

UNIVERSAL PERIODIC REVIEW 2009

CAMBODIA

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RELIGIOUS FREEDOM IN CAMBODIA

I. LEGAL FRAMEWORK

A. Religious Protections in the Constitution of Cambodia

The Constitution of the Kingdom of Cambodia provides for freedom of religion¹ and freedom of association.² Specifically, Article 43 provides religious freedom for Khmer citizens:

Khmer 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.³

The constitution also guarantees that “[e]very Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of . . . religious belief.”⁴ It further establishes Buddhism as the State religion.⁵

B. Religious Protections in the Statutes of Cambodia

Cambodian law protects the right of freedom of religion “in full against abuse, either by the government or private actors.”⁶ As the State religion, Buddhists enjoy additional benefits. The Government “provides Buddhist training and education to monks and others in pagodas, and modestly supports an institute that performs research and publishes materials to Khmer culture and Buddhist traditions.”⁷ The Government allows only Buddhist religious instruction in public

¹ CONSTITUTION OF THE KINGDOM OF CAMBODIA [CKC] art. 43. *See also*, U.S. DEP’T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2008 § II (2008) [hereinafter FREEDOM REPORT 2008], *available at* <http://2001-2009.state.gov/g/drl/rls/irf/2008/108403.htm>.

² *Id.* art. 42.

³ *Id.* art. 43.

⁴ *Id.* art. 31.

⁵ *Id.* art. 43.

⁶ FREEDOM REPORT 2008, *supra* note 1, § II.

⁷ *Id.*

schools. However, other forms of religious instruction may be provided in private schools.⁸

The Ministry of Cults and Religions (“MCR”) oversees religious groups, their activities, and places of worship.⁹ “[A]ll religious groups, including Buddhist groups, [must] . . . submit applications to the Ministry . . . if they wish to construct places of worship and conduct religious activity.”¹⁰ On the application, religious “groups must state clearly their religious purposes and activities.” There is no penalty if a group does not register with the Ministry, and in practice, some fail to do so.¹¹

Notably, however, all religious groups are forbidden “from insulting other religious groups, creating disputes, or undermining national security.”¹² Additionally, in June 2007, the MCR reissued restrictions on proselytizing (from 2003), which “banned door-to-door activities, using loudspeakers, or providing material incentives for conversion”¹³ According to reports, that prohibition does not apply to Buddhists, but mainly to evangelical Christians. On the other hand, the Government encouraged humanitarian activities by these groups, and Christian groups have stated they were not seriously affected by the restrictions.¹⁴

“The Directive on Controlling External Religions requires registration of places of worship and religious schools.”¹⁵ The Government must approve new construction of places of worship. “Places of worship must be located at least 2 kilometers from each other and may not be used for political purposes or to house criminals or fugitives from the law.”¹⁶ The distance requirement applies only to new construction, not existing places of worship or offices of religious organizations.¹⁷ The order also “requires that religious teachings respect other religious groups.”¹⁸

II. RECENT RELIGIOUS PERSECUTION OR DISCRIMINATION REPORTS

A. United States Government Reports

Ninety-three percent of the Cambodian population is Theravada Buddhist, five percent is Muslim, and two percent is Christian.¹⁹ According to the U.S. Department of State’s *International Religious Freedom Report 2008* on Cambodia, the Cambodian Government “generally respect[s] religious freedom in practice.”²⁰

In August 2007, a Christian group had difficulty obtaining approval from the Ministry of Cults

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* § II.

and Religions for a weekend-long religious convention in Phnom Penh.²¹ Although the Ministry of Cults and Religious Affairs refused to grant approval, the Ministries of Interior and Education both provided written permission for the convention.²² Police closed down the convention on August 10, 2007 and again on August 11. The group then moved to a small church in Phnom Penh.²³ In Battambang, a similar event was shut down; however, two “Christian gatherings in Kampong Cham and Kampong Thom took place as planned.”²⁴ During these events, there were no reports of violence by the Government or the religious groups.²⁵

The U.S. Department of State reported that for the period of 2007–2008, there were no reports of religious detainees or prisoners, or forced religious conversion in Cambodia.²⁶ Nor did religious groups have significant difficulty obtaining approval for new construction of places of worship.²⁷ And, “unlike in previous years, the Government did not close any madrassahs (Islamic schools).”²⁸

B. Reports from Human Rights Organizations

As stated above, the Ministry of Cults and Religions banned door-to-door evangelism in 2007. Although the U.S. Department of State reported that Christians had not been adversely affected by the restriction, the Voice of the Martyrs for Canada reported differently: “Government officials said that the ruling was aimed at reducing Christian evangelical influence throughout the largely Buddhist country amid allegations of believers using gifts to convert children.”²⁹

The human rights organizations—Human Rights Watch,³⁰ Amnesty International,³¹ and Voice of the Martyrs³²—reported no *recent* incidents of religious persecution. The Voice of the Martyrs for Canada did find that on April 28, 2006, local Buddhists destroyed a partially built church in Boeng Krum Leu.³³ Local sources have indicated it was “only” 700 meters of a pagoda, which was seen as a provocation. As they tore down and burned the building, the villagers shouted, “Destroy the Church,” and “Long live Buddhism.”³⁴ The police gave the culprits “a lecture on the laws governing religious freedom and the two sides . . . [came] to a peaceful agreement.”³⁵

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Christian Evangelism Banned in Cambodia, THE VOICE OF THE MARTYRS: CANADA, July 18, 2007, <http://www.persecution.net/kh-2007-07-18.htm>.

³⁰ Human Rights Watch, <http://www.hrw.org/> (last visited Apr. 8, 2009).

³¹ Amnesty International, <http://www.amnesty.org/> (last visited Apr. 8, 2009).

³² Persecution.com, The Voice of the Martyrs, <http://www.persecution.com/> (last visited Apr. 8, 2009).

³³ *Partially Built Church Destroyed by Cambodian Villagers*, THE VOICE OF THE MARTYRS: CANADA, May 3, 2006, <http://www.persecution.net/kh-2006-05-03.htm>.

³⁴ *Id.*

³⁵ *Id.*

At the time, there were only twenty to thirty Christians leaving in the village,³⁶ they did not complain, nor requested compensation.

On January 6, 2008, a Catholic Church has been inaugurated, in Boeung Tum Pun, a district of Phnom Penh. This is the first church built and consecrated in the capital since the time of the Khmer Rouge, which saw the extermination and deportation of several million people.

³⁶ *Id.*