yzFT3iLhQ6D2gbKfucEEkft6U3xOV_7Hzh_COf3_6sKRVJx41FiOGkmL0mtqZq2nu0up6k4WFEjLEyrs1kAQTlyf4-tMfhf4Zz4ywBDFHemQjCHdsMiAtdsRfDQ_0BEpKjHIKic8fsTfqPGshSnti3UQ_Gn5rdMK1FMY-ykKUOUAFOPN7z95_xrQTXWz2pbhOzXDHUq8saalNO3V5tK69CVSaESJo6AyE6EPrtVgJD5I9lfxgdQshqBt93T3d-ETHcX_LVWnfOabpKp98U5PEPmQ
- 19 *The Cambodia Daily*, 'Promised Pay for Suspended Garment Workers Reduced, New Year Postponed', 8 Apr 2020, <https://english.cambodiadaily.com/health/promised-pay-for-suspended-garment-workers-reduced-new-year-postponed-162470/>
- 20 Cited in Phoung Vantha, *Cambodianess*, 'The Cambodian authorities are urging the private and public sector to work on Khmer New Year', 9 Apr 2020, <https://cambodianess.com/article/garment-and-other-workers-going-on-holiday-must-get-into-quarantine-when-they-return>
- 21 *Fresh News Asia*, 'Cambodia Announces to Suspend Crossing Borders with Vietnam', 19 Mar 2020, <http://m.en.freshnewsasia.com/index.php/en/localnews/17363-2020-03-19-02-35-10.html>
- 22 Malis Tum, 'Cambodian Migrant Workers Rush Back As Thai Border Closed', 24 Mar 2020, <https://www.voacambodia.com/a/cambodian-migrant-workers-rush-back-as-thai-border-closed-/5342686.html>
- 23 *Koh Santepheap Media*, 'Cambodia lifted the ban and allowed six foreigners to come to Cambodia', 20 May 2020, https://kohsantepheapdaily.com.kh/article/1086303.html?fbclid=IwAR27Nn2_p54rbHsYyq_h1MqcpmAlVeQKNvoaHl4NZa9QyZJHsq9rQKcFxu0
- 24 Sun Narin, *VOA Cambodia*, 'Gov't Bans Travel Between Provinces for One Week; Cites Factory Workers' Plans to Travel for Holidays', 9 Apr 2020, <https://www.voacambodia.com/a/govt-bans-travel-between-provinces-for-one-week-cites-factory-workers-plans-to-travel-for-holidays/5365932.html>
- 25 Notification No. 012/20 on Postponement of Khmer New Year Holiday 2020; *The Star*, 'Cambodia closes massage parlours, health spas to curb virus', 7 Apr 2020, <https://www.thestar.com.my/news/regional/2020/04/07/cambodia-closes-massage-parlours-health-spas-to-curb-virus>
- 26 Prime Minister Hun Sen, cited in Taing Rinith, *Khmer Times*, 'Khmer New Year holiday cancelled to curb virus spread', 8 Apr 2020, <https://www.khmertimeskh.com/710769/khmer-new-year-holiday-cancelled-to-curb-virus-spread/>
- 27 Sok Khemara and Sun Narin, *VOA Cambodia*, 'Cambodia Announces Nationwide School Closures as COVID Response Ramps Up', 16 Mar 2020, <https://www.voacambodia.com/a/cambodia-announces-nationwide-school-closures-covid-response-ramps-up-/5330402.html>
- 28 Malis Tum, *VOA Cambodia*, 'Education Ministry Pushes for Online Classes, as School Closures Extended', 23 Apr 2020, <https://www.voacambodia.com/a/education-ministry-pushes-for-online-classes-as-school-closures-extended/5388208.html>
- 29 Krou Cambodia, 'ORE Cambodia', n.d., https://www.facebook.com/krou.moey.gov.kh/?__tn__=%2Cd%2CP-R&eid=ARABsnj_ZI55EZQ_OT-5J47XD-bluy5sCb4_9v-DZdYwEVv7Fbsj5hP_H2-IrrZ579byDpmu3SUEbINZ
- 30 <https://www.voacambodia.com/a/takeo-health-centers-focus-on-travel-histories-disregarding-normal-flu-cases/5389811.html>

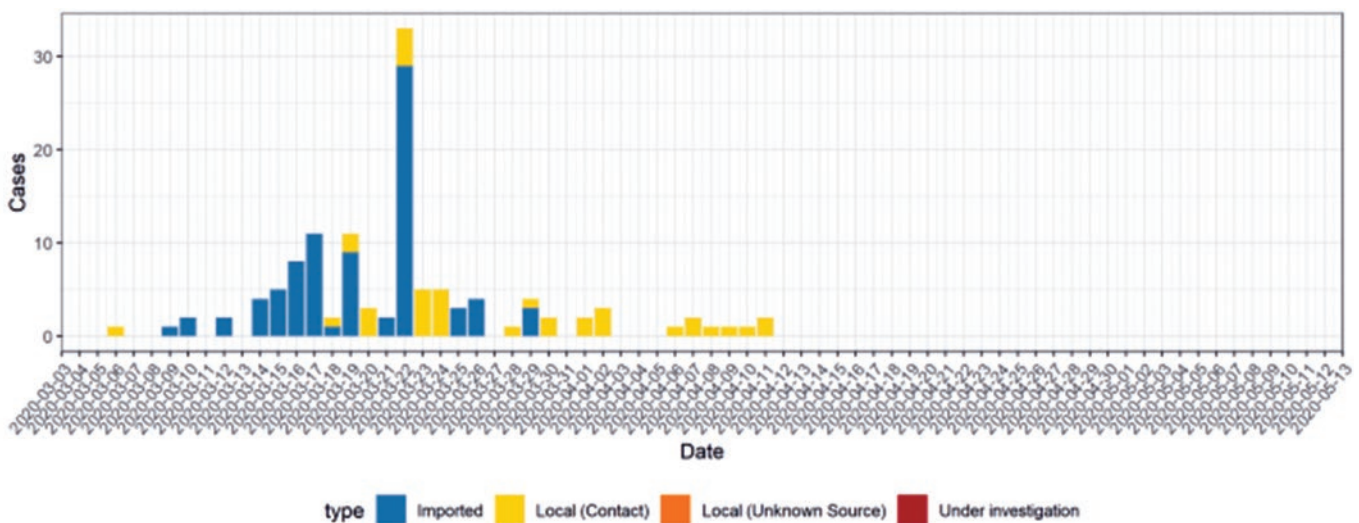
The draft of the Emergency Law was widely criticised, including by the International Commission of Jurists who warned the Bill violated the “basic rule of law principles and human rights”,³¹ yet it passed without amendments. A number of civil liberty groups and organisations in Cambodia have raised concerns over the human rights implications of the government’s response to the pandemic, in particular in relation to the heavy-handling of restrictions on freedom of assembly, speech and the escalation of attacks on press freedom,³² all of which had already been significantly constrained prior to the outbreak of the COVID-19 pandemic.

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Figure 1: Confirmed and probable cases of COVID-19 by acquisition status and date of positive test, beginning 03 March 2020



Source: Ministry of Health, Communicable Disease Control Department, Daily Surveillance Report (No. 57), 13 May 2020.³³

³¹ International Commission of Jurists, ‘Cambodia: State of Emergency bill violates the rule of law’, 8 Apr 2020, <https://www.icj.org/cambodia-state-of-emergency-bill-violates-the-rule-of-law/>

³² See, e.g., Human Rights Watch, ‘Cambodia: COVID-19 Clampdown on Free Speech’, 24 Mar 2020 <https://www.hrw.org/news/2020/03/24/cambodia-covid-19-clampdown-free-speech>; Reporters Sans Frontières, ‘Cambodia: Hun Sen uses Covid-19 crisis to tighten his grip’, 9 Apr 2020, <https://rsf.org/en/news/cambodia-hun-sen-uses-covid-19-crisis-tighten-his-grip>; Amnesty International, ‘Global: Crackdown on journalists weakens efforts to tackle COVID-19’, 1 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/global-crackdown-on-journalists-weakens-efforts-to-tackle-covid19/>

³³ Communicable Disease Control Department, Daily Surveillance Report (No. 57), 13 May 2020, <http://www.cdcmoh.gov.kh/resource-documents/daily-surveillance-reports>