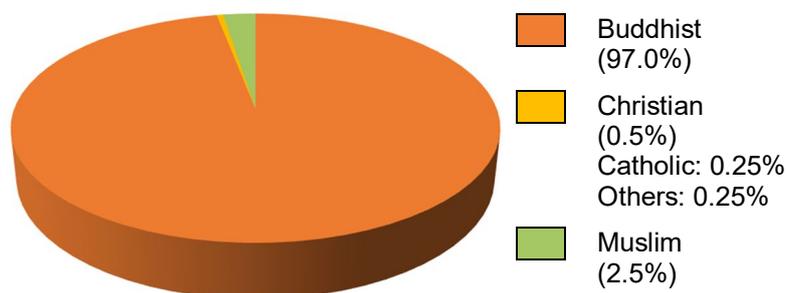
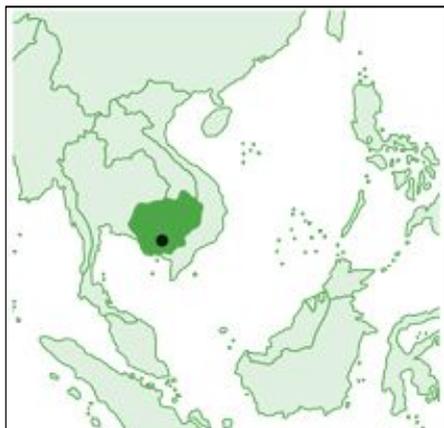


CAMBODIA



Area: 181,040 km ²	Population: 15.7 million	Political system: Monarchy / Autocracy ¹	Major Language(s): Khmer
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Legal framework on freedom of religion and actual application

With the vast majority of Cambodians following Theravada Buddhism, it should come as no surprise that the religion occupies a central and pre-eminent place in the life of the nation. Article 43,3 of the constitution of 21st September 1993 states: “Buddhism is the State religion.”²

The country’s legal framework makes clear that Cambodians are entitled to enjoy a high degree of religious freedom. Article 43 (sections 1 and 2) of the constitution states: “All Khmer citizens have the full right to freedom of belief. The freedom of belief and religious practice must be guaranteed by the State, provided that it does not offend against other beliefs or religions or against public order and security.”

For the ruling power, which is often accused of acting in an authoritarian manner, the freedom of the Buddhist monks to demonstrate is clearly limited by what it perceives as a threat to “public order and security”. When the human rights marches happened in 2014, with monks frequently taking part, the patriarchs of the two monastic orders and the Minister for Religion signed a joint communiqué on 7th December 2014 banning the monks from taking part in marches, demonstrations, strikes and revolts “in order to preserve the dignity of Buddhism”. The monk Venetable But Bunteng, a highly active demonstrator, responded by saying that he was not concerned about this warning.³ Without delay, on 17th December 2014 the Venerable Tep Vong, supreme patriarch of the Mohanikay order, followed by the Venerable Bou Kry, patriarch of the Thommayuth order, forbade 50,000 monks from taking part in upcoming elections. “If a monk is in favour of one camp, he loses his neutrality,” he stated.⁴

While it is well known that the pagodas are largely under the control of the ruling Cambodian People’s Party (PPC), there are signs of a more liberal movement within Buddhism. On 18th December 2014 more than 100 monks demonstrated in front of the National Assembly buildings to demand the release of 18 imprisoned opposition party members. Around 40 of the monks turned their alms bowls upside down on this occasion, just as their Burmese counterparts had done in 2007 – a highly powerful symbolic gesture indicating a refusal to accept handouts from the Minister and implying that those offering these alms were unworthy of acquiring the merits they imply.⁵

However, it is not always the case that Cambodia’s political elite flinch from inciting the Buddhists. For example in 2011 in the clash between Cambodia and Thailand over the Preah Vihear Temple, to which both countries lay claim, the Cambodian government inciting did not hesitate to appeal to the religious leaders in Cambodia to put pressure on the UN to persuade the international community to become involved in this crisis.⁶ The conflict that broke out between 4th and 7th

February 2011 left around 10 dead, plus numerous injuries, and caused the uprooting of several thousand people. Shortly after the beginning of the exchanges of fire between Thai and Cambodian soldiers, the Catholic Church in Cambodia, to name but one religious community, had been contacted by the Cambodian Minister for Religion. According to Monsignor Olivier Schmitthaeusler, the apostolic vicar of Phnom Penh, the minister had expressed a desire to see the religions of the country demonstrate in support of Cambodia's appeal for mediation by the UN Security Council. The Catholic Church had responded by publishing a communiqué, appealing to "both sides to seek peace through truth".⁷ It appears that the request by the Minister for Religion, addressed to the Buddhists, the Muslims and the Christians (Protestants and Catholics) did not bear the desired fruits. The UN refused to become involved in this quarrel between the Khmer and Thai governments.

Beyond these attempts to instrumentalise religion for political ends, Cambodians generally enjoy a large measure of religious freedom. Notably, the religious minorities do not generally suffer oppression at the hands of the overwhelming Buddhist majority situation. Article 31 of the constitution expresses the principle of equality before the law: "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, social status, wealth or other status."

The only significant causes of concern regarding religious freedom stem from the alleged general lack of respect for human rights shown by the ruling PPC party and its leader, Hun Sen. An example of this was seen in September 2014 after Cambodia signed a controversial agreement with Australia over the return of refugees and migrants held by the Australian authorities on the small island of Nauru.⁸ There were protests by human rights activists in both countries, who vigorously opposed the deal. Earlier, in December 2009 and in spite of the UN convention of 1951, Cambodia had forcibly repatriated 21 Muslim Uighur refugees to China and later also sent back Christian Montagnards to Vietnam, in October and November 2015.⁹ The Montagnard people are an ethnic minority who come from the Highland Plateau region of central Vietnam and have fled their country for political and religious reasons.¹⁰ To date, only five of the asylum seekers held on the island of Nauru have agreed to leave and return to Cambodia.¹¹

On the other hand, it looks as though another issue that has dragged on for years, namely that of the Christian Montagnards who have sought refuge in Cambodia, may finally be resolved. On 21st January 2016 the Cambodian government announced, after years of refusal on its part, that the asylum applications of 170 Montagnards would after all be studied shortly.¹² It appears now that the UN High Commissioner for Refugees (UNHCR) may take charge of finding a third country to welcome them.

Incidents

On 10th December 2013, International Human Rights Day, 300 Buddhist monks demonstrated peacefully outside the National Assembly, the Cambodian Parliament building in Phnom Penh, the capital. Holding a petition calling for an end to human rights abuses in Cambodia, the monks – the great majority of them young men – were applauded by crowds of several thousand people before dispersing peacefully, with a large unit of police standing close by.¹³

This was the 10th day on which various small groups of monks had set out to walk to the capital, Phnom Penh. They were marching in response to an appeal by a monk named the Venerable But Buntenh, the principal organiser of the Independent Network of Monks for Social Justice.

The demonstrations took place against a backdrop of confusion following the July 2013 parliamentary elections. The party of the Prime Minister, Hun, Sen, in power since 1985, claimed to have won, but his main opponent, Sam Rainsy, said the elections had been marred by serious fraud. Amid the political uncertainty, the Venerable But Buntenh explained the reasons for the demonstration. He said: "Since the elections cannot produce justice, and since the two political parties are incapable of breaking the deadlock in the situation, we [the monks] have to intervene. Religion is the only power capable of extricating the country from the problems it has become embroiled in."

The Independent Network of Monks for Social Justice is very much present on social media platforms. and claims to have 3,000 members. It rejects the claim that it is on the side of Sam Rainsy. Opposition leader Venerable But Buntenh said: "We are working for the entire nation," adding that he is hoping that, "in using Buddhist principles" his movement will be able to "transform a bad situation into a good one".

Setting out from the Phloach pagoda, in Kompong Speu, around 25 miles (40 km) west of Phnom Penh, Venerable Ngim Sao Samkhan walked with around 20 monks and around 100 lay folk. Arriving outside the building of the National Assembly, he explained that in his eyes, "the goal of the walk [is] to promote Buddhist teaching by linking it to human rights". He added: "We want the authorities and the people to understand the value of human rights, of freedom and the right to express one's opinion."

In doing this, the monks active within the network were aware of breaking established traditions, which expect the Buddhist monks to remain on the sidelines of state and government affairs. Other senior monks warned of the dangers of demonstrations which were seen to be overtly political in motivation. In Phnom Penh, the Venerable Khim Sorn, the leader of the Mohanikay sect, the principal branch of Khmer Buddhism, expressed his "support for the principle of a march for human rights, but not if it pursues wrongful ends in seeking to create disorder and sow confusion in people's minds". Meantime, the supreme patriarchs of Khmer Buddhism, whose closeness to the ruling party is a matter of public notoriety, threatened to defrock any monks who took part in the march. The government attempted to prevent the march from reaching Phnom Penh, notably by forcing the senior monks of the pagodas to close their gates and refuse the marchers access to their monastery for the night.

On that day, 10th December 2013, the monks dispersed peacefully, after reading out a litany of human rights violations in Cambodia. Meanwhile the police stood by in large numbers and took video footage of all those participating in this demonstration. However, a month earlier, on 12th November, the break-up of a demonstration by striking workers from a textile factory had been rather less peaceable. A female street trader had been killed by a stray bullet fired by the police. The Licahdo, a major human rights defence organisation, had shown a video of police violently beating a monk with his hands together in front of his face, in the traditional Khmer greeting. Added to this, a group of 10 or so monks had been interrogated and briefly detained before being released again.¹⁴

The involvement of Buddhist monks on the political and social scene during this demonstration on 10 December was not without its precedents. The situation recalled that of 1998 when young monks and novices joined the street protests against the allegedly rigged parliamentary elections of July that same year, in which the party of Hun Sen held onto power.¹⁵ During a peace march, the police had fired on the demonstrators and there had been dozens of victims among the monks.

As far as the Christians are concerned, the success of the Protestant, Evangelical and Pentecostalist communities in particular do not seem to have raised any particular difficulties. The Catholic Church is quietly continuing to rebuild after being almost completely wiped out during the persecutions of the Khmer Rouge and then the Vietnamese occupation up till 1990. In June 2015 the leaders of the Catholic Church in Cambodia formally launched the process that is expected to lead to the beatification of 35 martyrs who were executed or died of hunger and exhaustion during the civil war from 1970 to 1975 and later, under the regime of Pol Pot and the Khmer Rouge, who held power from 1975 to 1979.¹⁶ If the process is successful, it will be a first for Cambodia, a country which until now does not have any blessed or saints formally recognised by the Catholic Church.

Prospects for freedom of religion

There is little reason to believe improvement is coming soon.

¹ Corruption is deep-rooted and Cambodia is still one of the world's poorest countries. Hun Sen, prime ministers, in power since 1985, a former communist and a member of the Khmer Rouge, last reappointed for another term, in the face

of mass demonstrations and allegations of fraud. He is believed becoming increasingly authoritarian, using a mixture of electoral fraud, corruption and intimidation to maintain quasi-dictatorial rule ; <http://www.bbc.com/news/world-asia-pacific-13006539>

² Constitution du Cambodge : <http://mjp.univ-perp.fr/constit/kh2010.htm>

³ *The Cambodia Daily* : « Buddhist Patriarchs Ban Rallies, But Activist Monks March Forth » 8 December 2014 (<https://www.cambodiadaily.com/archives/buddhist-patriarchs-ban-rallies-but-activist-monks-march-forth-73760/>)

⁴ *The Cambodia Daily* : « Clergy Seeks Law to Ban Monks From Voting », 18 December 2014 (<https://www.cambodiadaily.com/archives/clergy-seeks-law-to-ban-monks-from-voting-74417/>)

⁵ *The Cambodia Daily* : « Monks Turn Over Alms Bowls to Protest Jailing of Activists », 19 December 2014 (<https://www.cambodiadaily.com/archives/monks-turn-over-alm-bowls-to-protest-jailing-of-activists-74500/>)

⁶ Dating back to the 11th Century and situated on a hill, the Khmer temple of Preah Vihear is claimed both by Thailand and by Cambodia. The conflict is a result of the drawing up of the frontiers during the colonial era, a convention of 1904 and the Treaty of 1907 signed between the Kingdom of Siam and France, which was then the colonial ruler of Cambodia. At the time the temple of Preah Vihear was included in the map of Cambodia. In 1949 Bangkok declared this map to be invalid and occupied the temple, despite the protests from Paris. In 1953, when Cambodia gained independence, the situation remained unchanged, but in 1962 the International Court of Justice at The Hague granted sovereignty over the temple to Cambodia. In 2008 Cambodia's request to include the temple on UNESCO's World Cultural Heritage list revived the quarrel. Today the temple and the 4.6 km² of land surrounding it have become a political football in which the national pride of both sides is at stake.

⁷ *Eglises d'Asie* : « Le Cambodge appelle les religions à se manifester dans le conflit qui l'oppose à la Thaïlande au sujet du temple khmer de Preah Vihear », 17 February 2011 (<http://eglasie.mepasie.org/asia-du-sud-est/cambodge/2011-02-17-le-cambodge-appelle-les-religions-a-se-manifester-dans-le-conflit-qui-l2019oppose-a-la-thaïlande-au-sujet-du-temple-khmer-de-preah-vihear/>)

⁸ *The Guardian* : « Australia signs controversial refugee transfer deal with Cambodia », 26 September 2014 (<http://www.theguardian.com/world/2014/sep/26/australia-signs-refugee-deal-cambodia>)

⁹ *Eglises d'Asie* : « Expulsion des Montagnards vietnamiens réfugiés au Cambodge », 15 September 2015 (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2015-09-15-la-plupart-des-montagnards-vietnamiens-refugies-au-cambodge-sont-renvoyes-dans-leur-pays/>)

¹⁰ *Eglises d'Asie* : « Les Montagnards vietnamiens demandeurs d'asile sont victimes de la politique de bon voisinage entre le Vietnam, la Thaïlande et le Cambodge », 2 July 2015 (<http://eglasie.mepasie.org/asia-du-sud-est/vietnam/2015-07-02-les-montagnards-vietnamiens-demandeurs-d2019asile-sont-victimes-de-la-politique-de-bon-voisinage-entre-le-vietnam-la-thaïlande-et-le-cambodge/>)

¹¹ *The Huffington Post Australia* : « Incentives Given For Refugees To Leave Nauru », 12 February 2016 (http://www.huffingtonpost.com.au/2016/02/11/incentive-nauru-refugee_n_9215246.html)

¹² *Jesuit Refugee Service* : « Cambodia: Montagnard refugees receive protection and a fair case », 22 January 2016 (http://en.jrs.net/news_detail?TN=NEWS-20160122082724)

¹³ *Eglises d'Asie* : « Des moines bouddhistes s'engagent pour la défense des droits de l'homme », 17 December 2013 (<http://eglasie.mepasie.org/asia-du-sud-est/cambodge/2013-12-17-des-moines-bouddhistes-s2019engagent-pour-la-defense-des-droits-de-l2019homme>)

¹⁴ *Eglises d'Asie* : « Le point sur l'actualité politique et sociale du 1^{er} octobre au 21 novembre 2013 », 22 November 2013 (<http://eglasie.mepasie.org/asia-du-sud-est/cambodge/2013-11-22-pour-approfondir-le-point-sur-l2019actualite-politique-et-sociale-du-1er-octobre-au-21-novembre-2013>)

¹⁵ *Eglises d'Asie* : « Une nouvelle génération de moines bouddhistes fait son entrée sur la scène politique », 1 October 1998 (<http://eglasie.mepasie.org/asia-du-sud-est/cambodge/1998-10-01-une-nouvelle-generation-de-moines-bouddhistes-fait>)

¹⁶ *Eglises d'Asie* : « L'Eglise du Cambodge ouvre le procès en béatification de 35 martyrs morts sous Pol Pot », 17 June 2015 (<http://eglasie.mepasie.org/asia-du-sud-est/cambodge/2015-06-17-l2019eglise-du-cambodge-ouvre-le-proces-en-beatification-de-35-martyrs-morts-sous-pol-pot>)