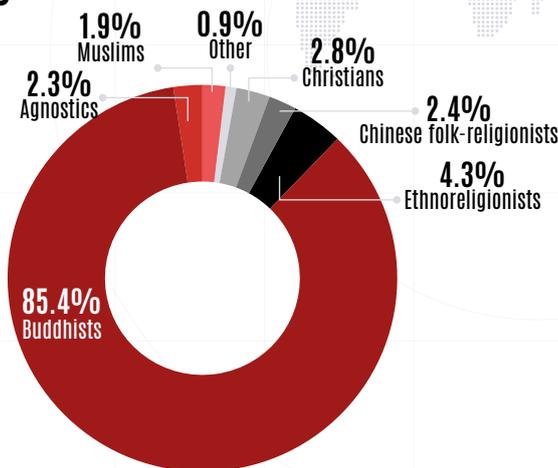




CAMBODIA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Cambodia is a constitutional monarchy located in the heart of Southeast Asia. Its constitution, adopted on 21st September 1993,¹ guarantees the right to religious freedom. Under Article 43, “Khmer [Cambodian] citizens of either sex shall have the right to freedom of belief. 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.”²

Cambodia is predominantly Buddhist. Most people practise Theravada Buddhism, a religion that occupies a central and dominant place in the life of the nation. This is recognised in the constitution. Article 43 stipulates that “Buddhism shall be the religion of the State.”³ The basic charter of the kingdom further specifies that the state supports the teaching of Buddhism (Article 68). However, it also prohibits discrimination based on religious affiliation. Article 31 of the constitution lays down the principle of equality: “Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth, origin, so-

cial status, wealth or other status.”⁴

Religious groups are not allowed to openly criticise other religious groups, but it is not enforced. Religious groups are also not allowed to engage in political activities of any sort.⁵

Religious groups must register with the Ministry of Cults and Religions (MCR), and submit information about their structure, aims, beliefs, funding, and leadership. They must submit an annual report of their activities, but there are no penalties for failure to register, except they cannot apply for tax exemptions from the Ministry of Economy and Finance. Places of worship and religious schools must register separately, but this too is not actively enforced.⁶

Non-Buddhist religious instruction is prohibited in public schools but allowed in private schools. Non-Buddhist students in public schools may opt out of Buddhist religious instruction since it is not part of the core curriculum.⁷

Non-Buddhist groups cannot proselyte in public but non-Buddhist religious literature can be distributed within religious institutions.⁸

Based on these constitutional and legislative provisions, it would appear that Cambodians generally enjoy a moderate to high degree of religious freedom. This contrasts with

the state of other fundamental freedoms and rights, which have been limited by the country's authoritarian regime under Hun Sen who has been prime minister since 1985.⁹

As the state religion, Buddhism plays a distinct political role in the culture and daily life of Cambodians. Although the Buddhist clergy are supposed to remain outside of politics, rising tensions in society occasionally cause them to get more directly involved in political life.¹⁰

In 2019, after Prime Minister Hun Sen's Cambodian People's Party effectively consolidated one-party rule the previous year, Cambodia passed "a series of new repressive laws or amendments to existing laws - including amendments to the Law on Political Parties, the Law on Non-Governmental Organizations, the Law on Trade Unions and a lèse-majesté clause in the penal code," which "severely restrict rights to freedom of expression, peaceful assembly, and association."¹¹ While such measures are likely focused on limiting political opposition, they could also prove detrimental to religious freedom.

Cambodia is a party to the International Covenant on Civil and Political Rights (ICCPR).¹²

INCIDENTS AND DEVELOPMENTS

In November 2018, the Extraordinary Chambers in the Courts of Cambodia (ECCC) found Nuon Chea and Khieu Samphan guilty of genocide. The two men, who had served under Pol Pot's Khmer Rouge communist regime (1975-1979), were already serving life sentences for crimes against humanity. They were also condemned for genocide of Cambodia's Vietnamese minority. Nuon Chea was also found guilty of genocide against the Cham Muslim minority.¹³

The fate of the Christian Montagnards is an ongoing issue. The Cambodian government has acted harshly towards this minority, originally from Vietnam's Central Highlands, from which they fled for religious and political reasons.¹⁴ In recent years, Phnom Penh has not hesitated from sending Montagnards back to Vietnam against their will. Very few have been able to obtain refugee status from the local UNHCR office due to government interference. Of the 200 who fled Vietnam in 2017, 29 remained in Cambodia in 2018, and the government has said it would allow them to move to a third country.¹⁵

Certain groups or practices associated with superstition still remain in Cambodia.¹⁶ Scores of witchcraft-related acts of violence, including murder, have been reported between 2012 and 2018.¹⁷ Some reports suggest that members of the Buddhist community continue to view the mostly Muslim Cham and other minority groups as practitioners of sorcery.¹⁸

Cham communities have also faced other problems. In one incident in 2019, Cham living on the Mekong River close to Phnom Penh were ordered to relocate as the government sought to "beautify"¹⁹ the city ahead of the Asia-Europe Meeting (ASEM) of November 2020, later re-scheduled for mid-2021.²⁰

The Phnong ethnic minority, who are mostly animists, is another group that has faced discrimination. In January 2018, authorities in Mondul Kiri, a province in eastern Cambodia, pressured ethnic Phnong to vote for the predominantly Buddhist ruling party if they wanted to receive public services or obtain legal papers like birth certificates.

In February, Phnong in the same province submitted a petition to the National Assembly accusing a local official of preventing them from celebrating a religious ceremony; a year later the Assembly had still not taken any action.²¹

Much like its neighbours, Cambodia seems to have handled the COVID-19 virus quite well. As of 28th September,²² it has reported 276 cases and zero deaths, and the country has conducted more than 134,000 tests.²³ The vast majority of Cambodia's cases have been imported. Unfortunately, the government has sought to blame the pandemic on vulnerable groups. On 17th March, the Health Ministry posted references on its official Facebook page to specific groups of people who had contracted the virus including "Khmer Islam."²⁴ This fuelled hateful rhetoric against Muslims and ethnic minorities on social media. On the same day, Prime Minister Hun Sen announced a temporary ban on all religious gatherings.²⁵ The ban on religious gatherings was lifted on 7th September.²⁶

PROSPECTS FOR RELIGIOUS FREEDOM

Despite the recent success of the Cambodian economy, frustration is rising, especially among young people. People are tired of corruption, the authoritarian party rule, and the concentration of the country's wealth in the hands of an

elite close to Prime Minister Hun Sen - who was re-elected in 2018 after a brutal crackdown on opposition leaders.²⁷ Admittedly, in comparison with their Vietnamese neighbours or the Chinese, Cambodians live under a regime that is much more tolerant and respectful of religious freedom, notwithstanding the violation of other human and political rights. At recent events held with Muslim²⁸ and Christian²⁹ groups, Hun Sen expressed his appreciation for their support and emphasised the importance of religious and ethnic harmony. In the past, he had warned that threats to his regime might also mean the loss of such a level of religious freedom.³⁰ Nevertheless, the lack of respect for other basic human rights by the long-ruling governing party is a cause of concern for the future of religious freedom in Cambodia. The combination of long-simmering frustrations, and the monopoly of power currently exercised by the Hun Sen regime, does not bode well for the country's social and political stability.

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