

UN experts urge Cambodia to review their approach to COVID-19

GENEVA (12 April 2021) – UN human rights experts expressed serious concern over a series of harsh new legal and administrative measures adopted by the Royal Government of Cambodia in response to the COVID-19 pandemic that undermine fundamental human rights, including freedom of movement, peaceful assembly and the right to work.

The Law on Preventive Measures Against the Spread of COVID-19 and other Severe and Dangerous Contagious Diseases, which was promulgated on 11 March, allows 20-year prison terms and fines of up to 20 million riels (USD 5,000) for those convicted of violations. The law grants the Government power to ban or restrict any gathering or demonstration. At least four people have reportedly been arrested since the law came into effect, and several others sent to quarantine.

“Restrictions on fundamental freedoms and rights on public health ground must not breach rights and freedoms guaranteed by international human rights law, must be proportionate, non-discriminatory, time-bound and purpose limited,” the experts said. “We are concerned that the administrative and penal measures including excessive prison sentences and fines provided in the law appear to be disproportionate and unwarranted. All measures taken to fight the pandemic, including possible punishments, should be necessary and proportionate and not be used excessively.”

While noting Government efforts to contain the virus and limit community transmissions, the experts also expressed dismay over the recent disclosure of personal information of individuals who have tested positive for COVID-19.

Since 3 April, the Phnom Penh City Administration has published private details of at least 239 individuals who tested positive for the virus, including their name, sex, age, occupation workplace and address. Local authorities in other provinces are also currently publishing such personal information. In December 2020, authorities had revoked a decision to publish such personal details after UN experts intervened.

“These personal health data should have been subjected to strict privacy protections against disclosure to anyone not authorized for public health purposes. The public disclosure of personal data, including names of those who have contracted the virus is a deplorable breach of the right to privacy and can lead to discrimination and stigma,” the experts said. “These measures do not have any substantial nexus with the public health measures, as contact tracing does not need to reveal private and personal information, indeed publishing such details could deter people from having tests.”

The experts urged authorities to ensure that all Cambodians, especially those in marginalized and vulnerable situations, have access to goods, services and facilities specific to COVID-19, without discrimination or stigma.

They also urged the Government to provide economic aid to those affected by the crisis. On 1 April, authorities imposed a two-week curfew in the capital, Phnom Penh, that the Government said was aimed at suspending “unnecessary” business, gatherings and travel. The Government also announced a ban on travel between provinces from 7 to 20 April, a period covering the traditional Khmer New Year holidays.

“In light of the rising indebtedness in Cambodia, these measures will further hurt people in most vulnerable situations, who have already suffered significant economic hardship during the pandemic. It risks pushing them into poverty,” the experts said.

“Those who will suffer the most will be individuals working in the informal sector such as tuk-tuk drivers and street vendors,” the experts said. “The Government should ensure that its economic relief measures target these groups and that people in vulnerable situations are provided with adequate support to cope with the pandemic measures.”

ENDS

The UN Experts: Ms Rhona Smith, the Special Rapporteur on the situation of human rights in Cambodia; Mr Clement Nyaletsossi Voule, the Special Rapporteur on the rights to freedom of peaceful assembly and of association; Mr Joseph Cannataci, the Special Rapporteur on the right to privacy; Ms. Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

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