

UN experts say constitutional changes in Cambodia impinge on democracy

GENEVA (20 February 2018) – Two UN human rights experts expressed their grave concern about proposed changes to Cambodia’s Constitution which would impose far-reaching limits on democracy ahead of a national election this year, and beyond.

The changes, along with other proposed changes to domestic law including a lese majeste provision making it illegal to insult the monarchy, were adopted by the lower chamber of parliament on 14 February only 12 days after first being adopted by the Council of Ministers. The proposed changes raise serious risk of violating human rights law, the experts said.

“Lese majeste provisions are incompatible with Cambodia’s obligations under international human rights law, as they criminalize the legitimate exercise of freedom of speech,” said Rhona Smith, UN Special Rapporteur on the human rights situation in Cambodia, and David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

“Moreover, a number of the proposed Constitutional amendments use broad terminology and would need more precise language to meet international standards and avoid the risks to freedom of speech.”

Areas of concern highlighted by the Special Rapporteurs include the proposed requirement for parties and individuals to “primarily uphold the national interest” and another opposing “interference from abroad”.

Among the changes are also provisions leaving open the possibility that people’s right to vote be suspended or withheld.

“The right to political participation and freedom of expression are of particular importance during electoral processes, and the authorities have a responsibility to ensure that individuals, political parties and the media can operate without being sanctioned.”

Last year, the Supreme Court outlawed the opposition Cambodia National Rescue Party (CNRP) at the request of the government, after its leader, Kem Sokha, was arrested for alleged treason.

In total, five articles of the Constitution would be changed, along with areas of the Law on the Constitutional Council.

The proposed new crime of insulting the King would be punishable by up to five years in prison and fines of up to 10 million Riels for any “speeches, gestures, writings, paintings or items” that “affect the dignity” of the monarch. Organizations found guilty could be dissolved, placed under judicial supervision, banned from carrying out activities, closed down, or have their funds and property

confiscated.

“We urge the Government of Cambodia to carry out a rigorous and thorough reassessment of the draft amendments to ensure they comply with international human rights laws and standards,” the experts said.

“The public should also be consulted and given time to freely debate the amendments, especially as some of these proposals change the constitution. The current lack of public consultation is concerning.”

Ms. Smith has communicated her views in detail to the Cambodian Government.

In October [she warned that democracy was under threat in Cambodia](#) after moves against the opposition.

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Professor Rhona Smith (United Kingdom) was appointed as [Special Rapporteur on the situation of human rights in Cambodia](#) by the UN Human Rights Council in March 2015. Mr. David Kaye (USA) was appointed as [Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#) in August 2014 by the United Nations Human Rights Council.

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For more information and media requests, please contact:

Esther Lam (+41 22 9289108/ elam@ohchr.org)

Azin Tadjini (+41 229179400/ atadjini@ohchr.org)

*For **media inquiries** related to other UN independent experts please contact*

Jeremy Laurence, UN Human Rights – Media Unit (+41 22 917 9383 / jlaurence@ohchr.org)

*This year, 2018, is the **70th anniversary of the Universal Declaration of Human Rights**, adopted by the UN on 10 December 1948. The Universal Declaration – translated into a world record 500 languages – is rooted in the principle that “all human beings are born free and equal in dignity and rights.” It remains relevant to everyone, every day. In honour of the 70th anniversary of this extraordinarily influential document, and to prevent its vital principles from being eroded, we are urging people everywhere to **Stand Up for Human Rights**: www.standup4humanrights.org.*