

Joint Open Letter to Foreign Governments

21 July 2020

Your excellencies,

We, the undersigned 33 civil society organizations and multi-stakeholder initiatives, representing both companies and civil society, urge the Governments of Australia, Canada, Finland, France, Germany, India, Japan, New Zealand, Sweden, the Netherlands, the Republic of Korea, the United Kingdom, and the United States of America to echo the European Union (EU) in its call for the respect of human rights in Cambodia. On August 12, 2020, the EU will partially suspend Cambodia's "Everything But Arms" (EBA) tariff preferences in response to the Cambodian government's "serious and systematic violations" of four human and labor rights conventions: the International Covenant on Civil and Political Rights (1966), the International Labor Organization (ILO) Convention concerning Freedom of Association and Protection of the Right to Organize No. 87 (1948), the ILO Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, No. 98 (1949), and the International Covenant on Economic, Social and Cultural Rights (1966).

The Cambodian government continues to crack down on civil society, independent media, and the political opposition and human rights defenders to silence critical voices in the country. In the past three years it has adopted a series of repressive laws that unduly restrict human rights. In November 2019, the Cambodian authorities had arbitrarily detained nearly 90 people solely on the basis of the peaceful expression of their opinions or political views as well as their political affiliations. While 74 opposition members, detained on spurious charges, were released from detention in December 2019, the charges against them remain, and they risk re-arrest. Opposition leader Kem Sokha's criminal trial for unsubstantiated treason charges has been marred by irregularities since it began in January. Sokha remains banned from politics and faces up to 30 years in prison if convicted. The Prime Minister announced that the trial could drag on into 2021.

In April, the Cambodian government used the Covid-19 crisis to adopt an unnecessary and draconian state of emergency law that provides the authorities with broad and unfettered powers to restrict freedom of expression, peaceful assembly and association – rights that have already been severely restricted during his 35 years in power. Currently, another 30 political prisoners are behind bars due to the Cambodian government's continued onslaught on free speech in the guise of combating Covid-19.

Cambodia committed to protecting and promoting fundamental human rights, providing equal protection of the law, and holding genuine periodic elections when it ratified the International Covenant on Civil and Political Rights. The Cambodian government ratified all of the fundamental ILO Conventions that protect the rights of workers and trade unions. Respect for human rights and the rule of law are essential for a stable and flourishing business environment over the long term.

Cambodia agreed that access to the EU's Everything But Arms preferential trade scheme is conditional on adherence to the principles in 15 core human rights and labor rights conventions. The European Commission's decision on February 12, 2020 to partially suspend Cambodia's EBA preferences followed a yearlong process of 'enhanced engagement' between the EU and Cambodia during which the Cambodian government was given every opportunity to cooperate

and make significant progress in improving its protection of human rights and labor rights. The European Commission concluded that Cambodia had failed to take necessary measures to retain full EBA benefits.

We agree. For example, on January 22, 2020, 23 companies and nongovernmental organizations, including major international garment brands sourcing from Cambodia, raised concerns about the labor rights situation and urged the government to amend or repeal two deeply problematic laws, the Trade Union Law and the Law on Associations and NGOs (LANGO), and drop all outstanding criminal charges against union leaders. The government's tokenistic amendments to the repressive Trade Union Law fell considerably short of what was required to address that issue. More broadly, the government has demonstrated an unwillingness to take concrete and meaningful steps to improve the rights situation; to the contrary, Cambodia adopted further repressive laws and arrested more peaceful critics during the intensive monitoring and evaluation process.

We therefore call on Australia, Canada, Finland, France, Germany, India, Japan, New Zealand, Sweden, the Netherlands, the Republic of Korea, the United Kingdom, and the United States of America, acting collectively and bilaterally, to echo the EU in its call to the Cambodian government to take concrete action without delay, including but not limited to the following, to address the human rights situation in the country:

- 1. Immediately and unconditionally release all political prisoners, including activists, human rights defenders, journalists, and members of the political opposition.**
- 2. Cease harassment, arbitrary arrests, and physical attacks against union leaders, land activists, human rights defenders, opposition members, and journalists.**
- 3. Immediately drop the baseless treason charges against opposition leader Kem Sokha.**
- 4. Conduct independent, impartial, prompt and thorough investigations into attacks, including killings, against critics of the government and hold those responsible to account.** For example, the Cambodian government should establish an independent Commission of Inquiry to conduct an effective investigation into the extrajudicial killing of political commentator and human rights defender Dr. Kem Ley in July 2016.
- 5. Repeal the Law on the Management of the Nation in State of Emergency.**
- 6. Reverse the three rounds of amendments to the Law on Political Parties** that permit the arbitrary dissolution of political parties and ban party leaders from political activity without due process.
- 7. Significantly amend the Trade Union Law** in consultation with workers, labor advocates and other stakeholders to bring it into full compliance with ILO Conventions No. 87 (Freedom of Association) and No. 98 (Right to Organize and Collectively Bargain), both ratified by Cambodia.
- 8. Repeal or significantly amend the Law on Associations and Non-Governmental Organizations (LANGO),** which violates Cambodia's obligations under international human rights law.
- 9. Cease the government's arbitrary interference and surveillance of the online and offline media** and end the use of repressive laws to censor and control independent media.
- 10. Restore the work of the Arbitration Council by enabling it to hear all labour disputes,** including termination of union leaders, and guaranteeing unrestricted access to all workers, irrespective of union status.
- 11. Ensure prompt, fair and transparent resolution of all land conflicts** by providing fair compensation to victims of land grabbing and introduce an effective and fair system

of land titling, while ending the harassment of land rights activists and affected communities.

12. **Cooperate with the Office of the UN High Commissioner for Human Rights and UN Special Procedures** in order to allow them to fulfil their mandates without interference.

The Cambodian government should take meaningful measures that reverse the deterioration of Cambodia's human rights situation in order to restore trade preferences or lift suspensions of bilateral aid.

We urge your government to call on the Cambodian government to comply with its obligations under international human rights law and to support the EU in its efforts to bring respect for human rights, rule of law, and democracy to the Cambodian people.

Yours sincerely,

1. Arab Network for Food Sovereignty – Regional
2. Article 19
3. ASEAN Parliamentarians for Human Rights (APHR)
4. Asian Democracy Network (ADN)
5. Asian Forum for Human Rights and Development (FORUM-ASIA)
6. Asian Network for Free Elections (ANFREL)
7. Asia Indigenous Peoples Pact (AIPP)
8. Business and Human Rights Resource Centre (BHRRC)
9. Civil Rights Defenders
10. CIVICUS
11. Clean Clothes Campaign
12. EarthRights International
13. Ethical Trading Initiative (ETI)
14. Fair Labor Association (FLA)
15. FIAN Germany
16. Forest Peoples' Programme
17. Front Line Defenders
18. Global Witness
19. Human Rights Now (HRN)
20. Human Rights Watch (HRW)
21. International Commission of Jurists (ICJ)
22. International Federation for Human Rights (FIDH)
23. International Freedom of Expression Exchange (IFEX)
24. International Service for Human Rights (ISHR)
25. Pakistan Kissan Mazdoor Tehreek
26. People's Coalition on Food Sovereignty (PCFS) - Europe
27. People's Coalition on Food Sovereignty (PCFS) – Global
28. Pesticide Action Network Asia Pacific – Regional
29. Roots for Equity, Pakistan
30. Struggle to Economize Future Environment (SEFE), Cameroon
31. The B Team
32. World Organisation Against Torture (OMCT)
33. Zambia Social Forum