

Senator the Hon. Marise Payne
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13 August 2020

Arrest of Rong Chhun, President of the Cambodian Confederation of Unions

Dear Minister

I write to you on behalf of the Australian union movement to condemn the recent arrest of Rong Chhun, President of the Cambodian Confederation of Unions (CCU), and to express alarm at the deteriorating human rights situation in Cambodia.

CCU is an important trade union confederation in Cambodia and an affiliate of the International Trade Union Confederation (ITUC), to which the ACTU is also affiliated. Rong Chhun is the ex-President of the Cambodian Independent Teachers' Association (CITA), the current chair of the ITUC Cambodian Council, and one of the most outspoken unionists in Cambodia.

On Friday 31 July 2020, Rong Chhun was arrested at his home, after the government's Cambodia Border Affairs Committee called on authorities to take action against the union leader for his comments following a visit to the Cambodia-Vietnam border on 20 July. Rong Chhun has been charged under article 495 of the criminal code with inciting social unrest and is now being held in pre-trial detention. The charge – which could see him sentenced for up to two years in prison – is a clear violation of the right to freedom of expression.

We note with concern that Rong Chhun's arrest took place against the background of his recent trade union activities, including campaigning for the release of four members of CITA who were arrested and detained by the authorities for making comments on public health issues and holding online classes for students during school closures, and for urging the government to make improvements on human rights and democracy before the Everything But Arms trade preference is due to be withdrawn.

Rong Chhun's case is just the latest example of the increasing repression of dissent in Cambodia. The Cambodia Fundamental Freedoms Monitor noted in their report from April 2019-March 2020¹ that the Royal Government of Cambodia regularly utilised the country's laws to impinge on the fundamental freedoms of association, expression, and assembly, in violation of international human rights law.

The most recent report² by the UN Special Rapporteur on the situation of human rights in Cambodia noted the suppression of political rights and made a number of recommendations that have not yet been

¹<https://cchrcambodia.org/admin/media/report/report/english/Fourth%20Annual%20Report%20of%20the%20Cambodia%20Fundamental%20Freedoms%20Monitor%202019-.pdf>

²<https://cambodia.ohchr.org/sites/default/files/Annual-reports/2019%20Report%20of%20the%20Special%20Rapporteur%20on%20the%20situation%20of%20human%20rights%20in%20Cambodia.pdf>

implemented:

- e) Allow civil society organisations to undertake activities at the subnational level without harassment and surveillance or any undue restrictions;
- f) Allow peaceful demonstrations in compliance with the Law on Peaceful Demonstration and its implementing guidelines and stop the excessive use of force when policing assemblies;
- g) Launch a participatory process, including consultation with civil society organisations, to review and amend, as necessary, the Law on Political Parties, the Law on Associations and Non-Governmental Organisations, the Trade Union Law and the Telecommunications Law to bring them into line with international human rights standards.

We are alarmed that the Cambodian government appears to be using the COVID-19 crisis to further restrict human rights and dissent. In April, the Cambodian government used the COVID-19 pandemic to adopt a draconian state of emergency law that gives authorities broad and unfettered powers to restrict freedom of expression, peaceful assembly, and freedom of association. In addition, we are deeply concerned that the draft Public Order Law announced on 15 June will further curtail human rights. The proposed law includes provisions dictating how people should present themselves publicly that would let Cambodian police fine people deemed to be dressed inappropriately. This law could put women at further risk of sexual discrimination, harassment and violence; in particular women working in the entertainment and hospitality industries could be discriminated against.

We have written to Prime Minister Hun Sen to call on his government to immediately release Rong Chhun and the other trade unionists detained for exercising their right to free expression, and drop all charges against them. We have also called on the Cambodian Government to uphold its obligations under international human rights law and implement the recommendations of the UN Special Rapporteur.

We urge the Australian Government to use all possible leverage to end the violations of human and trade union rights in Cambodia. We request the Australian Government to urgently raise Rong Chhun's case and the deteriorating human rights situation directly with the Cambodian government, and through the Australian Government's position on the UN Human Rights Council.

The ACTU will continue to stand in solidarity with Cambodian unionists and will closely monitor the human rights situation in Cambodia.

Yours sincerely



Michele O'Neil

President