

# Cambodia Fundamental Freedom Monitor

## 2022 Annual Report



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The Fundamental Freedoms Monitoring Project

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freedoms continue to deteriorate as multiple incidents in which individuals were physically or juridically harassed for exercising their rights were recorded by the FFMP project team (**Key Finding Two**). The understanding of fundamental freedoms remains low, and fears of repercussions when exercising fundamental freedoms persists (**Key Finding Three**). Finally, cooperation between the RGC and CSOs/TUs remained low, as CSOs/TUs are not seen as competent partners in the decision and law-making processes (**Key Finding Four**).

**Key Finding One: The enactment of the *Sub-Decree on the Management and Use of National Domain Names on the Internet* restricts the freedom of expression and does not comply with international law.**

On 31 December 2021<sup>3</sup>, the RGC enacted the *Sub-Decree on the Management and Use of National Domain Names on the Internet* and the findings highlighted three main issues with the new decree:

- There is a lack of clarity as to which entities are required to register a national domain name. More precise language is needed to ensure that the Sub-Decree is not open to various interpretations and, thus, to arbitrary or inconsistent enforcement by authorities.
- The Sub-Decree restricts freedom of expression by prohibiting website content. Article 11 of the Sub-Decree stipulates that entities that have registered their domain names cannot use them to communicate information that affects “*culture, morality, traditions, customs, individual rights, consumer rights, public legal interests, national security, or social order,*” thus amounting to a restriction of the freedom of expression. The imprecise language and the unclear content of the Sub-Decree are open to various interpretations and vulnerable to arbitrary or disproportionate enforcement by the authorities. For example, the registrability of the domain can only be determined by the RGC, which has the power to remove a legal entity’s domain name registration.
- The Sub-Decree restricts freedom of expression by prohibiting some domain names. Article 8.D of the Sub-Decree provides that domain names “*harming morality, tradition, religion and contravening the laws and applicable regulations*” are unregistrable. This could prevent entities from freely choosing their domain names and therefore appears to unduly restrict the right to freedom of expression.

**Key Finding Two: Fundamental freedoms continue to deteriorate.**

Data from Key Milestone Two reveals that fundamental freedoms continued to deteriorate in Cambodia. Of the 566 incidents<sup>4</sup> related to the exercise of fundamental freedoms, 209 included at least one restriction (up by 125% compared to 2021),<sup>5</sup> and 354 others included at least one violation (up by 43% compared to 2021). Authorities increasingly harassed individuals exercising their fundamental freedoms compared to prior years. Most of the restrictions imposed on fundamental freedoms –did not comply with international human rights standards and targeted political dissent, individuals advocating for better labor conditions, and social media users who criticized the government. For instance, on 29 August, the Ministry of Information announced that media outlets

<sup>3</sup> Although the Sub-decree came into force on 31 December 2021, the FFMP project team conducted a legal analysis of this law in 2022.

<sup>4</sup> The term incident refers to a case in which a violation, restriction or protection of one of the three fundamental freedoms was recorded.

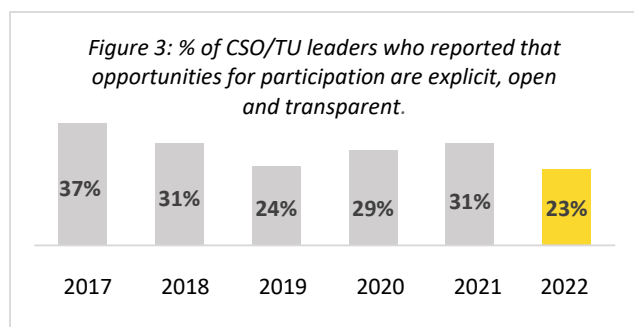
<sup>5</sup> The difference between restriction and violation of a right is that a restriction can be legally permissible under certain circumstances, while a violation *prima facie* contravenes international legal standards. For example, to determine whether a restriction to freedom of expression constitutes a violation, the FFMP examines whether that restriction fails the three-part test outlined in Article 19 of the ICCPR. If the restriction fails the three-part test, it is deemed a violation.

will have their licenses revoked if they use abusive language.<sup>6</sup> And On 24 May, a group of 106 NagaWorld strikers was violently confronted by authorities as they attempted to resume their peaceful strike in front of the casino. One striker was slapped across the face, while another was punched in the stomach. Other strikers were dragged and pushed into buses which, as usual, took the strikers to the outskirts of Phnom Penh where they were dropped off.<sup>7</sup>

**Key Finding Three: Understanding of the fundamental freedoms remains low and fears of repercussions when exercising the fundamental freedoms persist.**

The public’s knowledge of fundamental freedoms and the relevant legal framework governing these rights has remained steady compared to previous years. Understanding fundamental freedoms is essential to the exercise of human rights, prevention of gross violations, and access to accountability. The percentage of people who fully understand each fundamental freedom remains low (10% for freedom of assembly, 12% for freedom of expression, and only 5% for freedom of association). Additionally, many Cambodians continue to fear repercussions when exercising fundamental freedoms, with 68% of respondents<sup>8</sup> of the public poll reporting that have self-censor, 12% rarely do so, and only 7% never self-censor. On a positive note, the data from 2022 suggests an increase in the proportion of women who feel free to participate in political life. Finally, although the poll records an increase in the percentage of respondents who feel free to join a peaceful protest, individuals overall still feel hesitant to join peaceful gatherings, with 25% of the respondents feeling somewhat unfree, and 3% feeling very unfree to join a peaceful gathering. Despite some improvement from previous years, the results show individuals still do not feel completely free to exercise their right to freedom of assembly, perhaps due to fear of interferences or reprisals.

**Key Finding Four: CSOs/TUs are still not recognized as meaningful stakeholders by the RGC.**



Cooperation between the RGC and CSOs/TUs remained low, as they are not seen as competent partners in the decision and law-making processes by the RGC. CSOs and TUs are typically not aware of opportunities to partner with the RGC in relevant decision-making processes, showing a narrow space for interaction and pluralistic participation. Data

gathered during 2022 also shows that funding opportunities for CSOs and TUs are difficult to find and access. Finally, responses from the CSO/TU Leaders survey – conducted with 150 respondents representing 150 organizations from 20 provinces across the country highlight the difficulty organizations face when trying to access information held by public authorities. The difficulties encountered in accessing opportunities, funding, and information suggest that CSOs/TUs are not valued and considered meaningful stakeholders by the RGC.

<sup>6</sup> Duch Odom, "Ministry of Information warns to revoke media license using abusive language after Hun Sen's order," (VOD, 30 August 2022), <<https://www.vodkhmer.news/2022/08/30/moi-warns-to-revoke-media-license-using-abusive-language/>>.

<sup>7</sup> Sorn Chanratha, "Authorities crack down on NagaWorld strikers" (RFA, 24 May 2022) <<https://www.rfa.org/khmer/news/social-economy/authorities-continue-to-violently-crack-down-on-nagaworld-strikers-not-to-demand-a-solution-from-employer-05242022195807.html>>.

<sup>8</sup> This includes respondents stating they have "always", "regularly", or "sometimes" self-censored.

## Introduction

The Fundamental Freedoms Monitoring Project (FFMP), which began on 1 April 2016, is a multi-year project that monitors and examines the state of the three fundamental freedoms -- freedom of association, freedom of expression, and freedom of assembly<sup>9</sup>--in Cambodia. The FFMP tracks the exercise of these fundamental freedoms and their regulation in domestic law and policy by utilizing its Monitoring Tracking Tool (MTT). This report covers 2022, outlining key findings from 1 January 2022 to 31 December 2022. During the reporting period onward, the FFMP project adapted its report using calendar years.<sup>10</sup>

The FFMP aims to highlight the current state of fundamental freedoms in Cambodia by identifying trends related to the legal environment and the exercise of these freedoms. The MTT provides a balanced and objective framework for monitoring the state of fundamental freedoms in Cambodia with a particular focus on civil society and civic participation and partnership with the Royal Government of Cambodia (RGC). The MTT systematically assesses whether, and to what extent, these fundamental freedoms are guaranteed and exercised in Cambodia.

The MTT is comprised of 152 individual elements that correspond to four 'Key Milestones' (KMs), which examine whether:

**KM1:** The legal framework for fundamental freedoms meets international standards;

**KM2:** The legal framework for fundamental freedoms is adequately implemented and enforced;

**KM3:** Individuals understand fundamental freedoms and feel free to exercise them; and,

**KM4:** Civil society organizations (CSOs) and trade unions (TUs) are recognized and can work in partnership with the Royal Government of Cambodia (RGC).

During 2022, the FFMP used six data collection methods to measure the Key Milestones: Media Monitoring,<sup>11</sup> Incident Reports,<sup>12</sup> a desk review of the relevant laws (Desk Review),<sup>13</sup> a TU Registration Evaluation Tool,<sup>14</sup> a Public Poll<sup>15</sup> conducted with Cambodian citizens from 25 provinces across the country, and a survey of CSO and TU leaders (CSO/TU Leader Survey<sup>16</sup>). The following report analyzes the key findings and trends based on the data collected during 2022.

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<sup>9</sup> For the purposes of this report – comprise the freedom of association, freedom of expression and freedom of assembly. The FFMP adopts the definition of “association” used by the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

<sup>10</sup> In previous reports, Year one referred to 2016, Year two referred to 2017, Year three referred to 2018, Year four referred to 2019, Year five referred to 2020, Year six referred to 2021.

<sup>11</sup> Media Monitoring is carried out daily by CCHR. It focuses on media releases and newspaper coverage of fundamental freedoms and is governed by a set of Media Monitoring Guidelines which are based upon the MTT.

<sup>12</sup> Incident Reports are collected through a form developed to capture restrictions of freedom of association and related rights against individuals or associations.

<sup>13</sup> The Desk Review is an expert analysis of Cambodian laws, policies, reports and other official documents that assesses the degree to which legal guarantees and other conditions are in place to ensure the protection of fundamental freedoms.

<sup>14</sup> The Trade Union Registration Evaluation Tool records the experiences of TU representatives as they attempt to register their unions under the Law on Trade Unions.

<sup>15</sup> The Public Poll aims to gauge the general public’s sentiment towards the fundamental freedoms. The Public Poll for 2022 was conducted in Khmer from 1 November to 31 December 2022.

<sup>16</sup> The CSO/TU Leader Survey is conducted on an annual basis online and through face-to-face interviews to capture the beliefs and experiences of CSO and TU leaders in relation to their ability to exercise the fundamental freedoms. In 2022, the Survey was conducted from 27 September to 30 October 2022.

## 1.Key Milestone One: Does the legal framework for fundamental freedoms meet international standards?

Key Milestone One examines the extent to which Cambodia’s legal framework complies with international human rights law governing fundamental freedoms.<sup>17</sup> On 31 December 2021, the Royal Government of Cambodia (RGC) enacted the *Sub-Decree on the Management and Use of National Domain Names on the Internet*, which restricts the freedom of expression and does not comply with international law.

Cambodia has ratified the International Covenant on Civil and Political Rights (ICCPR), which has authoritative status in Cambodian law by virtue of Article 31 of the Constitution.<sup>18</sup> For a restriction of the freedom of expression, freedom of assembly, or freedom of association to be permissible under international law, the restriction must comply with the three-part test articulated in Article 19, Article 21, or Article 22 of the ICCPR, respectively.

ICCPR article	Three-part test
<b>Article 19: Freedom of expression</b>	To be permissible under international human rights law, any restriction to the freedom of expression must be: <ol style="list-style-type: none"> <li>1) provided by the law with sufficient clarity and accessibility;</li> <li>2) for the respect of the rights or reputations of others or the protection of national security, public order, public health, or morals; and</li> <li>3) necessary and proportionate to the aim.<sup>19</sup></li> </ol>
<b>Article 21: Freedom of assembly</b>	To be permissible under international human rights law, any restriction to the freedom of assembly must be: <ol style="list-style-type: none"> <li>1) imposed in conformity with the law with sufficient clarity and accessibility;</li> <li>2) in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others; and</li> </ol>

<sup>17</sup> The findings in Key Milestone One are primarily based on the Desk Review. The Desk Review analyzes the extent to which the domestic legal framework related to fundamental freedoms complies with international human rights law and standards, derived from relevant international treaties and international standards as interpreted by the United Nations (UN) Human Rights Committee and UN Special Rapporteurs. In this report, ‘international human rights law and standards’ refers to international human rights law and standards related to fundamental freedoms, namely freedom of association, freedom of assembly, and freedom of expression, derived from the international treaties to which Cambodia is a party. Article 31 of the Constitution of Kingdom of Cambodia gives constitutional status to the human rights contained in the UN Charter, the Universal Declaration on Human Rights, and the covenants and conventions related to human rights, women’s rights and children’s rights. The decision of Cambodia’s Constitutional Council on 10 July 2007 authoritatively interpreted Article 31 of the Cambodian Constitution as meaning that international treaties ratified by Cambodia are directly applicable in domestic law. See Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007). The treaties ratified by Cambodia include inter alia the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child. In addition to these treaties, the FFMP also uses international standards as interpreted by the UN Human Rights Committee, and by UN Special Rapporteurs

<sup>18</sup> Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007) p.2, [https://ccc.gov.kh/detail\\_info\\_en.php?txtID=453](https://ccc.gov.kh/detail_info_en.php?txtID=453).

<sup>19</sup> ICCPR, Article 19(3); UN Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, CCPR/C/GC/34 (12 September 2011) para 25, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

	3) necessary in a democratic society and proportionate to the aim. <sup>20</sup>
<b>Article 22: Freedom of association</b>	To be permissible under international human rights law, any restriction to the freedom of association must be: <ol style="list-style-type: none"> <li>1) provided by the law with sufficient clarity and accessibility;</li> <li>2) in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others; and</li> <li>3) necessary and proportionate to the aim.<sup>21</sup></li> </ol>

The *Sub-Decree on Management and Use of National Domain Names on the Internet* (Sub-Decree) was adopted on 31 December 2021. A domain name is a website’s unique address associated with a physical Internet Protocol (IP) address.<sup>22</sup> A domain name is usually an easy-to-remember name that helps Internet users find a website straightforwardly. It consists of a website name and an extension (such as .com or .net) called a top-level domain (TLD). TLDs attached to a country (such as .fr for France or .kh for Cambodia) are called country code TLDs (ccTLDs) or national domains. The government of the country that the ccTLD represents is not formally required to be involved in the management of the ccTLD, but it can be.<sup>23</sup> The Cambodian country code .kh is managed by the Telecommunication Regulator of Cambodia (TRC).<sup>24</sup> While the TRC’s website mentions it is an “independent institution,” its gov.kh domain name designates it as a governmental institution.<sup>25</sup>

According to the Internet Corporation for Assigned Names and Numbers, the management of a ccTLD is almost entirely a local matter, in line with the principle of subsidiarity.<sup>26</sup> Governments must, however, comply with their domestic and international human rights obligations when adopting legislation or enforcing decisions that impact the management of ccTLDs.<sup>27</sup>

The Sub-Decree names the Ministry of Post and Telecommunications (MPTC) and the TRC as the two authorities in charge of managing and regulating the use of national domain names. The Sub-Decree determines what national domain names can be used, regulates the use of national domain names, and requires some entities to register their domain names. The rules set out in the Sub-Decree appear to unduly restrict freedom of expression.

### **1.1 Lack of clarity as to which entities are required to register a national domain name**

Article 7 of the Sub-Decree stipulates that *“legal persons registered in the Kingdom of Cambodia shall provide electronic addresses containing national domain names [...] at the annual declaration*

<sup>20</sup> UN Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, A/HRC/31/66 (4 February 2016) para. 30, <https://undocs.org/A/HRC/31/66>.

<sup>21</sup> ICCPR, Art. 22.

<sup>22</sup> Hostinger, “What Is a Domain Name? A Beginner-Friendly Guide”, <https://www.hostinger.com/tutorials/what-is-a-domain-name>.

<sup>23</sup> Internet Corporation for Assigned Names and Numbers (ICANN), “Frequently Asked Questions about Country Code Top Level Domains”, <https://ccnso.icann.org/sites/default/files/field-attached/cctld-agenda-faqs-19oct17-en.pdf>, p.4; ICNL, Legal analysis of Cambodia’s Sub-Decree on National Domain Names (22 June 2022).

<sup>24</sup> Internet Assigned Numbers Authority, “Root Zone Database”, <https://www.iana.org/domains/root/db>; ICNL, Legal analysis of Cambodia’s Sub-Decree on National Domain Names (22 June 2022).

<sup>25</sup> See Art. 5.C of the Sub-Decree. The TRC’s website is: <https://trc.gov.kh/en/>.

<sup>26</sup> Internet Corporation for Assigned Names and Numbers (ICANN), “Frequently Asked Questions about Country Code Top Level Domains”, <https://ccnso.icann.org/sites/default/files/field-attached/cctld-agenda-faqs-19oct17-en.pdf>, p.5.

<sup>27</sup> ICNL, Legal analysis of Cambodia’s Sub-Decree on National Domain Names (22 June 2022).



*concerning the status of the company at the Ministry of Commerce.*” This Article implies that legal persons that register at the Ministry of Commerce – meaning for-profit companies<sup>28</sup> – are required to have and register a national domain name. Whether this requirement applies to other entities is unclear.

Article 6 provides that *“ministries and governmental institutions which intend to use the national domain name [...] shall submit an application to TRC.”* The use of the term “intend” suggests that having a national domain name is not mandatory for ministries and governmental institutions. However, Article 22 seems to articulate the opposite, as it requires ministries and governmental institutions that are using other domain names to change them to national domain names within twelve months of this Sub-Decree coming into effect.<sup>29</sup>

As for entities other than for-profit companies, ministries, and governmental institutions, they appear to be covered by Article 9, which stipulates that *“any person who intends to use national domain name can file an application with TRC through an automated system or with the registrar.”* Once more, the use of the term “intend” implies – perhaps erroneously, like for ministries and governmental institutions – that having a national domain name is not mandatory for these other entities.

More precise language is needed to ensure that the Sub-Decree is not open to various interpretations and, thus, to arbitrary or inconsistent enforcement by authorities.<sup>30</sup> In its current version, the Sub-Decree is not sufficiently clear to allow entities other than for-profit companies, ministries, and governmental institutions to understand whether they are required to register a national domain name.

## **1.2 The Sub-Decree restricts freedom of expression by prohibiting website content**

The fact that for-profit companies, ministries, and governmental institutions – and possibly other entities such as associations, organizations, and trade unions – are required to register a national domain means that, as registrants, they are subject to obligations contained in the Sub-Decree. These obligations restrict their ability to impart information, a key component of the freedom of expression, and do not appear to be in compliance with international standards around the freedom of expression. Article 11 of the Sub-Decree stipulates that entities that have registered their domain names cannot use them to communicate information that affects *“culture, morality, traditions, customs, individual rights, consumer rights, public legal interests, national security, or social order,”* thus amounting to a restriction of the freedom of expression.

The terms *“culture, morality, traditions, customs, individual rights, consumer rights, public legal interests [and ...] social order”* are highly subjective, making it difficult for registrants to clearly understand what content would be in breach of Article 11, and thus preventing them from tailoring

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<sup>28</sup> Civil society organizations register with the Ministry of Interior, while other types of legal entities register with other ministries.

<sup>29</sup> Art. 22 of the Sub-Decree: *“All ministries and governmental institutions that are using other domain names and/or are storing data outside the Kingdom of Cambodia shall change to use national domain names and transfer the data to store in the Kingdom of Cambodia within 12 (twelve) months after this Sub-Decree comes into effect unless otherwise stated by the Government”.*

<sup>30</sup> The need for clarity as to which entities are required to register a national domain name is exemplified by the fact that, despite the language of the Sub-Decree suggesting that registration is not mandatory for entities other than for-profit companies, ministries and governmental institutions, interviews conducted by ICNL reveal that several Cambodian civil society organizations have been told by officials that they are required to have a national domain name and must register for one.

their conduct to ensure compliance with their obligations as registrants. As for the specific reference to “national security,” the Human Rights Council has explicitly stated that “vague and overbroad justifications, such as unspecific references to “national security,” do not qualify as adequately clear laws.”<sup>31</sup>

Article 11, therefore, fails to meet the first prong of Article 19’s three-part test, which requires that a law prescribing restrictions to fundamental freedoms meet a certain level of clarity. Considering the broadness and ambiguity of these terms, nearly all content – including innocuous content – could be deemed to affect “culture, morality, traditions, customs, individual rights, consumer rights, public legal interests, national security, or social order.” Article 11 thus effectively permits the RGC – through telecommunications authorities – to arbitrarily decide when national domain names are used for improper reasons and to punish the entities using these national domain names, in violation of the freedom of expression.

Article 15, read in conjunction with Article 4, provides that failure to comply with the obligations of Article 11 could result in the deletion, by the TRC, of the entity’s domain name from the national domain name management system. When it comes to for-profit companies whose legal status is contingent upon having a registered national domain name,<sup>32</sup> this sanction could mean they would no longer be able to operate legally in Cambodia. Due to the severe consequences it could have, this penalty appears to be excessive, especially considering less severe measures could be implemented to pursue one of Article 19’s legitimate aims. Article 15 thus violates the requirement that restrictions must be necessary and proportionate to achieve a legitimate aim, under the third prong of Article 19’s three-part test.

### **1.3 The Sub-Decree restricts freedom of expression by prohibiting some domain names**

Article 8.D of the Sub-Decree provides that domain names “harming morality, tradition, religion and contravening the laws and applicable regulations” are unregistrable. Domain names are a way for entities to ensure their website is easily found by web users. As such, a domain name might contain a combination of keywords to create a unique, creative name that can tell users and search engines what the website is about and can be a means of expression in itself. By prohibiting domain names that affect “morality, tradition, and religion,” the Sub-Decree could prevent entities from freely choosing their domain names. It, therefore, appears that Article 8.D unduly restricts the freedom of expression.

The terms “morality” and “tradition” are not sufficiently precise to prevent their subjective interpretation. The TRC could broadly interpret these terms to justify its refusal to grant an entity the domain name it has chosen. Due to its use of ambiguous terms, this provision violates the first prong of Article 19’s three-part test, which requires that a law prescribing restrictions on the freedom of expression meet a certain level of clarity.

As for the reference to “religion,” this also seems to be problematic. The Human Rights Committee has previously found that prohibiting the expression of a lack of respect for a religion is incompatible with the ICCPR,<sup>33</sup> provided that such expression does not amount to “advocacy of [...] religious hatred

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<sup>31</sup> UN Human Rights Council, The right to privacy in the digital age, A/HRC/39/39 (3 August 2018) para 35, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/239/58/PDF/G1823958.pdf>.

<sup>32</sup> Article 7 of the Sub-Decree.

<sup>33</sup> UN Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, CCPR/C/GC/34 (12 September 2011) para 48, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

*that constitutes incitement to discrimination, hostility or violence.*<sup>34</sup> In other words, the prohibition of domain names “*harming*” religion is too broad, and not in compliance with international standards on freedom of expression.

Adding to these concerns is the fact that the responsibility of determining which national domain names are prohibited lies with the TRC, a governmental institution. Therefore, the Sub-Decree requires entities to come up with a domain name whose registrability can only be determined by the RGC. This raises concerns that the RGC could abuse the undue discretion it enjoys to refuse domain names for arbitrary reasons, thus censoring the entities that submitted them and infringing on their freedom of expression.

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<sup>34</sup> ICCPR, Art. 20, para. 2.

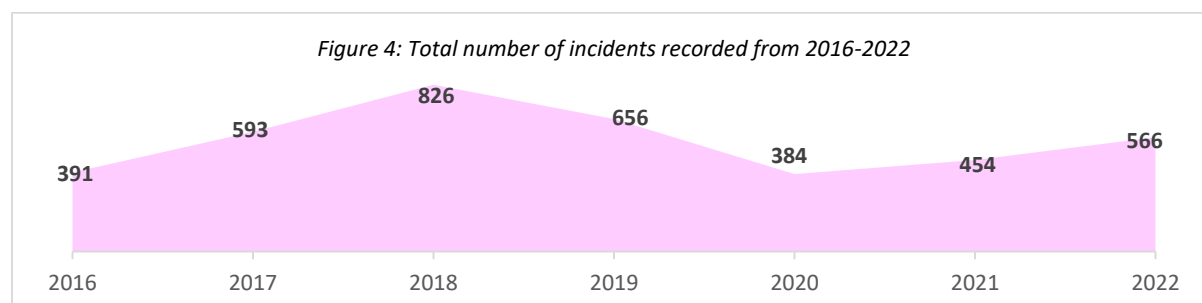
## 2. Key Milestone Two: Is the legal framework for fundamental freedoms properly implemented and enforced?

Key Milestone Two examines the extent to which the domestic legal framework for fundamental freedoms is properly implemented and enforced.<sup>35</sup> For individuals to enjoy their fundamental freedoms, it is not enough for the domestic legal framework to comply with international human rights law and standards. Laws affecting fundamental freedoms must be implemented according to the letter of the law and applied in a consistent, non-arbitrary manner.

**Key findings:** Data from Key Milestone Two reveals that fundamental freedoms continued to deteriorate in Cambodia in 2022. Authorities increasingly harassed individuals exercising their fundamental freedoms. Moreover, most of the restrictions imposed on fundamental freedoms did not comply with international human rights standards. Political dissent, individuals advocating for better labor conditions, and social media users who criticized the government were mostly targeted by the RGC.

### 2.1 Restrictions or Violations of Fundamental Freedoms

Number of incidents involving restrictions or violations of fundamental freedoms



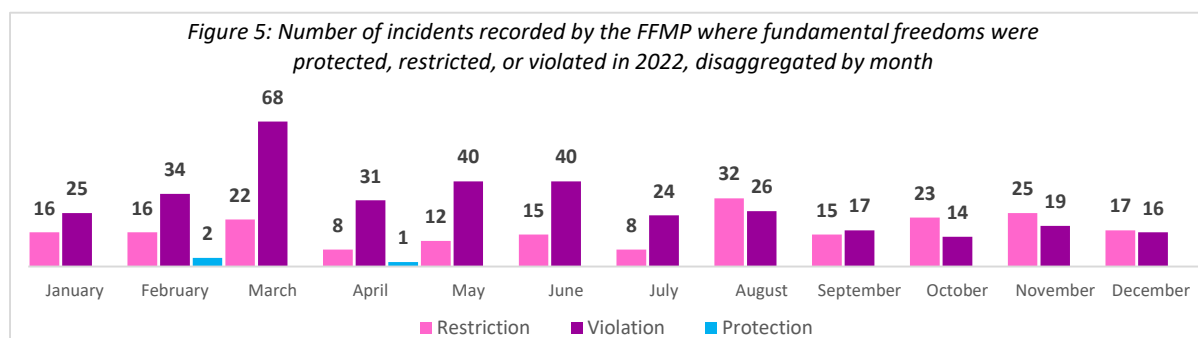
Throughout 2022, the FFMP recorded 566 incidents<sup>36</sup> related to the exercise of fundamental freedom (Figure 4); only three of these protected fundamental freedoms (Figure 1). 209 of these incidents included at least one restriction (up by 125% compared to 2021),<sup>37</sup> and 354 others included at least one violation (up by 43% compared to 2021). These figures point to a worrisome trend where restrictions and violations of fundamental freedoms continue to raise to pre-COVID (2020) levels. Additional trends appear to occur in a five-year cycle. Firstly, in 2016 and 2020, the years in which there were no elections, a lower number of incidents were observed when compared to other years. Comparatively, 2017 and 2022, the years of the Commune Elections, observed similar high figures of 593 and 566 incidents respectively. Finally, it can be observed that 2018, the year of the last national

<sup>35</sup> Findings in this Key Milestone are based on data collected from Media Monitoring, Incident Reports, Public Poll, CSO/TU leaders survey, and Focus Group discussions.

<sup>36</sup> The term incident refers to a case in which a violation, restriction or protection of one of the three fundamental freedoms was recorded.

<sup>37</sup> The difference between restriction and violation of a right is that a restriction can be legally permissible under certain circumstances, while a violation prima facie contravenes international legal standards. For example, to determine whether a restriction to freedom of expression constitutes a violation, the FFMP examines whether that restriction fails the three-part test outlined in Article 19 of the ICCPR. If the restriction fails the three-part test, it is deemed a violation.

election, had a significant increase in the number of incidents observed. It can therefore be expected that 2023, the year of the next national election, will demonstrate the same pattern and will record a higher number of incidents than 2022.



Most documented violations (238 incidents, or 67%) took place in the first six months, in the lead-up to, and aftermath of, the 5 June communal elections. The number of restrictions and violations<sup>38</sup> peaked in March 2022, with 19 out of 88 recorded incidents involving authorities targeting opposition political parties and candidates. Two candidates of the Candlelight Party were arrested for allegedly submitting false documents to register for the communal elections in Pursat province.<sup>39</sup> A candidate from the Cambodia National Love Party in Kandal Province was also arrested.<sup>40</sup> On 17 March, the Phnom Penh Municipal Court also sentenced 21 members, councilors, and activists of the Cambodia National Rescue Party to prison terms ranging from five to ten years.<sup>41</sup>

Furthermore, throughout March, laid-off and current workers of the NagaWorld casino organized regular, peaceful gatherings in Phnom Penh to demand just resolution to the labor dispute with their employer. Public and private security forces prevented workers from approaching the building and assaulted, arrested, and detained participants in the gatherings. In several instances, they also barred assembly monitors and journalists from covering the incidents and monitoring the authorities' response.<sup>42</sup>

<sup>38</sup> The total number of restrictions and violations is higher than the number of incidents involving a restriction or a violation because one incident can, and often does, include multiple restrictions.

<sup>39</sup> VOD Staff, "Candlelight Party Alleges More Intimidation, Small Party Candidate Denies Bribery" (VOD, 15 March 2022) <<https://vodenglish.news/candlelight-party-alleges-more-intimidation-small-party-candidate-denies-bribery/>>, Nath Sopheap, '2 Candlelight officials sent to court over forging document', (VOD, 14 March 2022) <<https://www.vodkhmer.news/2022/03/14/pursat-authorities-send-two-candlelight-party-candidates-to-court-involved-in-falsification-of-documents>>.

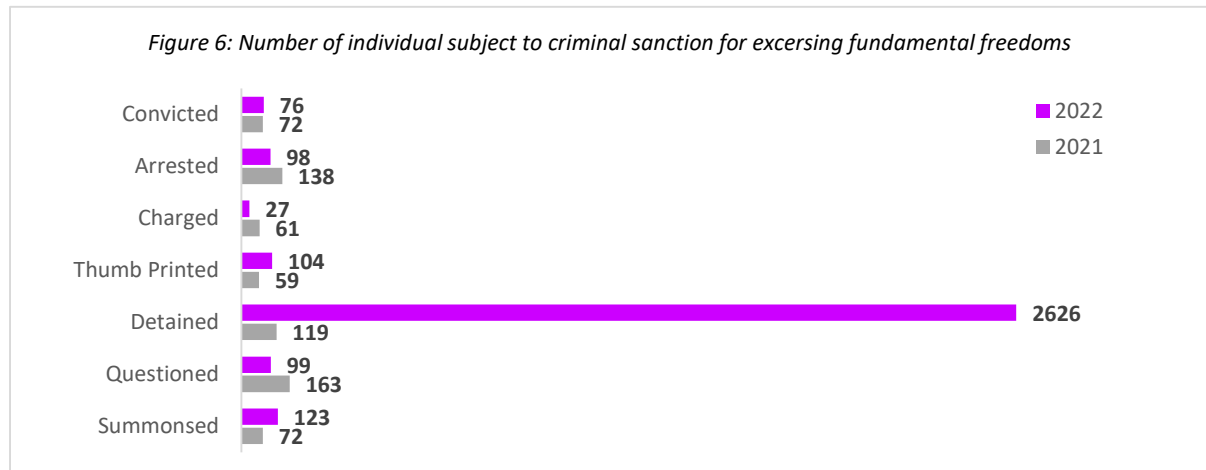
<sup>40</sup> Mao Sotheany, 'Ksach Kandal Police arrested one of Khmer Sralanh Cheat', (RFA, 05 March 2022) <<https://www.rfa.org/khmer/news/politics/kandal-authorities-arrested-candidate-for-chief-commune-of-cambodia-national-love-party-03052022183107.html>>.

<sup>41</sup> Khuon Narim, "21 Opposition politicians get between 5 and 10 years after 'unfair' trial" (Camboja, 17 March 2022) <<https://cambojanews.com/21-opposition-politicians-get-between-5-and-10-years-after-unfair-trial>>.

<sup>42</sup> Rithi, 'Authorities use violence against more than 100 NagaWorld strikers who continue to demand a solution' (RFA, 20 March 2022) <<https://www.rfa.org/khmer/news/human-rights/follow-up-the-nagaworld-strikers-peaceful-gathering-03202022123343.html>>, Khe Sonang, 'Authorities force NagaWorld strikers to get out of strike' (RFA, 27 March 2022) <<https://www.rfa.org/khmer/news/social-economy/authorities-continue-to-force-nagaworld-employees-to-stop-strikers-03272022035928.html>>, Keat Soriththeavy, 'NagaWorld protesters rounded up again, authorities pressure observers over photographs' (VOD, 11 March 2022) <<https://vodenglish.news/nagaworld-protesters-rounded-up-again-authorities-pressure-observers-over-photographs>>.

### 2.1.1 2022 experienced a significant increase in the detention of individuals exercising fundamental freedoms

2022 saw a noteworthy increase in the number of individuals detained by authorities, in addition to continued instances of arrest, conviction, and questioning of individuals exercising fundamental freedoms. In 2022, 2,626 cases of detention were recorded, a 2,107% increase from 2021. 2,553 of these cases (97%) involved laid off NagaWorld workers (see above)<sup>43</sup> who were held in buses and quarantine facilities and, on several occasions, briefly detained by security forces.<sup>44</sup> The remaining 73 detention cases involved members of the political opposition involved in communal elections, land and labor rights activists, and journalists.<sup>45</sup>



### 2.1.2 Restrictions and violations against fundamental freedoms focused on groups such as human rights defenders, political activists, and trade union workers<sup>46</sup>

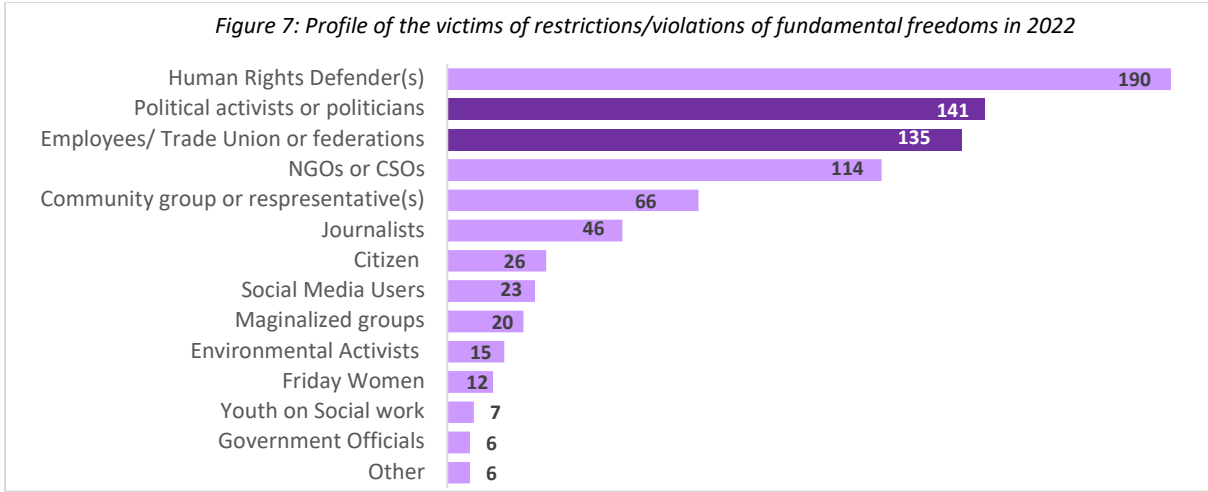
<sup>43</sup> Detention figures presented in this section include every single case of detention documented by FFMP, and do not reflect the actual number of people detained by security forces in 2022.

<sup>44</sup> Mao Sotheany, "Authorities continue to crack down on nearly 80 NagaWorld strikers" (RFA Khmer, 10 June 2022) <<https://www.rfa.org/khmer/news/social-economy/authorities-continue-to-crack-down-on-nagaworld-strikers-from-demanding-a-solution-near-the-company-building-06102022134903.html>>, Khoun Narim, "About 60 NagaWorld strikers detained for quarantine after resuming protest," (Camboja, 21 Feb 2022) <<https://cambojanews.com/about-60-nagaworld-strikers-detained-for-quarantine-after-resuming-protest/>>, Eugene Whong, "Cambodia detains more than 100 striking NagaWorld Casino workers" (RFA, 22 February 2022) <<https://www.rfa.org/english/news/cambodia/nagaworld-02222022165541.html>>.

<sup>45</sup> Nhem Sokhorn, 'Three Journalists Arrested, Released in Kampong Chhnang', (VOD, 22 April 2022) <<https://vodenglish.news/three-journalists-arrested-released-in-kampong-chhnang/>>, Ha Noi, 'Journalist arrested at the same day of World Press Freedom', (VOA, 02 May 2022) <<https://khmer.voanews.com/a/authorities-detain-journalist-as-civil-society-celebrates-world-press-freedom-day/6553696.html>>, Pa Sokheng, 'Journalist Alleges Threats After Filming Traffic Police Taking Money', (VOD, 14 April 2022) <[Journalist Alleges Threats After Filming Traffic Police Taking Money \(vodenglish.news\)](https://vodenglish.news/journalist-alleges-threats-after-filming-traffic-police-taking-money/)>.

<sup>46</sup> The total figure is greater than the total number of incidents, as some victims fall into multiple categories.

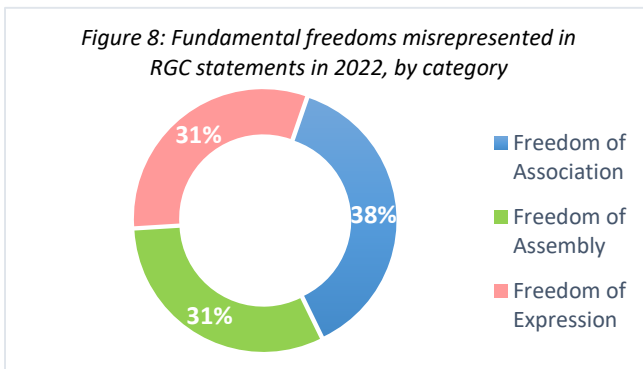
Figure 7: Profile of the victims of restrictions/violations of fundamental freedoms in 2022



Most restrictions/violations of fundamental freedoms in 2022 targeted human rights defenders (190 incidents), political activists or politicians (141), and workers/members of trade unions (135). 84 out of 135 incidents of restriction or violation against workers or members of trade unions were laid off NagaWorld workers (62%). 109 out of the 141 incidents against political activists involved members or supporters of the opposition Candlelight Party (77%). The RGC also targeted journalists and media outlets that covered sensitive topics involving the government, including revoking the licenses of media outlets Bayong Times, KCTV, and Cambodia Today.<sup>47</sup>

### 2.1.3 The RGC understanding about fundamental freedoms in public statements continued to be limited

Figure 8: Fundamental freedoms misrepresented in RGC statements in 2022, by category



In 2022, the RGC made 16 statements<sup>48</sup> in which it demonstrated its lack of understanding about the legal framework governing the three fundamental freedoms. In 38% of these cases (6 statements), the government misinterpreted the legal framework related to freedom of association, 31% (5 statements) involved freedom of expression, and 31% (5 statements) referred to the laws on freedom of assembly.

In addition, the FFMP did not record a single case in which the perpetrators of violations of fundamental freedoms were held accountable.

In April, Loeuk Dek district governor Am Thou defended a local policeman who detained citizen journalist Suon Vutha after he took videos of traffic officers taking bribes in Kandal Province. They threatened him with arrest and legal action, ordered him to delete the videos, and made him sign an agreement to stop engaging in such activities. *“If you sneak up and take photos, it means that you are*

<sup>47</sup> Nath Sopheap, 'Information Ministry Revokes Licenses for Three Digital Publications', (VOD, 16 March 2022) <<https://vodenglish.news/information-ministry-revokes-licenses-for-three-digital-publications>>.

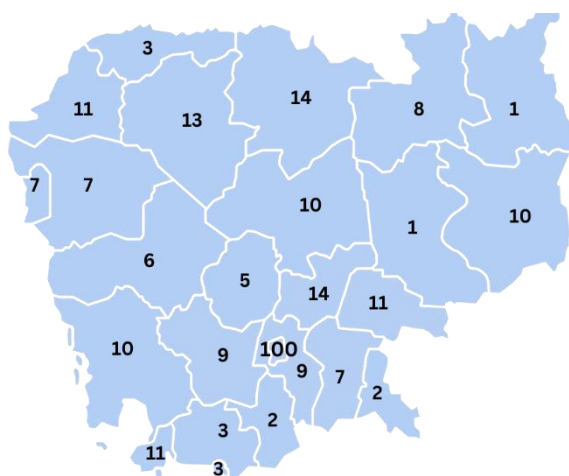
<sup>48</sup> Originally, the FFMP recorded 14 statements showing a that the RGC lacked an understanding of fundamental freedoms; in some cases, however, the statement misinterpreted one or more fundamental freedoms.

taking the negative points to do something bad [...],” Am Thou said.<sup>49</sup> This statement highlights the authorities’ lack of understanding of freedom of expression as they prohibited Suon Vutha from sharing information he had discovered. Such misunderstandings and the unnecessary repercussions that followed can instill fear of persecution and subsequent self-censorship, ultimately hindering one’s ability to speak and act freely.

On 27 June, public and private security forces (police forces, special services and the army) violently dispersed laid off workers marching towards the NagaWorld Casino to hold a peaceful gathering, injuring at least ten. Cambodian Human Rights Committee spokesman Kata Un accused the NagaWorld workers of holding an illegal rally and called the response “an educational measure,” stating: “In the case of illegal acts, the authorities have the right to use whatever measures are necessary to stop, disperse, or suppress the perpetrators.”<sup>50</sup> This statement reveals the authorities’ lack of understanding regarding the right to freedom of assembly as they perceived a peaceful gathering as an illegal action. Such perceptions and the violent treatment of people engaging in peaceful protests will likely discourage others from freely exercising their right to assembly. Such statements raise concerns for the protection and exercise of fundamental freedoms and perpetuate impunity for their violation or undue restriction.

## 2.2 Freedom of Association

Figure 9: Geographical mapping of incidents involving a restriction or violation of the right to freedom of association



In 2022, the FFMP recorded 277 restrictions to the right to freedom of association. 148 (53%) of these restrictions were impermissible under ICCPR Article 22, amounting to violations of the right to freedom of association.<sup>51</sup> Phnom Penh saw the highest number of incidents, many of which were related to the NagaWorld worker strike. (Figure 9).

<sup>49</sup> Pa Sokheng, “Journalist Alleges Threats After Filming Traffic Police Taking Money” (VOD, 14 April 2022) < <https://vodenglish.news/journalist-alleges-threats-after-filming-traffic-police-taking-money/> >.

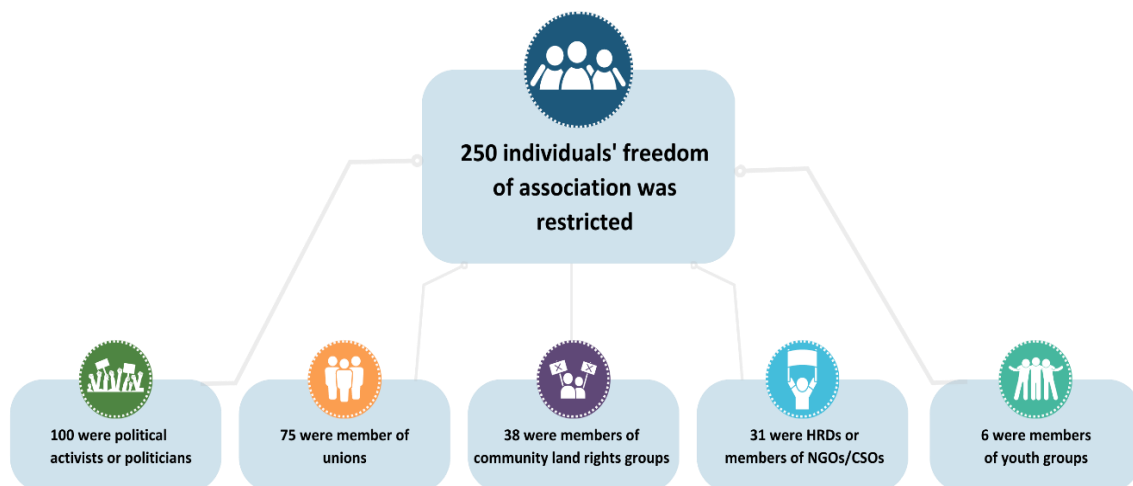
<sup>50</sup> So Chivi, “Phnom Penh Authorities Intensify Violent Suppression on NagaWorld Strike Women” (RFA Khmer, 27 June 2022) < <https://www.rfa.org/khmer/news/human-rights/authorities-firer-naga-world-strike-06272022050714.html> >.

<sup>51</sup> Article 22 of the ICCPR.



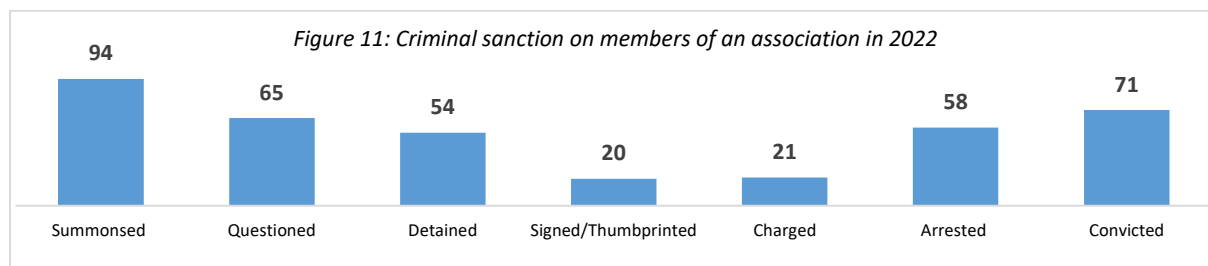
## 2.2.1 Restrictions to the right to freedom of association are often used to target political dissent

Figure 10: Type of association which freedom of association has been restricted



At least 250 individuals had their right to freedom of association restricted in 2022, suggesting a difficult environment for exercising this freedom. Of these, 100 (40%) were members of an opposition party, including 75 members of the Candlelight Party. In addition, several incidents related to the commune elections were recorded during 2022 particularly against members of opposition parties.

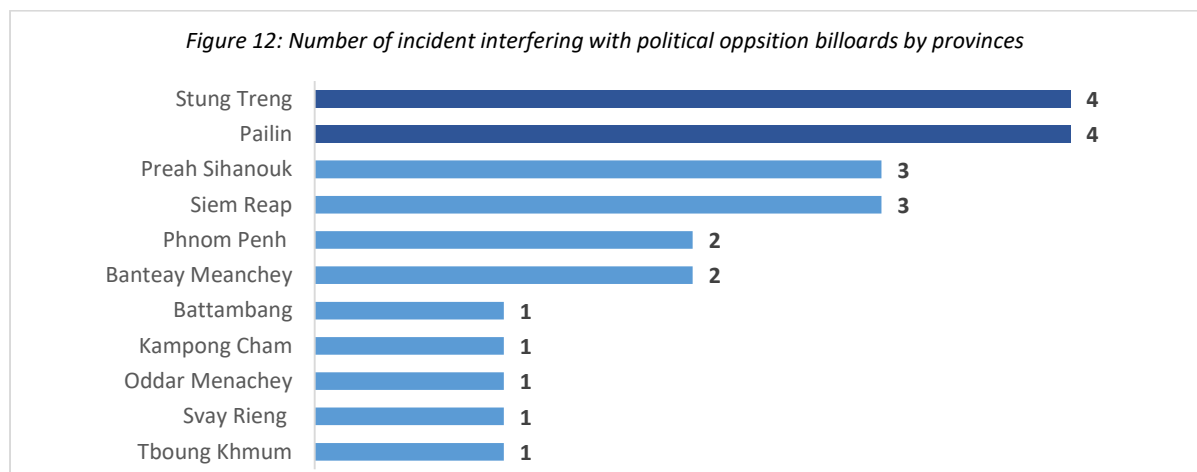
Example: On 1 November 2022, a Cambodian People’s Party commune chief in Ta Khmau municipality, Kandal Province forced Candlelight Party councilors Kong Narith and Long Seng Bun to give a thumbs-up on a petition condemning opposition figure Sam Rainsy. While the commune chiefs were participating on a meeting they denounced being pressured to support the condemnation petition. Both of them refused to sign the document.<sup>52</sup>



In 2022, the FFMP recorded 58 arrests, 71 convictions, and 54 detentions for crimes allegedly committed while exercising the freedom of association 17 of the 21 individuals charged and 60 of the 71 individuals convicted were former members of the now-dissolved Cambodia National Rescue Party.

<sup>52</sup> Leng Maly, "Commune / Sangkat Council of Candlelight Party in Takhmao City Denies Thumbprint on Condemning Petition", (RFA, 01 November 2022) < <https://www.rfa.org/khmer/news/politics/commune-chiefs-from-cpp-in-takhmao-kandal-keep-putting-pressure-on-all-commune-councilors-from-clp-to-condemn-sam-rainsy-11012022140441.html> >.

## 2.2.2 Political opposition parties could not freely exercise their freedom of association during the commune election



The FFMP recorded 23 incidents where the RGC and third parties interrupted activities of oppositional political parties during and after commune election. Examples include interruption or interference to the installation of party billboards and banners. For example, 21 out of 23 recorded incidents of interference with political billboards targeted the Candlelight Party. Stung Treng and Pailin were the provinces recording most incidents where the Candlelight Party installation's billboard was interrupted by local authorities or an unknown person.<sup>53, 54</sup>

## 2.2.3 Individuals, CSOs, and TUs experienced interference with the exercise of the freedom of association

During the reporting period, harassment, physical violence and other serious acts against political opposition members and members of associations intensified, undermining the civil and political space in Cambodia. Most of the attacks share the similar patterns, which might suggest the same perpetrators are responsible for all of them and that these might have occurred due to their participation in activities related to their membership to political parties or associations.









<sup>53</sup> Nat Sopheap, "parties say authorities prevent them from holding banner party," (VOD, 24 January 2022) <<https://www.vodkhmer.news/2022/01/24/parties-say-authorities-prevent-them-from-holding-banner-party/>>.

<sup>54</sup> Khe Sonorn, 'Kampucheaniyom party hope Sar Kheng interevent in to billboards request', (RFA, 30 April 2022) < <https://www.rfa.org/khmer/news/politics/kampucheaniyom-party-hopes-ministry-of-interior-to-stop-local-authorities-from-discrimination-04302022192724.html> >.

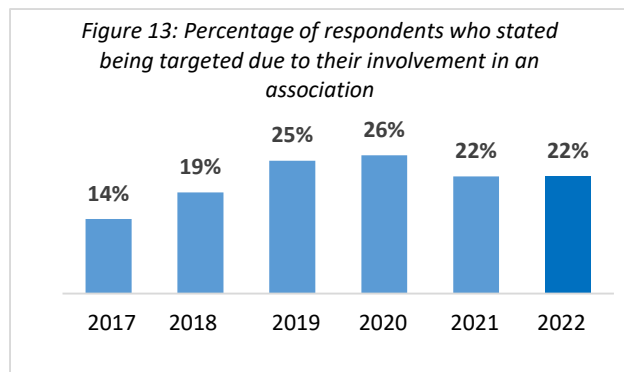
## Members of political parties or associations targeted and assaulted by unknown individuals from Jan-Dec 2022



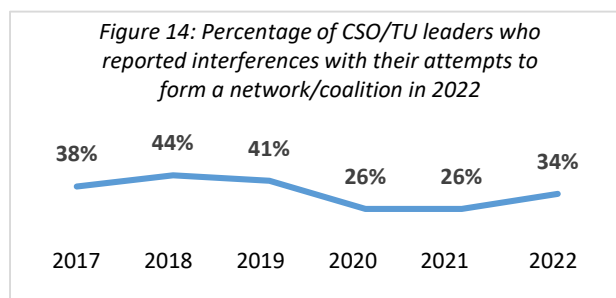
In 2022, 6 individuals who were activists for an association or members of the political opposition were beaten and assaulted. 1 individual who is a commune candidate for Candle Light Party was killed in a traffic accident. After the commune election in June 2022, Another 2 victims, a land activist, and an opposition official were beaten by unidentified assailants. 1 individual beaten to death who is a member of a political opposition supporter.

<p><u>On 27 February 2022</u>, <a href="#">Mey Sophorn</a>, a former CNRP activist and newly joined member of the Candlelight Party (CLP), was beaten with sticks by four unknown assailants on two motorcycles during driving home after helping install a CLP billboard in Svay Rolom commune, Kandal province.</p>	<p>Feb</p>	 
<p><u>On 9 April</u>, <a href="#">Prak Seiha</a>, a youth leader for the Candlelight Party in Phnom Penh's Kamboul district, was attacked and beaten by a mob. This is the second time he was attacked. (He was first attacked in February 2021 by unknown assailants. He believed the attack to be politically motivated, as it occurred after he refused to defect to the ruling party.</p>		<p><u>On 9 April</u>, <a href="#">Choeun Sarim</a>, a Candlelight Party candidate for Phnom Penh's Chhbar Ampov district, was killed in Takeo province while he was riding his motorbike to Phnom Penh. His wife said she believed his death to be politically motivated because he had been threatened by authorities and assaulted in the past. While authorities said Choeun Sarim died in a traffic accident, his family is sceptical but said they wouldn't file a complaint as they have no confidence in the police. His wife said she noticed her husband's skull had been crushed by a blow from behind.</p>
 	<p>Apr</p>	<p>While she was at home on <u>11 April 2022</u>, rocks were thrown at the house belonging to <a href="#">Khorn Tun</a>, a Candlelight Party candidate to the commune elections. She filed a complaint with police and said she believed the attack.</p>
<p><u>On 11 April</u>, Khem Monikosal, a Candlelight Party official, was riding his motorbike when a person, Try Thea, chased him and repeatedly tried to hit his motorbike. Khem Monikosal filed a complaint for "attempted murder" at the Pailin Provincial Court. He sees this attempt on his life as politically motivated. However, authorities have tried to solve the problem out of court, arguing that the perpetrator was drunk and did not intend to kill Khem Monikosal.</p>		<p><u>On 19 April</u>, while she was riding her motorbike in Phnom Penh, Khmer Thavrak activist Eng Malai (also known as So Metta) was hit by another motorcycle from behind. The unknown assailant laughed as she fell before speeding off. Eng Malai suffered serious injuries. She sees this attack as meant to discourage her from her activism.</p>
<p><u>On 24 May 2022</u>, a Candlelight Party candidate for the Trapeang Prasat commune, Sorn Chanthorn also known as Hong An, was attacked by two unknown attackers while she was riding her motorbike on her way to a campaign function. The assailants kicked her motorbike, causing her to crash. Sorn Chanthorn believes the attack to be politically-motivated and said she would not file a complaint because she has no confidence in the police.</p>	<p>May</p>	 
 	<p>Jul</p>	<p><u>On 17 July</u>, <a href="#">Nol Pungtherith</a>, the deputy chairman of the Candlelight Party's working group in Phnom Penh's Pur Sen Chey district, was attacked by ten people on four motorbikes who shouted death threats at him and hit him with an iron bar, causing him a severe head injury that required hospitalization. Pungtherith was already attacked once in 2019, when he was a member of the CNRP.</p>
<p><u>On 16 October</u>, <a href="#">Po Hin Lean</a>, a supporter of the Candlelight Party, was shot dead while he was fishing in a rice field in the middle of the night in Tboung Khmum. Six individuals were detained for his death: three commune police officers and three village guards. It's unclear if Po Hin Lean's murder was motivated by his affiliation with the opposition party or because he was using illegal fishing gear.</p>	<p>Oct</p>	<p><u>On 16 October 2022</u>, <a href="#">Hoeun Sineat</a>, who is a land activist and community representative for the Sre Praing community in Tbong Khmum's Dambe district, was beaten by three unknown assailants in Phnom Penh. He had just finished attending a seminar organized by the Coalition of Cambodian Farmer Community</p>

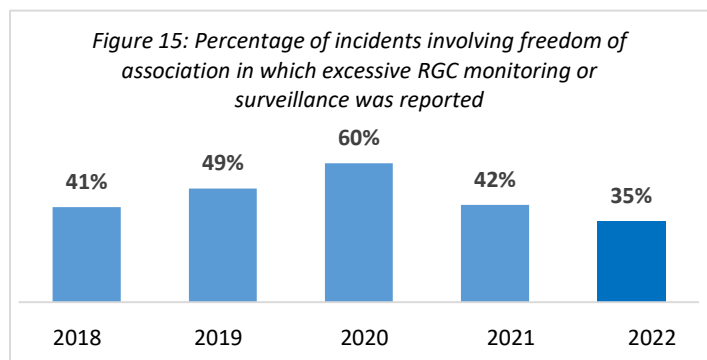
**CSO/TU leaders continued reporting interferences with their attempts to form coalitions, as well as harassment due to their membership to associations**



In 2022, 22% of respondents to the Public Poll reported being targeted due to their involvement with an association (CBO<sup>55</sup>/CSOs, trade unions, or political parties). Although this is an unchanged trend from 2021 and slightly lower compared to 2019 and 2020, the data indicates continued deterioration of individuals’ exercise of the freedom of association, especially compared with the two first years of the FFMP.<sup>56</sup>



On the other hand, 2022 saw an increase in the percentage of cases involving an interference with the association activities of CSOs and Tus compared to previous years, with more than a third of respondents reporting interferences with attempts to form a network or coalition with other unions or associations.



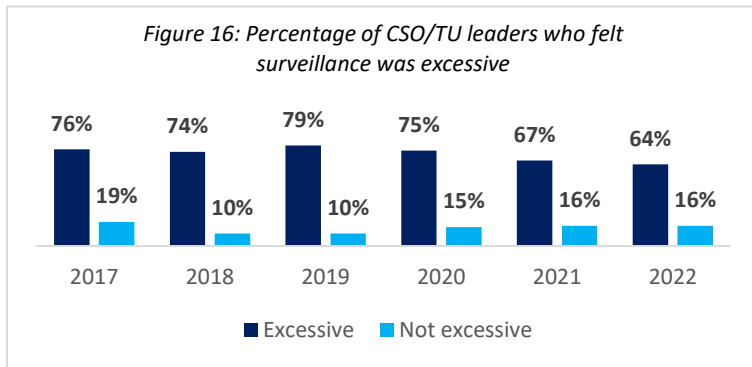
Although the percentage is lower than previous years, excessive RGC monitoring and surveillance of CSO activities still accounted for 35% of restrictions or violations against the right to freedom of association, indicating continued RGC suspicion and distrust of associations.<sup>57</sup> 52% (33 of 64) of the TU leaders surveyed reported such interferences, while 20% (16 of 80)

of CSO leaders reported interferences. The percentage of TU leaders who reported interference doubled from the previous year, marking a significant increase in the interference of workers and TUs in attempting to.

<sup>55</sup> CBO stands for Community Based Organization. The term refers to non-profit groups that work at the local level to improve life for residents. CBOs include both formal and informal groups, and are often small, providing assorted services towards the development of local communities.

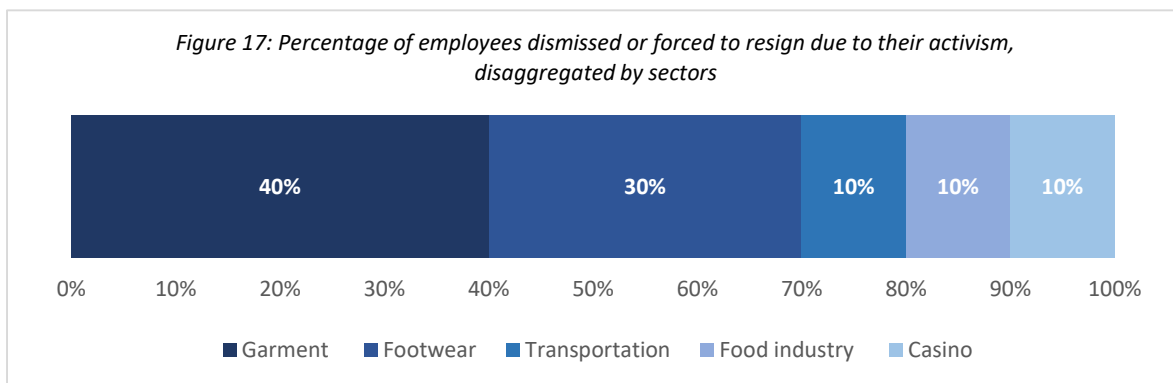
<sup>56</sup> This question was only included in the Public Poll on 2017.

<sup>57</sup> This indicator was not tracked in 2016 and 2017.



Moreover, although a relatively high percentage of the CSO/TU leaders consulted for this report still consider that surveillance was excessive (64% in 2022), this is the lowest percentage since the beginning of the FFMP project (reaching its highest point in 2019, where 79% of the respondents felt surveillance was excessive).

### Employers continued to engage in union-busting in 2022



In 2022, at least 59 trade union members or activists were dismissed, forced to resign, or had their contracts terminated due to their involvement or activism in a trade union, with about half of these incidents occurring in the garment sector. In April 2022, the Coalition of Cambodian Apparel Workers’ Democratic Union reported that, since 2015, 1,408 workers from 23 factories had been laid off for exercising their rights to form labor organizations.<sup>58</sup> The FFMP did not record any new trade union registration, likely due to employers targeting workers who try to form unions. This data indicates a concerning trend of targeting workers and interfering with the freedom of association, which includes the right of workers to organize and bargain collectively.

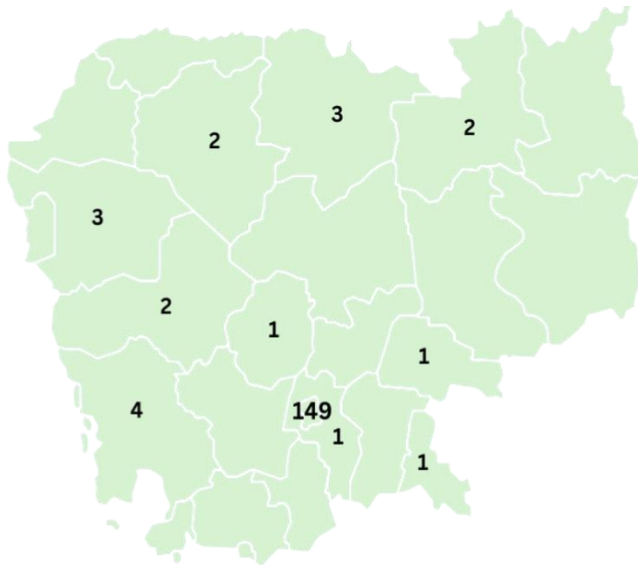
Example: In November 2022, the Phnom Penh-based New Mingda garment factory dismissed the vice president and suspended the president and secretary of a recently formed workers’ union, shortly following a worker protest at the factory over the dismissal of another union leader.<sup>59</sup>

<sup>58</sup> Lay Samean, "Trade union seeks PM’s intervention in dispute", (Phnom Penh Post, 06 April 2022) < <https://www.phnompenhpost.com/national/trade-union-seeks-pms-intervention-dispute> >, Khut Sokun, "Two More Unionists Suspended at Phnom Penh Factory", (VOD, 11 November 2022) < <https://vodenglish.news/two-more-unionists-suspended-at-phnom-penh-factory/>>, Kelliher Flona and Keat Soriththeavy, "Union-Busting Under Guise of Pandemic Leaves Hundreds Out of Work", (VOD, 26 Apr 2022) < <https://vodenglish.news/union-busting-under-guise-of-pandemic-leaves-hundreds-out-of-work/> >.

<sup>59</sup> Khut Sokun, "Two More Unionists Suspended at Phnom Penh Factory", (VOD, 11 November 2022) < <https://vodenglish.news/two-more-unionists-suspended-at-phnom-penh-factory/> >.

## 2.3 Freedom of Assembly

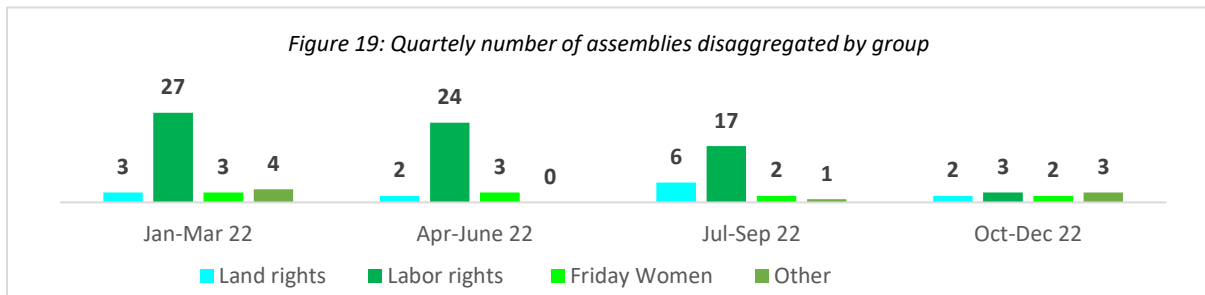
Figure 18: Geographical mapping of incidents involving a restriction or violation of the right to freedom of assembly



In 2022, the FFMP recorded 169 restrictions to the right to freedom of assembly, 131 (78%) of which were impermissible, thus amounting to violations<sup>60</sup> Phnom Penh saw 88% of the incidents (149).

### 2.3.1 Most assemblies were held to advocate for land rights and labor rights

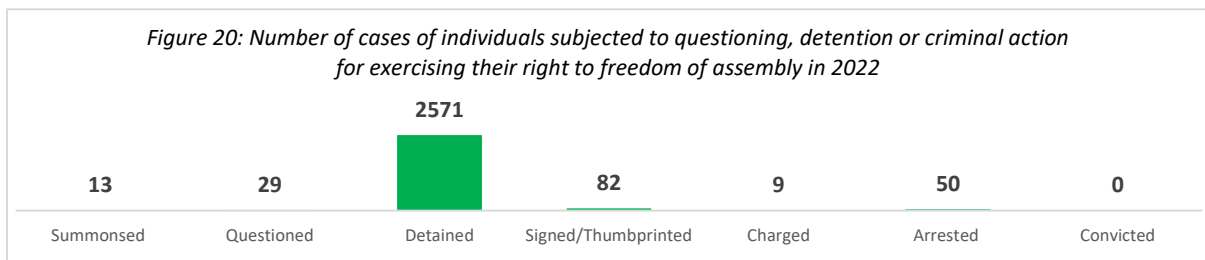
Figure 19: Quarterly number of assemblies disaggregated by group



Only 102 assemblies occurred in 2022, down from 165 in 2021, while the number of restriction incidents related to freedom of assembly nearly doubled (from 87 incidents in 2021 to 169 in 2022). Most incidents were related to the NagaWorld strike (displayed into the category “labor rights), the Friday Women-led assemblies,<sup>61</sup> events led by environmental or youth groups.

### 2.3.2 Criminal sanctions were imposed on Naga World Striker for exercising their right to assemble

Figure 20: Number of cases of individuals subjected to questioning, detention or criminal action for exercising their right to freedom of assembly in 2022

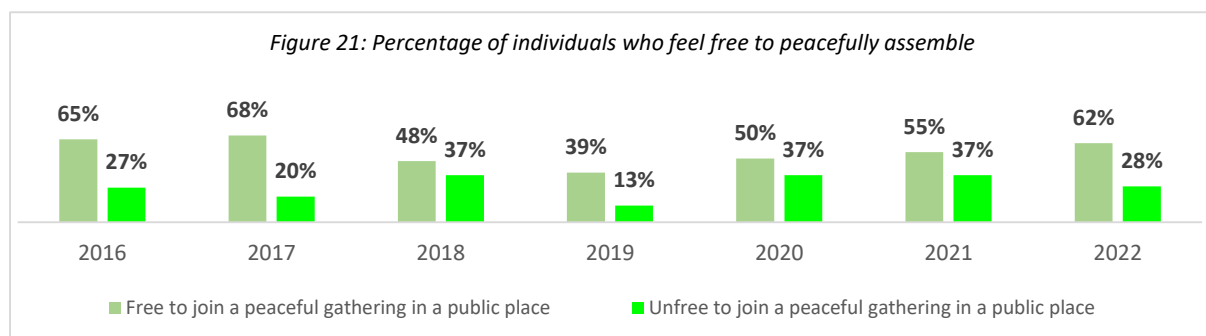


<sup>60</sup> Article 21 of the ICCPR.

<sup>61</sup> The Friday Women are a group of women who regularly assemble on Fridays to ask for the release of their relatives from prison, all of whom are affiliates of CNRP, the main opposition party that was dissolved in 2017.

In 2022, the NagaWorld strike led to a record number of government legal actions reported, against those exercising the freedom of assembly, more than any previous years since the start of FFMP in 2016. Significantly, 2571 instances of detention took place, approximately 2553<sup>62</sup> of which involved participants on the NagaWorld strike.<sup>63</sup>

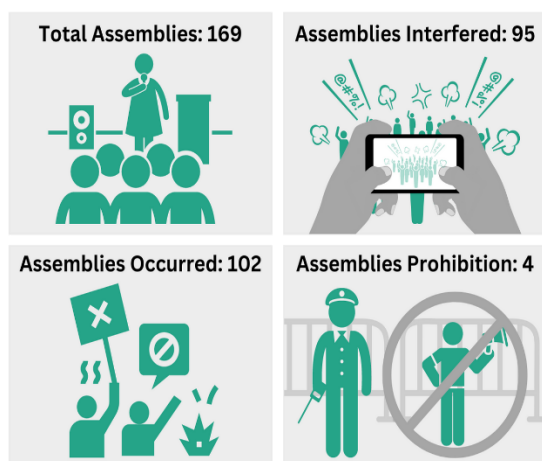
### 2.3.3 Individual reported feeling freer to join peaceful gatherings in 2022 than previous years



The Public Poll in 2022 showed that 62% of the individuals surveyed reported feeling free<sup>64</sup> to join a peaceful gathering in a public place. Although this was the highest proportion in the last five years, it remains lower than in 2016 and 2017, and close to 40% of individuals surveyed still expressed not feeling free to peacefully assemble.

### 2.3.4 RGC continues to interfere with or prohibit peaceful assembly

Figure 22: Peaceful Assemblies during 2022



In 2022, the FFMP recorded 95 incidents in which the RGC interference with a peaceful assembly out of the 169 assemblies reported that year; moreover, data gathered during the reporting period shows that a restriction on a peaceful assembly was imposed<sup>65</sup> and four other gatherings were prohibited<sup>66</sup> as these events did not meet the standards of permissible restrictions to freedom of assembly. The prohibitions were not proportionate or necessary to protect national security, public safety, public health and morals, or the rights and freedom of others. Nor were the prohibitions measures of last resort.<sup>67</sup> The prohibited assemblies included an International

<sup>62</sup> Number of detentions would be not consistent to the total number of employee/member of L.R.S.U as one individual faced detention multiple times.

<sup>63</sup> General comment no. 37 (2020) on the right of peaceful assembly (article 21): Human Rights Committee, 129<sup>th</sup> session CCPR\_C\_GC\_37-EN, para 71.

<sup>64</sup> This figure represents the number of respondents surveyed who reported feeling 'very free' or 'somewhat free' to exercise their right to freedom of assembly.

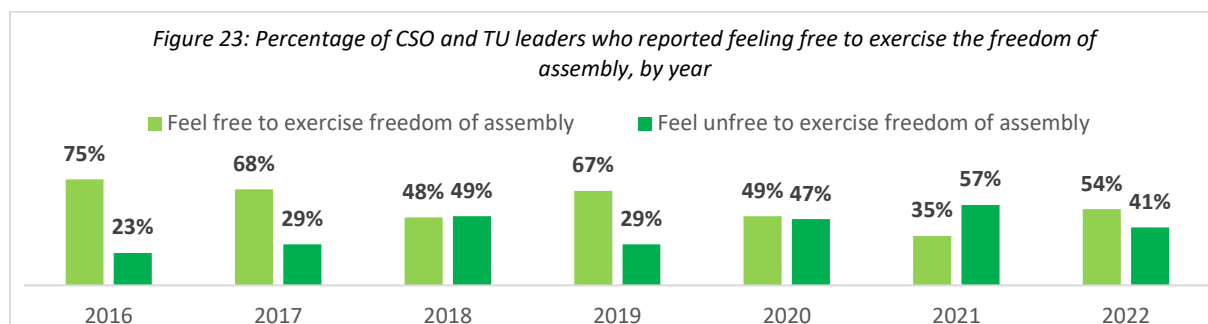
<sup>65</sup> Nath Sopheap, "Youths issue a threat to march on state institutions if their desire to halt a project in the Vietnamese language department is not granted", (VOD, 25 December 2022), <<https://www.vodkmer.news/2022/12/25/youths-warn-of-march-to-state-institutions-if-they-do-not-respond-to-requests-to-stop-issuing-permanent-residence-permits-to-foreigners/>>. The two incidents which restriction imposed were from the same purpose.

<sup>66</sup> Soth Ban, "pursat-authorities-do-not-allow-citizens-to-organize-womens-rights-day," (VOD, 07 March 2022) <<https://www.vodkmer.news/2022/03/07/pursat-authorities-do-not-allow-citizens-to-organize-womens-rights-day/>>.

<sup>67</sup> Restrictions to the right of freedom of assembly must be '(a) imposed in conformity with the law; (b) in a pursuit of a legitimate aim; and (c) necessary in a democratic society', ICCPR article 21.

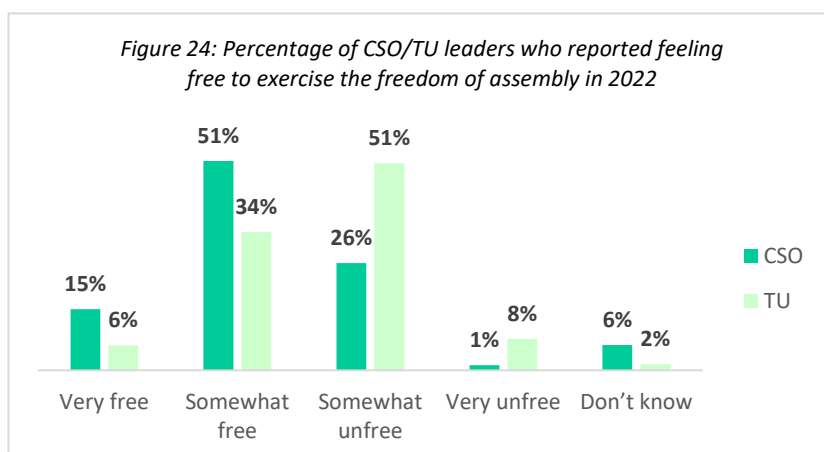
Women’s Day celebration,<sup>68</sup> a youth gathering against the creation of a Vietnamese language department at the Royal University of Phnom Penh (RUPP),<sup>69</sup> an International Human Rights Day celebration,<sup>70</sup> and a planned protest to call for the release of five imprisoned teachers by the Cambodia Independent Teacher Association (CITA).<sup>71</sup>

### 2.3.5 CSO and TU leaders feel freer to exercise their right to freedom of assembly than during the COVID-19 pandemic, but TU leaders feel significantly less free than CSO leaders.



In 2022, 54% (79 out of 145)<sup>72</sup> of the CSO and TU leaders surveyed reported feeling free to exercise their right to freedom of assembly, up 19 points compared to 2021. Although this can be seen as a positive development following a two-year drop during the COVID-19 pandemic, this figure is still significantly lower than in 2016 and 2017 (75% and 68%, respectively). A little less than half of CSO and TU leaders continue to have concerns about exercising their right to freedom of assembly.

In 2022, 59% of TU leaders (38 out of 65 surveyed) said they felt unfree to exercise it, compared to 22 out of 80 CSO leaders (27%). This significant difference reflects the impact of significant government interference, including the levying of legal action and criminal sanctions, against the NagaWorld strike and marks a concerning trend of workers and labor unions feeling restricted in their exercise of the freedom of assembly, including the right to organize and bargain collectively.



<sup>68</sup> Men Rith, “Authorities-in-pursat-donnot-allow-kbal-trach-community-to-celebrate-women-right-day”, (RFA, 07 March 2022) < <https://www.rfa.org/khmer/news/human-rights/authorities-in-pursat-donnot-allow-kbal-trach-community-to-celebrate-women-right-day-03072022130951.html> > .

<sup>69</sup> Nath Sopheap, ‘Phnom Penh Administration Has Not Allowed More Than 200 Youths to Demonstrate at Freedom Park’, (VOD, 25 October 2022) < <https://www.vodkhmer.news/2022/10/25/phnom-penh-administration-has-not-allowed-youths-to-demonstrate-at-freedom-park/> > .

<sup>70</sup> Khuon Narim, ‘Pursat Authorities Halt Local Human Rights Day Celebrations’, (Camboja, 06 December 2022) < <https://cambojanews.com/pursat-authorities-halt-local-human-rights-day-celebrations/> > .

<sup>71</sup> Pich Sotheary, ‘Authorities do not allow teachers' associations to express their opinions at Freedom Park, by saying that the request was against the law’, (VOD, 26 December 2022) < <https://www.vodkhmer.news/2022/12/26/pp-authority-not-allow-cita-to-gathering-at-freedom-park/> > .

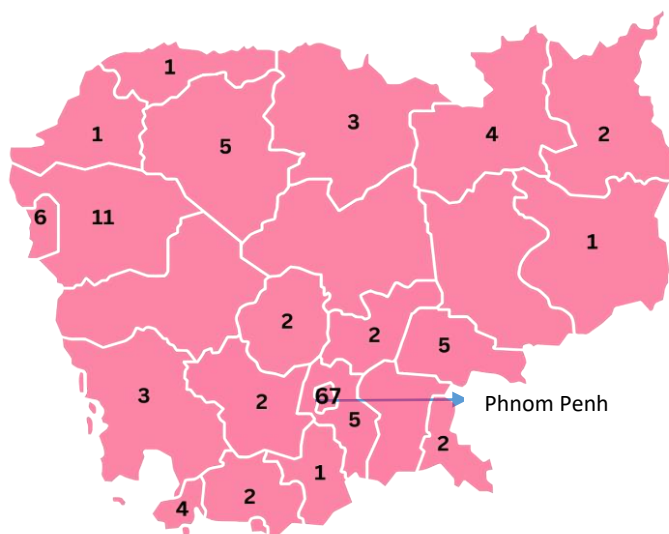
<sup>72</sup> This figure represents the number of CSO and TU leaders surveyed who reported feeling ‘very free’ or ‘somewhat free’ to exercise their right to freedom of assembly.



## 2.4 Freedom of Expression

### 2.4 Freedom of Expression continues to be restricted by the RGC and third parties

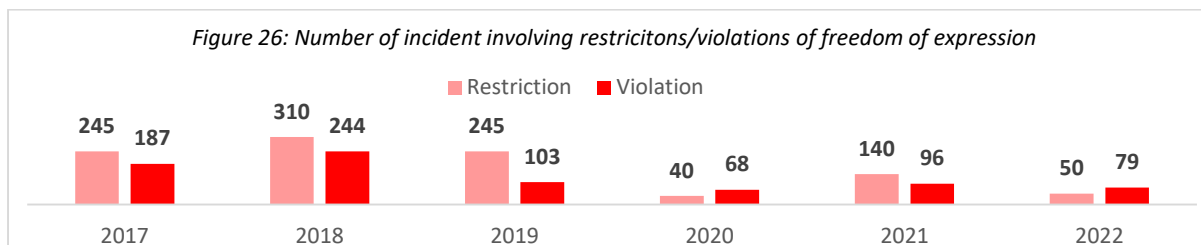
Figure 25: Incidents involving a restriction or violation of the right to freedom of expression by province



In 2022, the FFMP recorded 129 incidents involving at least one restriction or violation of the freedom of expression, with the majority of incidents (67) occurring in Phnom Penh. 79 (or 61%) of these incidents were impermissible and thus constituted violations under international human rights laws and standards.

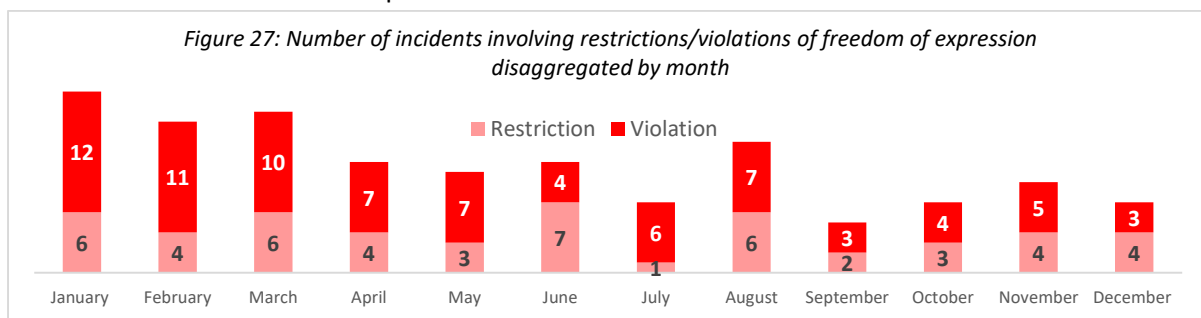
#### 2.4.1 The number of incidents involving restrictions or violations of freedom of expression slightly decreased<sup>73</sup>

Figure 26: Number of incident involving restrictons/violations of freedom of expression



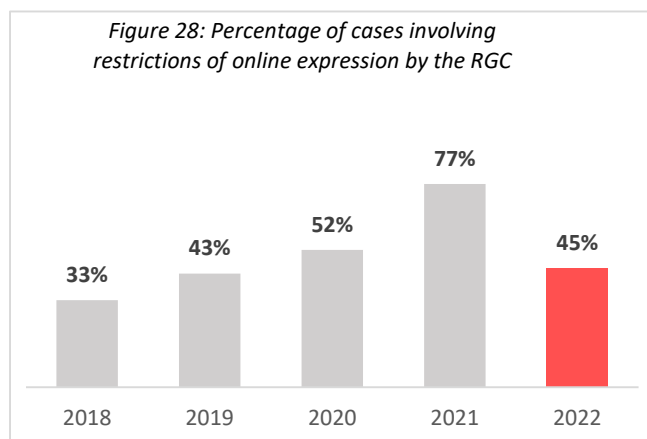
2022 recorded a lower number of incidents involving restrictions or violations of freedom of expression than previous years with the exception of 2020 (Figure 26). Approximately 38% (49 out of the 129) of recorded incidents took place in the first three months, during which the RGC intensified crackdown of expression (Figure 27). The number of incidents rose again after the commune council elections in June 2022, signifying repression against political expression and opinions. Although the decrease in total number of incidents indicates a positive trend, authorities continued to take action against those exercising the right to freedom of expression, especially those who tried to obtain and disseminate information to the public.

Figure 27: Number of incidents involving restrictions/violations of freedom of expression disaggregated by month



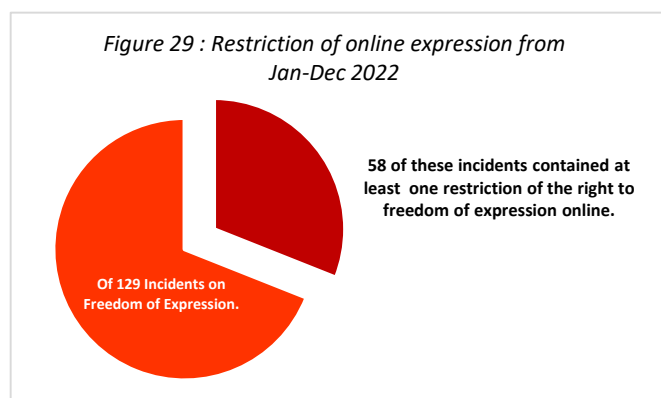
<sup>73</sup> This question was not included during 2016.

## 2.4.2 Authorities continued to use legal procedures and criminal sanctions against the exercise of freedom of expression



In 2022, the percentage of restrictions on all forms online expression has significantly decreased from 77% in 2021 to 45% in 2022.<sup>74</sup> 59% (or 34 cases) of all events were calculated as a violation of online expression, while the remaining 41% (or 24 incidents) were calculated as a restriction of online expression. Notably that result is still lower than those recorded during 2021, although more than 40% of online expression continue

to be restricted. This data indicates that internet freedom remains under threat in Cambodia. Internet users often face arrest for online activity, perpetuating an environment that is characterized by fear and self-censorship.



Although a decrease compared individuals expressing their opinions online about the government response to the COVID-19 pandemic and the political environment overall<sup>75</sup>, authorities continued to use legal procedures and criminal sanctions against individuals expressing opinions online. During 2022, 45% (or 58) of the incidents (129) involved at least one restriction or violation of online expression. Data gathered in 2022 showed that authorities

have used legal provisions, notably the Criminal Code, to interfere with the exercise of free expression online.

On 29 January 2022, three social media users were summoned by the Phnom Penh Municipal Police Fire Brigade for a series of comments they made on Facebook during a fire in Phnom Penh broadcasted by Post News TV. The users suggested the firefighters were corrupt and negotiated a payment to extinguish the fire. They were compelled to admit to committing a crime and publicly and two of them apologized to the Police Fire. The third individual, Seakliv Va, had yet to show up at the Office; the municipal fire department called on him to turn up or face legal actions.<sup>76</sup>

<sup>74</sup> This data could not be calculated for 2016 and 2017.

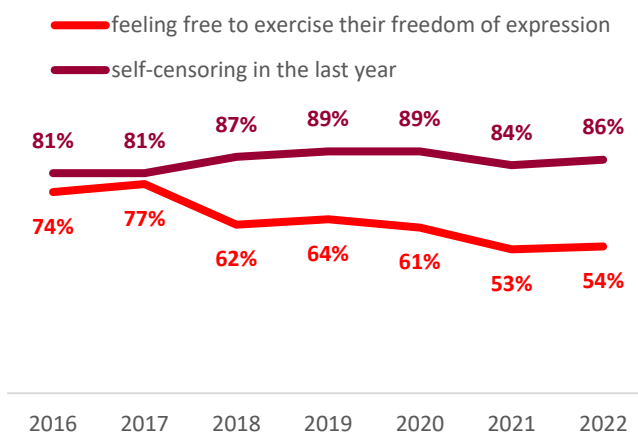
<sup>75</sup> FFMP Sixth Annual Report page 20.

<sup>76</sup> Mech Dara, "Live Comments About Firefighters Land Residents in Hot Water", (VOD, 01 February 2022) < <https://vodenglish.news/live-comments-about-firefighters-land-residents-in-hot-water/> >.

### 2.4.3 CSO and TU leaders frequently self-censor due to inability to exercise freedom of expression

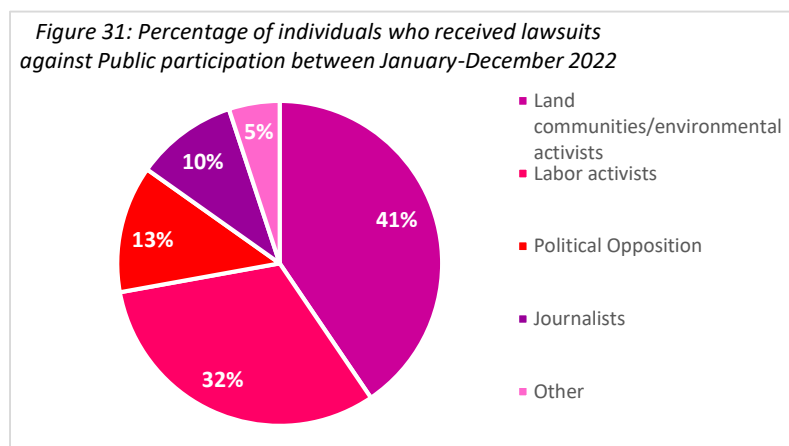
The proportion of CSO and TU leaders who reported feeling free to exercise their freedom of expression has declined over the years. During 2021 and 2022, only approximately half of respondents said they felt free to express themselves (53% and 54% respectively). A significant majority (86%) of CSO and TU leaders reported self-censoring in the last year. The high percentage of self-censorship indicates an environment where CSO and TU leaders do not feel free to express themselves, which could significantly impact the ability for organizations to conduct their work.

Figure 30: Percentage of CSO/TU leaders who report feeling free to exercise their right to freedom of expression and percentage of individuals self-censoring during 2022



### 2.4.4 Journalists and members of political opposition are targeted with lawsuits for exercising speech

Figure 31: Percentage of individuals who received lawsuits against Public participation between January-December 2022



A Strategy Lawsuit Against Public Participation (SLAPP)<sup>77</sup> was filed 37 times against 79 individuals in retaliation for their exercise of freedom of expression. Notably, 41% targeted community members working on land rights or environmental issues, 13% of the total of SLAPP targeted the members of political opposition, and 10% targeted journalists.

### Interference with land community activists and journalists who report on land issues

- On 29 January 2022, four individuals representing the Lor Peang community, including a one-year-old child, were arrested and detained by the Kampong Chhnang provincial police and sent to the district court for questioning. Community representatives Oum Sophy and Sngoun Nhoeun and residents Toun Seng and her grandson were arrested after they filmed an argument between the authorities and villagers over a disputed plot of land and posted it on Facebook without first asking permission from local authorities. The representatives were sent to the Bureau of Serious Crimes and questioned. Authorities accused Sngoun Nheun and Oum Sophy of exaggerating the land dispute on Facebook. However, the Choul Kiri District Police chief said that the police officers arrested the villagers for destroying private property,

<sup>77</sup> SLAPP is a litigation tool used to discourage, intimidate, challenge, disrupt or financially drain a defendant, silencing their opposition, criticism or dissent.

not for the social media posts. After being detained for three nights, Oum Sophy and Sngun Nheun were released on judicial supervision indefinitely. Sophy and Nheun were both charged with conspiracy to cause intentional damage.<sup>78</sup>

- On 20 July 2022, Deth Huor, a community representative of Chi Khor Loeu commune, Sre Ambel district, Koh Kong province, was convicted of malicious denunciation and defamation and sentenced to a year in prison and a two million riels (\$500) fine by the Koh Kong Provincial Court. Business owner Heng Huy filed a complaint against Huor after she posted a photo of him on Facebook and criticized him for encroaching on her community’s land. Huy’s complaint led to Huor’s conviction, and Huy has filed similar complaints against other community members for protesting his company’s encroachment on community land.<sup>79</sup>
- Journalists have also been targeted with lawsuits for reporting on land issues. Try Sophal, a journalist for *Everyday* was summoned for questioning after filming and reporting on the cleaning of state land in Kulen district, Preah Vihear Province.<sup>80</sup> Similarly, Sen Virak, a journalist for the “SBP Post News” in Battambang province, was summoned by the Battambang Provincial Court for questioning after he covered and reported on a land dispute.<sup>81</sup>

## 2.4.5 Journalists experienced harassment when trying to join RGC press conferences

Figure 32: Journalists that faced harassment while reporting on sensitive cases



In 2022, the FFPM reported two cases of journalists from independent media outlets who were barred from attending RGC conferences without explanation, despite having passes to attend. In these instances, the RGC claimed journalists did not provide proof of identity<sup>82</sup> or register in advance, or otherwise claimed a lack of space.<sup>83</sup> The barring of independent media and journalists from government-held conferences prevent journalists from reporting on issues of public interest and represent interference with the enjoyment of the right of freedom of expression. Moreover, in three cases the authorities confiscated the journalist’s phones while taking pictures or filming and five

incidents involving physical violence against them were also reported.

<sup>78</sup> Nat Sopheap and Khan Leakhena, “Land Activists Arrested in Kampong Chhnang”, (VOD, 31 January 2022) < <https://vodenglish.news/land-activists-arrested-in-kampong-chhnang/>>.

<sup>79</sup> Khut Sokun, “Koh Kong Land Protester Sentenced to Jail, but Not Detained”, (VOD, 20 July 2022) < <https://vodenglish.news/koh-kong-land-protester-sentenced-to-jail-but-not-detained> >.

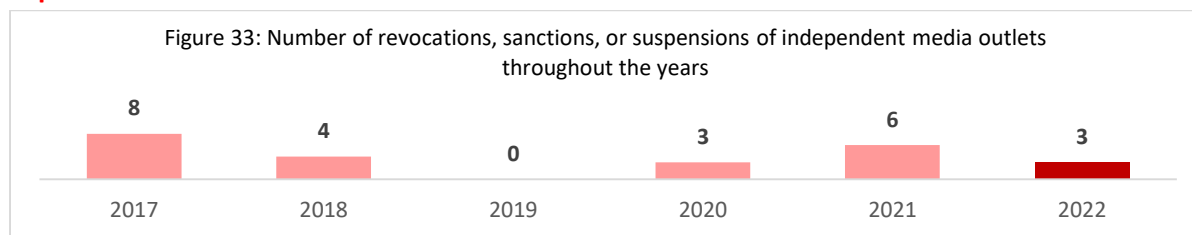
<sup>80</sup> Nhem Sokhorn, “Journalist Faces Arrest Warrant After Filming Land Clearing”, (VOD, 13 April 2022) < <https://vodenglish.news/journalist-faces-arrest-warrant-after-filming-land-clearing/> >.

<sup>81</sup> Sok Savy, “Battambang Provincial Court Arrests Journalist After Land Dispute”, (Camboja, 08 September 2022) <<https://khmer.cambojanews.com/battambang-provincial-court-ordered-a-journalist-to-very-at-the-court-after-land-dispute/>>.

<sup>82</sup> Mech Dara, “Some Journalists Barred From Police Press Conference on NagaWorld Arrests”, (VOD, 04 January,2022) < <https://vodenglish.news/some-journalists-barred-from-police-press-conference-on-nagaworld-arrests/>>.

<sup>83</sup> Soth Sok Prathna, “VOD, VOA Reporters Banned from PM’s Post-Asean Speech”, (VOD, 15 November 2022) < <https://vodenglish.news/vod-voa-reporters-banned-from-pms-post-asean-speech/>>.

## Revoking licenses of independent media outlets jeopardizes press freedom and freedom of expression



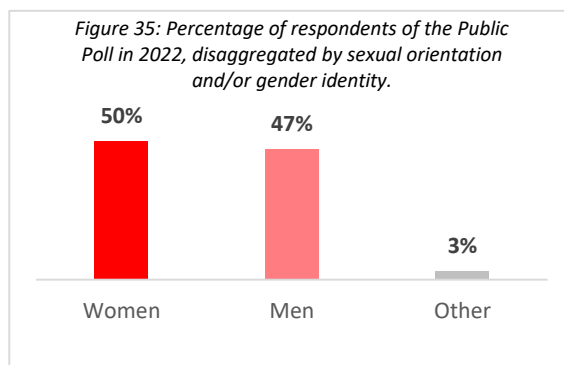
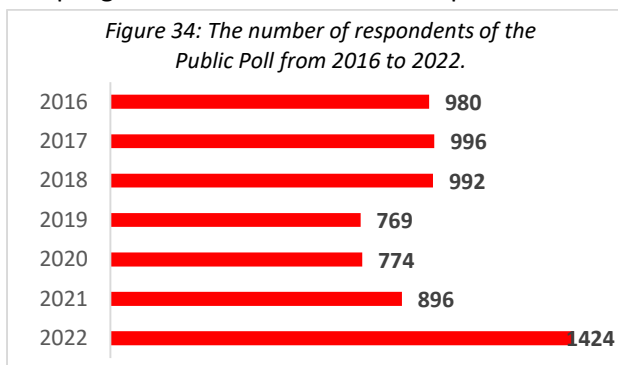
In 2022, three media outlets were shutdown. Bayong Times, KCTV, and Cambodia Today had their licenses revoked after publishing articles covering acts of corruption allegedly committed by public authorities<sup>84</sup>. These media outlets revocation reflect the further deterioration of the state of press freedom in Cambodia and represent a disconcerting step backward for freedom of expression and the rule of law in the country.

The numerous restrictions of fundamental freedoms recorded in 2022 show a pattern of misapplication and arbitrary enforcement of Cambodia's legal framework. Laws continued to be used to shrink civic space, rather than to protect fundamental freedoms. Actions by authorities regularly exceeded the limits of permissible restrictions, thus amounting to violations. Associations were interfered with, and their members targeted and judicially harassed. Protesters making politically sensitive claims were disproportionately targeted by the RGC, who still perceive them as opponents. The RGC's expanded monitoring and policing of online speech, decision to shut down independent media outlets, as well as its interferences with journalistic work, contravened freedom of expression standards, exacerbating the dire state of this fundamental freedom in the country. Using laws to prevent individuals from fully exercising fundamental freedoms is unlikely to result in either sustainable and equitable development or vibrant democracy.

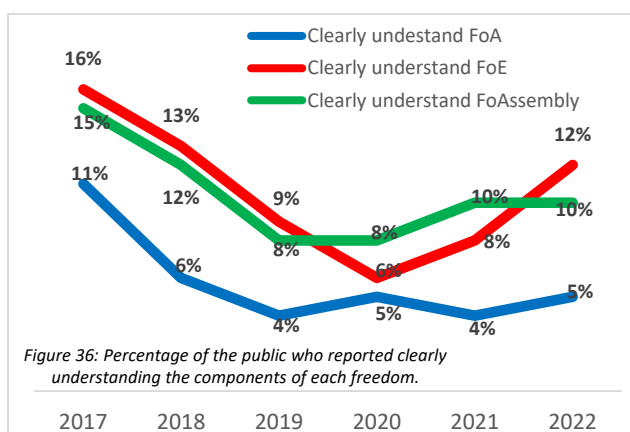
<sup>84</sup> Nath Sopheap, "Information Ministry Revokes Licenses for Three Digital Publications", (VOD, 16 March 2022) < <https://vodenglish.news/information-ministry-revokes-licenses-for-three-digital-publications/> >.

### 3.Key Milestone Three: Do individuals understand fundamental freedoms, and feel free to exercise them?

Key Milestone Three assesses the extent to which individuals in Cambodia understand their rights to freedom of association, expression, and assembly, and the extent to which they feel free to exercise these rights.<sup>85</sup> The data for Key Milestone Three was gathered via a Public Poll of 1,424 Cambodians across 25 provinces (Figure 34), covering from 01 November to 31 December 2022 (Figure 35 shows that 50% were women, 47% men, and 3% of the individuals identified as “others”). Convenience sampling was used to administer the poll.



**Key findings:** The public’s knowledge of fundamental freedoms and the relevant legal framework governing these rights has remained steady compared to previous years. The percentage of people who fully understand each fundamental freedom remained low. Many Cambodians continued to fear repercussions when exercising fundamental freedoms, feeling increasingly curtailed in their ability to exercise these freedoms. On the other hand, data from 2022 suggests an increase in the proportion of women who feel free to participate in political life. Although the poll recorded an increase in the percentage of respondents who feel free to join a peaceful protest, individuals overall still feel hesitant to join peaceful gatherings.



#### 3.1. The public’s understanding of fundamental freedoms increased slightly

The percentage of people who answered they “clearly” comprehended what each freedom meant continued to be low (10% for freedom of assembly, 12% for freedom of expression, and only 5% for freedom of association).

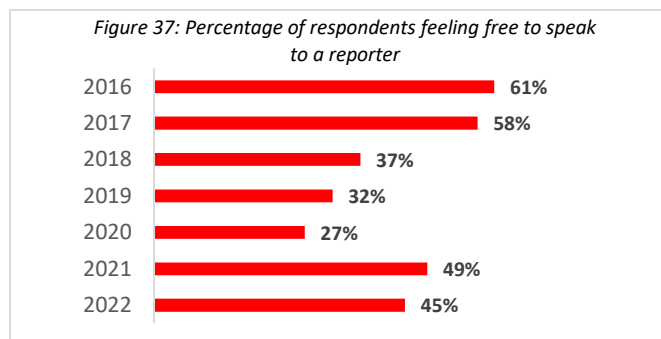
The percentage of respondents who “clearly” knew the elements of freedom of assembly was unchanged in 2022 compared to 2021. The percentage of respondents who “clearly” understood the key components of freedom of

association increased from 4% in 2021 to 5% in 2022. Similarly, the percentage rose slightly in the case of freedom of expression, from 8% in 2021 to 12% in 2022.

<sup>85</sup> The data for Key Milestone Three was drawn from the FFMP’s Public Poll conducted in October 2016 (2016 or Year 1), March 2018 (2017 or Year 2), March 2019 (2018 or Year 3), March 2020 (2019 or Year 4), December 2020 (2020 or Year 5), November – December 2021 (2021 or Year 6) and November-December 2022 (2022 or Year 7).

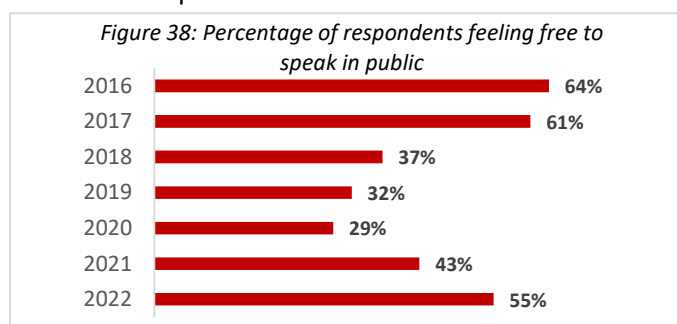
The fact that only a small number of Cambodians fully understand fundamental freedoms and their elements<sup>86</sup> likely prevents them from fully exercising their rights or recognizing violations of these rights. Consequently, a substantial proportion of the population remains unprepared to defend fundamental freedoms or hold perpetrators accountable when fundamental freedoms are violated.

### 3.2. Although people increasingly feel freer to exercise their right to freedom of expression in public, only a small proportion of the respondents feel free to do so online or by talking to a reporter<sup>87</sup>

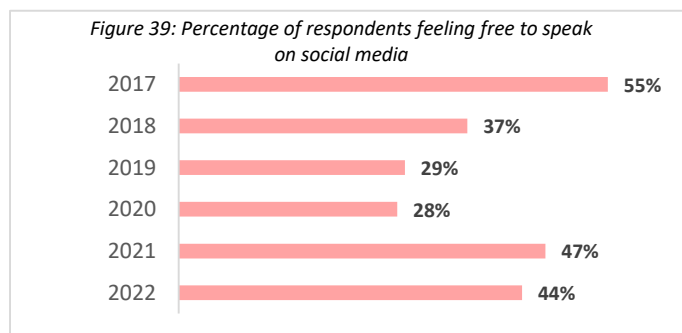


In 2021 and 2022, the percentage of respondents who felt free to speak to a reporter increased when compared to 2020, which had the lowest point of only 27% of respondents. The poll results for 2022 show that 55% of respondents did not feel free to speak to a reporter, and there have been several cases where individuals have requested that their identity remain

anonymous when speaking to reporters.<sup>88</sup> This demonstrates that many Cambodians still feel that they are not able to express their ideas freely and reflects a continuous and serious restraint on freedom of expression.



Similarly, the percentage of respondents who felt free to speak in public continued to increase in 2022, going from 29% in 2020 to 43% in 2021 and 55% in 2022. This shows an encouraging trend where people are more able to discuss diverse topics in public.



The percentage of Cambodians feeling free to speak on social media slightly decreased in 2022, dropping from 47% in 2021 to 44% in 2022. Despite an increase in the past two years, the percentages overall remained low. The inability of people to speak freely on social media potentially reflects the perpetuation of an environment of fear and self-censorship.

<sup>86</sup> To assess the understanding of fundamental freedoms, the FFMP team asked the respondents about certain connective elements of the three fundamental freedoms that are inseparable from each other and define their scope of application,

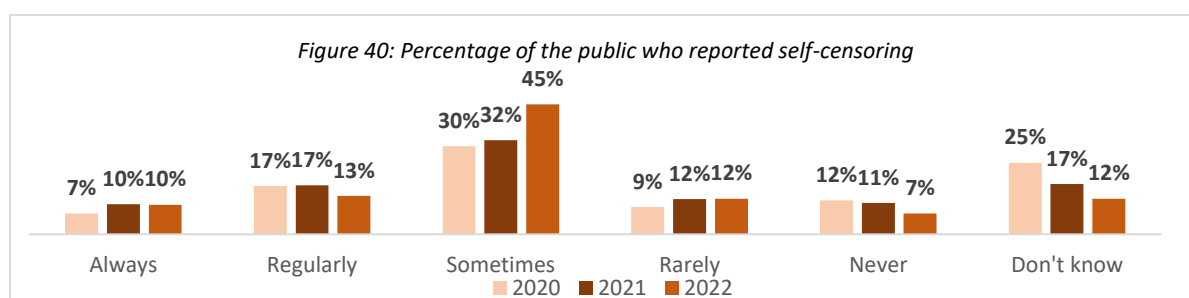
<sup>87</sup> The percentage of people feeling freed to exercise their right to freedom of expression results from the sum of the percentage of people who report feeling “very free” and “somewhat free” when asked “To what extent do you feel to express your opinion to a reporter?”

<sup>88</sup> Mech Dara; Danielle Keeton-Olsen “Crimes in shadows: Sihanoukville’s grisly reports, pressure on journalists”, (VOD, 11 March 2022) < <https://vodenglish.news/crimes-in-shadows-sihanoukilles-grisly-reports-pressure-on-journalists/> >.

The results from Figures 37, 38, and 39 present a similar pattern, showing that respondents seem to view speaking to reporters, speaking in public, and speaking on social media as relatively similar; indeed, they are three fundamental components of the freedom of expression.

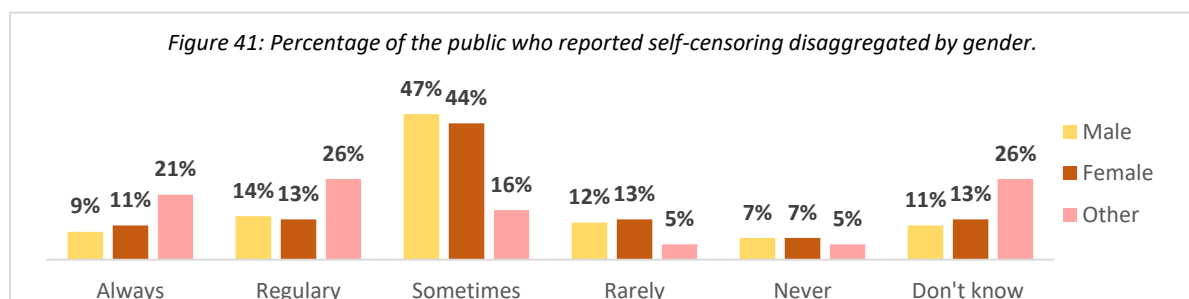
Polling from the FFMP shows that the percentage of people who free to exercise the freedom of expression has decreased over time. Figures 37, 38 and 39 all show that people felt most able to speak freely in 2017. There is then a decline with a low point in 2020. In 2021 and 2022, the trend reverses in 2021 and 2022. However, despite this increase, the percentage of people feeling free to exercise the freedoms of expression is lower in 2022 than in 2017. This demonstrates that: (a) respondents have certain hesitations to express their ideas and thoughts, perhaps due to their fear of reprisals; and (b) there is still work to be done so that Cambodians can exercise the freedom of expression.

### 3.3 The number of individuals self-censoring continues to increase yearly as further restrictions to freedom of expression have occurred in the country



Between 2020 and 2022, a small proportion of Cambodian individuals remained unwilling to speak out about present-day subjects, restricting self-expression.<sup>89</sup> The percentage of people who reported always self-censoring rose from 7% in 2020 to 10% during 2022. In 2022, 13% of the respondents stated they regularly self-censor, 45% sometimes do so, 12% rarely self-censor, and only 7% never do so. Although the percentage remains low, this trend may suggest that citizens fear potential repercussions when expressing or sharing their ideas online and in public. People continue to refrain from enjoying their right to freedom of expression, even though domestic law guarantees it for all citizens.

### 3.4. Women and individuals with diverse gender identities and sexual orientations continue to feel less free than men to express their ideas or opinions



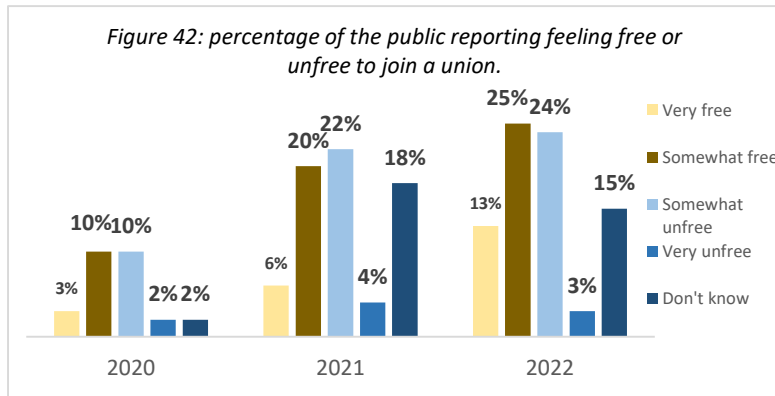
During 2022, 9% of men reported *always* self-censoring, 14% *regularly*, 47% *sometimes*, 12% *rarely*, and 7% *never* did so. In comparison, 11% of women *always* self-censored, 13% *regularly*, 44% *sometimes*, 13% *rarely*, and 7% *never* did so. Alarming, the percentage of individuals who identified as other gender identities reported the highest percentages of self-censorship. These respondents reported self-censorship as “always” (21%), “regularly” (26%), and “sometimes” (44%), publicly both

<sup>89</sup> This question was not asked between 2016 and 2019.



online and offline, reflecting heightened potential threats or reprisals against them compared to respondents who identify as men or women.

### 3.5. The majority of Cambodians believe they can freely join and or leave an association or union



Since 2020, employed respondents were asked about the extent to which they feel free or unfree to join and/or leave a labor union or an association. Figure 42 shows that most of the public still felt they can freely exercise their right to freedom of association by joining a union. Mainly, during 2022, 13% of the

respondents felt very free, and 25% somewhat free to exercise their right to join a union in order to promote and protect their rights and work toward achieving collective goals; in contrast, the percentage of the respondents feeling very unfree to join a union continued to be low, with only 3% of the respondents expressing so.

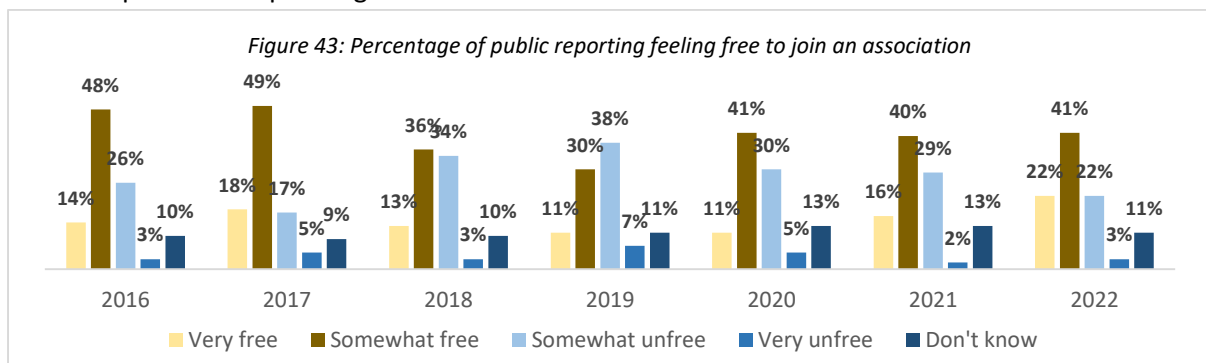
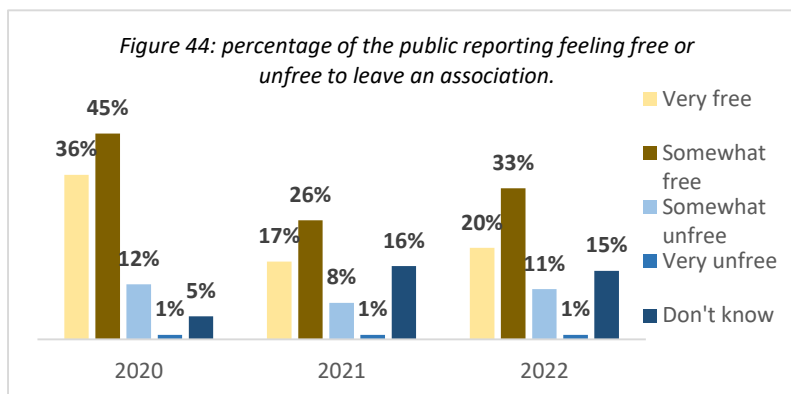


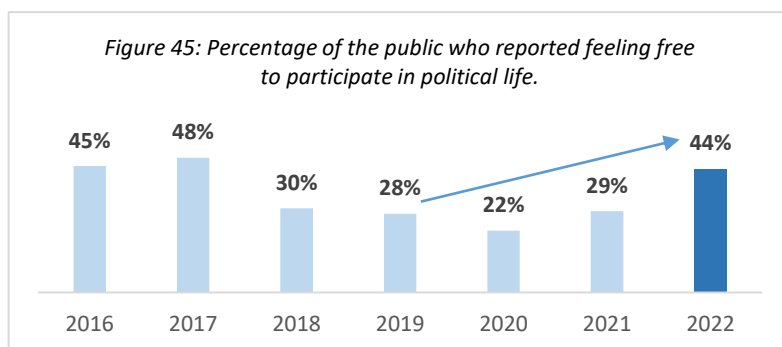
Figure 43 shows that 22% of the respondents felt free, and 41% felt somewhat free to join an association; similar to the case of unions, only 3% of the respondents felt very unfree to join an association, a percentage that has remained small throughout the years.



On the other hand, Figure 44 shows a slight increase in the percentage of respondents feeling free to leave an association (rising from 17% during 2021 to 20% during 2022). Only 1% of the respondents felt very unfree to leave a union. Although results from 2022 show an encouraging

trend toward more willingness to join associations or unions, particularly in the percentage of people who free very free to join or leave, as opposed to only somewhat free (see Figure 43), there is still a reluctance to leave a union, when compared to results from 2020.

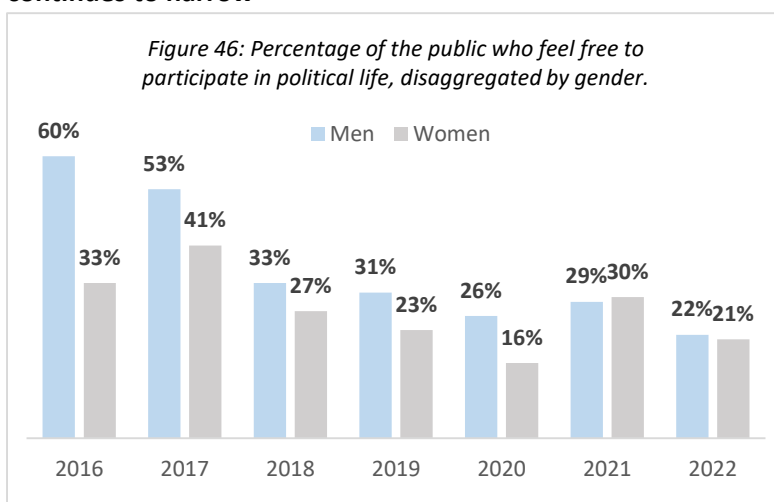
### 3.6 Individuals feel freer to participate in political life



Data from 2022 shows an increasing percentage of individuals feeling “very free” to participate in political life (44%) after a downward trajectory in 2017-2020. Although such participation is still limited, the data gathered during the reporting period suggests a

growing willingness to actively participate in political activities.

### 3.7 Respondents feel less free to participate in political life, but the gap between men and women continues to narrow



Only 21% of female respondents and 22% of male respondents feel free to participate in political life. This is a significant decrease from 60% of men and 33% of women who reported feeling free to participate in political life in 2016. Although the gap in women and men’s feelings of freedom in political participation has narrowed, the overall trend is concerning and reflects a sense of restricted freedom in political

participation, which has coincided with the current socio-political environment in Cambodia and the multiple elections deemed unfree<sup>90</sup>.

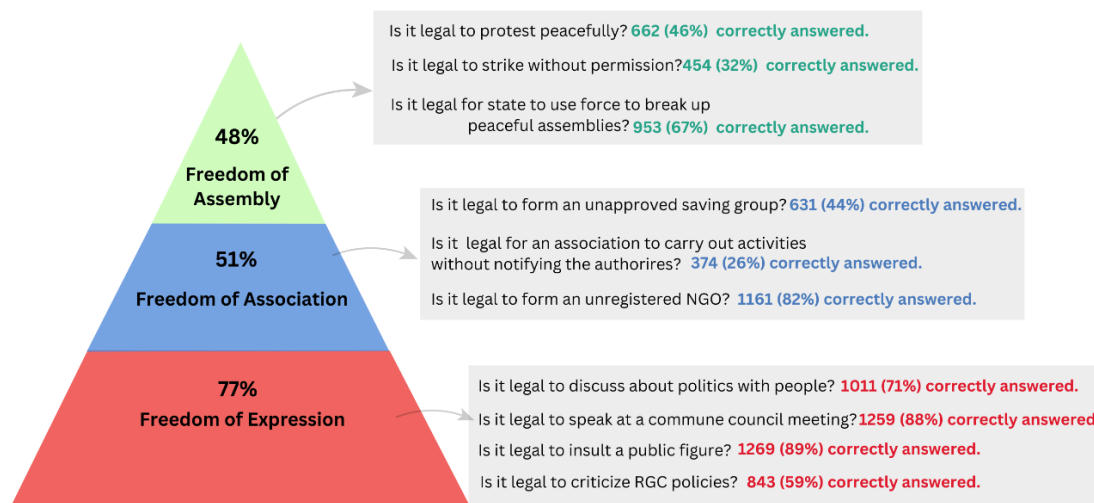
### 3.8 The public has an increased understanding of laws governing fundamental freedoms

The Public Poll examines the level of understanding of domestic laws governing fundamental freedoms by asking whether respondents believe a certain action is legal or illegal. In 2022, the participants were asked ten questions, four on freedom of expression, three on freedom of association, and three on freedom of assembly.<sup>91</sup> During 2022, freedom of expression remained the most understood freedom by Cambodian individuals. In contrast, freedom of assembly continued to be the least understood of all freedoms.

<sup>90</sup> Lay Sopheavotey “NEC accused of commune poll bias”, (Cambodianess, 06 April 2022) <<https://cambodianess.com/article/nec-accused-of-commune-polls-bias>>; Sorn Sarath, “More Candlelight Party commune candidates cut from election”, (CamboJA, 05 April 2022) <<https://cambojanews.com/more-candlelight-party-commune-candidates-cut-from-election/>>; Mao Sotheany “Ministry of Interior removes National Heart Party from political list party”, (RFA Khmer, 02 March 2022) <<https://www.rfa.org/khmer/news/politics/moi-removes-cambodian-national-heart-party-removed-from-the-list-03022022180604.html>>.

<sup>91</sup> The full questions examining the understanding of the laws governing fundamental freedoms can be found in Annex 3 of this report.

Figure 47: percentage of the public who correctly answered the questions examining each fundamental freedoms

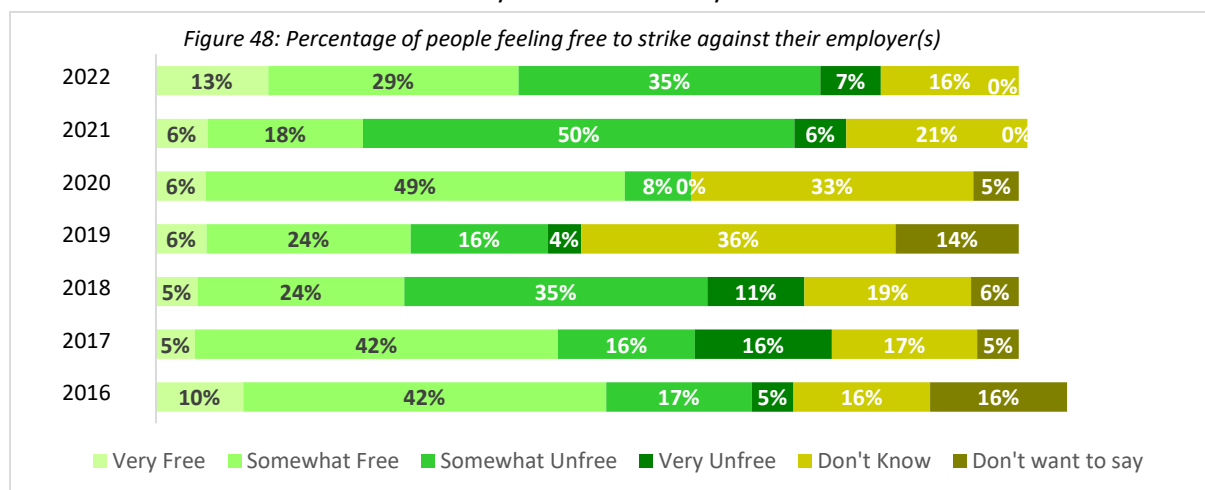


In 2022, 48% of the respondents correctly answered the questions related to freedom of assembly. For instance, only 32% (454) of the respondents accurately answered that it is legal to strike without permission. Similarly, 46% (662) rightly answered that it is legal to protest peacefully. Finally, 67% of the respondents answered that it is illegal for authorities to use force to break a peaceful assembly. Regarding freedom of association, 51% of the respondents correctly answered the questions examining this fundamental freedom. By way of illustration, only 26% answered that it is legal for an association to carry out activities without notifying the authorities. Likewise, 44% answered that forming an unapproved saving group is legal. Finally, 82% of the respondents stated that it is illegal to form an unregistered NGO.

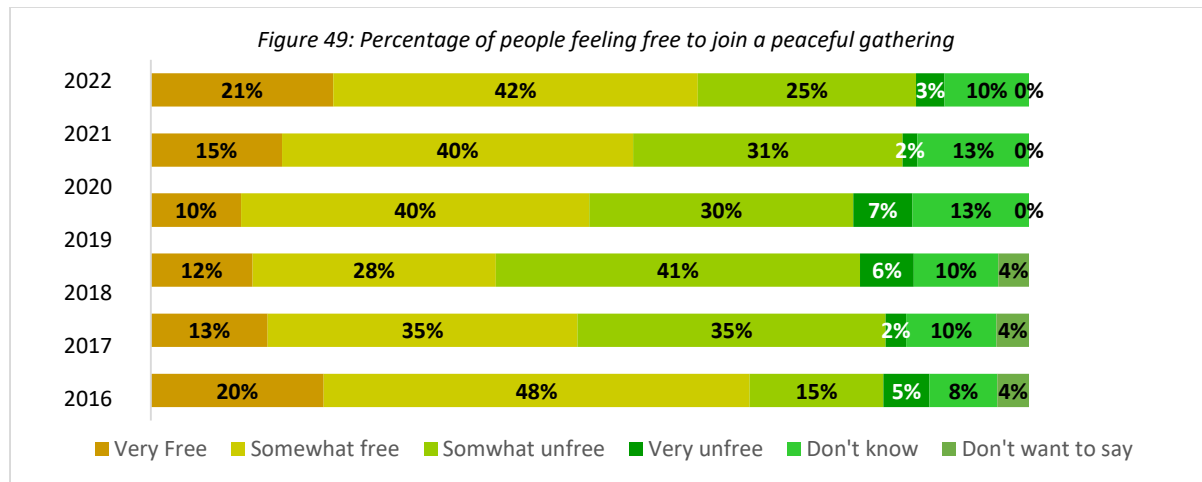
77% of the respondents correctly answered the questions related to freedom of association. By way of illustration, 71% of the respondents accurately replied that it is legal to discuss politics in public; 88% correctly answered that it is legal to speak at a commune council meeting, 89% answered that it is illegal to insult a public figure, and 59% of the participants stated that it is legal to criticize RCG policies.

### 3.9 Individuals have improved their understanding of the core elements of the right to assembly and have increasingly felt freer to exercise it

Although individuals surveyed in 2022 understood the core elements of the right to assembly as the least of the three fundamental freedoms, data from 2022 nevertheless showed that individuals feel freer to exercise the freedom of assembly in 2022 than they did in 2021.

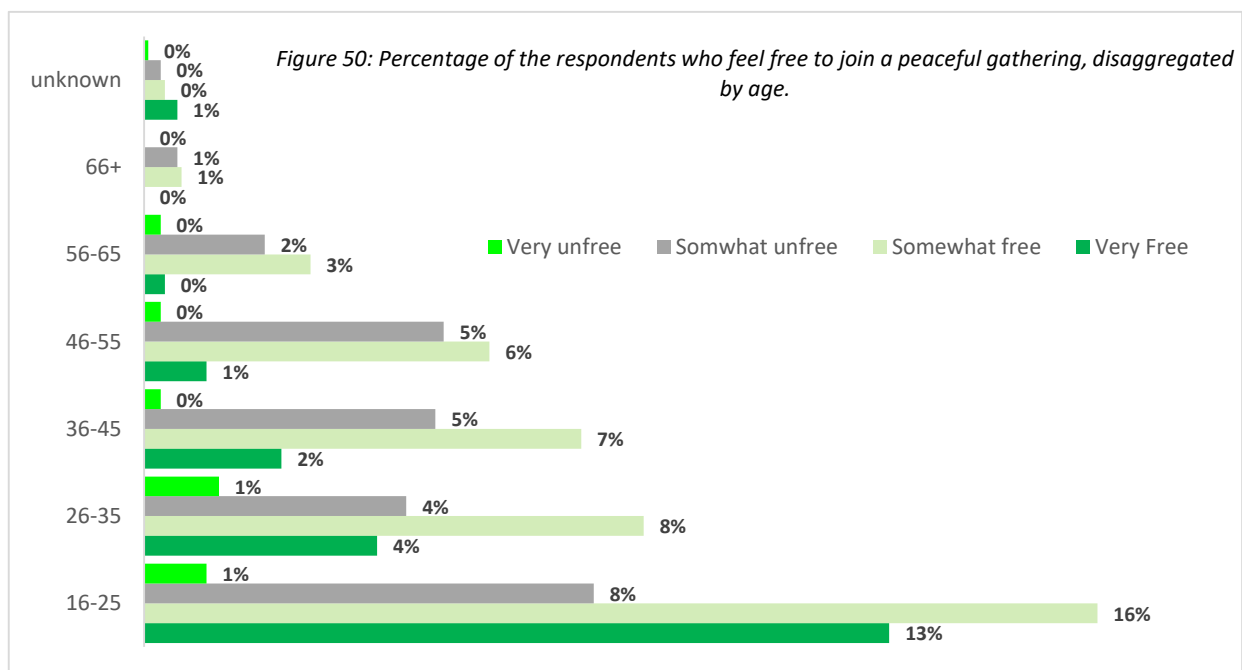


For instance, 13% of the respondents felt very free to strike against their employer(s) (compared to 6% of the respondents in 2021), and 29% felt somewhat free to do so (in comparison with 18% during 2021). In contrast, 35% of the participants felt somewhat unfree, and 7% are very unfree to strike against their employer(s) compared to 2021, where 50% felt somewhat unfree and 6% very unfree.



Similarly, 21% of the respondents felt very free to join a peaceful gathering, and 42% felt somewhat free to do so. On the other hand, 25% of the respondents felt somewhat unfree, and only 3% felt very unfree to join a peaceful gathering. Such results showed an improvement in exercising freedom of assembly during the reporting period.

### 3.10 Younger people are more likely to participate in peaceful gatherings than others

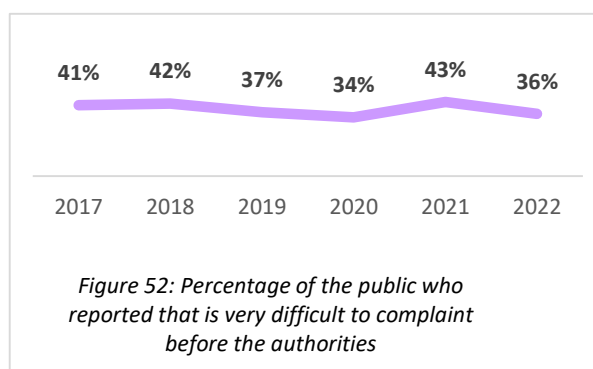
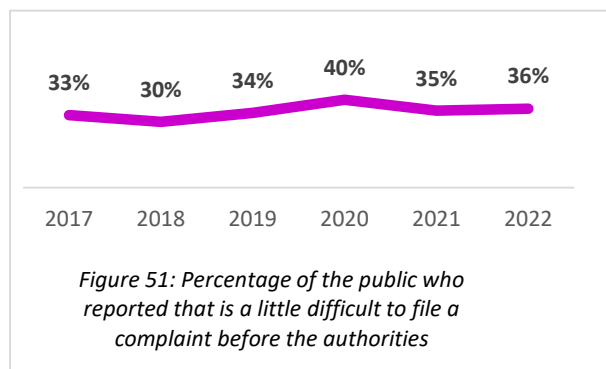


In 2022, 29% of respondents between the ages of 16 and 25 stated feeling somewhat free or very free to participate in peaceful protests. In contrast, only 9% of respondents between the ages of 36 and 45 felt somewhat free or very free to do so, with even lower rates reported for older age groups. Such

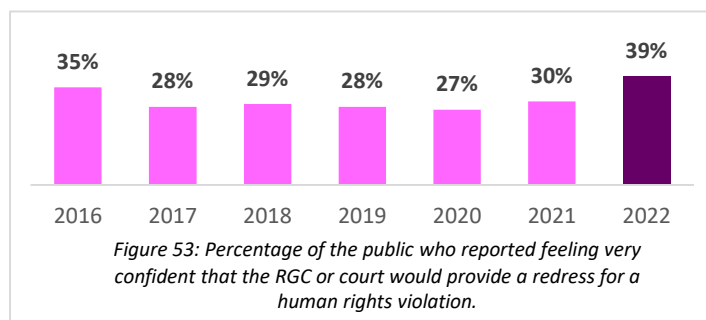
percentages indicate that youth are becoming more informed and engaged in civic and political activities in the country, including exercising the freedom of assembly.

### 3.11 It remains difficult for individuals to report human rights abuses

Overall, we can conclude that the percentage of respondents who found it a little difficult and very difficult to file a complaint before the authorities has remained relatively stable across all reporting periods. A slight increase can be observed in the percentage of respondents who found it a little difficult to file a complaint in 2020, 2021 and 2022 when compared to prior years (Figure 51). Comparatively, the percentage of respondents who found that it is “very difficult” to complain before authorities regarding a human rights violation decreased from 43% in 2021 to 36% in 2022 (Figure 52).



### 3.12 Cambodian citizens continue to struggle when seeking remedies for human rights violations



Data gathered during 2022 showed that the public feels more confident since the FFMP began that the RGC or the courts would provide redress for a human rights violation, rising up to 39% after remaining at just at or below 30% from 2017-2021.<sup>92</sup> Despite this increase, a 39% confidence rating

highlights that there is still a lot of work to be done in improving the confidence rating.

Despite this increased confidence, the proportion of individuals who did not feel confident that the RGC or the courts will provide a remedy for the victims of human rights violations remained significant, reaching almost 70% in 2020 and 2021 (Figure 53).

Data from Key Milestone Three in 2022 shows that individuals continued to struggle to identify key elements of fundamental freedoms, resulting in a decreased ability to fully exercise their rights. Although understanding of the laws governing fundamental freedoms improved slightly in 2022 there is a need to educate Cambodian citizens about fundamental freedoms and their scope of application. Furthermore, data from this Key Milestone shows an increased ability by women to participate in political life, highlighting a relevant advance for gender equality in the public sphere. Finally, the number of individuals feeling free to join a peaceful protest continued to increase, suggesting that although individuals may continue to fear retaliations when exercising their freedom of assembly, they are willing to speak up against social injustices, despite a challenging sociopolitical environment.

<sup>92</sup> To answer this question, respondents were asked to choose one answer among the following options: “Very confident, somewhat confident, somewhat unconfident, very unconfident, and don’t know”.

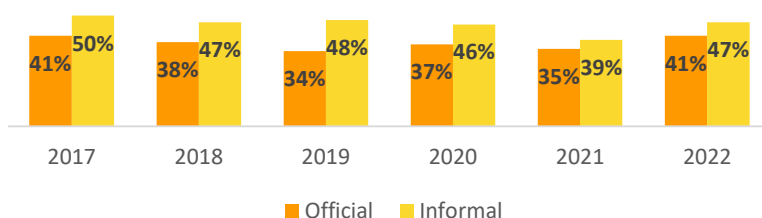
## 4. Key Milestone Four: Are CSOs and TUs recognized by, and able to work in partnership with, the RGC?

Key Milestone Four examines the extent to which CSOs are able to work with the RGC as meaningful stakeholders in Cambodia’s development. The data for Key Milestone Four is drawn from the annual CSO/TU Leader Survey. In 2022, 150 respondents, representing 150 organizations, including 81 CSO leaders (67 domestic/Cambodian CSOs and 14 international NGOs) and 69 TU leaders, from 20 provinces responded to the CSO/TU Leader Survey.

**Key finding:** CSOs/TUs were still not recognized as meaningful stakeholders by the RGC. CSOs and TUs were not aware of opportunities to partner with the RGC in relevant decision-making processes, showing a narrow space for interaction and pluralistic participation. Data gathered during 2022 showed that funding opportunities for CSOs and TU were arduous to find and access. Finally, responses from the CSO/TU Leader highlighted the difficulty organizations face when trying to access information held by public authorities.

### 4.1 Cooperation and exchanges between the RGC and CSOs/TUs remain limited, resulting in CSO/TU leaders feeling that their organizations are not seen as competent development partners by the RGC

Figure 54: % of CSO/TU leaders who reported official or informal partnership with the RGC.



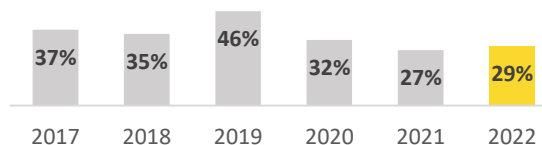
Levels of collaboration between the RGC and CSOs/TUs surveyed never exceeded 50%.<sup>93</sup> While the exact reason for these low levels is unknown, the data revealed that the current socio-political environment does not foster collaboration, thus preventing both the RGC and CSOs/TUs from pluralistic dialogue and reaping the

benefits that arise when public authorities and civil society work together.

Levels of collaboration between the RGC and CSOs/TUs increased from 2021 to 2022, likely due to activities resuming following the COVID-19 outbreak, which was at its peak in 2021.

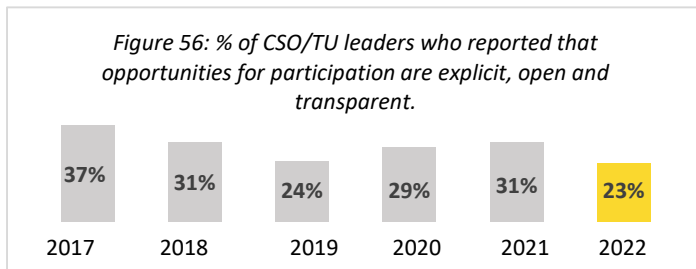
Less than 30% of CSO/TU leaders reported being aware of opportunities to participate in consultations, panels, and/or committees with the RGC in 2022.<sup>94</sup> The respondent’s lack of awareness can likely be attributed to a lack of visibility of such opportunities which, in turn, suggests a lack of interest from the RGC to include CSOs/TUs in these collaborative events.

Figure 55: % of CSO/TU leaders who reported being aware of opportunities to participate in consultations, panels and/or committees with the RGC.



<sup>93</sup> This question was not asked in 2016. Regarding informal collaboration, Figure 54 shows the proportion of CSO and TU leaders who reported “very often”, “often” or “sometimes” informally collaborating with the RGC in the past year, disaggregated by type of respondents.

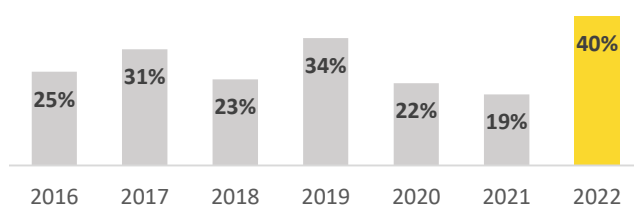
<sup>94</sup> This question was not asked in 2016.



In addition to lacking visibility, calls for CSO/TU participation at RGC events also lack clarity on eligibility criteria to engage in law or decision-making processes; such findings revealed that opportunities for participation were far from being a multistakeholder, inclusive

process. Only 23% of respondents said calls to participate in consultations, panels, or committees were explicit, open, and transparent in 2022.<sup>95</sup> In addition to advertising these opportunities better, the RGC should ensure that a wide range of actors can join and contribute their diverse insights.

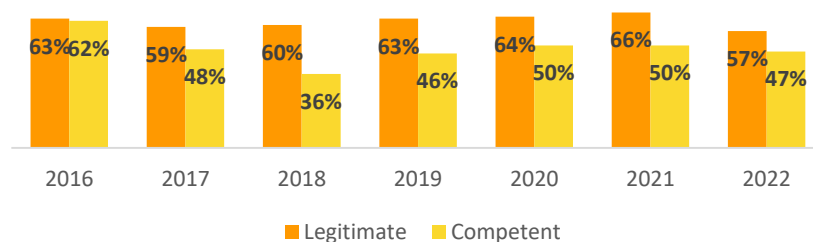
*Figure 57: % of CSO/TU leaders who reported being an active participant in decision- and law-making processes alongside the RGC.*



2022 recorded the highest percentage since the FFMP began – and a two-fold increase since 2021 – of CSO/TU leaders who reported actively taking part in the decision- and law-making processes with the RGC, increasing from 19% during 2021 to 40% in 2022.<sup>96</sup> This rise demonstrates a positive trend of including the expertise of CSOs and TUs in the processes that establish Cambodia’s legal framework and governance structures.

Only 47% of CSO/TU leaders reported feeling that their organization was regarded as a competent development partner by the RGC in 2022.<sup>97</sup>

*Figure 58: % of CSO/TU leaders who felt recognized as legitimate/competent development partners by the RGC.*



In line with the trend observed in previous years, these results show that CSOs and TUs are still not seen as fully capable partners by the RGC. Their skills, abilities and expertise to engage in public affairs are not recognized, resulting in limited collaboration and interaction between them and the RGC.<sup>98</sup>

<sup>95</sup> This question was not asked in 2016.

<sup>96</sup> Figure 57 shows the proportion of CSO and TU leaders who reported “very often”, “often” or “sometimes” taking part in decision- or law-making processes with the RGC.

<sup>97</sup> To be perceived as a competent development partner is to be valued as having the relevant skills, knowledge and ability so as to be a beneficial development partner to the RGC.

<sup>98</sup> To be perceived as a legitimate development partner is to be recognized as a valid, official and lawful entity.

## 4.2 Financing opportunities for CSOs/TUs are hard to find and access

Figure 59: % of CSO/TU leaders who reported being aware of eligible financing opportunities from the RGC.

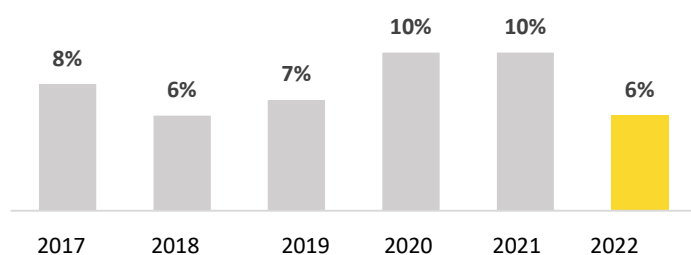
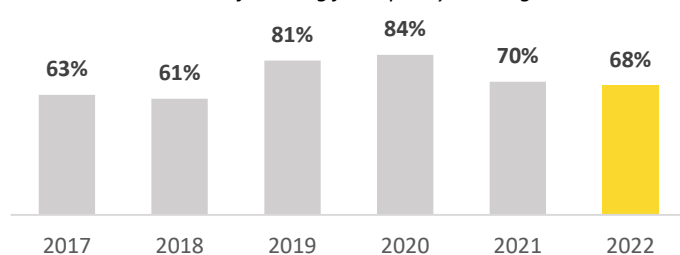


Figure 60: % of CSO/TU leaders who report being unable to access RGC financing for capacity building.



The percentage of CSO/TU leaders who reported being aware of funding opportunities from the RGC for which their organization is eligible remained low, at just 6% in 2022 (Figure 59).<sup>99</sup> This suggests that such opportunities were either under-publicized or non-existent. If there are opportunities for CSOs and TUs to obtain funding from the RGC, the RGC should ensure that these opportunities are disseminated widely and targeted to the CSO and TU communities. The percentage of CSO/TU leaders who reported being unable to access RGC funding for capacity building remained high.<sup>100</sup> While the reasons behind this inability are unknown, limited capacity-building funds can affect the

health and sustainability of CSOs/TUs, hampering their activities and preventing them from helping their constituents.

## 4.3 CSO/TU leaders struggle to access information held by public bodies

Figure 61: % of CSO/TU leaders that recorded feeling free to access information from the RGC.

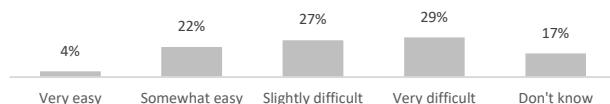
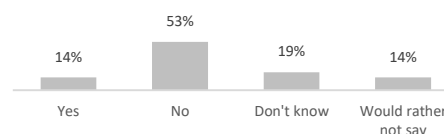


Figure 62: % of CSO/TU that have been denied access to non-classified and/or non-sensitive official information.



During 2022 only 26% of the CSO/TU leaders surveyed responded that it was either “very easy” (4%) or “somewhat easy” (22%) to obtain information from the RGC<sup>101</sup>. 14% (Figure 62) said they were denied access to non-classified and/or non-sensitive information held by RGC officials<sup>102</sup>. This is concerning as proper access to information by civil society infuses transparency and accountability into RGC policies. The Law on Access to Information, once enacted, should make this process easier. However, the FFMP notes that the enactment of this law has been delayed for several years, and the provisions of the law itself will need to conform to international standards to ensure that Cambodians are able to access records and documents held by the RGC.

<sup>99</sup> This question was not asked in 2016.

<sup>100</sup> This question was not asked in 2016.

<sup>101</sup> This question was asked in 2022.

<sup>102</sup> This question was asked in 2022.



Figure 63: Type of information that CSO/TU reported trying to get from the RGC.

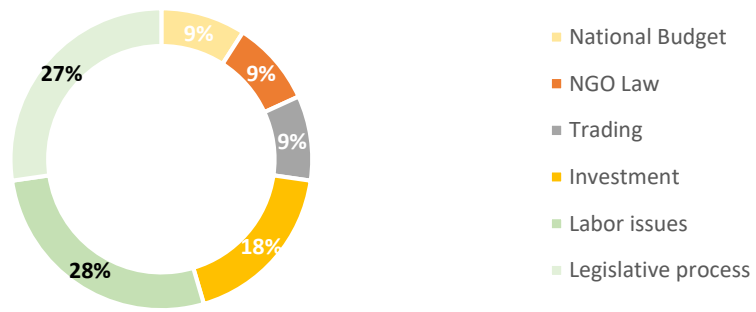


Figure 64: Type of information TU leaders reported have been denied access to by the RGC.

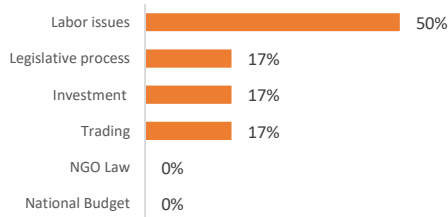


Figure 65: Type of Information CSO leaders reported have been denied access to by the RGC.

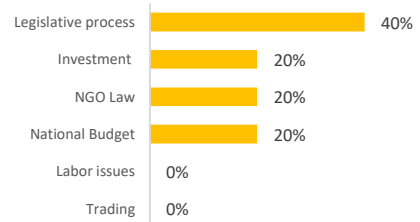


Figure 63 shows that labor issues and legislative processes were most sought after categories of information CSO/TU leaders tried to obtain from RGC during 2022. Requests for information in these categories were also most frequently denied by the RGC, (Figures 64 & 65). For instance, 40% of the time the RGC denied CSOs requests to access information concerning legislative processes. Similarly, TUs reported that RGC denied them access to information on labor issues 50% of the time. This data suggests that during 2022 CSO/TU leaders were interested in a wide range of topics concerning the current socio-political panorama in the country, particularly information related to labor issues and the legislative processes.

Data from Key Milestone Four demonstrated a continued lack of a partnership between CSOs/TUs and RGC as competent development partners. Similarly, there has not been a significant increase in the level at which CSO/TUs have taken part in the decision- and law-making processes, or consultations, panels, and committees with the RGC. CSOs/TUs are important actors whose expertise and experience can play a vital role in Cambodia's development. CSOs/TUs should be included in all decision- and law-making process processes with the RGC.

## Conclusion

During 2022, the FFMP continued documenting events involving restrictions on the exercise of fundamental freedoms (freedom of expression, association, and assembly), which have exacerbated the stifling of political freedoms and interference with citizen participation. The FFMP recorded 566 incidents that involved limitations to fundamental freedoms, in contravention of international and domestic human rights laws and standards, across all provinces in Cambodia. Authorities continued to use the judiciary to harass and repress individuals exercising their rights, particularly dissenting voices or those critical of the RGC and its policies. Individuals curtailed their discussion on topics deemed sensitive in fear of repercussions from the authorities. Thus, they continued to self-censor, refraining from sharing ideas and thoughts, particularly online. These practices of self-censorship speak to the limiting environment of the free exercise of expression, eroding the confidence of Cambodian individuals in their ability to exercise their fundamental rights.

The legislative framework related to freedom of expression and association remained repressive. Pending legislative developments raise serious concerns about the use of the law by authorities to further curtail fundamental liberties. For instance, The *Sub-Decree on Management and Use of National Domain Names on the Internet* allows discretionary refusal for domain names, paving the way for authorities to censor the entities seeking website domain names for arbitrary reasons and infringing on their freedom of expression. Consequently, the rules enshrined in the Sub-Decree do not comply with Cambodia's obligations under international human rights law to respect and protect fundamental freedoms.

Although public understanding of the three fundamental freedoms has slightly improved compared to previous years, many individuals remained unable to identify the core elements and scope of application of each freedom, making it challenging to recognize violations of their rights, seek reparations, and hold perpetrators accountable. The knowledge of the legal framework governing freedom of expression, association, and assembly continued to decrease, and individuals wrongly thought Cambodian domestic legislation was more restrictive than it actually was. This is a concerning finding that reflects the widespread assumption that the RCG uses repressive legislation to criminalize human rights. Similarly, the data gathered during 2022 suggests that although individuals progressively felt free to participate in political life, they still feel hesitant to join protests or peaceful gatherings to demand better working conditions.

Moreover, cooperation between the RGC and CSOs/TUs remained low. CSOs/TUs are not seen as competent partners whose perspectives should be considered in decision-making and law-making processes. This creates a constricted space for pluralistic participation, which should include CSOs'/TUs' expertise and knowledge. Many CSOs and TUs struggled to access public information and apply for funding opportunities, which are not publicly or otherwise easily accessible.

By offering unique insight into the state of fundamental freedoms in Cambodia, FFMP seeks to provide a foundation upon which informed, inclusive, and genuine discussions can take place to bring domestic law in line with international law. The FFMP encourages constructive steps toward creating an enabling environment and the necessary conditions for civil society to thrive and democracy to flourish.

## Annex 1 – Methodology and Data Collection

*This Annex presents the methodology and data collection tools used by the FFMP.*

### **Methodology**

The Monitoring Team utilizes its Monitoring and Tracking Tool (MTT) to conduct the FFMP. Data is collected systematically and assessed objectively under the MTT, which was designed to provide a balanced and objective framework to monitor the state of the freedoms of association, assembly, and expression (fundamental freedoms) in Cambodia, with a focus on the civic participation of civil society.

The monitoring for 2022 took place from 1 January – 31 December 2022. Results from monitoring were collated and reviewed quarterly: the First Quarter, 1 January – 31 March 2022; the Second Quarter, 1 April – 30 June 2022; the Third Quarter, 1 July – 30 September 2022; and the Fourth Quarter, 1 October – 31 December 2022.

The MTT is comprised of 152 individual indicators that correspond to the four Key Milestones (KMs).<sup>103</sup>

KM1: The legal framework for fundamental freedoms meets international standards;

KM2: The legal framework for fundamental freedoms is implemented and properly enforced;

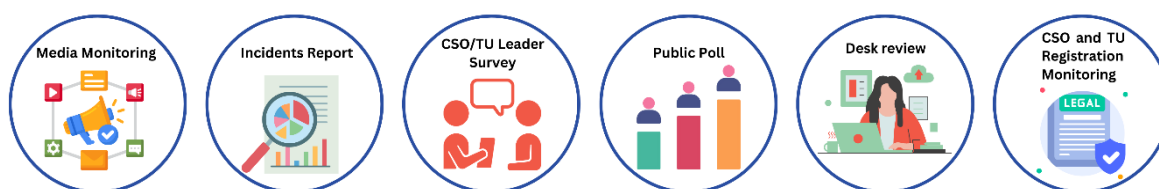
KM3: Individuals understand fundamental freedoms and feel free to exercise them; and,

KM4: Civil society organizations (CSOs) and trade unions (TUs) are recognized and can work in partnership with the RGC.

The MTT details the key activities of the Monitoring Team. It establishes definitions to ensure the consistent application of critical concepts and outlines a logic model, clearly articulating the elements of the four Key Milestones. The MTT also includes indicators and metrics used to assess changes against each element and Key Milestone, as well as the data sources, persons responsible for data collection, and the frequency of data collection.<sup>104</sup>

### **Data Collection Methods**

The Monitoring Team utilized six data collection methods to measure indicators related to each element under the Key Milestones.



<sup>103</sup> For the full Methodology, see CCHR, ADHOC, SC and ICNL, 'Cambodia Fundamental Freedoms Monitor: Third Annual Report' (July 2019) Annex 1

[https://cchrcambodia.org/index\\_old.php?url=media/media.php&p=report\\_detail.php&reid=130&id=5](https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=130&id=5).

<sup>104</sup> More information regarding the methodology of the MTT is available upon request.

### ***Media Monitoring***

Media monitoring focuses on news coverage related to fundamental freedoms. This data collection method is used in two ways. First, it is used to collect data for indicators that seek to measure changes in the implementation or interpretation of laws affecting fundamental freedoms. Second, it provides a means of tracking the number and types of incidents in which fundamental freedoms are violated or restricted.

Media Monitoring is undertaken daily. Major national Cambodian newspapers, and several other media sources, are reviewed to identify relevant stories.<sup>105</sup>

The Monitoring Team identifies and reviews relevant articles, who then enter essential information into a Media Monitoring Database. The Media Monitoring Database classifies articles across several categories corresponding to individual indicators and elements contained in the MTT. The Monitoring Database is systematically reviewed each quarter.

The Monitoring Team captured 329 incidents via Media Monitoring Reports during 2022.

### ***Incident Reporting***

Incident Reports capture restrictions and violations of fundamental freedoms not covered in the media. Data from incidents are collected via an Incident Report Form, which provides a means for individuals or associations who believe their fundamental freedoms have been violated to report these occurrences to the Monitoring Team. Incident Report Forms are completed when a complainant approaches the Monitoring Team or the Monitoring Team hears of an issue and follows up with the alleged victim.

The Incident Report Form captures both qualitative and quantitative data, including information about the incident, location, people involved, type of association (if relevant), and type of violation. Key information from the Incident Report Form is entered into an Incident Reporting Database, where the Monitoring Team analyzes it.

During 2022, the Monitoring Team captured 237 incidents via Incident Reports.

### ***CSO/TU Leader Survey***

The CSO/TU Leader Survey is an annual survey designed to capture the feelings and experiences of CSO/TU leaders regarding their ability to exercise fundamental freedoms. CSO/TU leaders are randomly selected to participate in the survey, using a sampling technique based on the records from major NGO coalitions and union confederations.

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<sup>105</sup> National media sources include: the Phnom Penh Post (Khmer & English), Khmer Times (Khmer & English), Radio Free Asia (Khmer & English), Radio France International, Dap News, Voice of Democracy (Khmer & English), Voice of America, VAYO, CNC News, Kohsantepheap, Rasmei Kampuchea Daily, Thmey Thmey, Kampuchea Thmey, Freshnews, Women's Media Center, Swift News Daily, TVFB, Kley Kley Sabay, Cambodia Express News, Camnews, CamboJA News, Cambonomist, Cambodianess, CJ Khmer, Khmernas, Newsroom Cambodia, Khmer Tomorrow, Amapapa News, Siem Reap Post News, the Cambodia China Times, Cambodian Peace Channel, and Nokorwat News Daily. A key limitation of this approach is that with the decreasing number of independent media outlets, reporting may be biased. International media sources include: Al Jazeera, The Diplomat, UCA News, The Star and Reuters.

In 2022, the CSO/TU Leader Survey was carried out from 27 September – 30 October 2022. The survey was completed online with 150 respondents. The survey results were analyzed to identify trends in the different characteristics of CSOs or TUs that in the survey, as well as in the MTT indicators.

### ***Public Poll***

The Public Poll, conducted annually, is designed to gauge the general public's sentiment toward the exercise fundamental freedoms and any shift in this sentiment over time. Convenience sampling is used to administer the poll. The poll is conducted in public locations around Cambodia. The Monitoring Team went to public areas where people congregated and randomly selected people to participate in the poll.

The Public Poll in 2022 was conducted from 1 November – 31 December 2022. 1424 individuals across 25 provinces were surveyed. The results from the poll were analyzed to identify trends in the different characteristics of respondents, as well as in the MTT indicators.

### ***Desk Review***

The Desk Review is a legal analysis of relevant Laws, Prakas, Circulars, Directives, and other policies, reports, and regulations that affect the exercise of fundamental freedoms. The Desk Review assesses the degree to which the Cambodian legal framework sufficiently guarantees fundamental freedoms, as required under international human rights law. As such, the Desk Review is concerned with the letter of the law, as opposed to its implementation.<sup>106</sup>

Desk Review reports are generated quarterly to update analyses of laws and regulations that have been amended, as well as to include analyses of new or recently reviewed laws and Regulations.<sup>107</sup>

### ***CSO and TU Registration Monitoring***

The registration process of CSOs and TUs is required under the *Law on Associations and Non-Governmental Organizations (LANGO)* and *Law on Trade Unions (TUL)*, respectively. The registration process presents an opportunity for the RGC to arbitrarily deny the rights of CSOs and TUs. Monitoring the efficiency and effectiveness of the registration processes provides crucial insight into how well the right to form an association or a TU is protected and exercised. The Monitoring Team captures this data through a registration checklist. Select associations and TUs evaluate their experiences registering under the LANGO or TUL, using either the CSO Registration Checklist or the TU Registration Checklist. The checklists were designed by the Monitoring Team separately, to match the different registration requirements and process for associations and TUs.

In 2022, the FFMP recorded 2 NGOs experiences attempting to register under the LANGO in 2022. Unfortunately, it did not receive any experiences from TUs.

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<sup>106</sup> See Annex 2.

<sup>107</sup> More information regarding the desk review is available upon request.

## Annex 2 – FFMP Results Table

The table below provides a summary of the data gathered by the Monitoring Team over 2022 of monitoring (1 January – 31 December 2022). Indicators rely on various different data sources, as identified in Annex 1.

Desk Review of Laws and Regulations: On completing an analysis of each relevant law or regulation, staff assigned a rating, based on a five-point scale that scored Cambodia’s legal framework against international human rights law and standards (1=lowest rating possible, 3=average rating, 5=highest rating possible). The Monitoring Team assessed each of these indicators as impartially and objectively as possible, based only on the laws and regulations that are available. Where laws or regulations are not available, the indicator is deemed immeasurable. A new analysis was undertaken for all indicators in 2020 that led to some recategorization of indicators, despite no laws relevant to that indicator changing.

Media Monitoring and Incident Reporting: Data was recorded on a continuing basis throughout the year, and on a quarterly basis the data was tallied and analyzed.

CSO/TU Leader Survey, Public Poll and CSO/TU Registration Monitoring: The survey, poll and registration monitoring responses were collated and analyzed. A number or percentage was generated from an analysis of the responses.

Where possible, the annual result has been included for each indicator and has been color coded according to the below key:

	Highest Possible Rating
	Average Rating
	Lowest Possible Rating
	Unable to Rate

An evaluation of the Monitoring Tracking Tool (MTT) took place at the end of 2019 which led to some revisions of indicators, including the addition of 11 new indicators. These indicators display ‘n/a’ for all years prior to 2020.

Key Milestone 1: The legal framework for the freedoms of association, assembly and expression meets international standards										
Element	Indicator/s	Data Source	2016	2017	2018	2019	2020	2021	2022	Notes
<b>1.1: FoAA&amp;E are guaranteed under domestic law</b>	Degree to which Cambodian laws, regulations and policies respect FoAA&E	Desk Review of laws, regulations, and policies	3	3	3	3	3	2,5	2,5	Cambodia does not fully meet this element. The rights to freedom of association, assembly and expression are guaranteed by Articles 41 and 42 of the Constitution of the Kingdom of Cambodia (the Constitution). <sup>108</sup> Moreover, Cambodia has ratified the International Covenant on Civil and Political Rights. However, they apply only to Cambodian citizens, and not all within its jurisdiction, thus insufficiently protecting the fundamental freedoms of other individuals living in Cambodia. <sup>109</sup> Furthermore, these constitutional guarantees were significantly weakened by the February 2018 constitutional amendments. <sup>110</sup> Each of the domestic laws governing freedom of association – the Law on Associations and Non-Governmental Organizations (LANGO) and the TUL – contain several provisions that restrict freedom of association. <sup>111</sup> The 2020 amendments to the TUL do not significantly lessen its restriction to the freedom of association. <sup>112</sup> Freedom of expression is significantly curtailed in a number of laws and regulations, including the Law on Political Parties (LPP), the Education Law, the Press Law, the Cambodian Criminal Code (the Criminal Code), the Telecommunications Law, and the Inter-Ministerial Prakas on Publication Controls of Website and Social Media Processing via Internet (Social Media Prakas). The Law on Peaceful Assembly (LPA), while being partially consistent with international standards, also contains vague provisions which could jeopardize the freedom of assembly, in addition to only protecting the rights of “Khmer citizens”. The Law on the Management of the Nation in State of Emergency (the State of Emergency Law) has the ability to severely curtail the rights to freedom of association, assembly and expression during a state of emergency. In 2021, the Law on Measures to Prevent the Spread of COVID-19 and Other Serious, Dangerous and Contagious Diseases (COVID-19 Law) was adopted, giving authorities unchecked powers to potentially restrict freedom of association and freedom of assembly under the guise of fighting COVID-19. The Sub-Decree on the Establishment of a National Internet Gateway (NIG Sub-Decree) was also introduced, and is likely to significantly impact the exercise of freedom of expression and freedom of assembly online. Finally, the Monk prakas, also passed in 2021, unduly restricts freedom of assembly. <sup>113</sup> In late December 31 2021, the RGC enacted the Sub-Decree on the Management and Use of National Domain Names on the Internet, which restricts the freedom of expression and does not comply with international law. <sup>114</sup> Its imprecise language and the unclear content of the Sub-Decree are open to various interpretations and arbitrary or disproportionate enforcement by the authorities, as the registrability of the domain can only be determined by the RGC, which may result in a legal entity losing its domain name registration. Subsequently, blocking, censoring, chilling online speech, and shrinking civic space are disproportionate measures, infringing Cambodia’s obligations.
<b>Freedom of Association</b>										
<b>1.2: The registration process for associations is</b>	Degree to which the registration process and fee schedule for registering associations is publicly advertised	Desk Review of laws, regulations, fee schedules, and	n/a	1	1	1	1	1	1	Cambodia fails to meet this element. The registration requirements for CSOs and TUs under both the LANGO and the TUL are burdensome, onerous and vague, and do not comply with international standards. <sup>115</sup> Notably, Article 5 of the LANGO prevents certain individuals, such as individuals who do not hold Khmer nationality, as

<sup>108</sup> The Constitutional Council of the Kingdom of Cambodia’s decision of 10 July 2007 authoritatively interpreted Article 31 of the Cambodian Constitution as meaning that international treaties ratified by Cambodia, including the ICCPR, are directly applicable in domestic law. See Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007).

<sup>109</sup> Sub-decree 148 on Special Economic Zones, extends rights to workers in the Special Economic Zone.

<sup>110</sup> Using overly broad language, the amendments require both individuals and political parties to “uphold national interests” and prohibits them from undertaking “any activities” which “directly or indirectly” affect “the interests of the Kingdom of Cambodia and of Khmer citizens”. Fresh News, ‘Draft Penal Code Amendment related to Lèse-majesté and Constitutional Amendments Promulgated’ (Fresh News English, 3 March 2018) <<https://bit.ly/2DZynKM>>.

<sup>111</sup> The LANGO imposes mandatory registration for all associations (Article 6), and provides for burdensome, onerous and vague registration requirements (Chapters 2 and 3). The LANGO also provides for broad government oversight to deny registration (Article 8) and imposes onerous activity and financial reporting requirements (Article 25) while sanctions (Article 30) are disproportionate. The TUL, which excludes workers including self-employed and informal sector workers from its protections, imposes mandatory and burdensome registration requirements and broad grounds for the denial of registration (Article 15 and Prakas 249) and burdensome reporting requirements (Article 17).

<sup>112</sup> The amendments further narrow the scope of the law, excluding personnel serving in air and maritime transportation; they remove the requirements for union leaders to prove they are literate in Khmer (Cambodian nationals only) and prove they have no previous criminal convictions (all nationalities); they add the requirement for the full payment of salaries and other benefits to be made before automatic dissolution can be possible; and they remove the ability to dissolve a union in the event its leaders or managers commit serious misconduct or a serious offense. See Key Milestone One.

<sup>113</sup> See Key Milestone One.

<sup>114</sup> Telecommunication Regulation of Cambodia, ‘Management and Use of National Domain Names on the Internet Royal Government’ (December 31 2021), <<https://trc.gov.kh/en/sub-decree/>>.

<sup>115</sup> See CCHR, ADHOC, SC, ‘Fundamental Freedoms Monitoring Project: First Annual Report’ (August 2017), 4-7

<<https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>>.

fair and transparent	and clearly prescribed	registration information								well as persons under 18, from establishing a domestic association or non-governmental organization (NGO ). This article is inconsistent with article 11, which provides that the Ministry of Interior will determine by Prakas the procedures for establishing and registering an association by minors There is also a lack of procedural safeguards in the registration process set out in the LANGO, <sup>116</sup> including an absence of clearly set out grounds for rejection of a registration request, thereby leaving the door open for arbitrary rejection. Despite 2020 amendments to the TUL that removed two restrictive requirements for union leaders, the TUL continues to contain onerous requirements for registration of TUs. Specifically, Article 20 restricts the ability of unions to carry out their activities, namely through the requirements that leaders are 18 or over and make a declaration of a residential address, both of which are inconsistent with international best practices and non-compliant with the right of workers to elect their representatives in full freedom. <sup>117</sup> Ultimately the TUL establishes an authorization procedure for TUs, requiring RGC approval for union registration in contravention of international human rights law. <sup>118</sup>
1.3: There are no limitations to the number of associations that can exist for similar purposes	Degree to which laws, regulations or policies limit associations from being established and registered for similar purposes	Desk Review of laws, regulations, and policies	5	5	5	5	5	5	5	Cambodia meets this element as there is no limit on the number of associations that may exist for similar purposes in the LANGO or other laws. Article 7 of the LANGO provides that the name, abbreviation, and logo of an association or NGO shall not be the same as an association or NGO already registered, nor the Red Cross, Red Crescent, or international institutions. This restriction appears reasonable and proportionate as long as it is used in a fair, transparent, and consistent manner.
1.4: Associations can freely form networks of organizations, coalitions, federations, or other types of unions	Degree to which laws, regulations or policies permit associations to form networks of organizations, coalitions, federations, or other types of unions	Desk Review of laws, regulations, and policies	3	3	3	3	3	3	3	Cambodia partially meets this element. The LANGO defines both domestic associations and NGOs as being potentially established by a "legal entity" which implies that networks of organizations, coalitions, etc. would be permitted. While the TUL explicitly recognizes the right for unions and employer associations to freely consult each other and affiliate with other unions and employer associations, the TUL also sets out an impermissibly restrictive test that constitutes an unjustified barrier to the formation of such a network. <sup>119</sup>
1.5: Registration for associations is voluntary	Degree to which laws, regulations or policies permit the voluntary registration of associations	Desk Review of laws, regulations, and policies	1	1	1	1	1	1	1	Cambodia fails to meet this element because the LANGO, TUL, LPP, and Law on Agricultural Cooperatives require mandatory registration. Contravening the principle that registration should not be compulsory, but voluntary. Moreover, by conferring on the Ministry of Interior the authority to sanction associations and NGOs through de-registration (Articles 30 and 33) fines (Article 32), these provisions also contravene the view that only an independent judiciary should have the authority to sanction associations or NGOs. On the other hand. The LANGO's definition of association is exceptionally broad, potentially applying to every informal group in Cambodia, including community-based organizations (CBOs). <sup>120</sup> Under these laws failure to register renders the associations illegal. Denying legal capacity and prohibiting unregistered entities from conducting any activity is inconsistent with the right to freedom of association – associations should be presumed to be operating lawfully until proven otherwise. Registration should be voluntary, based on a system of notification rather than authorization, and aimed only at obtaining legal capacity; it should not be a prerequisite for the ability to function lawfully.

<sup>116</sup> Under Article 8, the Ministry of Interior (Mol) may deny the request for registration of a domestic association or NGO if its "purpose and goals" would "endanger the security, stability and public order, or jeopardize national security, national unity, culture, traditions and customs of Cambodian national society". The LANGO leaves the actual registration procedure to be determined by the Mol through administrative orders or Prakas.

<sup>117</sup> International Labour Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organise (adopted 9 July 1948, entry into force 4 July 1950) Article 3 <<http://www.refworld.org/docid/425bc1914.html>>.

<sup>118</sup> International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) Article 8.

<sup>119</sup> Article 10 of the TUL imposes minimum membership requirements which are hard to meet for informal sector workers and smaller groups thus violating their right to freedom of association.

<sup>120</sup> CCHR wrote to the Mol seeking clarification on this matter on 21 August 2015, and received a response on 22 September 2015. Encouragingly, the response letter from the Mol indicated that the LANGO should not apply to small CBOs; however, there is still significant scope for local authorities and officials to misapply the law due to the vague wording of the LANGO: see CCHR, 'Letter from CCHR to Samdech Kralahom Sar Kheng', (21 August 2015)

<[https://cchrcambodia.org/index\\_old.php?title=CCHR-Open-Letter-Seeks-Clarification-Regarding-Application-of-the-LANGO-to-CBOs-and-Informal-Groups&url=media/media.php&p=press\\_detail.php&prid=569&id=5](https://cchrcambodia.org/index_old.php?title=CCHR-Open-Letter-Seeks-Clarification-Regarding-Application-of-the-LANGO-to-CBOs-and-Informal-Groups&url=media/media.php&p=press_detail.php&prid=569&id=5)>.



<b>1.6: Provisions for the supervision of associations comply with international standards</b>	Degree to which laws, regulations or policies for the oversight of associations are in keeping with international standards	Desk Review of laws, regulations, and policies	2	1	2	2	2	2	2	1,5	<p>Cambodia does not meet this element, as several articles of the LANGO conflict with international standards on the rights to freedom of association and expression that are binding upon the State. International best practices dictate a minimalist approach to regulation/oversight, with very close scrutiny of attempts to interfere with the choices that associations and their members make about the organization and its affairs. The LANGO requires associations to give advance notification of certain activities that take place outside the "home" province, and demands that international NGOs closely cooperate with the RGC. The TUL specifies the content of unions' statutes, the amount of members' dues, and leaders' term limits. These legal oversight mechanisms were not relieved by the 2020 amendments of the TUL. The issuance of the October 2017 letter from the Ministry of Interior (Moi) implementing a prior notification regime for all CSO activities contravenes international standards for supervision of association activities. This led the score to be reduced to 1 in 2017, but this regime of prior notification was repealed by a Moi directive in November 2018. The scope of the 2018 directive appears limited to civil society groups who have registered with the Moi, therefore leaving open the possibility that activities of unregistered small groups or CBOs may still be hindered by the local authorities.</p>
<b>1.7: Association reporting requirements to the RGC comply with international best practices</b>	Degree to which reporting requirements comply with international best practices	Desk Review of reporting requirements	2	2	2	2	2	2	2	2	<p>Cambodia fails to meet this element. The reporting requirements for CSOs and TUs under both the LANGO and the TUL are deemed onerous and not in compliance with international standards. For instance, the vague definitions of "domestic association" and "domestic non-governmental organization" could be interpreted to include community based organizations, which could result in the imposition of reporting requirements that many of them would be incapable of fulfilling. International human rights law allows states to impose reporting requirements on associations if they are established to pursue the legitimate interests of transparency and accountability.<sup>121</sup> However, international standards require that such reporting obligations are not arbitrary<sup>122</sup> or burdensome.<sup>123</sup> Smaller organizations or informal groups are likely to be disproportionately affected because they have fewer resources to devote to complying with the numerous requirements. Both the LANGO and TUL require CSOs or TUs to submit frequent financial and activity reports to the Moi.<sup>124</sup> In 2019 Article 17 of the TUL was revised requiring that unions "prepare" instead of "submit" annual financial statements and activity reports. However, the amendments added the provision that unions must submit these financial documents to independent auditors at the request of any donor, 10% of total union members, or 5% of total members of union federations/confederations. Article 17 therefore continues to be overly restrictive, amounting to interference in the internal affairs of an association. In addition to these extensive reporting requirements, Article 25 further allows "if necessary, for associations to be compelled to provide copies of their activities and financial reports to the Ministry of Interior and subjected to checks and audits by the government, and thus give authorities broad discretion to determine the grounds upon which associations should be required to release their annual reports and which associations and NGOs would be subjected to a governmental audit, which could put the independence of associations and the safety of their members at risk.</p>
<b>1.8: Sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand</b>	Degree to which sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand	Desk Review of laws, regulations, and policies	2	1,5	1,5	1,5	1	1	1	<p>Cambodia fails to meet this element. Sanctions for CSOs, TUs and political parties under the LANGO, TUL and the amended LPP, respectively, are disproportionate and do not meet international</p>	

<sup>121</sup> UN Human Rights Council, 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai' UN Doc. A/HRC/20/27, (21 May 2012), para. 65 <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)>.

<sup>122</sup> Ibid.

<sup>123</sup> UN Human Rights Council held that reporting requirements must not "inhibit the functional autonomy" of an association: UN Doc A/HRC/22/L.13 (15 March 2013), para. 9 <<https://documents-dds-ny.un.org/doc/RESOLUTION/LTD/G13/120/26/PDF/G1312026.pdf?OpenElement>>.

<sup>124</sup> See CCHR, ADHOC, SC, 'Fundamental Freedoms Monitoring Project: First Annual Report' (August 2017), 4-7 <<https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>>.

										standards. <sup>125</sup> Many sanctions under the TUL and LANGO are also not narrowly defined, easy to understand, or transparent. The LANGO provides a wide range of sanctions, including dissolution and deregistration, for vague, ill-defined and difficult to understand actions, such as not being "political neutral". While the TUL was amended in 2019 to remove the automatic dissolution of an association if its leaders or managers commit a serious misconduct or offense, <sup>126</sup> the TUL contains other ill-defined, vague actions that can result in sanctions, including a ban on organizing for "political purposes" or for "personal ambitions". Furthermore, the Criminal Code enumerates many ill-defined and disproportionate sanctions that can apply to associations and leaders, including for incitement to commit a crime, insult, criticism of a judicial order and defamation. The Telecommunications Law, <sup>127</sup> Counter-Terrorism Law, <sup>128</sup> the Law on the Election of Members of the National Assembly (LEMNA), and the Law on the Election of Commune Councils (LECC) also contain sanctions for disproportionate, broad and ill-defined actions. <sup>129</sup> The State of Emergency Law creates penalties for organizations and businesses that are not guaranteed to be proportionate to the harm caused. Legal entities can be held criminally liable for "intentionally obstructing or hindering the operation of an emergency response", <sup>130</sup> and for "intentionally disobeying the measures laid down by the Royal Government". <sup>131</sup> Penalties under the law include massive fines of up to one billion riels in addition to "one or more additional penalties as stated in article 168 of the Criminal Code". Article 168 of the Criminal Code provides for the dissolution or forced closure of an entity. Dissolution or closure of a civil society organization for minor violations of law is generally incompatible with the freedom of association. <sup>132</sup> Under Article 5 of the COVID-19 Law, authorities can suspend or revoke business licenses, certificates or permits, and close businesses as punishment against those who do not comply with vague and non-exhaustive "health, administrative and other measures".
<b>1.9: Procedural safeguards are in place for associations facing sanctions</b>	Degree to which safeguards are in place for associations facing sanctions	Desk Review of laws, regulations, and policies	2	2	2	2	2	2	2	Cambodia does not meet this element. There are some safeguards included in the LANGO, such as escalating penalties and a right of appeal in cases of deregistration, but overall safeguards are inadequate. The TUL contains no right of appeal to a court of law for administrative sanctions, although Prakas 251 of the Ministry of Labour and Vocational Training (MLVT) has created a limited right of administrative appeal to the MLVT when a warning letter is received or a fine imposed. For penalties contained in the Criminal Code, there is a right of appeal. The LPP contains limited safeguards for sanctions, even though the executive enjoys a high degree of discretion in imposing the penalties, which are broadly and vaguely defined.
<b>1.10: The right to voluntary dissolution is protected by law</b>	Degree to which voluntary dissolution is protected by law	Desk Review of laws, regulations, and policies	4	4	4	4	4	4	4	Cambodia generally meets this element. Article 26 of the LANGO provides that a domestic association "may suspend its activities by providing a written notification to the Ministry of Interior" and by providing its final activity and financial reports. However, the vague provisions of Article 26(2) may create barriers to voluntary dissolution, as they require that a domestic association "shall, prior to its dissolution, clear its obligations in accordance with the procedures and provisions in force". Moreover, this article contrasts with paragraph 1 of Article 25, which only refers to domestic NGOs, not to domestic associations, not further explaining the difference in treatment of domestic associations and NGOs. The Civil Code guarantees voluntary dissolution of legal entities at Article 64(1). Under Article 64(1), a legal person shall be dissolved on "the occurrence of a ground of dissolution prescribed in the articles of incorporation". Associations may be dissolved by a vote or resolution among its members, provided the decision is supported by a majority of all the members holding not less than three-fourths of the voting rights (Article 64(2) and (3)).

<sup>125</sup> See CCHR, ADHOC, SC, 'Fundamental Freedoms Monitoring Project: First Annual Report' (August 2017), 4-7 <<https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>>.

<sup>126</sup> See Article 29 of the TUL.

<sup>127</sup> See Article 107 of the Law On Telecommunications.

<sup>128</sup> See Articles 7, 76, 77 and 78 of the Counter-Terrorism Law.

<sup>129</sup> See Article 74 of the Law on the Election of Commune Councils.

<sup>130</sup> See Article 7 of the State of Emergency Law.

<sup>131</sup> See Article 8 of the State of Emergency Law.

<sup>132</sup> Involuntary dissolution is a remedy of last resort that should be utilized only for the most serious abuses and generally after notice and an opportunity to rectify the deficiency has been given. See, UN Human Rights Council, A/HRC/20/27, 'Report of UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai' May 21, 2012, para. 75 <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)> "The suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient".

<b>1.11: Dissolution is only possible after other legal avenues are exhausted and clear and imminent danger from the association is present</b>	Degree to which dissolution processes are in place	Desk Review of laws, regulations, and policies	1	1	1	1	1	1	1	Cambodia fails to meet this element. Dissolution of associations is possible under the Criminal Code, Counter-Terrorism Law, LANGO, LPP, and TUL. In each case, dissolution can be imposed as a purely punitive measure, not as a proportionate, last-resort response to a danger presented by the continued operation of the association. Specifically, measures of suspension or dissolution of a TU by the administrative authority constitute serious infringements of the principles of freedom of association. <sup>133</sup> Articles 24 and 25 may constitute grounds under Article 30 to suspend, or delist domestic associations and NGOs. Additionally, the current wording of Article 30 would authorize the Ministry to suspend or delists a domestic association or NGO for failure to abide by its own statutes, even when such failure does not constitute a crime under Cambodian Laws.
<b>1.12: Associations are permitted to engage in economic activities</b>	Degree to which laws, regulations or policies permit associations to engage in economic activities	Desk Review of laws, regulations, and policies	5	4	4	4	4	4	4	Cambodia generally meets this element. There is no law regulating Cambodian NGOs' engagement in economic activities. While this right is not protected, it is not prohibited either. The TUL however, prevents unions from running a business, except for those holding the Most Representative Status in the workplace. This situation could contravene international human rights instruments stating that the right to peaceful assembly empowers men and women to engage in literacy and artistic pursuits and other cultural, economic, and social activities.
<b>1.13: Access to foreign funding is permitted under the law</b>	Degree to which the law permits associations to access foreign funding	Desk Review of laws, regulations, and policies	4	4	4	4	4	4	4	Cambodia meets this element. There are no legal prohibitions on associations from receiving foreign funding. However, it is worth noting that Article 27 of the LANGO places additional, stringent reporting requirements on NGOs that seek and/or receive foreign funds. Additionally, Article 25 of the LANGO requires that domestic and foreign associations receiving support from donors must submit copies of the original documents sent to the donors to the Mol or the Ministry of Economy and Finance (MEF) and the Ministry of Foreign Affairs (MFA) respectively within 30 days of the date on which they were sent to the donors; they must also submit one copy of project documents and funding agreements with donors within 30 days of date when a new project or funding agreement is established. Given that most third-party funding for associations is likely to originate in foreign sources, this may in practice act as a barrier to receipt of foreign funding, particularly for smaller organizations.
<b>1.14: Associations do not face unreasonable restrictions on receiving funding from private sources (domestic)</b>	Degree to which laws, regulations or policies permit associations to receive funding from private sources without unreasonable restrictions	Desk Review of laws, regulations, and policies	4	4	4	4	4	4	4	Cambodia meets this element. There are no legal prohibitions on receiving funding from private domestic sources. However, receipt of support from any donor, foreign or domestic, will trigger the LANGO's reporting requirements which, in practice, may act as a barrier, particularly for smaller organizations. Specifically, Article 25 of the LANGO requires that domestic and foreign associations receiving support from donors must submit copies of the original documents sent to the donors to the Mol or MEF and MFA respectively within thirty days of the date on which they were sent to the donors; they must also submit one copy of project documents and funding agreements.
<b>1.15: Financial reporting obligations are not onerous</b>	Degree to which financial reporting requirements follow international best practices	Desk Review of laws, regulations, policies, and financial reporting requirements	2	2	2	2	2	2	2	Cambodia does not fully meet this element. The LANGO imposes heavy financial reporting obligations, including the provision of annual financial reports and detailed information on funding received from donors, thus placing limitations on the right to freedom of association beyond that is permissible under international human rights standards. Stringent financial reporting requirements are also contained in the TUL, and subject to change from the Minister of Labour at any time. Amendments to Article 17 of the TUL require that unions "prepare" instead of "submit" annual financial statements. However, the amendments added the provision that unions must submit these financial documents to independent audits at the request of any donor, 10% of total union members, or 5% of total members of union federations/ confederations. Article 17 of the TUL therefore continues to be overly restrictive on freedom of association amounting to interference in the internal affairs of an association. Both CSOs and TUs have advised they have struggled to meet reporting requirements under LANGO and the TUL, evidencing that the requirements imposed under these laws are burdensome. The Anti-Corruption law also provides an obligation to declare assets and liabilities to the Anti-Corruption Unit. Finally, the reporting requirements set forth in the Declaration on the Implementation Guidelines on Tax Obligations of Associations and NGOs also amount to an overly burdensome reporting requirement, which likely impermissibly restricts the freedom of association.
<b>1.16: Mechanisms for redress for violations of FoA are in place</b>	Degree to which redress systems for violations of FoA are guaranteed by laws, regulations and policies	Desk Review of laws, regulations, and policies	3	2,5	2,5	2,5	2,5	2,5	2,5	Cambodia does not fully meet this element. The Constitution empowers citizens to challenge any violations of their constitutional rights. However, judicial review procedures are not clearly defined, making these guarantees less effective. The Law on the Organization and the Functioning of the Constitutional Council allows for citizens to challenge laws or decisions that constitute violations of their constitutional rights. However, this law was amended in February 2018 to remove the possibility for

<sup>133</sup> ILO, 'Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO' (5<sup>th</sup> ed, ILO 2006) para. 683 <[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@normes/documents/publication/wcms\\_090632.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_090632.pdf)>.



<p><b>1.19: Prior notification procedure for assemblies conforms with international best practice, and prior approval is not enshrined in law</b></p>	<p>Degree to which the legal notification procedures for assemblies conforms to international best practice</p>	<p>Desk Review of laws, regulations, and policies</p>	<p>n/a</p>	<p>3,5</p>	<p>4</p>	<p>4</p>	<p>3</p>	<p>3</p>	<p>3</p>	<p>Cambodia does not fully meet this element. The LPA,<sup>143</sup> the Labour Law,<sup>144</sup> and the Election Laws contain prior notification procedures for assemblies,<sup>145</sup> which can be in line with international law and are preferable to prior authorization procedures. However, International best practice recommends only requiring notice of an assembly when a substantial number of participants are expected, or only for certain types of assembly, such as assemblies where disruption is reasonably expected by the organizers.<sup>146</sup> While domestic law does not enforce prior authorization, the fact that a peaceful assembly may be stopped by the competent authorities if proper notification was not submitted, does not conform to international human rights law and standards.<sup>147</sup> The LPA imposes a disproportionate restriction on freedom of assembly as prior notification is uniformly required to all sizes and types of gatherings, with no minimum number of participants and without circumstantial consideration.<sup>148</sup> The LPA does have some exceptions where prior notification is not required: "other gatherings which serve religion, art, culture, national customs and tradition" or for "educational dissemination activities for social interests". The majority of the information required within the prior notification appears proportionate and not too burdensome, such as an indication of the purpose for holding the assembly; the date, time, duration, route, number of participants and vehicles to be used. However, the LPA also requires the identification details of three leaders, a requirement that appears to be both disproportionate and unnecessary.<sup>149</sup> It is unclear why detailed information on three individuals would be legitimately required, and for smaller assemblies the requirement may be irrelevant or difficult to fulfill, therefore acting as an arbitrary obstacle to the freedom of assembly. Furthermore, the LPA requires prior notifications to be made at least five working days before the planned event.<sup>150</sup> This lengthy notice period acts as a restriction on freedom of assembly, as it prevents assemblies from being organized in rapid response to current events. While the domestic law under this indicator did not change in 2020, this score has been lowered to 3 upon a re-evaluation of the LPA and the corresponding international standards.</p>
<p><b>1.20: Prohibition of assemblies is noted as a measure of last resort, and is necessary and proportionate to the aim pursued</b></p>	<p>Degree to which the legal framework enables prohibition only as a measure of last resort, and when necessary and proportionate to the aim pursued</p>	<p>Desk Review of laws, regulations, and policies</p>	<p>n/a</p>	<p>2,5</p>	<p>3</p>	<p>3</p>	<p>2,5</p>	<p>2</p>	<p>2</p>	<p>Cambodia does not fully meet this element. Article 9 of the LPA provides two conditions under which a notification of an assembly can be denied, both of which are vaguely worded.<sup>151</sup> The Implementation Guide to the Law on Peaceful Assembly (the Implementation Guide) sets the applicable standard as to which type of information could lead to the prohibition of an assembly and suggests that alternatives other than prohibition should be discussed first.<sup>152</sup> This section of the Implementation Guide also notes that if the authorities believe that there is information such as listed in Article 9(2), they must "consider and assess that information to determine whether it can be substantiated" and they must notify and collaborate with the organizers to "develop solutions that eliminate the potential dangers, so that the demonstration can proceed".<sup>153</sup> By contrast, if Article 9(1) applies, there is no provision as to how authorities should respond. The State of Emergency Law imposes overly broad powers to prohibit assemblies during a state of emergency in contravention of international law. It fails to require considerations of necessity or proportionality, enabling the authorities to prohibit assemblies, when prohibition would not be a measure of last resort or the least restrictive option available to them. Article 4 of the COVID-19 Law permits the RGC to temporarily prohibit the "meeting and gathering of persons which may cause the spread of COVID-19". The lack of clarity as to what constitutes an assembly "which may cause the spread of COVID-19", combined with the power granted to authorities to prohibit such assemblies, creates conditions whereby blanket bans on assemblies could be imposed, regardless of COVID-19 mitigation measures.<sup>154</sup> Further, the prohibition to take part in assemblies imposed on monks by the Monk prakas is neither proportionate nor in pursuit of a legitimate aim. With the introduction of these two legislative instruments, this score has been lowered to 2.</p>

<sup>143</sup> Articles 6, 7, 10, 14, 20 and 28 of the LPA.

<sup>144</sup> Articles 324 and 327 of the Labour Law.

<sup>145</sup> Articles 78, 79 and 81 of the Law on Elections of Members of the National Assembly; Article 78 of the Law on the Election of Commune/Sangkat Council.

<sup>146</sup> OSCE-ODIHR and Venice Commission, 'Guidelines on Freedom of Peaceful Assembly', (2nd ed, 2010), para. 115

<<https://www.osce.org/odihr/73405?download=true>>; UN Human Rights Council, 'Second Thematic Report of the Special Rapporteur on the rights to

freedom of peaceful assembly and of association, Maina Kiai' (24 April 2013) UN Doc A/HRC/23/39, para. 52,

<[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf)>.

<sup>147</sup> UN Human Rights Council, 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association', (21 May 2012) UN Doc A/HRC/20/27, para. 29 <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)>.

<sup>148</sup> Articles 6, 7, 10, 14, 20 and 28 of the LPA.

<sup>149</sup> Article 6 of the LPA.

<sup>150</sup> Article 7 of the LPA.

<sup>151</sup> Article 9 of the LPA provides that authorities may respond negatively to a notification of an assembly if one of two conditions is met: 1) the peaceful assembly is to be held on the King's birthday, Coronation Day, Water Festival, National Independence Day, Khmer New Year day or Pchum Ben day. 2) There is clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order.

<sup>152</sup> Section 3, Article 2-4-7 of the Implementation Guide.

<sup>153</sup> Section 3, Article 2-4-7 of the Implementation Guide.

<sup>154</sup> See Key Milestone One.

<b>1.21: Timely and fulsome reasons for the imposition of any restrictions to assemblies are required</b>	Degree to which the legal framework requires timely and fulsome reasons for restrictions to assemblies	Desk Review of laws, regulations, and policies	n/a	3,5	4	4	3	2,5	2,5	<p>Cambodia partially meets this element. The existing legal framework requires a response from the authorities to the assembly notification letter. It could be implied that this response must include reasoning should restrictions be imposed; however, this is not stated explicitly. Cambodian law also establishes a presumption of authorization if no answer is received to the notification of the assembly.<sup>155</sup> Under Article 9 of the LPA, authorities must respond to a notification letter within a maximum period of three working days starting from the date on which the notification letter was submitted. Failure to reply within this window "implies the competent municipal or provincial-territorial authorities have approved".<sup>156</sup> Moreover, in cases stipulated in Article 9(2), if no agreement is reached, the Minister of Interior will provide the final decision in writing and at least 24 hours before the scheduled peaceful assembly.<sup>157</sup> This decision is not open to appeal before an independent and impartial court as international standards stipulate.<sup>158</sup> The State of Emergency Law fails to include any accountability or transparency of authorities determining whether to impose restrictions on an assembly, the law does not require authorities to provide any reasoning. The same can be said about the COVID-19 Law which allows authorities to restrict "meetings and gatherings which may cause the spread of COVID-19" but fails to require reasoning from authorities.<sup>159</sup> This score has thus been lowered to 2.5.</p>
<b>1.22: Blanket time and location prohibitions are not mandated</b>	Degree to which blanket time and/or location prohibitions are stated in the legal framework	Desk Review of laws, regulations, and policies	n/a	4	4	4	3	2,5	2,5	<p>Cambodia does not fully meet this element. Article 9(1) of the LPA suggests a blanket ban on peaceful assemblies on the holiday days of the King's birthday, Coronation Day, Water Festival, National Independence Day, Khmer New Year Day and Pchum Ben day. This blanket prohibition does not appear to pursue one of the legitimate aims listed in Article 21 of the International Covenant on Civil and Political Rights (ICCPR), namely, that the restriction is imposed in conformity with the law, that is necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others, but rather appears to be based on convenience. In any case, a blanket ban on all peaceful assemblies for these days does not meet the necessity and proportionality requirements of the third part of the three-part test as it precludes the consideration of the specific circumstances of each assembly and would therefore be intrinsically disproportionate and discriminatory (impacting on all citizens willing to exercise their right to freedom of peaceful assembly).<sup>160</sup> The power to restrict and prohibit all assemblies, as granted under Article 5(2) of the State of Emergency Law, could operate as a blanket ban on all assemblies during a state of emergency. The wording of the law is so broad and insufficiently prescribed that it is foreseeable that any and all assemblies could be blanketly prohibited under Article 5(2). Similarly, Article 4 of the COVID-19 Law grants authorities "temporary" powers to prohibit assemblies that "may cause the spread of COVID-19" – seemingly allowing for absolute prohibitions – but fails to provide an expiration date to such powers. This could result in authorities prohibiting assemblies for as long as they arbitrarily deem COVID-19 to be a danger.<sup>161</sup> This score has been lowered to 2,5.</p>
<b>1.23: Simultaneous assemblies at the same location and time are allowed</b>	Degree to which the legal framework allows simultaneous assemblies	Desk Review of laws, regulations, and policies	n/a	5	5	5	5	5	5	<p>Cambodia meets this element. There is no prohibition on simultaneous assemblies. Article 14 of the LPA provides that where two different groups wish to hold a peaceful assembly at the same time and venue, the authority will decide in favor of the group that submitted its notification letter first, or permit the second group to hold their assembly at least 500 meters away from the other assembly. This provision forms part of Article 14, which deals with the specific case of assemblies taking place in designated "Freedom Parks" or on private property. However, Section 2, Article 2-4-5 of the Implementation Guide makes it clear that authorities should "use their best efforts" to assure that all groups wanting to demonstrate are able to do so and that, "to the extent possible", they are able to do so in the manner, time and location they requested.</p>
<b>1.24: An expedited appeal procedure before an independent</b>	Degree to which expedited appeals procedures are	Desk Review of laws,	n/a	3	3	3	2,5	2,5	2,5	<p>Cambodia does not meet this element. Under the LPA, authorities must respond to an assembly notification letter within a maximum period of three working days starting from the date of which the notification letter was submitted.<sup>162</sup> Failure to reply</p>

<sup>155</sup> See Articles 9 and 10 of the LPA.

<sup>156</sup> Article 10 of the LPA.

<sup>157</sup> Article 12 of the LPA.

<sup>158</sup> UN Human Rights Council, 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association', (21 May 2012) UN Doc A/HRC/20/27 para. 42 <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf)>.

<sup>159</sup> Article 4 of the COVID-19 Law.

<sup>160</sup> UN Human Rights Council, 'Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies', (4 February 2016) UN Doc. A/HRC/31/66, para. 30. See also UN Human Rights Council, 'Second Thematic Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai', (24 April 2013) UN Doc A/HRC/23/39, para. 63 <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf)>.

<sup>161</sup> See Key Milestone One.

<sup>162</sup> Article 12 of the LPA.

and impartial body is established for assembly restrictions	provided for in the legal framework	regulations, and policies								within this window “implies the competent municipal or provincial territorial authorities have approved”. <sup>163</sup> Where there is clear information that the demonstration may cause danger or jeopardize safety or public order, the authorities must inform the organizers “immediately”, and have three days to meet with the assembly leaders to reach an agreement. If no agreement is reached, Article 12 provides that the Minister of Interior will communicate the final decision in writing at least 24 hours before the scheduled peaceful assembly. However, the Minister cannot be considered to be an “independent and impartial body”. The Minister of Interior – as a member of the executive branch – is not independent nor impartial. There is no possibility of further appeal to a court of law. Therefore, no independent or impartial appeals procedure is prescribed in law. On a re-evaluation of this point, this score has been lowered to 2.5. Further, no appeals procedure is provided for assembly restrictions under the State of Emergency Law or the COVID-19 Law and it is unclear if the normal appeals procedure under the LPA will apply or not. <sup>164</sup>
1.25: Organizers are not subject to criminal or administrative sanctions for failure to notify authorities	Degree to which the legal framework contains criminal and/or administrative sanctions for organizers failing to notify authorities of an assembly	Desk Review of laws, regulations, and policies	n/a	3	3	3	3	3	3	Cambodia does not fully meet this element. The LPA provides for a warning to be given to an assembly organizer who does not provide a notification. <sup>165</sup> Both the TUL and the Labour Law provide that strikes not complying with their provisions, including the prior notification requirements, are to be considered unlawful. <sup>166</sup> However, only a court can determine the legality or illegality of a strike. <sup>167</sup> Nevertheless, the TUL provides that if the strikers continue a strike that has been declared to be illegal, and fail to comply with a warning, they will be subjected to a “transitional fine” not exceeding 5 million riel (approximately \$1200). <sup>168</sup> While the fine is only a last recourse following several warnings, the amount of the fine constitutes a disproportionate restriction on workers’ right to freedom of association.
1.26: Police are obliged to facilitate peaceful assemblies	Degree to which policing laws, regulations and policies support peaceful assemblies	Desk Review of laws, regulations, and policies	n/a	5	5	5	5	5	5	Cambodia meets this element. The LPA provides that the competent authorities should be responsible in protecting the peaceful demonstration, and shall not interfere in the conduct of the peaceful assembly. <sup>169</sup> Competent authorities should respond to requests for assistance from assembly organizers, to ensure “their right to freedom of peaceful assembly and the exercise of their right to freedom of expression publicly with dignity”. <sup>170</sup> In case of violence, the implementation guidelines state unequivocally that an assembly can only be dispersed when no other options exist; <sup>171</sup> it adds that the actions of the police must be proportional to the situation and only be used to the extent necessary. <sup>172</sup>
1.27: Organizers of assemblies are not responsible for financial charges for the provision of public services	Degree to which the legal framework protects organizers from being financially responsible for the provision of public services during assemblies	Desk Review of laws, regulations, and policies	n/a	5	5	5	5	5	5	Cambodia meets this element. The LPA does not provide that assembly organizers are responsible for financial charges for the provision of public services.
1.28: Assembly organizers and participants are not responsible or liable for the unlawful conduct of others, or the maintenance of public order	Degree to which the legal framework enables organizers and participants to be held legally responsible for the unlawful conduct of others and/or the maintenance of public order	Desk Review of laws, regulations, and policies	n/a	4	4	4	4	4	4	Cambodia generally meets this element. Assembly organizers are not responsible or liable for property damage related to an event turned violent. In case a peaceful assembly turns violent, as referred to in Article 20(2) of the LPA, the assembly organizers shall receive a written warning. Articles 23 to 27 deal with a number of situations such as the carrying of weapons or dangerous substances, robbery, damage to private or public property, and violence resulting in injuries or death. In all cases, the law states clearly that the individual who commits the act is to be held responsible. It does not attribute liability to the organizers or participants for the actions of others.
1.29: State use of force is mandated only when indispensable to control the situation in a	Degree to which the legal framework limits the State’s use of force to situations where it is indispensable to control the situation,	Desk Review of laws, regulations, and policies	n/a	4	4	4	4	4	4	Cambodia generally meets this element. If a peaceful assembly turns violent, competent authorities shall take proper measures to prevent and stop the demonstration immediately. <sup>173</sup> Articles 23-27 of the LPA set out how authorities should respond if a demonstration turns violent or demonstrators commit crimes. Responses range from confiscating weapons, to taking a person into custody, to application of the Criminal Code. Any intervention by the police must be proportionate to the situation, and be only

<sup>163</sup> Article 10 of the LPA.

<sup>164</sup> Article 5(2) of the Law on the Management of the Nation in State of Emergency (2020); Article 4 of the COVID-19 Law.

<sup>165</sup> Article 21 of the LPA; See also Section 3, Article 4-4-1 of the Implementation Guide.

<sup>166</sup> Article 92 of the TUL.

<sup>167</sup> Article 337 of the Labour Law.

<sup>168</sup> Article 92 of the TUL.

<sup>169</sup> Article 17 of the LPA.

<sup>170</sup> Article 18 of the LPA.

<sup>171</sup> Section 2, Article 3-6-4 of the Implementation Guide.

<sup>172</sup> Section 2, Article 3-6-5 of the Implementation Guide.

<sup>173</sup> Articles 20(2) and 23-27 of the LPA.

reasonable and proportional manner	in a reasonable and proportional manner									used to the extent necessary to promptly restore order. <sup>174</sup> Moreover, the law makes no provision for the use of force by the authorities, although it does not explicitly prohibit it.
1.30: A police and security force log recording communications and decision making is mandated by law or regulation	Degree to which a system for logging police and other security forces decisions is mandated under law or regulation	Desk Review of laws, regulations, and policies	n/a	2	2	2	2	2	2	Cambodia fails to meet this element. The LPA does not provide for such a communications record system, although Article 19 provides that “competent authorities designated to maintain security, safety and public order at venues of peaceful assembly shall wear proper uniforms and display name plates and identity codes on the front parts of their uniforms”, which promotes accountability and facilitates the identification of wrongdoers.
1.31 The legal framework in respect of strikes meets international standards	Degree to which the legal framework in respect of strikes meets international standards	Desk Review of laws, regulations, and policies	n/a	n/a	n/a	n/a	3	3	3	Cambodia does not fully meet the international human rights standards for strikes. The Constitution enshrines the right to strike at Article 37. Articles 41 and 42 go on to protect the right to assembly and the right to “participate in mass organizations”, both of which bolster the protection of the right to strike. However, the entirety of Chapter 3 of the Constitution only applies to “Khmer Citizens”, instead of all within Cambodia’s jurisdiction. Therefore, the Constitution’s protections of the right to strike are insufficient for non-citizens living in Cambodia, such as migrants and refugees. The right to strike is governed by Chapter 13 of the Labour Law, <sup>175</sup> with Article 320 stating that the right to strike can be “exercised, in a general manner, to defend the economic and socio-occupational interests of workers”. <sup>176</sup> However Article 324 mandates several prerequisites of a strike, including prior notification of seven working days to the enterprise or establishment, the corresponding employer’s association, and the MLVT. Prior notice is extended to 15 working days by Article 327 if the strike affects an essential service. The prior notice must explicitly state the demands which constitute the reasons for the strike. While prior notification procedures are not in direct contravention of international standards, the length of notice imposed must not be unreasonable. <sup>177</sup> The Committee on Freedom of Association has determined that prior notice of 48 hours is reasonable, as is a 20-day prior notice for services of public interest. <sup>178</sup> “The information asked for in a strike notice should be reasonable, or interpreted in a reasonable manner, and any resulting injunctions should not be used in such a manner as to render legitimate trade union activity nearly impossible”. <sup>179</sup> Therefore, the prior notice mandated in the Labour Law would breach international standards if applied in an arbitrary manner. Further, while international standards permit limitations on the right to strike, such limitations are acceptable only when recourse to arbitration is not compulsory, and where this limitation does not, in practice, prevent the calling of the strike. <sup>180</sup> Article 320 of the Labour Law limits the right to strike to situations where “all peaceful methods for settling the dispute with the employer have already been tried out”. This provision does not comply with the requirement under international standards that participation in dispute settlement should be voluntary. Further, by limiting the right to strike to situations in which all peaceful methods have already been tried, the Labour Law does not comply with international standards – it constitutes a disproportionately broad restriction. <sup>181</sup> Additionally, Article 13 of the TUL mandates that all TU statutes include “a requirement that a secret ballot is to be cast by at least 50%+1 of the total members participating in the decision-making meeting on strike”. This is an excessive restriction amounting to a substantial limitation of the right to strike, further lessening the protection of strikes in Cambodia.
<b>Freedom of Expression</b>										
1.32: Restrictions to FoE comply with the three-part test from Article 19 of the International Covenant on Civil	Degree to which laws affecting FoE comply with the three-part test from Article 19 of the ICCPR	Desk Review of laws, regulations, and policies	n/a	1	1	1	1	1	1	A significant number of Cambodian laws place restrictions upon the right to freedom of expression which do not comply with the three-part test from Article 19 of the ICCPR. Cambodia therefore fails to meet this element. <sup>182</sup> In particular, the Criminal Code (specifically the criminal offenses of defamation, insult, incitement, and lèse-majesté), the LANGO, the LEMNA, the Telecommunications law, the Education Law, the Code of Conduct for the Media, the Law on Minimum Wage, the Press Law, and the 2018 Amendments to the Constitution, contain provisions which

<sup>174</sup> Article 3-6-5 of the Implementation Guide.

<sup>175</sup> Article 319 of the Labour Law.

<sup>176</sup> Article 320 of the Labour Law.

<sup>177</sup> International Labour Organization, Freedom of association: Compilation of decisions of the Committee on Freedom of Association (6th edn, International Labour Office Geneva 2018) para. 799, “The obligation to give prior notice to the employer before calling a strike may be considered acceptable, as long as the notice is reasonable”.

<sup>178</sup> Ibid, paras. 800 and 801.

<sup>179</sup> Ibid, para. 803.

<sup>180</sup> International Labour Organization, Compilation of decisions of the Committee on Freedom of Association, (2018) para. 793.

<sup>181</sup> International Labour Organization, Freedom of association - Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO (5th edn, International Labour Office Geneva 2006) para. 547.

<sup>182</sup> Article 2(1) of the ICCPR requires each State Party to the ICCPR to “respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant”.



and Political Rights (ICCPR)										do not comply with the three-part test set out in Article 19(3) of the ICCPR. <sup>183</sup> Additionally, the Social Media Prakas constitutes a restriction to the right to freedom of expression. The categories of prohibited speech in the Social Media Prakas are too broad and too vague for citizens to determine which content is or is not permissible. Moreover, the stated aims of the Prakas are not to protect the rights and reputations of others, or to protect national security, public order or public health and morals as it seeks to manage publication of all news content or written messages, audios, photos, videos, and other means on websites and social media, thus restricting the content that the users can share or publish. Finally, punishments for the publication of prohibited content include the blocking of websites and the possibility of legal actions against individuals and legal entities. <sup>184</sup> These punishments are not the least restrictive means necessary to achieve the aims of the Social Media Prakas. <sup>185</sup> Article 5(11) of the State of Emergency Law empowers the RGC to prohibit any speech or expression that could “cause people panic or chaos or bring damage to the national security”, or could “cause confusion” among the public. These categories of speech are vague, undefined, and arbitrary. Nearly any type of expression about a state of emergency could be interpreted as “causing confusion”. Prohibiting all speech that could “cause confusion” or “chaos” cannot be deemed necessary in any emergency. Article 5(11) would therefore not meet the ICCPR’s principle of proportionality. Article 1 of the NIG Sub-Decree provides for the creation of an infrastructure that could allow for infringements on the right to privacy and freedom of expression. Article 1 is imprecise in its formulation, and the restrictions it would allow on freedom of expression are neither in the pursuit of legitimate aims, nor proportionate. Article 6 of the NIG Sub-Decree allows authorities to police online content and, if such content is deemed to “affect safety, national revenue, social order, dignity, culture, traditions and customs”, to censor it. Allowing content to be blocked for going against these undefined and highly subjective goals goes beyond what is strictly necessary. Restrictions to the freedom of expression under the NIG Sub-Decree do not comply with the ICCPR’s three-part test. <sup>186</sup>
1.33: Defamation is decriminalized	Degree to which defamation is decriminalized	Desk Review of laws, regulations, and policies	n/a	2	2	2	1	1	1	Cambodia fails to fully meet this element as Articles 305 and 307 of the Criminal Code contain the offenses of defamation and insult, respectively. Defamation is defined as “any allegation or charge made in bad faith which tends to injure the honour or reputation of a person or an institution”. Insult is defined as an “outrageous expression, term of contempt or any invective that does not involve any imputation of fact”. The crime of defamation in domestic law is problematic because its definition is impermissibly vague and it does not require the causation of any harm. It further does not allow for the defenses of truth or public interest which are requirements under international law and standards. <sup>187</sup> In addition, the fact that criminal defamation charges can be brought against an individual for words against an “institution” is not compliant with international law. While the penalties for defamation or insult do not include imprisonment, these offenses are punishable by a fine under the Criminal Code. <sup>188</sup> Further, in February 2018, the Criminal Code was amended to include Article 437-bis titled Insulting the King (also known as a lèse-majesté offense). This offense contradicts international human rights law, which unequivocally states that public figures must withstand a higher level of criticism, and the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties. <sup>189</sup> Violating this Article results in disproportionate penalties, namely one to five years imprisonment and a fine of between two and 10 million riels. Article 71 of the LEMNA and Article 71 of the LECC also criminalize defamation by restricting political parties and candidates or supporters from making verbal remarks or written statements that are “immoral” or “insult” candidates, their supporters or any person, during an electoral

<sup>183</sup> See CCHR, ADHOC, SC, ‘Fundamental Freedoms Monitoring Project: First Annual Report’, (August 2017), 7-8 <<https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>>. See also CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Second Annual Report’ (September 2018), 4 <[https://cchrcambodia.org/index\\_old.php?url=media/media.php&p=report\\_detail.php&reid=128&id=5](https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=128&id=5)>.

<sup>184</sup> See ICNL, ‘Legal Analysis of the Inter-Ministerial Prakas on Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia’ (July 2018), 3 <[http://sithi.org/judicial/docs/ICNL-Analysis-Prakas-on-Websites-and-Social-Media\\_July-2018.pdf](http://sithi.org/judicial/docs/ICNL-Analysis-Prakas-on-Websites-and-Social-Media_July-2018.pdf)>.

<sup>185</sup> Ibid, 5-8.

<sup>186</sup> See Key Milestone One.

<sup>187</sup> UN Human Rights Committee, ‘General Comment 34’ UN Doc. CCPR/C/GC/34, (12 September 2011), para. 47, <<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>><<https://bit.ly/1xmvSgV>>.

<sup>188</sup> CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Second Annual Report’ (September 2018), 8 <[https://cchrcambodia.org/index\\_old.php?url=media/media.php&p=report\\_detail.php&reid=128&id=5](https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=128&id=5)>.

<sup>189</sup> UN Human Rights Committee, ‘General Comment 34’ UN Doc. CCPR/C/GC/34, (12 September 2011), para. 38, <<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>><<https://bit.ly/1xmvSgV>>.

											campaign. <sup>190</sup> While international law allows for restrictions to speech during election times, the vague nature of this provision is unlikely to be compliant with international standards as it leaves the law open to abuse – simply disagreeing with a political party could be characterized as immoral or insulting. <sup>191</sup> Article 71 imposes both financial penalties and the deletion of candidacy. A review of this indicator was undertaken in 2020, and while there were no legislative developments this score has been lowered to 1 upon a re-evaluation. This was originally scored at 2 as the crime of defamation does not carry a prison sentence under the Criminal Code, however the introduction of the “lèse-majesté” offense in 2018 mandates a prison sentence as a penalty for this aspect of defamation.
<b>1.34 Legal protections against Strategic Litigation Against Public Participation (SLAPP) lawsuits</b>	Degree to which the legal framework protects against Strategic Litigation Against Public Participation lawsuits	Desk Review of laws, regulations, and policies	n/a	n/a	n/a	n/a	1	1	1	Cambodia fails to meet this element. There is currently no enacted law, regulation or policy prohibiting SLAPPs and no offense or penalty imposed for individuals or entities who file SLAPPs. Furthermore, the Criminal Code contains many vaguely prescribed offenses, including defamation, public insulting, and insulting through media that do not comply with international human rights standards, and thus enable the regular use of SLAPPs in Cambodia.	
<b>1.35: Surveillance of private communications and information can occur only after meaningful judicial oversight</b>	Degree to which the legal framework ensures that surveillance of communications only occurs after meaningful judicial oversight	Desk Review of laws, regulations, and policies	n/a	1	1	1	1	1	1	Cambodian legislation does not meet this element. The Law on Telecommunications, promulgated in 2016, poses a threat to private communications made using telecommunications devices. It provides the RGC with unrestricted power to conduct surveillance of telecommunications without oversight from the judiciary or another independent body. Article 6 states that “all telecommunications operators and persons involved with the telecommunications sector shall provide to the Ministry of Posts and Telecommunications the telecommunications, information and communication technology service data”. Under this provision, telecommunications operators appear to be required to pass over data on their service users, without any recourse to judicial or other independent oversight. The meaning of “service data” is undefined in the law and as such could be interpreted to include all user communication records, browsing history and other confidential information. This appears to be in violation of Article 40 of the Constitution, which ensures the right to confidentiality. Article 97 of the Law on Telecommunications states that secret listening or recording of dialogue is permissible with the approval of an undefined “legitimate authority”, and also allows publication of the secretly recorded dialogue with approval from the “legitimate authority”. These provisions are open to abuse as they permit surveillance without public accountability or safeguards. Similarly, the 2010 Law on Anti-Corruption confers exceptional, highly intrusive powers on the Anti-Corruption Unit (ACU), Cambodia’s national anti-corruption institution, which is not subject to judicial oversight. <sup>192</sup> According to Article 27 of this law, the ACU is authorized to “monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping” where there is a “clear hint of corruption”. The Social Media Prakas further fails this indicator as it establishes a joint “specialized unit” with ministry representatives in order to “cooperatively monitor” and take legal action against illegal publications on websites and social media. It fails to mention judicial supervision. <sup>193</sup> Article 1 of the NIG Sub-Decree provides for the creation of an infrastructure that could facilitate the mass surveillance of all online information sharing or activity, including private communications, with no judicial oversight.	
<b>1.36: The right to information is protected and promoted</b>	Degree to which the right to information is protected and promoted by the legal framework	Desk Review of laws, regulations, and policies	n/a	1	1	1	1	1	1	Cambodia fails to meet this element as the right to information is not protected by law. However, the government is currently working on a draft Law on Access to Information. <sup>194</sup> Multiple laws impinge upon the right to information, including, the Press Law, the Criminal Code, and the State of Emergency Law. The Press Law prohibits and punishes the publication of a wide array of legitimate expression, and at Article 12 it permits the censorship of “any information that may affect national security and political stability” without requiring any nexus between the publication and the risk of harm. This fails to adequately protect the right to information. The offense of falsifying information at Article 425 of the Criminal Code, criminalizes “The act of communicating or disclosing false information with intention to create an impression that causes destruction, deterioration or damage to persons”. The	

<sup>190</sup> The electoral campaign period lasts for 21 days for national elections (Article 72 of the LEMNA) and 14 days for commune elections (Article 70 of the LECC).

<sup>191</sup> European Union, ‘Final Report, European Union Follow-up Mission to Cambodia’ (2015)

<[https://eeas.europa.eu/sites/eeas/files/efm\\_cambodia\\_2015\\_final\\_report\\_publ.pdf](https://eeas.europa.eu/sites/eeas/files/efm_cambodia_2015_final_report_publ.pdf)

<sup>192</sup> See details in CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Second Annual Report’ (September 2018), 9-10

<[https://cchrcambodia.org/index\\_old.php?url=media/media.php&p=report\\_detail.php&reid=128&id=5](https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=128&id=5)>.

<sup>193</sup> Social Media Prakas, clause 4; See also Kann Vicheika, ‘Cambodia Forms Task Force to Monitor ‘Fake News’ on Social Media’ (VOA, 6 June 2018),

<<https://www.voacambodia.com/a/cambodia-forms-task-force-to-monitor-fake-news-on-social-media/4425534.html>>.

<sup>194</sup> In March 2018, the Minister of Information confirmed that the draft Law on Access to Information had been included in the government strategic plan. See Taing Vida, ‘Access to Information draft law ready’ (Khmer Times, 13 February 2019) <<https://www.khmertimeskh.com/50577422/access-to-information-draft-law-ready/>>. Draft of the Access to Information Law. Available at: <<https://www.phnompenhpost.com/Assets/doc/Doc-Jan-31-2018-15-30-en.pdf>>.

											vague and broad wording of this offense leaves it open to misapplication to expression that is not objectively false, or information that constitutes an opinion. This would extend the law beyond the permissible levels of restriction to the freedom of expression. The crime is punishable by a one to two-year prison sentence and a fine of two to four million riels – penalties that appear to be vastly disproportionate to the criminal action. The State of Emergency Law gives the RGC power to “prohibit or restrict news sharing or media”, <sup>195</sup> impeding on the right to seek, receive and impart information during a state of emergency. It allows for the RGC to restrict verifiably true information – which could discourage transparent reporting to the detriment of the population as a whole. Article 6 of the NIG Sub-Decree allows for the blocking and disconnecting of any online content that authorities consider to affect “safety, national revenue, social order, dignity, culture, traditions and customs”; this is likely to lead to the restriction of any content, including innocuous content, deemed to go against these aims. <sup>196</sup>
<b>1.37: Internet access cannot be arbitrarily shut down</b>	Degree to which access to the internet is guaranteed by law and protected from arbitrary restrictions	Desk Review of laws, regulations, and policies	n/a	3	3	3	3	1	1	Cambodia fails to fully meet this requirement. There are no legislative provisions explicitly granting the RGC the power to shut down the internet. However, the broad drafting of Article 7 of the Telecommunications Law could lead to it being used to arbitrarily shut down the internet. Article 7 of the Telecommunications Law states, “in the event of force majeure, the Ministry of Posts and Telecommunications or competent ministries or institutions may order relevant telecommunications operators to take necessary measures by relying on the Decision of the Royal Government”. Further competencies are afforded to the Ministry of Posts and Telecommunications (MPTC) under Article 24, which states, “telecommunications infrastructures and networks and supporting telecommunication infrastructures shall fall under the competence of the MPTC”. Under these provisions, the government appears to be granted control of the entire telecommunications industry including activity and infrastructure. The joint “specialized unit” established by the Social Media Prakas also has the power to shutdown Internet Service Providers without any judicial supervision to safeguard against arbitrary application. <sup>197</sup> The NIG Sub-Decree provides for the creation of an infrastructure that will centralize the RGC’s control over the internet. <sup>198</sup> There is a likelihood that the RGC could impose internet blackouts. <sup>199</sup>	

**Key Milestone 2: The legal framework for the freedoms of association, assembly and expression are implemented and properly enforced**

Element	Indicator/s	Data Source	2016	2017	2018	2019	2020	2021	2022	Notes
<b>2.1: RGC institutions understand the rights and obligations related to FoAA&amp;E</b>	% of statements in the media that show a misunderstanding or misrepresentation of FoAA&E by RGC representatives	Media Monitoring	48%	23%	15%	14%	74%	87%	82%	Media Monitoring recorded 17 RGC statements, 14 of which illustrated a misunderstanding or misrepresentation.
<b>2.2 Authorities and third parties are held accountable for violations of domestic law related to FoAA&amp;E</b>	# of instances reported in the media where authorities and third parties are held accountable for violations of domestic law related to FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	0	1	0	Media Monitoring did not record any incident of authorities or third parties being held accountable for violations.
	# of instances reported where authorities and third parties are held accountable for violations of domestic law related to FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	0	0	0	Incident Reporting did not record any incidents of authorities or third parties being held accountable for violations.

<sup>195</sup> See Article 5(11) of the *State of Emergency Law*.

<sup>196</sup> See Key Milestone One.

<sup>197</sup> *Social Media Prakas*, clause 4.

<sup>198</sup> Article 1 of the NIG Sub-Decree.

<sup>199</sup> See Key Milestone One.

<b>2.3 Freedoms can be exercised without undue interference or retaliation</b>	# of individuals reported in the media as being summoned by authorities for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	199	66	115	<i>Media Monitoring recorded 115 summonses.</i>
	# of individuals summonsed by authorities for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	16	6	8	<i>Incident Reporting recorded 8 summonses.</i>
	# of individuals reported in the media as being questioned by authorities for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	115	137	91	<i>Media Monitoring recorded 91 cases in which individuals were questioned.</i>
	# of individuals questioned by authorities for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	2	26	8	<i>Incident Reporting recorded 8 cases in which individuals were questioned.</i>
	# of individuals reported in the media as being detained for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	114	119	2467	<i>Media Monitoring recorded 2467 individuals detained.</i>
	# of individuals detained for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	2	0	159	<i>Incident Reporting recorded 159 individuals detained.</i>
	# of individuals reported in the media as being made by authorities to sign / thumbprint an agreement for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	54	58	103	<i>Media Monitoring recorded 103 individuals forced to sign/thumbprint an agreement.</i>
	# of individuals made by authorities to sign / thumbprint an agreement for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	3	1	1	<i>Incident Reporting recorded 1 incident that sign/thumbprint an agreement.</i>
	# of individuals or entities reported in the media as being charged with crime(s) for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	52	60	27	<i>Media Monitoring recorded 27 individuals charged.</i>
	# of individuals or entities charged with crime(s) for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	1	0	<i>Incident Reporting did not record any charge.</i>
# of individuals reported in the media as being arrested for	Media Monitoring	n/a	n/a	n/a	n/a	81	138	77	<i>Media Monitoring recorded 77 arrests.</i>	

	exercise of FoAA&E										
	# of individuals arrested for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	0	21	<i>Incident Reporting recorded 21 arrests.</i>	
	# of individuals or entities reported in the media as being convicted of crime(s) for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	16	72	76	<i>Media Monitoring recorded 76 convictions.</i>	
	# of individuals or entities convicted of crime(s) for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	0	0	<i>Incident Reporting did not record any conviction.</i>	
	# of individuals or entities reported in the media as being subject to administrative sanctions for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	1	21	8	<i>Media Monitoring recorded 8 individuals or entities subject to administrative sanctions.</i>	
	# of individuals or entities subject to administrative sanctions for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	0	1	0	<i>Incident Reporting did not record any individual or entity subject to administrative sanctions.</i>	
<b>Freedom of Association</b>											
<b>2.4: RGC institutions respect the rights, obligations and exercise of FoA</b>	# of reports in the media where the RGC demonstrates respect for the rights, obligations and exercise of FoA	Media Monitoring	202	33	33	3	1	1	0	<i>Media Monitoring did not record any incident where the RGC protected freedom of association.</i>	
	# of reports in the media where the RGC violates FoA	Media Monitoring	n/a	n/a	n/a	n/a	61	70	79	<i>Media Monitoring recorded 79 incidents where RGC institutions violated freedom of association.</i>	
	# of incidents reported where RGC institutions are violating FoA	Incident Reporting	114	122	101	48	43	50	70	<i>Incident Reporting recorded 70 incidents where RGC institutions violated freedom of association.</i>	
<b>2.5: The registration process for associations is implemented fairly and transparently</b>	Degree to which the registration process for associations is implemented fairly and transparently	Monitoring of the Registration Process for Associations	n/a	1	1	n/a	2	3	0	<i>Media Monitoring recorded no incidents where a registration application was denied due to multiple associations existing for a similar purpose.</i>	
<b>2.6: Multiple associations may exist for similar purposes</b>	# of registration applications denied due to multiple associations existing for similar purposes	Incident Reporting	0	1	0	0	0	0	0	<i>Incident Reporting recorded no incidents where a registration application was denied due to multiple associations existing for a similar purpose.</i>	

		Monitoring of the Registration Process for Associations	n/a	0	0	0	0	0	0	<i>The CSO/TU Registration Monitoring did not record any registration that was denied for this reason.</i>
<b>2.7: Associations can freely form networks, coalitions, federations, or other types of unions</b>	% of association leaders who report interference with attempts to form networks, coalitions, federations, or other types of unions	CSO/TU Leader Survey	n/a	38%	44%	41%	26%	26%	34%	<i>See question 4.1 of the CSO/TU Leader Survey.</i>
	# of incidents reported that include interference in attempts by associations to form networks, coalitions, federations, or other types of unions	Incident Reporting	0	14	0	3	2	1	0	<i>Incident Reporting did not record any incidents of interference in attempts by associations to form networks, coalitions, federations, or other types of unions.</i>
<b>2.8 Membership of an organization, association, coalition or federation can be withdrawn</b>	% of association leaders who report conditions for membership withdrawal	CSO/TU Leader Survey	n/a	n/a	n/a	n/a	n/a	n/a	50%	<i>See question 4.3.1 of the CSO/TU Leader Survey.</i>
<b>2.9: Associations operate without excessive RGC supervision</b>	% of associations leaders who report excessive supervision by the RGC in the last year	CSO/TU Leader Survey	n/a	76%	74%	79%	75%	67%	64%	<i>See question 4.5 of the CSO/TU Leader Survey.</i>
	# of incidents of RGC supervision of associations violating international standards reported in the media	Media Monitoring	188	184	43	104	56	43	9	<i>Media Monitoring recorded 9 incidents of RGC supervision of an association that violated international standards.</i>
	# of incidents of RGC supervision of associations violating international standards reported in incident reports	Incident Reporting	n/a	n/a	n/a	n/a	35	36	35	<i>Incident Reporting recorded 35 incidents of RGC supervision of an association that violated international standards.</i>
<b>2.10: Individuals are not targeted due to their involvement with associations</b>	% of association leaders who report victimization due to their involvement in their association	CSO/TU Leader Survey	3%	35%	36%	30%	26%	24%	37%	<i>See question 5.6 of the CSO/TU Leader Survey.</i>
	% of individuals who report victimization due to their involvement in an association	Public Poll	n/a	14%	19%	25%	26%	22%	22%	<i>See question 3.4 of the Public Poll.</i>

<b>2.11: Associations are protected from third-party interference</b>	% of association leaders who report third-party interference	CSO/TU Leader Survey	23%	25%	17%	14%	8%	16%	33%	See question 4.7 of the CSO/TU Leader Survey.
	# of incidents of third-party interference in an association	Media Monitoring	24	35	10	15	14	25	39	Media Monitoring recorded 39 incidents where an association was interfered with by a third party.
	# of incidents of third-party interference in an association	Incident Reporting	n/a	8	14	12	22	19	49	Incident Reporting recorded 49 incidents where an association leader reported third-party interference.
<b>2.12: Associations are not subject to excessive or burdensome reporting requirements</b>	% of association leaders who report being subject to excessive or burdensome reporting requirements	CSO/TU Leader Survey	n/a	60%	58%	60%	60%	45%	58%	See question 4.12 of the CSO/TU Leader Survey.
<b>2.13: Sanctions for associations are implemented in accordance with Cambodian law</b>	# of incidents reported that include sanctions that are not implemented in accordance with Cambodian law	Media Monitoring	n/a	12	1	0	0	0	1	Media Monitoring did not record any incidents of sanctions being imposed on an association that were not implemented in accordance with Cambodian law.
	# of incidents reported that include sanctions that are not implemented in accordance with Cambodian law	Incident Reporting	n/a	3	0	0	0	0	0	Incident Reporting did not record any incidents of sanctions being imposed on an association that were not implemented in accordance with Cambodian law.
<b>2.14: Associations have recourse to safeguards if they are sanctioned</b>	% of association leaders who report accessing legal aid or assistance	CSO/TU Leader Survey	50%	42%	9%	32%	20%	83%	49%	See question 4.19 of the CSO/TU Leader Survey. The small number of respondents to this question means great variance from year to year. Note* This question was changed into 4.16.1 in the 2022 questionnaire.
<b>2.15: Dissolution of association occurs only after legal avenues are exhausted and clear and imminent danger is present</b>	# of incidents reported in the media of dissolutions which occur before legal avenues are exhausted and without clear and imminent danger present	Media Monitoring	0	0	0	0	1	1	0	Media Monitoring did not record any incidents of involuntary dissolution of association.
	# of incidents reported of dissolutions which occur before legal avenues are exhausted and without clear and imminent danger present	Incident Reporting	n/a	0	0	0	0	0	0	Incident Reporting did not record any incidents of involuntary dissolution of association.

<b>2.16: Associations are not restricted from generating income</b>	% of association leaders reporting that associations are being restricted from generating income	CSO/TU Leader Survey	4%	7%	3%	4%	0%	5%	11%	See question 4.22 of the CSO/TU Leader Survey. Note* this question was changed into 4.21 in 2022 questionnaire.
<b>2.17: Associations are not restricted in accessing funding</b>	% of association leaders reporting that associations are not restricted in accessing funding	CSO/TU Leader Survey	n/a	83%	72%	79%	80%	76%	62%	See the CSO/TU Leader Survey Note* these two questions were changed into 4.22 and 4.23 in the 2022 questionnaires. Domestic Funding = 62%, Foreign Funding= 62%.
<b>2.18: Associations are not subject to excessive financial reporting requirements</b>	% of association leaders reporting that associations are subject to excessive financial reporting requirements	CSO/TU Leader Survey	n/a	60%	58%	60%	69%	54%	59%	See question 4.15 of the CSO/TU Leader Survey. Note*This question was changed into 4.13 in the 2022 questionnaire.
	% of association leaders reporting that associations cannot meet financial reporting requirements	CSO/TU Leader Survey	62%	36%	16%	19%	25%	27%	21%	See question 4.13 of the CSO/TU Leader Survey. Note*This question was changed into 4.10 in 2022 questionnaire.
<b>2.19: RGC institutions take actions that respect and promote marginalized groups' FoA</b>	% of association leaders reporting that they partner with the government to respect and promote the rights of marginalized groups	CSO/TU Leader Survey	n/a	n/a	n/a	n/a	n/a	n/a	42%	See question 6.5.1. of the CSO/TU Leader Survey.
	# of instances reported in the media where RGC statements or actions promote or protect the rights of marginalized groups	Media Monitoring	n/a	0	2	8	0	0	0	Media Monitoring did not record any incidents of the RGC promoting freedom of association or related rights of a marginalized group.
<b>Freedom of Assembly</b>										
<b>2.20: Association representatives, individually or through their organization, can exercise the freedom of peaceful assembly</b>	% of association leaders who report being able to exercise the freedom of peaceful assembly freely	CSO/TU Leader Survey	19%	10%	4%	7%	7%	4%	11%	See question 5.2 of the CSO/TU Leader Survey.
	# of incidents reported that identify a restriction on the freedom of assembly	Incident Reporting	n/a	45	57	5	10	15	18	Incident Reporting recorded 18 incidents of the RGC restricting the freedom of assembly.
	% of assemblies' subject to undue interference reported in the media	Media Monitoring	n/a	6%	9%	10%	33%	26%	90%	Media Monitoring recorded 66 assemblies subject to interference out of the 73 assemblies that occurred.



<b>2.21: Groups can assemble without seeking or receiving prior authorization from the authorities</b>	# of reports in the media of assemblies being restricted or prohibited in advance due to a lack of prior authorization	Media Monitoring	n/a	7	6	0	0	0	6	Media Monitoring recorded 6 assemblies being prohibited or having restrictions imposed due to a lack of prior authorization.
	# of incident reports of assemblies being restricted or prohibited in advance due to a lack of prior authorization	Incident Reporting	n/a	2	10	0	0	0	0	Incident Reporting did not record any incidents of assemblies being restricted or prohibited due to a lack of prior authorization.
	# of reports in the media of assemblies which are interfered with due to a lack of prior authorization	Media Monitoring	n/a	6	16	0	4	2	4	Media Monitoring recorded 4 incidents of assemblies being interfered with due to a lack of prior authorization.
	# of incident reports of assemblies which are interfered with due to a lack of prior authorization	Incident Reporting	n/a	9	5	0	0	0	1	Incident Reporting recorded 1 incidents of assemblies being interfered with due to a lack of prior authorization.
<b>2.22: Prohibiting an assembly is a measure of last resort, where necessary and proportionate to the aim pursued</b>	% of planned assemblies reported in the media which are prohibited	Media Monitoring	n/a	3%	3%	2%	6%	2%	5%	Media Monitoring recorded 4 prohibited assemblies out of a total of 75 planned assemblies.
	% of prohibitions reported in the media with a clear justification provided	Media Monitoring	n/a	2%	2%	25%	60%	0%	75%	Media Monitoring recorded 3 prohibited assemblies where a clear justification was provided for the prohibition.
	% of prohibitions reported in the media that were a measure of last resort, necessary and proportionate	Media Monitoring	n/a	3%	0%	0%	20%	0%	0%	Media Monitoring did not record any prohibited assemblies where the prohibition was a measure of last resort, necessary and proportionate.
	# of incident reports of prohibitions of planned assemblies	Incident Reporting	n/a	10	10	1	0	0	0	Incident Reporting did not record any prohibitions of a planned assembly.
	# of incident reports of prohibitions without a clear justification provided	Incident Reporting	n/a	9	5	1	0	0	0	Incident Reporting did not record any prohibitions of a planned assembly without a clear justification provided.
	# of incident reports of prohibitions that were not a measure of last resort, necessary and proportionate	Incident Reporting	n/a	10	2	1	0	0	0	Incident Reporting did not record any incidents of a prohibited assembly that was not a measure of last resort, necessary and proportionate.
	# of assembly prohibitions which occur as a measure of last resort, where necessary and	Incident Reporting	n/a	0	0	0	0	0	0	Incident Reporting did not record any incidents of prohibited assemblies that were a measure of last resort, necessary and proportionate to the aim pursued.

	proportionate to the aim pursued									
<b>2.23: Legitimate, timely and fulsome reasons for the imposition of any restrictions are provided by authorities to organizers</b>	% of demonstrations subject to the imposition of restrictions reported in the media that were provided in writing with timely and fulsome reasons for the imposition	Media Monitoring	n/a	0%	0%	22%	67%	0%	0%	Media Monitoring did not record incidents of restrictions being imposed on an assembly.
	# of demonstrations reported where traffic flow was cited as a reason for restricting an assembly	Media Monitoring	n/a	4	8	1	0	0	0	Media Monitoring did not record any incidents where traffic flow was given as a reason for restricting an assembly.
	# of incidents reports where traffic flow was cited as a reason for restricting an assembly	Incident Reporting	n/a	1	8	0	0	0	0	Incident Reporting did not record any incidents where traffic flow was cited as a reason for restricting an assembly.
	# of demonstrations reported in the media that were restricted due another demonstration already taking place or being scheduled to take place	Media Monitoring	n/a	1	0	0	0	0	0	Media Monitoring did not record any incidents where an assembly was restricted due to other demonstrations taking place at the same time.
	# of incident reports where demonstrations were restricted due to another demonstration already taking place or being scheduled to take place	Incident Reporting	n/a	0	0	0	0	0	0	Incident Reporting did not record any incidents where an assembly was restricted due to other demonstrations taking place at the same time.
	# of incidents reports where assemblies were restricted without timely and fulsome reasons being provided in writing	Incident Reporting	n/a	10	8	0	0	0	0	Incident Reporting did not record any incidents where restrictions were imposed on an assembly without legitimate reasons being given in good time for the restrictions.
<b>2.24: Demonstrations are not limited to locations or times where impact will be muted</b>	# of demonstrations reported in the media that were limited to designated spaces, times, or number of attendees that muted their impact	Media Monitoring	n/a	10	13	3	15	9	35	Media Monitoring recorded 35 incidents where an assembly was limited to a space, time or number of attendees that would limit its impact.
	# of incidents reports where assemblies were limited to	Incident Reporting	n/a	3	2	0	2	6	11	Incident Reporting recorded 11 incidents where a demonstration was limited to a space, time or number of attendees that would limit its impact.

	designated spaces, times or number of attendees that muted their impact									
<b>2.25: Spontaneous assemblies are exempt from prior notification</b>	% of assemblies reported in the media that were said to be spontaneous that faced restrictions or interference for lacking prior notification	Media Monitoring	n/a	0%	0%	0%	0%	0%	1%	Media Monitoring recorded 1 spontaneous assemblies, none of which were interfered with due to a lack of prior authorization.
	# of incidents reports of spontaneous assemblies that face restrictions or interference for lacking prior notification	Incident Reporting	n/a	0	0	0	0	0	2	Incident Reporting recorded 2 spontaneous assemblies that faced restrictions or interference for lacking prior notification.
<b>2.26: Assembly organizers are not penalized for failing to notify authorities</b>	# of assembly organizers who face criminal or administrative sanctions for failing to notify authorities reported in the media	Media Monitoring	n/a	2	2	1	0	0	1	Media Monitoring recorded 1 incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.
	# of incident reports where assembly organizers face criminal or administrative sanctions for failing to notify authorities	Incident Reporting	n/a	0	0	0	0	0	0	Incident Reporting did not record any incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.
<b>2.27: The police actively protect peaceful assemblies</b>	# of assemblies reported in the media where the police/authorities fail to protect protestors at a peaceful assembly	Media Monitoring	n/a	18	11	5	1	2	4	Media Monitoring recorded 4 incidents where the RGC failed to protect peaceful assemblies.
	# of incidents reports that identify third-party interference in an assembly	Incident Reporting	n/a	0	1	0	0	0	2	Incident Reporting recorded 2 incidents of third-party interference in an assembly.
<b>2.28: Assembly organizers are not financially responsible for financial charges for the provision of public services</b>	# of incident reports where assembly organizers are made financially responsible for the provision of public services	Incident Reporting	n/a	0	0	0	0	0	0	Incident Reporting did not record any incidents of assembly organizers being made financially responsible for the provision of public services.
	# of reports in the media where assembly organizers are made financially responsible for provision of public services	Media Monitoring	n/a	n/a	n/a	n/a	0	0	0	Media Monitoring did not record any incidents of assembly organizers being made financially responsible for the provision of public services.
<b>2.29: Assembly organizers and participants are not liable for</b>	# of incident reports assembly organizers who are made liable for	Incident Reporting	n/a	0	0	0	0	0		Incident Reporting did not record any incidents of assembly organizers being made liable for the conduct of others.

the conduct of others	the conduct of others								0	
	# of reports in the media where assembly organizers are made liable for the conduct of others	Media Monitoring	n/a	n/a	n/a	n/a	0	0	0	Media Monitoring did not record any incidents of assembly organizers being made liable for the conduct of others.
<b>2.30: State use of force is exercised only in exceptional circumstances, is proportionate and justified</b>	# of assemblies reported in the media where the state actors use force proportionately and justifiably	Media Monitoring	n/a	7	0	2	0	0	0	Media Monitoring recorded no incidents where state use of force at an assembly was used proportionately and justifiably.
	# of assemblies reported where the state actors use of force is disproportionate and/or exercised unjustifiably	Media Monitoring	n/a	2	2	7	12	17	40	Media Monitoring recorded 40 incidents where state use of force at an assembly was used disproportionately and/or unjustifiably.
	# of incidents reports of where the state actors use of force is disproportionate and/or exercised unjustifiably	Incident Reporting	n/a	0	0	0	2	5	6	Incident Reporting recorded 6 assemblies where state actors used force disproportionately and/or unjustifiably.
<b>2.31: Monitors at assemblies can operate freely</b>	# of assemblies reported where there was interference with monitors at assemblies	Media Monitoring	n/a	6	0	0	1	2	9	Media Monitoring recorded 9 incidents of assembly monitors being interfered with.
	# of incident reports where there was interference with monitors at assemblies	Incident Reporting	n/a	2	13	1	4	11	35	Incident Reporting recorded 35 incidents of assembly monitors being interfered with.
<b>2.32 Restrictions on the right to strike are legitimate and consistent with ILO jurisprudence</b>	% of strikes reported in the media that are subjected to restrictions that are legitimate and consistent with ILO jurisprudence	Media Monitoring	n/a	n/a	n/a	n/a	0%	0%	13%	Media Monitoring recorded 8 strikes, 4 of which were subject to restrictions. 1 restrictions were not legitimate and consistent with ILO jurisprudence.
<b>Freedom of Expression</b>										
<b>2.33: Association representatives, individually or through their organizations can exercise FoE</b>	% of association leaders who report being able to exercise FoE freely	CSO/TU Leader Survey	8%	9%	4%	3%	2%	6%	10%	See question 5.1 of the CSO/TU Leader Survey.
	# of incidents reported that identify a restriction of FoE	Incident Reporting	n/a	36	63	50	35	12	21	Incident Reporting recorded 21 incidents of the RGC restricting freedom of expression.
<b>2.34: Association representatives, individually and through their organizations, can safely impart</b>	% of association leaders who report being able to safely impart information through any media	CSO/TU Leader Survey	9%	17%	14%	17%	19%	24%	29%	See question 5.4 of the CSO/TU Leader Survey. The data for this indicator is calculated as an average of the responses for the following individual mediums: Newspaper = 8% Social media = 8%

information through any media										<p>TV = 7%</p> <p>Radio = 8%</p> <p>Email = 14% (This option was added in 2022).</p> <p>Telephone= 11% (This option was added in 2022).</p> <p>In Person=15% (This option was added in 2022).</p> <p>Video conference = 16% (This option was added in 2022).</p> <p>Messenger, telegram, WhatsApp, signal = 12% (This option was added in 2022).</p> <p>** 271 out 935 (allow multiple answer)</p>
	# of incidents reported that identify a restriction on the ability to impart information through any media	Incident Reporting	n/a	8	5	16	8	9	7	Incident Reporting recorded 7 incidents where there was a restriction on the ability to impart information through any media.
<b>2.35: Information is not arbitrarily censored</b>	# reports of websites being blocked in Cambodia arbitrarily	Media Monitoring	n/a	1	15	0	3	3	0	Media Monitoring did not record any incidents of websites being blocked arbitrarily.
	# reports of websites being blocked in Cambodia arbitrarily	Incident Reporting	n/a	0	0	1	0	0	0	Incident Reporting did not record any incidents of a website being blocked arbitrarily.
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Media Monitoring	n/a	8	4	0	3	6	4	Media Monitoring recorded 4 incidents involving seven media outlets being shut down, sanctioned or suspended arbitrarily.
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Incident Reporting	n/a	0	0	0	0	0	0	Incident Reporting did not record any incidents of media outlets being shut down, sanctioned or suspended arbitrarily.
	# of reports of artistic works banned or restricted arbitrarily	Media Monitoring	n/a	5	5	3	7	2	3	Media Monitoring recorded two incidents of artistic works being banned or restricted arbitrarily.
	# of reports of artistic works banned or restricted arbitrarily	Incident Reporting	n/a	0	0	1	1	0	0	Incident Reporting did not record any incidents of artistic works being banned or restricted arbitrarily.
<b>2.36: Surveillance of communications complies with the laws of Cambodia</b>	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Media Monitoring	n/a	8	3	6	2	0	0	Media Monitoring did not record any incidents of surveillance activities undertaken without judicial oversight.
	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Incident Reporting	n/a	2	0	0	0	3	1	Incident Reporting recorded 1 incidents of surveillance activities undertaken without judicial oversight.
	# reports of private communications collected by Government being published	Media Monitoring	n/a	5	0	3	0	1	0	Media Monitoring recorded one incident of private communications collected by the RGC being published.

	# reports of private communications collected by Government being published	Incident Reporting	n/a	0	0	0	0	0	0	0	Incident Reporting did not record any incident of private communications collected by the RGC being published.
<b>2.37: Access to non-classified and non-sensitive information held by the Government is not restricted</b>	% of CSO and TU leaders who have been denied access to non-classified and/or non-sensitive Government information	CSO/TU Leader Survey	n/a	n/a	n/a	n/a	n/a	n/a	n/a	14%	See question 6.13 of the CSO/TU Leader Survey.
<b>Key Milestone 3: Individuals know and understand the freedoms of association, assembly and expression, and feel free to exercise them</b>											
Element	Indicator/s	Data Source	2016	2017	2018	2019	2020	2021	2022	Notes	
<b>3.1: Individuals understand their rights to FoAA&amp;E</b>	% of individuals who report that they understand FoAA&E	Public Poll	41%	14%	11%	7%	7%	8%	9%	Average of the scores recorded for each freedom individually.  **371 out of 4272 responses from three main questions.	
	Freedom of Association	Public Poll	17%	12%	6%	4%	5%	4%	5%	See Question 4.1 of the Public Poll.	
	Freedom of Expression	Public Poll	56%	16%	13%	9%	7%	8%	12%	See Question 4.3 of the Public Poll.	
	Freedom of Assembly	Public Poll	49%	15%	13%	8%	8%	11%	10%	See Question 4.5 of the Public Poll.	
<b>3.2: Individuals understand the legal limitations of their rights</b>	% of individuals who can correctly identify the limitations to their rights	Public Poll	51%	60%	53%	58%	60%	60%	61%	See Questions 4.9 to 4.18 of the Public Poll.  **8617 out of 14240	
<b>3.3: Individuals feel they can access redress systems for infringements to their rights</b>	% of individuals who can correctly identify mechanisms for redress	Public Poll	14%	14%	47%	45%	38%	44%	45%	See question 5.16 of the Public Poll. The correct answers were: Court = 687, Ministry or National Assembly = 90, and police = 753.	
	% of individuals who feel that they can access a redress mechanism if their rights are violated	Public Poll	n/a	4%	4%	2%	2%	2%	4%	See Question 5.17 of the Public Poll.	
<b>3.4: Individuals have confidence in redress systems for infringements to their rights</b>	% of individuals who report believing that redress systems are an effective remedy	Public Poll	5%	2%	3%	3%	3%	3%	3%	See Question 5.18 of the Public Poll.	
<b>3.5: Individuals feel free to participate in political activities</b>	% of individuals who report feeling free to participate in political activities	Public Poll	10%	8%	5%	4%	5%	6%	10%	See Question 5.15 of the Public Poll.	
<b>Freedom of Association</b>											
<b>3.6: Individuals understand the laws pertaining to FoA</b>	% of individuals who report that they understand FoA under Cambodian law	Public Poll	55%	12%	6%	4%	5%	4%	5%	See Question 4.1 of the Public Poll.	
<b>3.7: Individuals feel free to associate (for any lawful, peaceful purpose)</b>	% of individuals who report that they feel free to associate for any lawful purpose peacefully	Public Poll	14%	18%	13%	11%	11%	16%	22%	See Question 5.9 of the Public Poll.	

<b>3.8 Individuals feel free to establish, join and leave groups</b>	% of individuals who report that they feel free to establish, join and leave groups for a peaceful purpose	Public Poll	n/a	n/a	n/a	n/a	15%	18%	23%	See Questions 5.9 - 5.11 of the Public Poll. 5.9. Join = 22% 5.10. Establish = 21% 5.11. Leave = 25% <sup>200</sup>
<b>3.9 Individuals understand that workers are free to join a trade union</b>	% of individuals who report that workers are free to join a trade union	Public Poll	n/a	n/a	n/a	n/a	10%	6%	13%	See Question 5.12 of the Public Poll. <sup>201</sup>
<b>3.10: Individuals understand their right to collectively bargain</b>	% of individuals who report that they understand collective bargaining	Public Poll	6%	10%	7%	5%	4%	4%	5%	See Question 4.7 of the Public Poll.
<b>Freedom of Assembly</b>										
<b>3.11: Individuals feel free to assemble peacefully</b>	% of individuals who report that they feel free to peacefully assemble	Public Poll	12%	20%	13%	12%	10%	15%	21%	See Question 5.8 of the Public Poll.
<b>3.12: Individuals feel free to strike</b>	% of individuals who report that they feel free to strike	Public Poll	10%	5%	5%	6%	6%	4%	11%	See Question 5.14 of the Public Poll. <sup>202</sup>
<b>Freedom of Expression</b>										
<b>3.13: Individuals feel free to impart information to the media</b>	% of individuals who report that they feel free to impart information to the media	Public Poll	11%	10%	6%	7%	4%	6%	7%	See Questions 5.4 - 5.6 of the Public Poll. 5.4. Newspaper = 9% 5.5. TV = 6% 5.6. Radio = 8% **310 out of 4272
<b>3.14: Individuals feel free to express themselves and report that they do not self-censor</b>	% of individuals who report that they feel free to speak openly about all subjects in public	Public Poll	13%	6%	4%	4%	3%	5%	10%	See Question 5.2 of the Public Poll.
	% of individuals who report that they feel free to speak openly about all subjects on social media	Public Poll	n/a	n/a	n/a	n/a	4%	6%	7%	See Question 5.3 of the Public Poll.
<b>Key Milestone 4: Civil society organizations and trade unions are recognized and can work in partnership with the RGC</b>										
Element	Indicator/s	Data Source	2016	2017	2018	2019	2020	2021	2022	Notes
<b>4.1: CSOs and TUs are recognized as legitimate and competent development partners</b>	% of CSO and TU leaders who report being recognized as competent development partners	CSO/TU Leader Survey	63%	48%	36%	46%	50%	50%	47%	See Question 6.2 of the CSO/TU Leader Survey.
	% of CSO and TU leaders who report being recognized as a legitimate partner	CSO/TU Leader Survey	62%	59%	60%	63%	64%	66%	57%	See Question 6.1 of the CSO/TU Leader Survey.

<sup>200</sup> Result for question 5.11 may have been influenced by the inclusion of an 'N/A' option for the first time in 2021.

<sup>201</sup> Result for question 5.12 may have been influenced by the inclusion of an 'N/A' option for the first time in 2021.

<sup>202</sup> Results for question 5.14 may have been influenced by the inclusion of an 'N/A' option for the first time in 2021.

<b>4.2: RGC institutions are open to partnerships with CSOs and TUs that aim to improve the work or services of the institution</b>	% of CSO and TU leaders who report partnering with RGC institutions	CSO/TU Leader Survey	69%	41%	38%	34%	37%	35%	41%	See Question 6.3 of the CSO/TU Leader Survey.
<b>4.3: Public financing is available for CSOs and TUs</b>	% of CSO and TU leaders who report being able to access financing for their CSO or TU	CSO/TU Leader Survey	n/a	25%	0%	6%	5%	9%	7%	See Question 6.11 of the CSO/TU Leader Survey.
<b>4.4: Public financing opportunities for CSOs and TUs are explicit, open and transparent</b>	% of CSO and TU leaders who report that public financing opportunities for CSOs and TUs are explicit, open and transparent	CSO/TU Leader Survey	n/a	19%	8%	9%	8%	21%	12%	See Question 6.10 of the CSO/TU Leader Survey.
<b>4.5: Opportunities for participation and membership on RGC committees, forums, working groups, panels and boards for CSOs and TUs are explicit, open and transparent</b>	% of CSO/TU leaders who report opportunities for participation and membership on RGC committees, forums, working groups panels, boards are explicit, open and transparent	CSO/TU Leader Survey	6%	37%	21%	24%	29%	27%	23%	See Question 6.7 of the CSO/TU Leader Survey.
<b>4.6: CSOs and TUs are active participants in decision- and law-making processes</b>	% of CSOs and TUs leaders who report being active participants in decision- and law-making processes	CSO/TU Leader Survey	0%	1%	1%	0%	0%	1%	2%	See Question 6.8 of the CSO/TU Leader Survey.
<b>4.7 CSOs and TUs are taking joint action to promote fundamental freedoms</b>	% of CSOs and TUs leaders who report taking joint action (with other CSOs and TUs) to promote freedoms and rights	CSO/TU Leader Survey	n/a	n/a	n/a	n/a	n/a	n/a	81%	See Question 5.7 of the CSO/TU Leader Survey.
<b>4.8 CSOs and TUs can easily access information from the Government</b>	% of CSOs and TUs leaders who report being able to easily access information from the Government	CSO/TU Leader Survey	n/a	n/a	n/a	n/a	n/a	n/a	4%	See Question 6.12 of the CSO/TU Leader Survey.



## Annex 3 – Public Poll 2022 Questions and Results

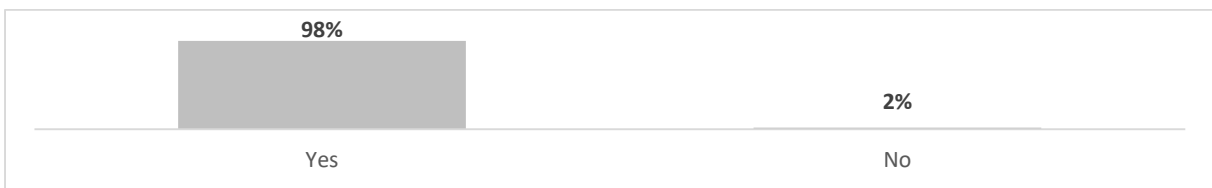
This Annex presents the questions and results of the Public Poll, which was conducted from 1 November – 31 December 2022 across 25 provinces and surveyed 1,424 respondents. The FFMP Monitoring Team used “convenience sampling” to collect data, visiting locations with pedestrian traffic, such as marketplaces, universities, public parks, and pagodas, and questioning members of the public at random.

### Section 1: Administrative Details

Section 1 did not contain any questions for the public. The FFMP Monitoring Team used it to record administrative details such as date, location, interviewer, etc.

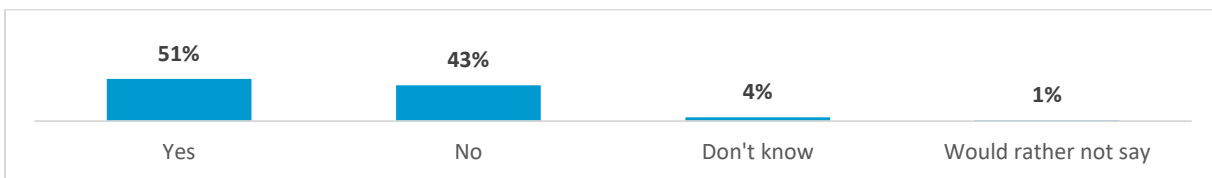
### Section 2: Consent

2.1: Do you agree to participate in this poll? (n=1,449)

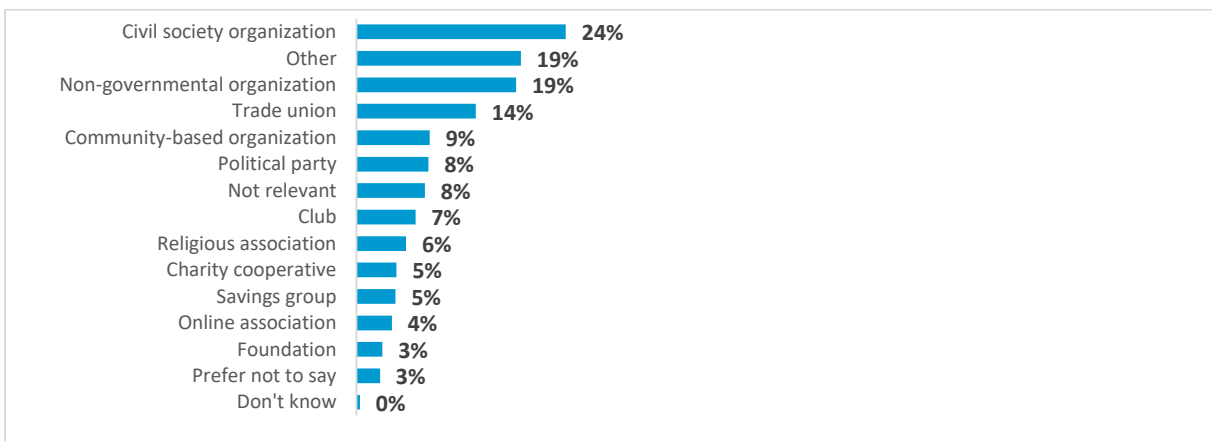


### Section 3: Association Membership

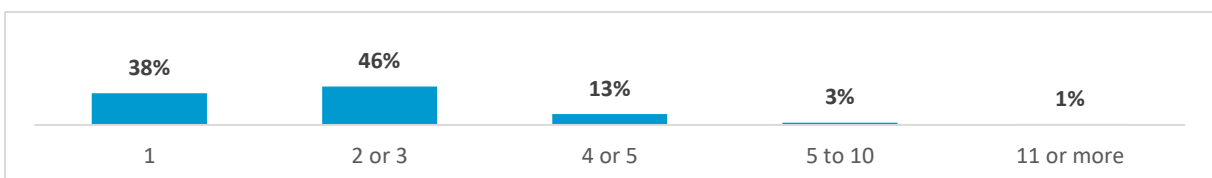
3.1: In the last year, have you been involved in any associations? (n=1,424)



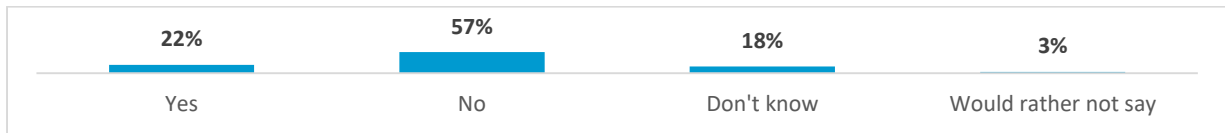
3.2: What type of association(s) are you currently a member of? (n=725 - multiple answers allowed)



3.3: In the last year how many associations have you been involved with? (n=729)



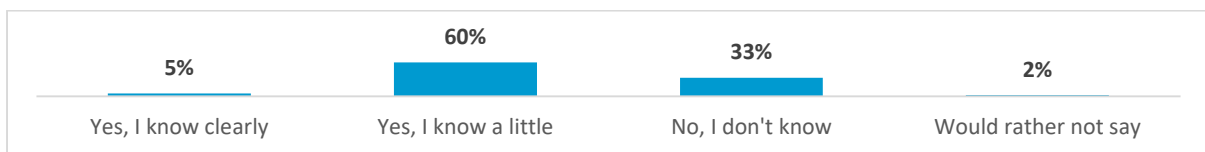
3.4: In the last year have you ever been targeted or victimized because of your involvement with an association? (n=709)



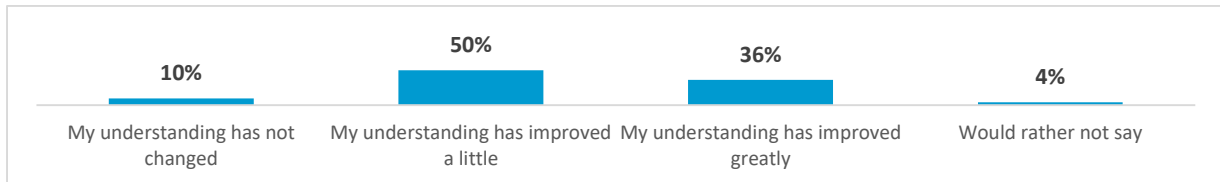
#### Section 4: Understanding Fundamental Freedoms

Public understanding of fundamental freedoms was measured by asking respondents to answer two questions. The first: “Do you know what freedom of \_\_\_ means?”. After the interviewer provided an explanation of the fundamental freedom, the second question was asked: “Now that I have explained what the freedom of \_\_\_ is, how, if at all, has your understanding of this freedom improved?”. Those individuals who responded to the first question, “Yes I know clearly”, and to the second “My understanding has not changed (it is the same as before)” were deemed to have a full understanding of the fundamental freedom. Understanding of collective bargaining was determined through the same process.

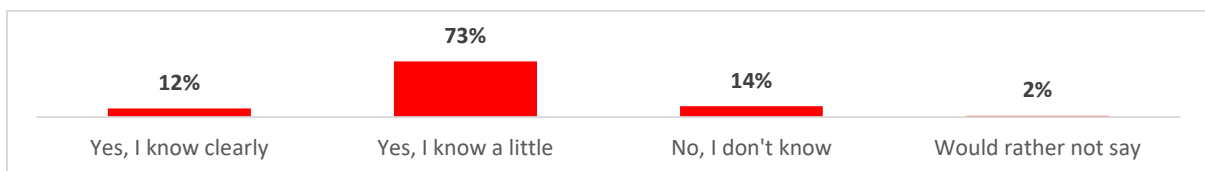
4.1: Do you know what freedom of association means? (n=1,424)



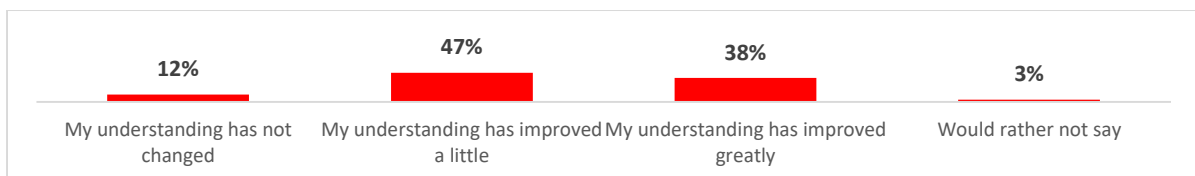
4.2: How has your understanding of this freedom improved? (n=1,424)



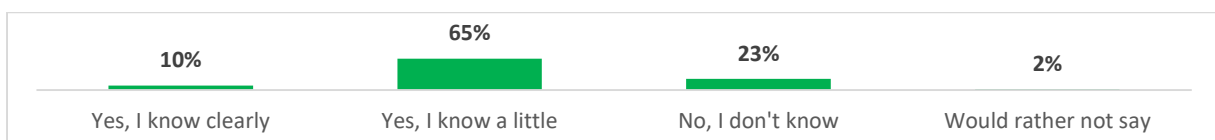
4.3: Do you know what freedom of expression means? (n=1,424)



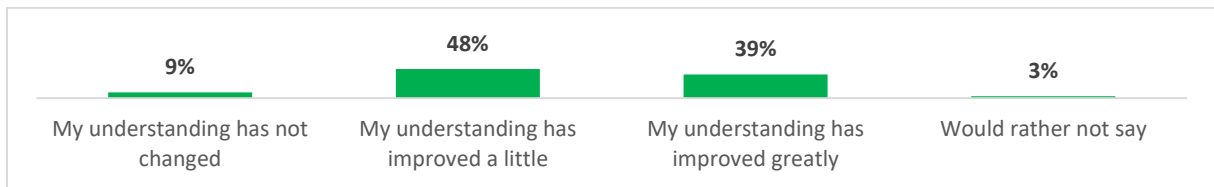
4.4: How has your understanding of this freedom improved? (n=1,424)



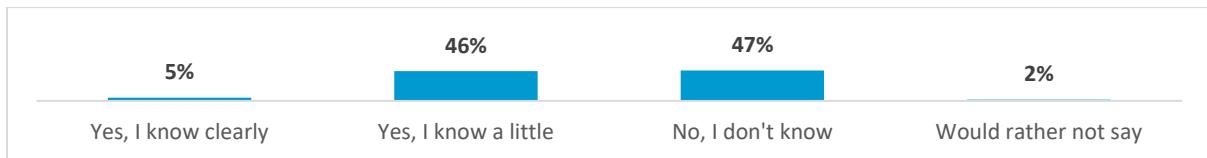
4.5: Do you know what freedom of assembly means? (n=1,424)



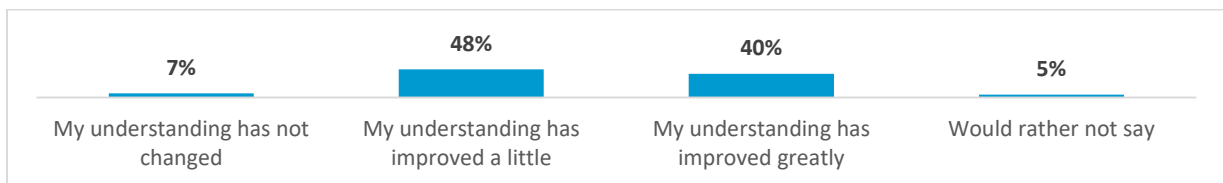
4.6: How has your understanding of this freedom improved? (n=1,424)



4.7: Do you know what collective bargaining means? (n=1,424)

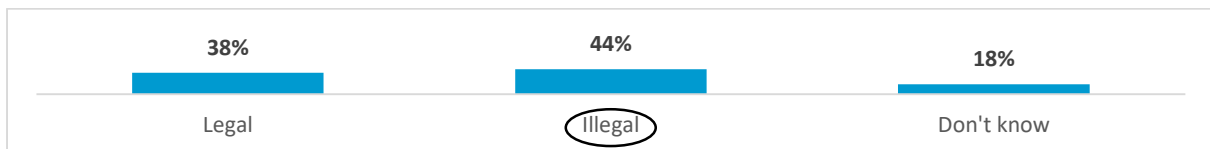


4.8: How has your understanding of collective bargaining improved? (n=1,424)

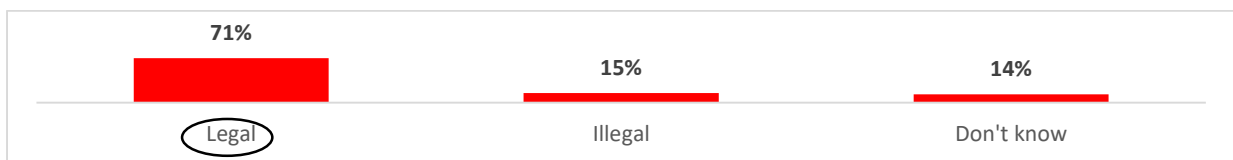


For questions 4.9 – 4.18, respondents were asked to identify whether an activity was legal or illegal under Cambodian Law. This enables the FFMP to gauge the public's understanding of domestic law in relation to fundamental freedoms. Correct answers are circled.

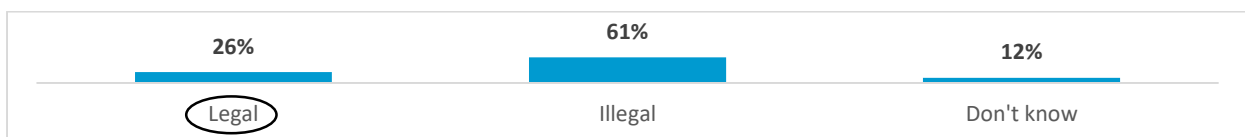
4.9: Is it legal to form an unapproved savings group? (n=1,424) Correct answer = illegal.



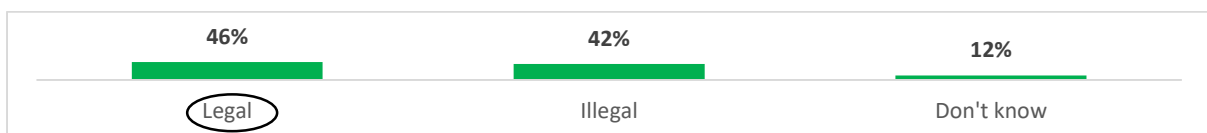
4.10: Is it legal to discuss politics with people? (n=1,424) Correct answer = legal.



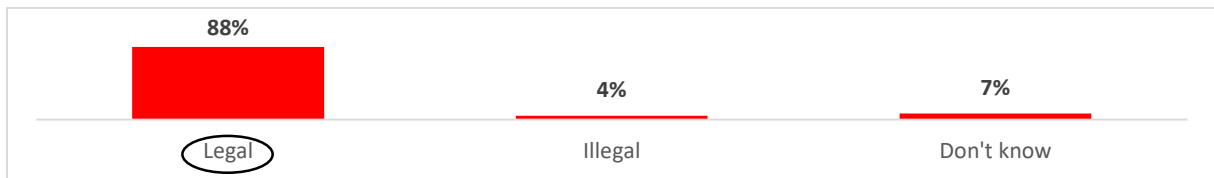
4.11: Is it legal for an association to carry out activities without notifying the authorities? (n=1,424) Correct answer = legal.



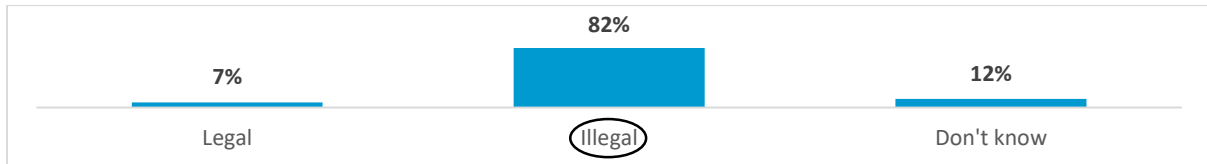
4.12: Is it legal to protest peacefully? (n=1,424) Correct answer = legal.



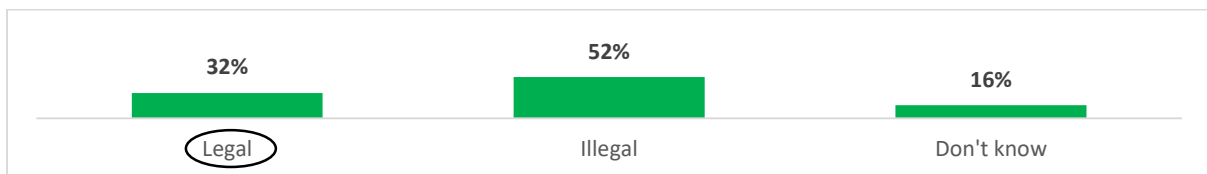
4.13: Is it legal to speak at a commune council meeting? (n=1,424) Correct answer = legal.



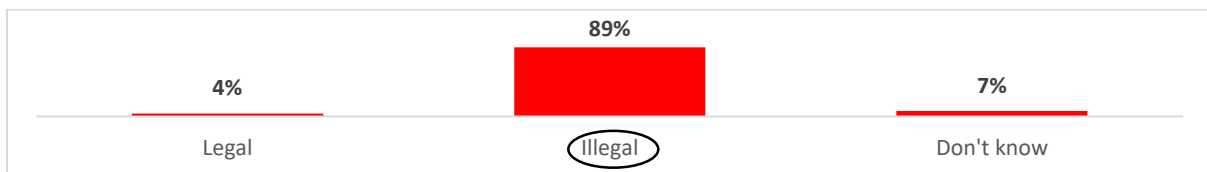
4.14: Is it legal to form an unregistered NGO? (n=1,424) Correct answer = illegal.



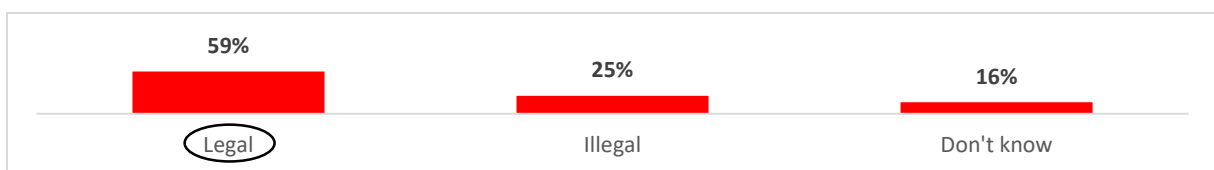
4.15: Is it legal to strike without permission? (n=1,424) Correct answer = legal.



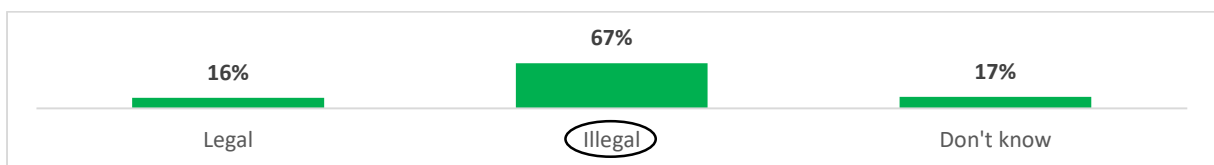
4.16: Is it legal to insult a public figure? (n=1,424) Correct answer = illegal.



4.17: Is it legal to criticize RGC policies? (n=1,424) Correct answer = legal.

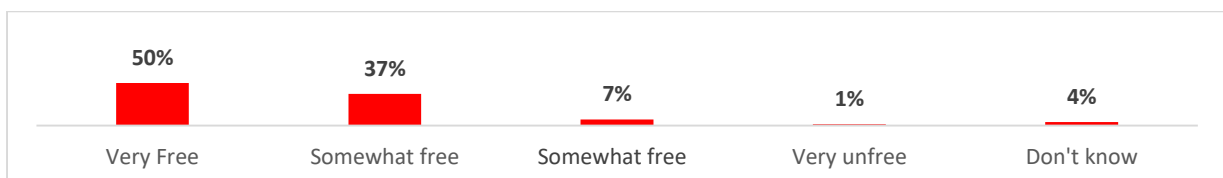


4.18: Is it legal for the State to use force to break up peaceful assemblies? (n=1,424) Correct answer = illegal.

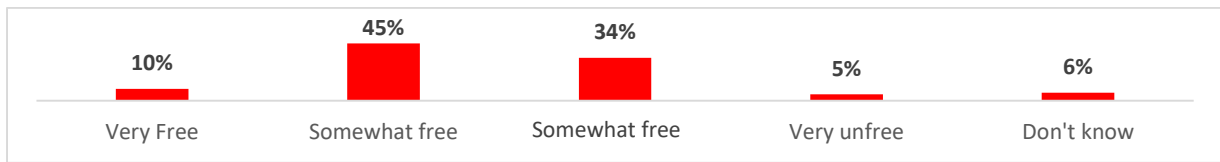


## Section 5: Exercising Fundamental Freedoms

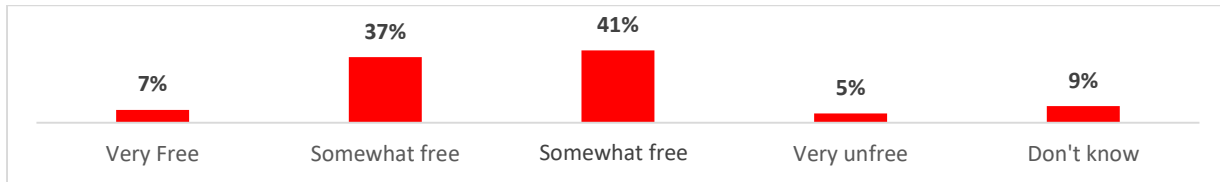
5. 1 How free do you think you are in dressing up as you like? (n=1,424)



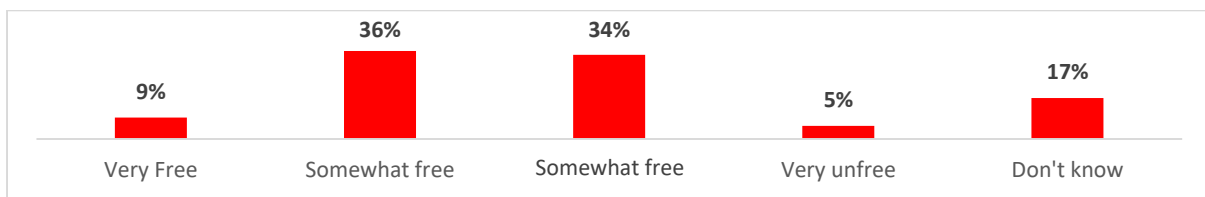
5.2: Do you feel free to speak in public? (n=1,424)



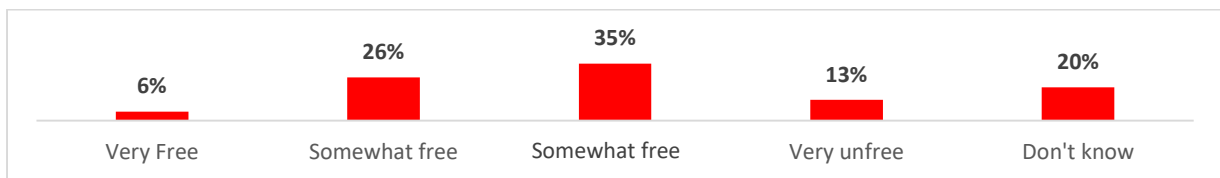
5.3: Do you feel free to speak on social media? (n=1,424)



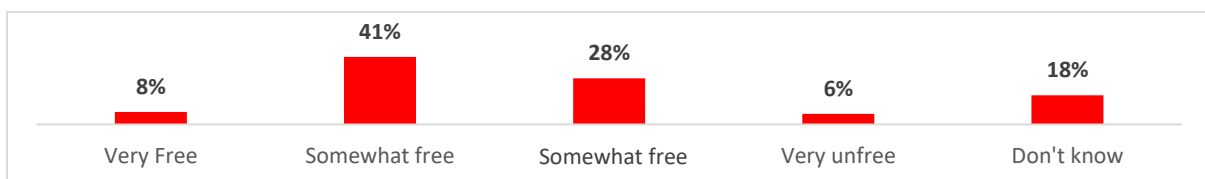
5.4: Do you feel free to express your opinions to a newspaper? (n=1,424)



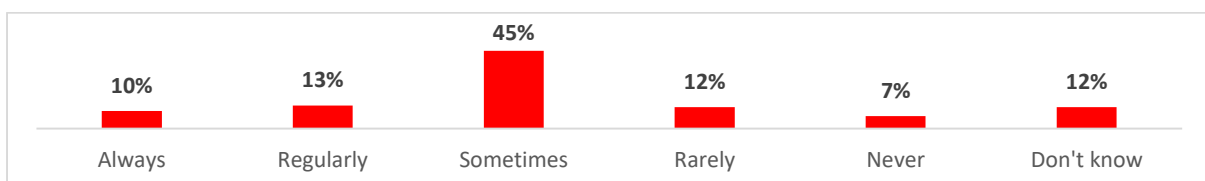
5.5: Do you feel free to express your opinions to a television? (n=1,424)



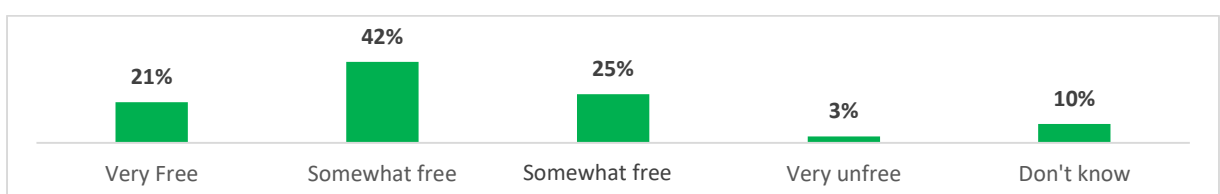
5.6: Do you feel free to express your opinions to a radio station or show? (n=1,424)



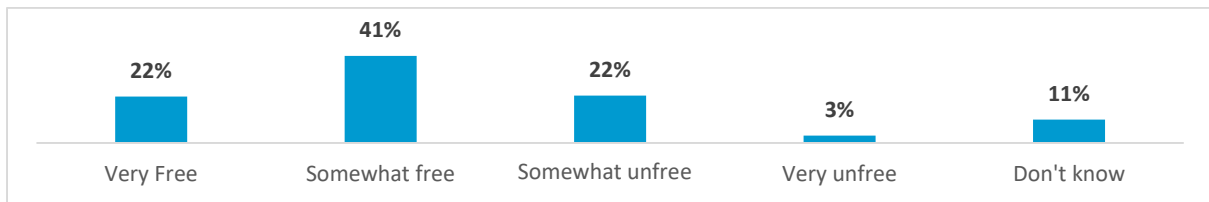
5.7: How often do you not say what you want to say in public or online for fear of retaliation? (n=1,424)



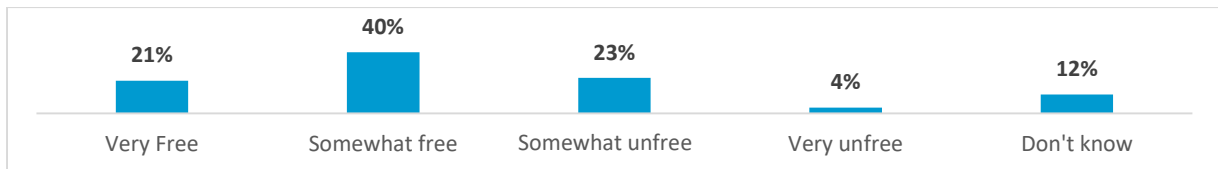
5.8: Do you feel free to gather peacefully? (n=1,424)



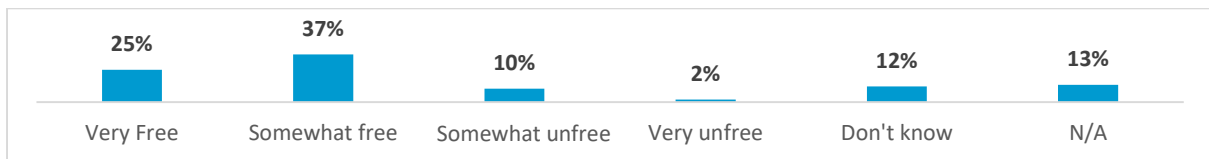
5.9: Do you feel free to join a lawful group? (n=1,424)



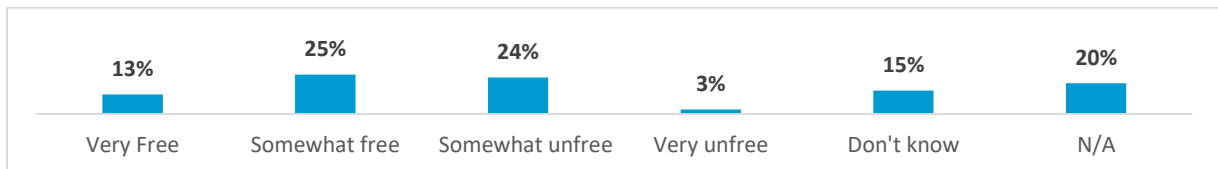
5.10: Do you feel free to establish a group for a lawful purpose? (n=1,424)



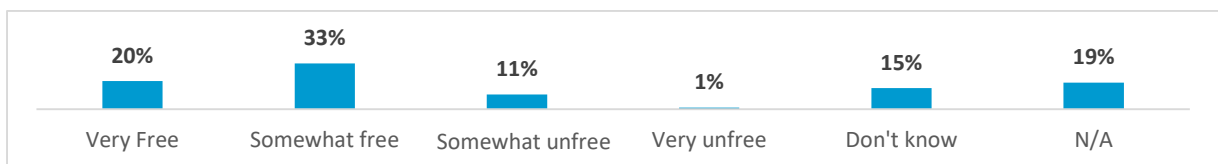
5.11: If you are part of an association, do you feel free to leave the group? (n=1,424)



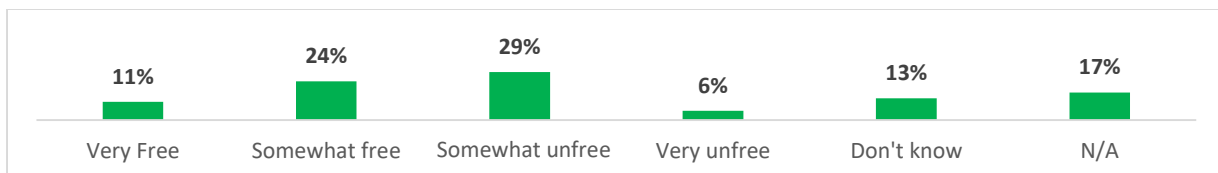
5.12: If you work for an employer, do you feel free to join a trade union? (n=1,424)



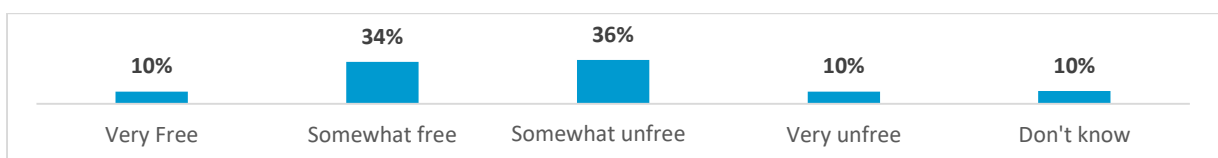
5.13: If you belong to a trade union, do you feel free to leave the union? (n=1,424)



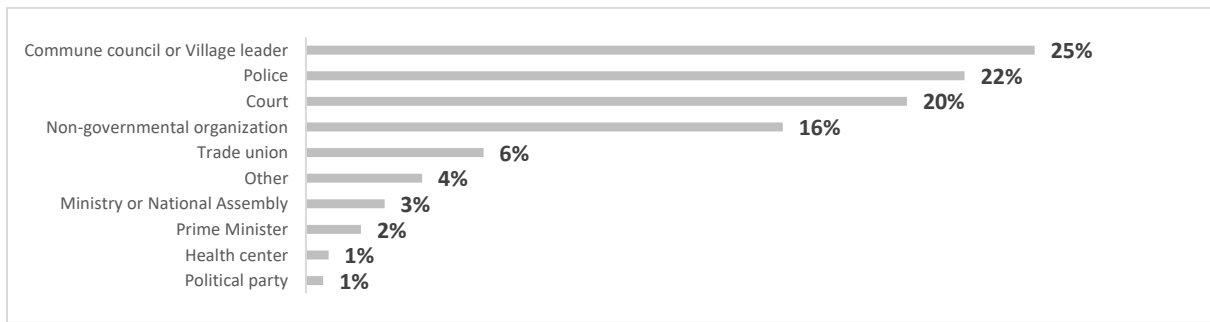
5.14: Do you feel free to peacefully strike and/or demonstrate against your employer? (n=1,424)



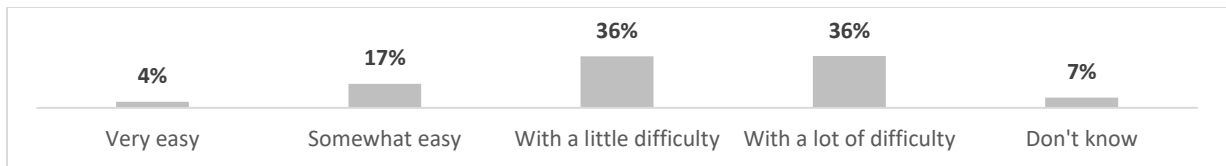
5.15: Do you feel free to participate in political activities? (n=1,424)



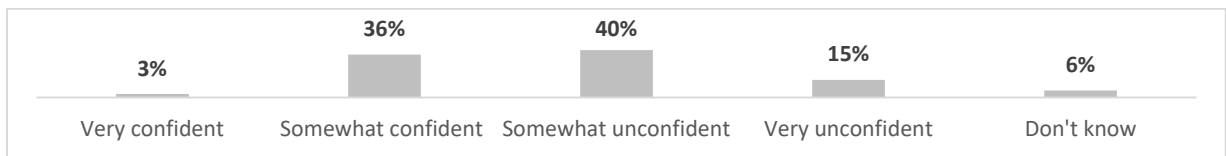
5.16: Where can you complain about a human rights violation? (n=3,353 – multiple answers allowed)



5.17: How easy is it to complain to the government or courts about a human rights violation? (n=1,424)



5.18: Are you confident that the government or courts would provide redress for a human rights violation? (n=1,424)

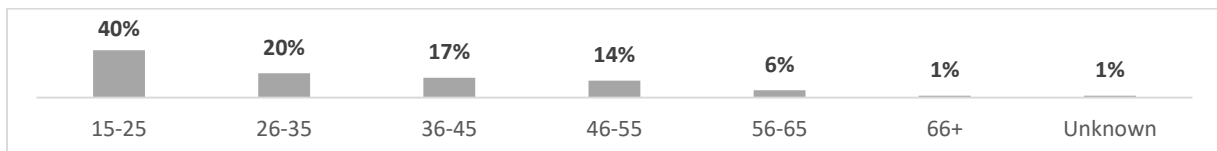


## Section 6. Demographic Information

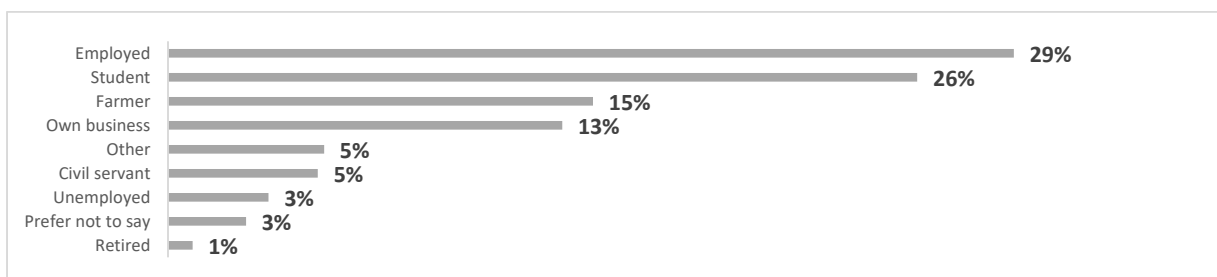
6.1: What is your gender identity? (n=1,424)



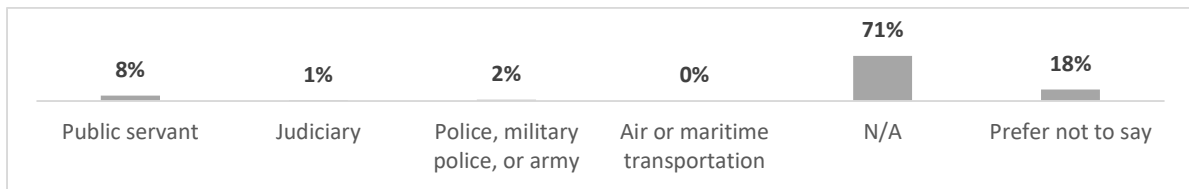
6.2: How old are you? (n=1,424)



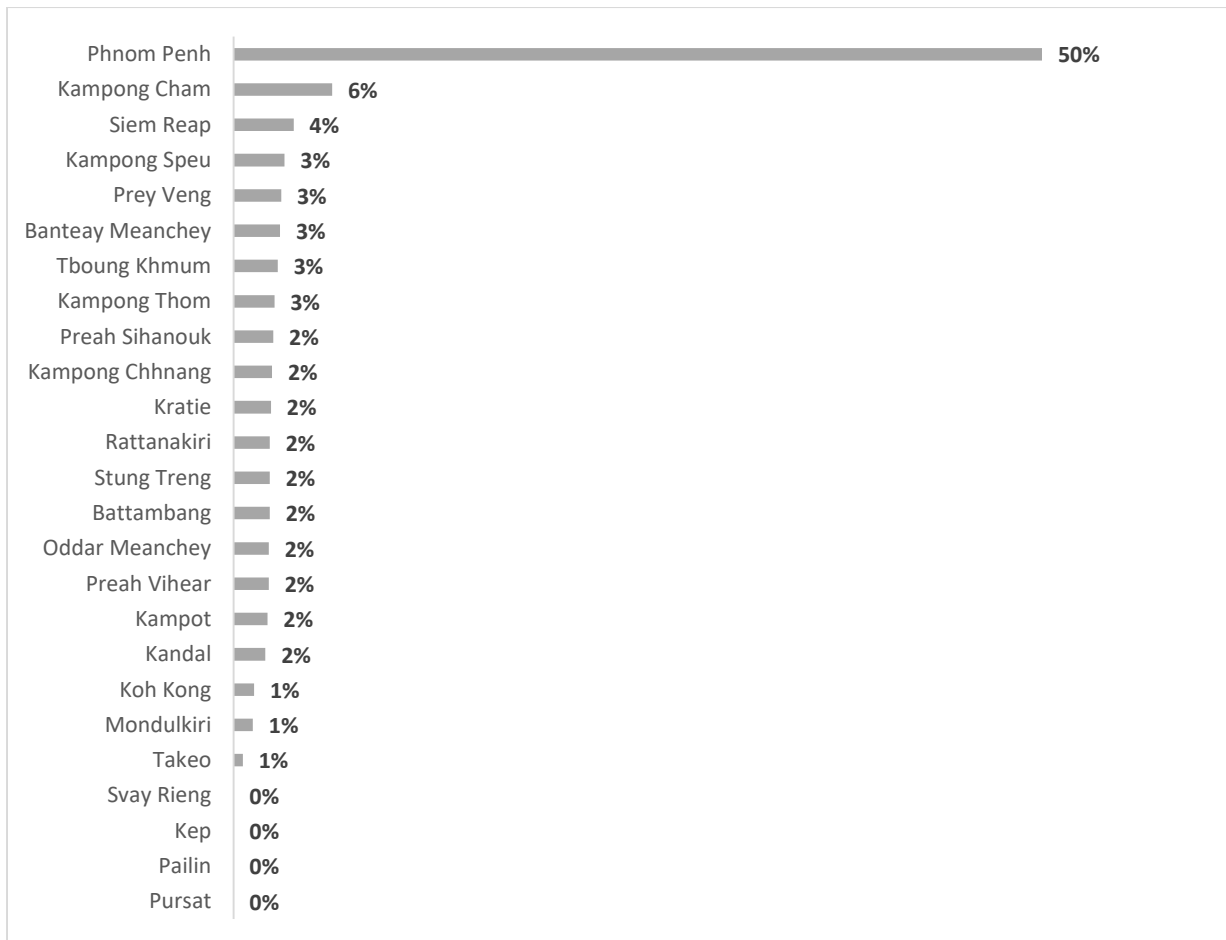
6.3: What is your primary occupation? (n=1,424)



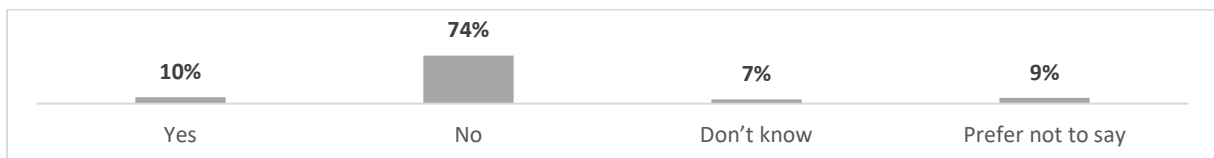
6.4: If employed, are you any of the following? (n=1,305)



6.5: What is your province of residence? (n=1,424)

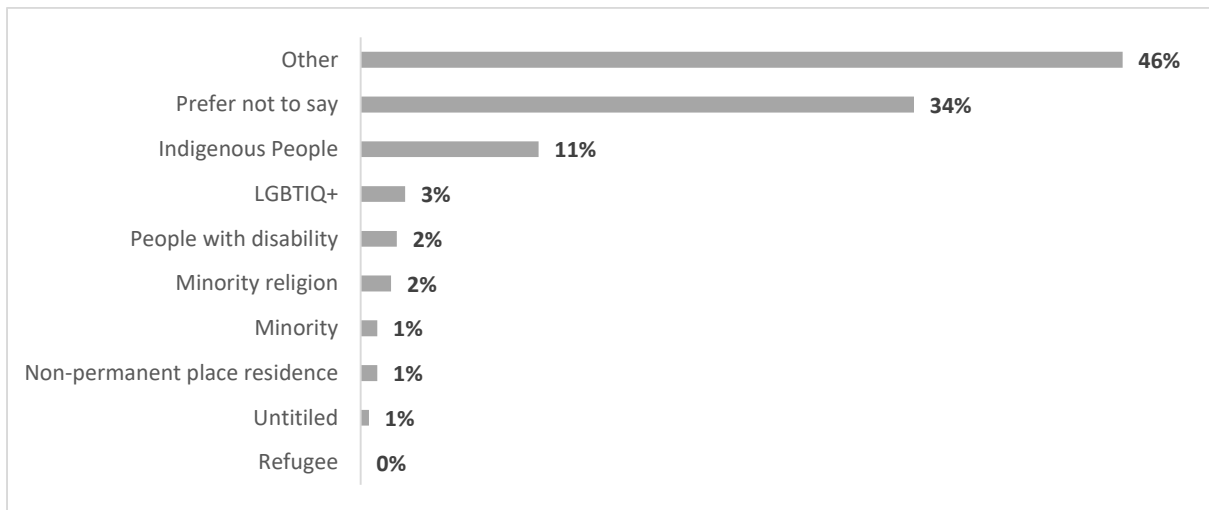


6.6 Are you a minority? (n=1,189)

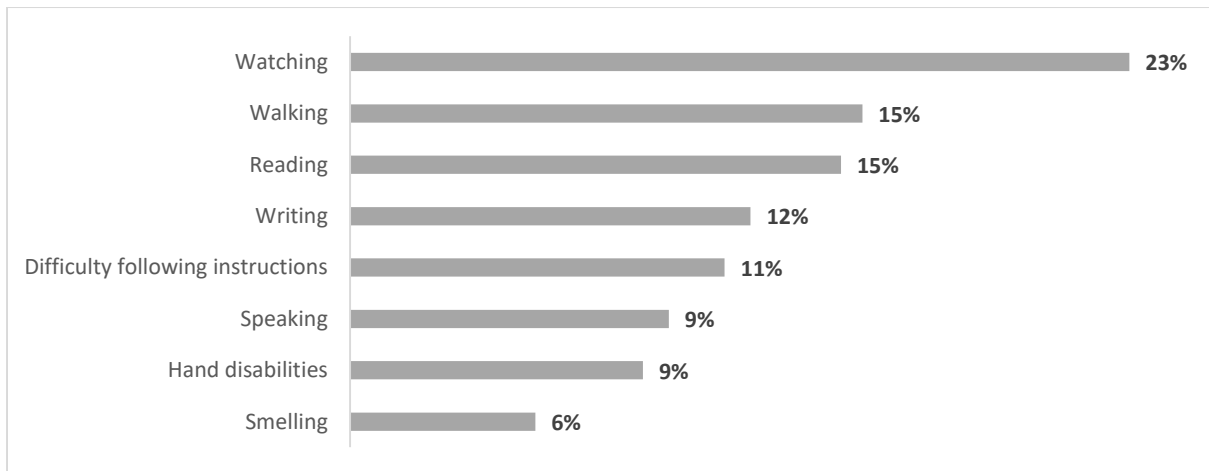




6.7: If a minority, which category? (n=592– multiple answers allowed)



6.8: If so, you identify as a person living with a disability, how does this impact on you? (n=779– multiple answers allowed)



## Annex 4 – CSO/TU Leader Survey Questions and Results

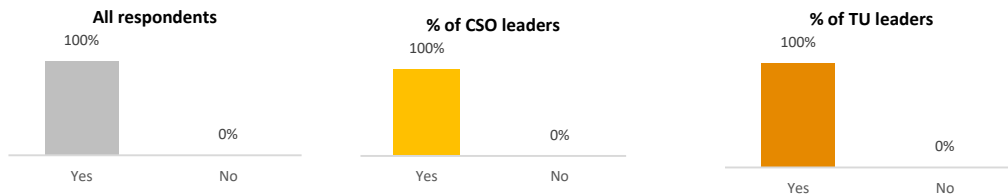
This Annex presents the questions and results of the 2022 CSO/TU Leaders Survey, conducted between 27 September and 30 October 2022 using an online survey. Participants were invited to participate by email, from lists of CSO and TU leaders. In total 150 CSO and TU leaders completed the survey; this included 81 CSO leaders (67 domestic/Cambodian CSOs and 14 international NGOs) and 69 TU leaders.

### Section 1: Administrative Details

Section 1 administrative information captured details, including the date, server address and location details.

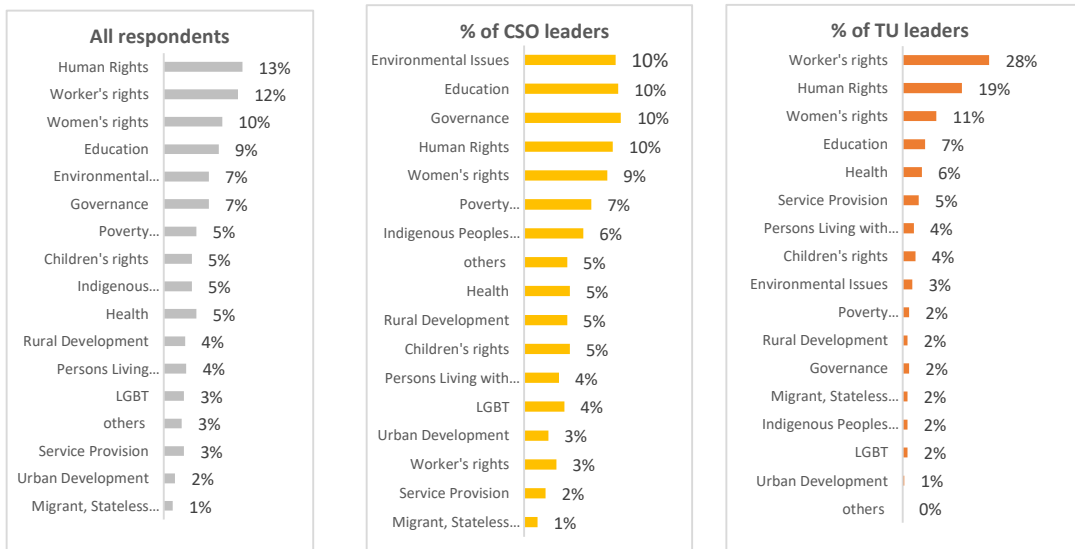
### Section 2: Consent

2.1: Do you consent to participate in this survey? (n=150)



### Section 3: CSO Profile

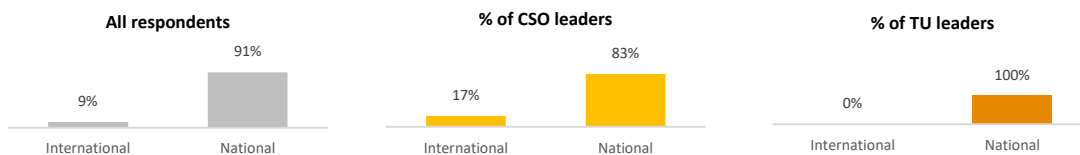
3.1: What is the main focus of your CSO? (n=534 – multiple answers allowed)



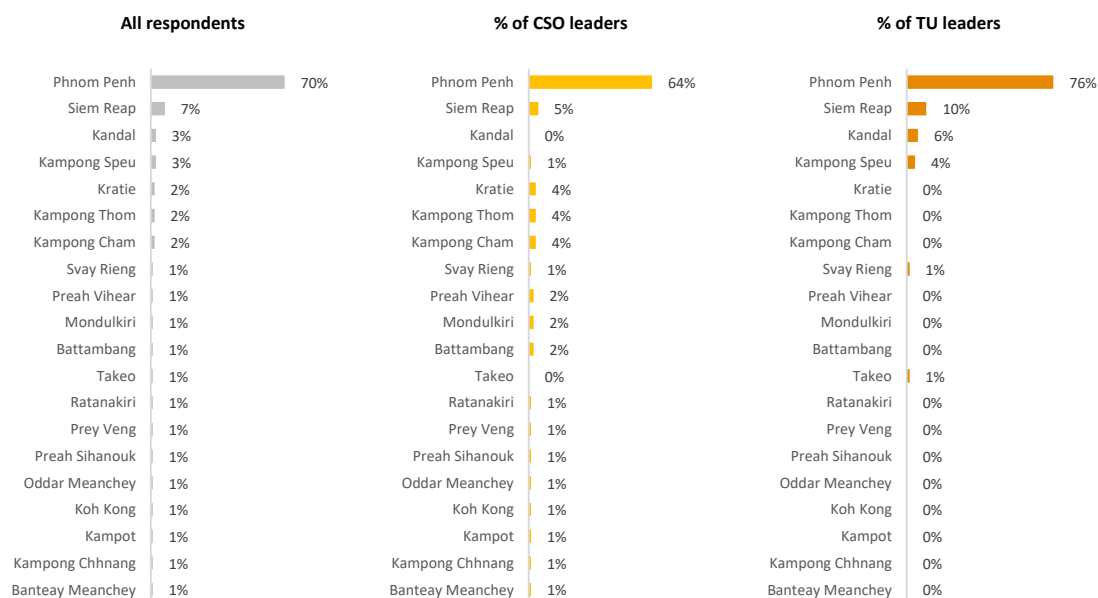
3.2: Please describe in one sentence the main purpose or mission of your CSO:

*This was an open-ended question and was not analyzed for the purpose of this report.*

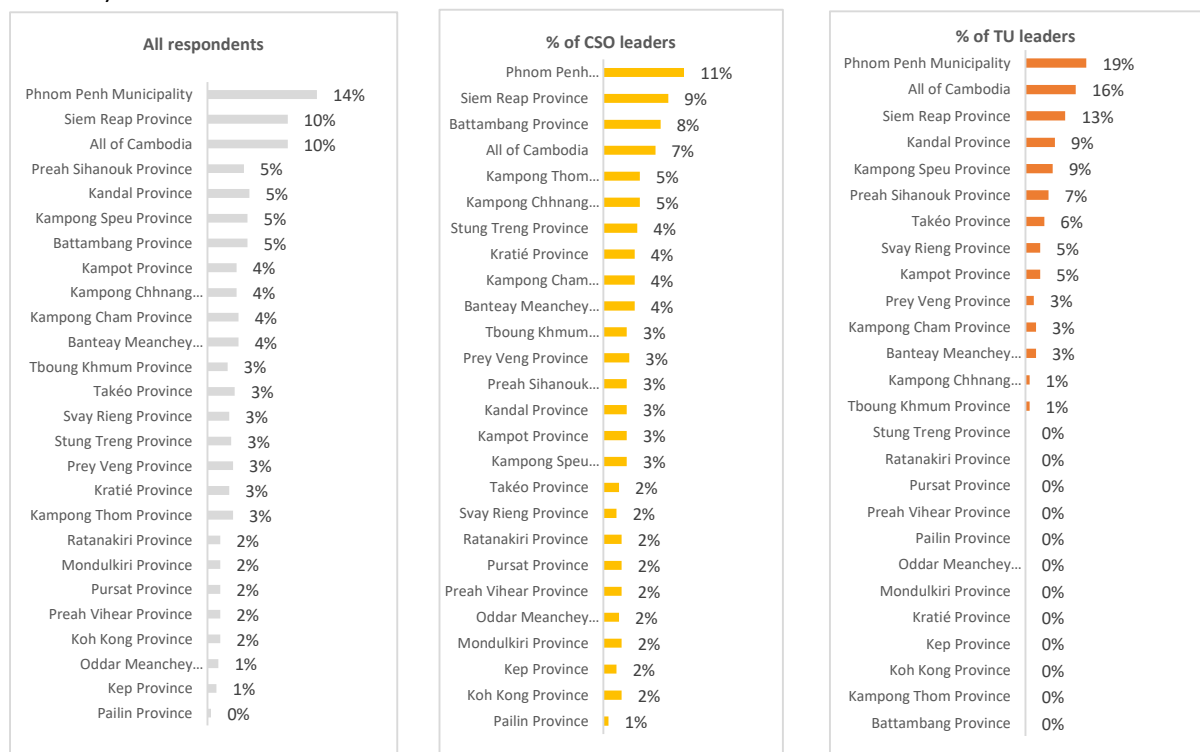
3.3: Is your organization a TU or a CSO? If it is a CSO, is it an international or national organization? (n=150)



### 3.4: Where is your CSO's Cambodian head office? (n=149)

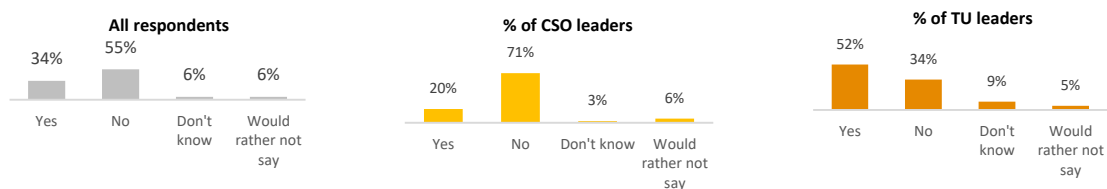


### 3.5: In which provinces of Cambodia does your CSO carry out its work? (n=440 – multiple answers allowed)



## Section 4: Operations of the CSO

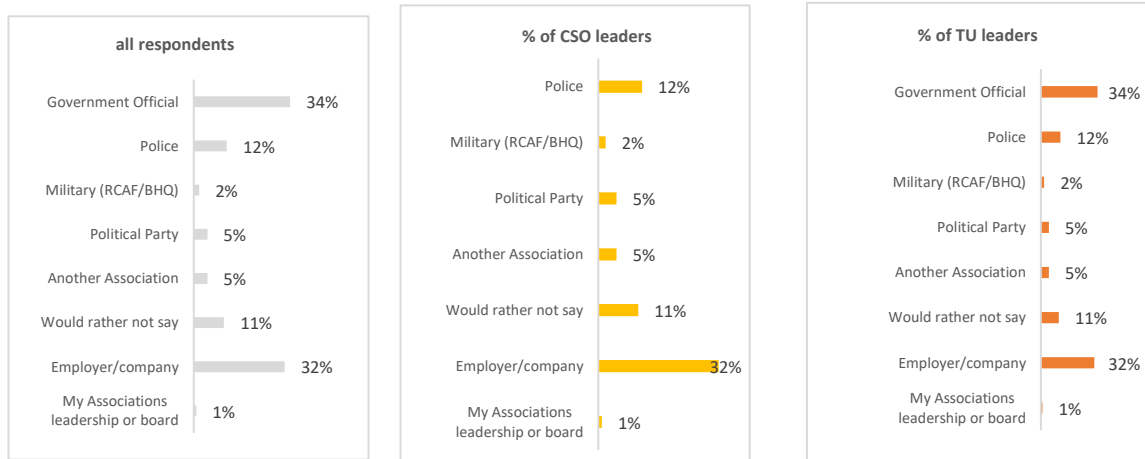
### 4.1: In the last 12 months, has your CSO faced restrictions or threats in forming networks, coalitions, federations, or other types of alliances with others? (n=144)



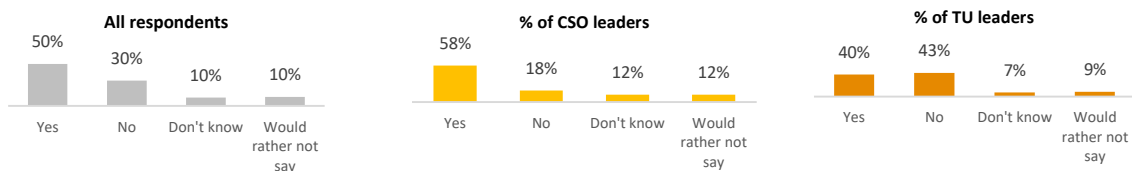
4.2: How many times has your CSO been restricted in forming networks, coalitions, federations, or other types of alliances with others? (n=64)



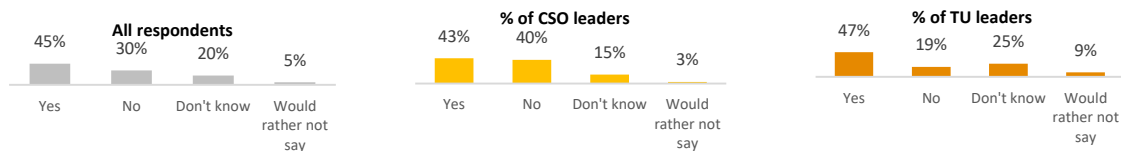
4.3: Who restricted your CSO from forming networks, coalitions, federations, or other types of alliances with others? (n=104 – multiple answers allowed)



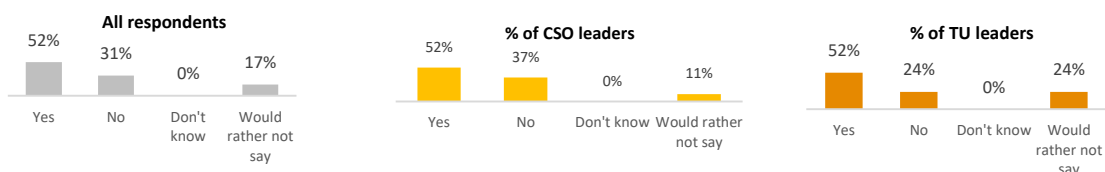
4.3.1: Can members of your organization leave without punishment or penalty? (n=143)



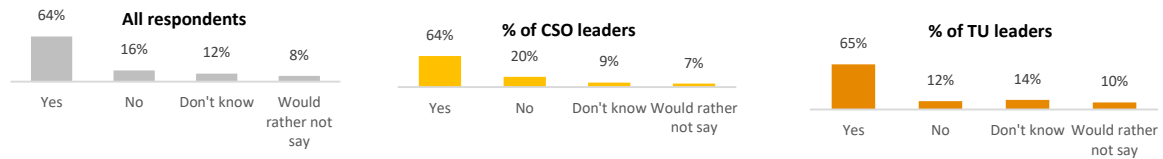
4.4: In the last 12 months, has a government official ever undertaken monitoring or surveillance of your CSO or its activities? (n=148)



4.4.1: In the last 12 months, has your organization done anything to increase your organization's security and/or to prevent Government surveillance? (n=145)



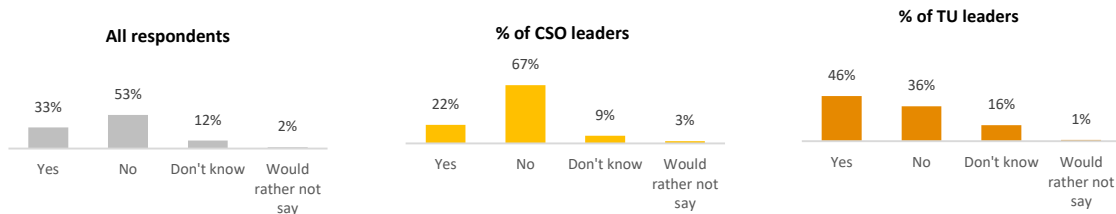
4.5: Did you feel this monitoring was ever excessive or did it interfere with your CSO's activities? (n=95)



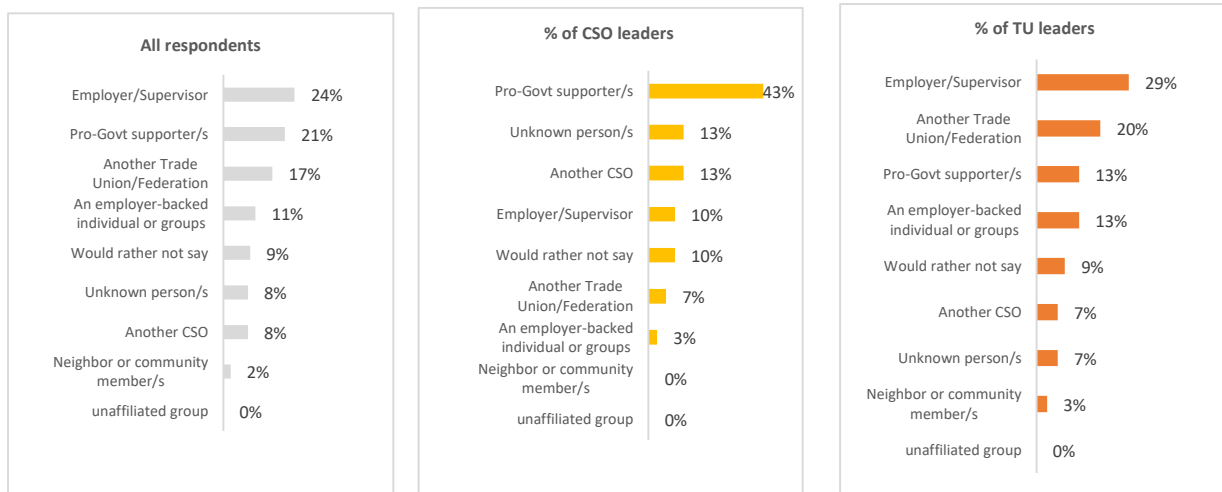
4.6: Why did you feel that this oversight was excessive or how did it interfere with your CSO's activities? (n=216 – multiple answers allowed)



4.7: In the last 12 months, has your CSO or its activities ever been interfered with by a third party? (n=146)



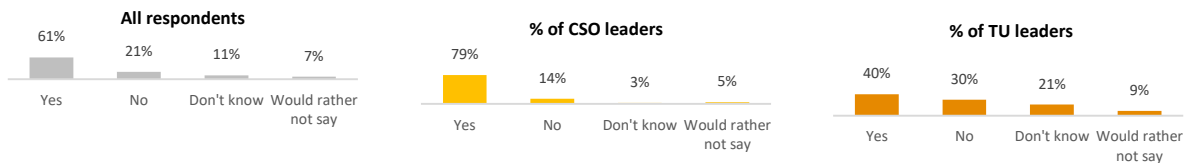
4.8: What type of third party interfered with your CSO or its activities? (n=121 – multiple answers allowed)



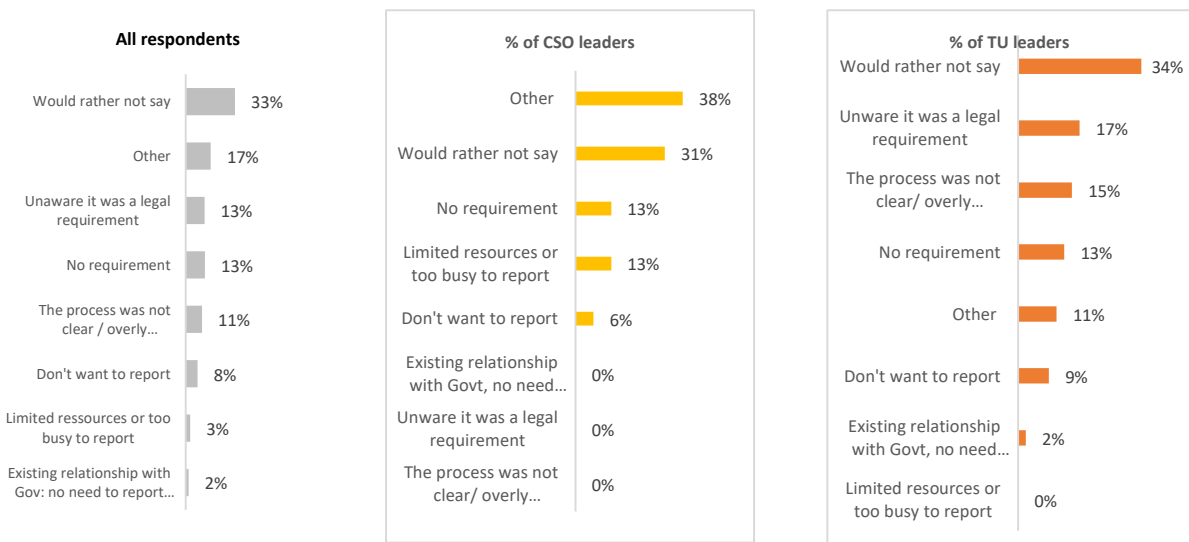
4.9: How did the third party interfere with your CSO or its activities? (n=160)



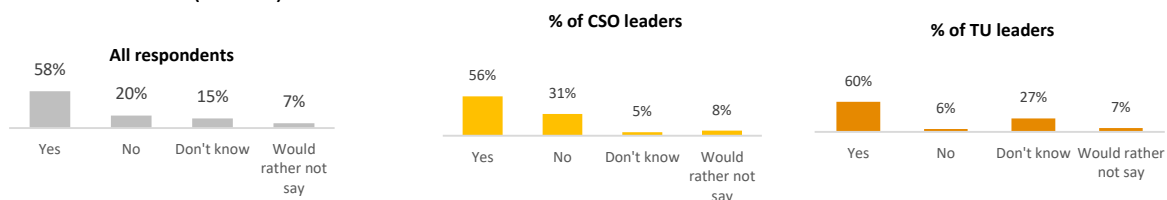
4.10: In the last 12 months, has your CSO been able to meet the non-financial reporting requirements of the Government? (n=147)



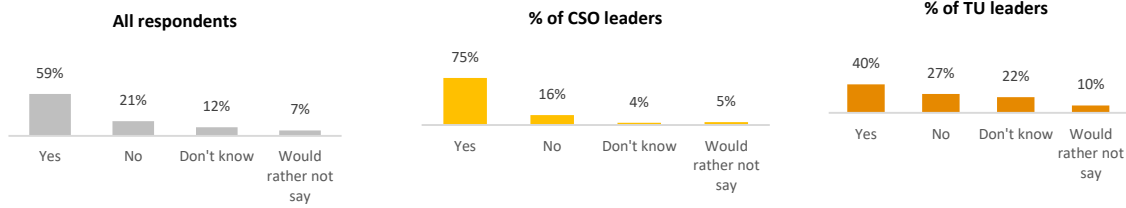
4.11: Why was your CSO unable to meet the Government's non-financial reporting requirements? (n=63)



4.12: Did you feel that the non-financial reporting requirements of the Government were excessive or burdensome? (n=147)



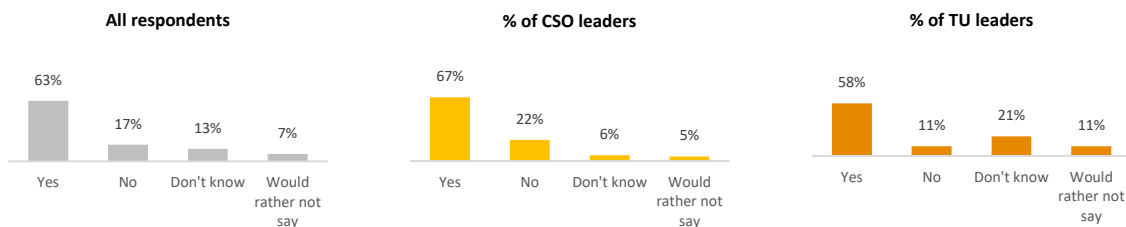
4.13: In the last 12 months, has your CSO been able to complete financial reports in accordance with Government requirements? (n=148)



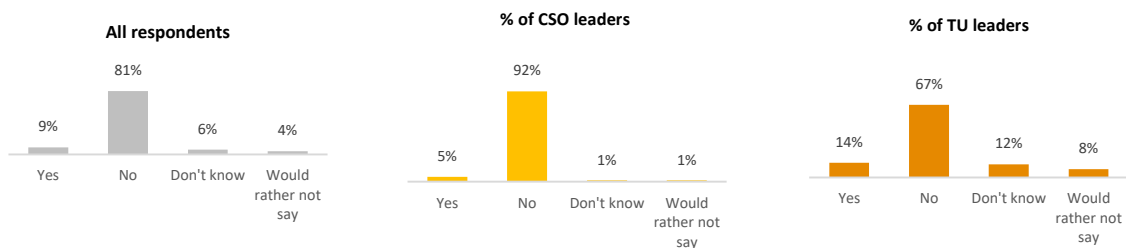
4.14: Why was your CSO unable to complete financial reports in accordance with Government requirements? (n=60)



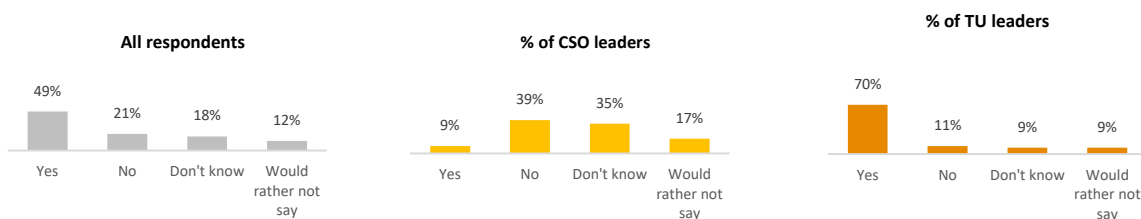
4.15: Did you feel that the financial reporting requirements of the Government were excessive or burdensome? (n=147)



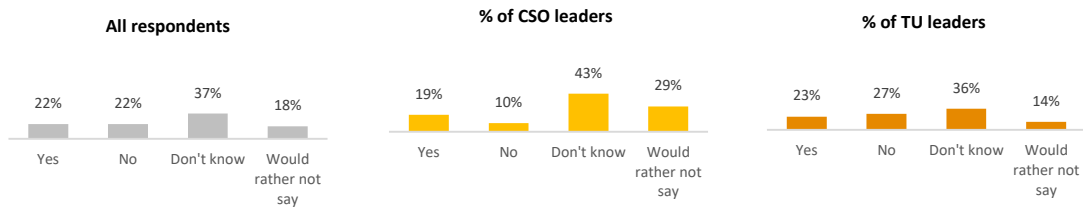
4.16: In the last 12 months, has your CSO been sanctioned by the Government? (n=145)



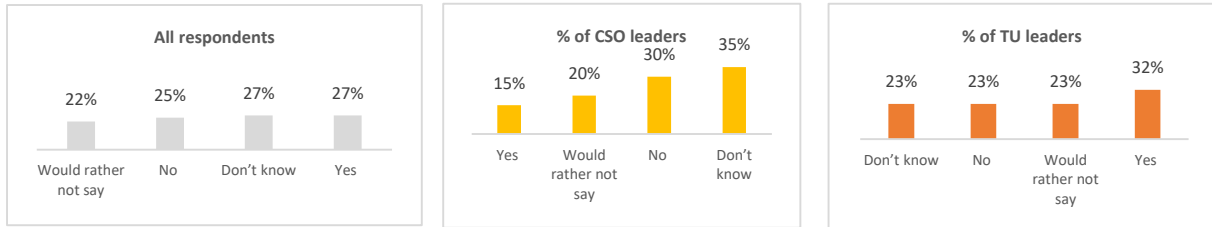
4.16.1: Were you able to access legal aid when sanctioned? (n=67)



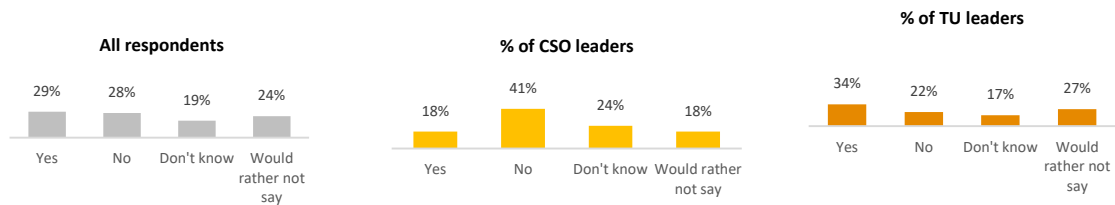
4.17: Were you provided with a reason for the sanction(s)? (n=65)



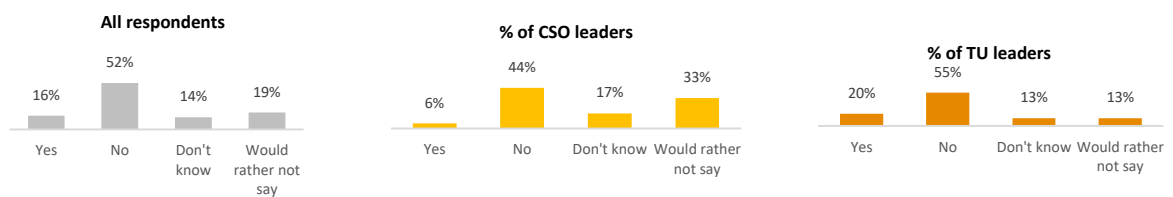
4.18: Did you have the opportunity to challenge the sanction? (n=64)



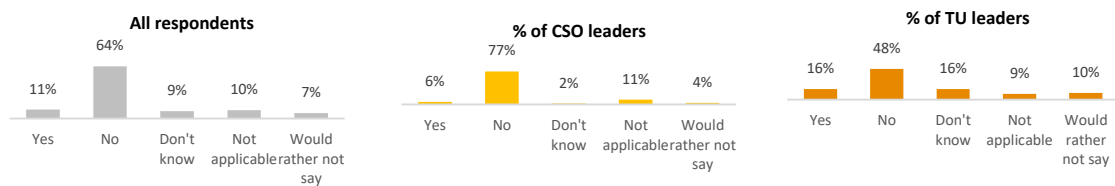
4.19: Did you appeal or challenge the sanction? (n=58)



4.20: Did you feel that the appeal process was independent? (n=58)

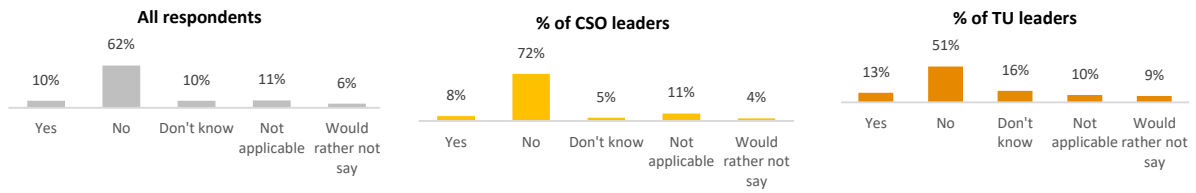


4.21: In the last 12 months, has your CSO been denied the right to undertake income generation activities? (n=148)

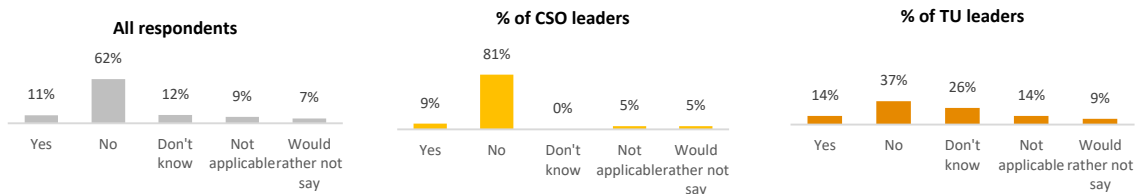




4.22: In the last 12 months, has your CSO faced Government restrictions in receiving funding from domestic sources? (n=146)

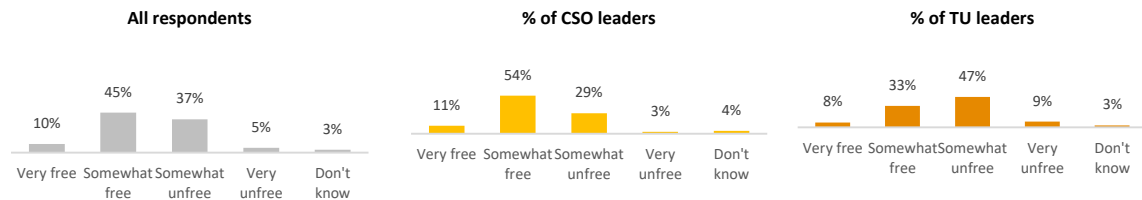


4.23: In the last 12 months, has your CSO faced Government restrictions in receiving funding from foreign sources? (n=146)



## Section 5: Ability to Exercise Freedoms

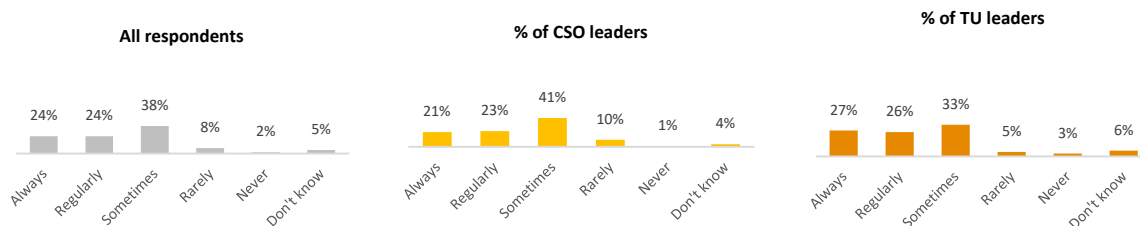
5.1: In the last 12 months, how freely have you and your CSO been able to exercise the freedom of expression? (n=146)



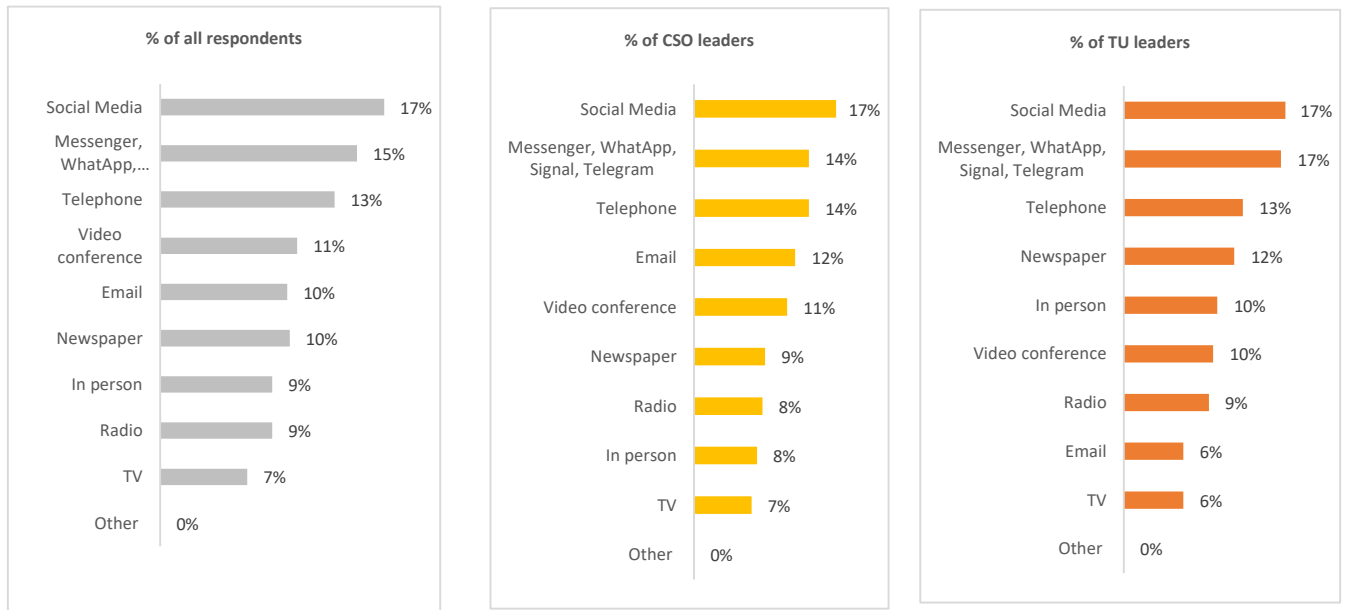
5.2: In the last 12 months, how freely have you and your CSO been able to exercise the freedom to peaceful assembly? (n=145)



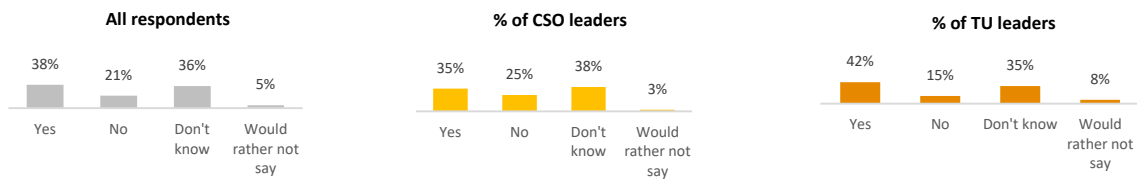
5.3: In the last 12 months, how often have you been worried when expressing yourself publicly to the point that you did not say what you wanted to? (n=146)



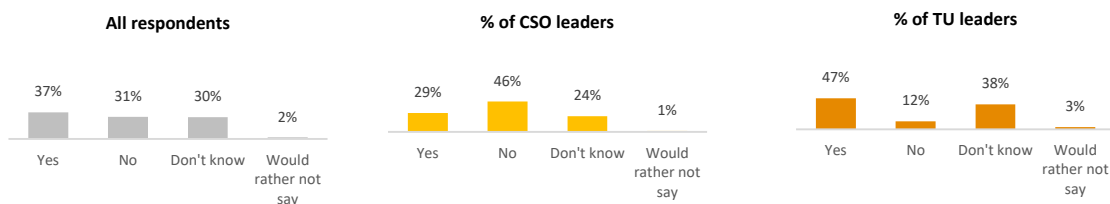
5.4: In the last 12 months, have you or your CSO ever felt unsafe to share information through the following means? (n=522 – multiple answers allowed)



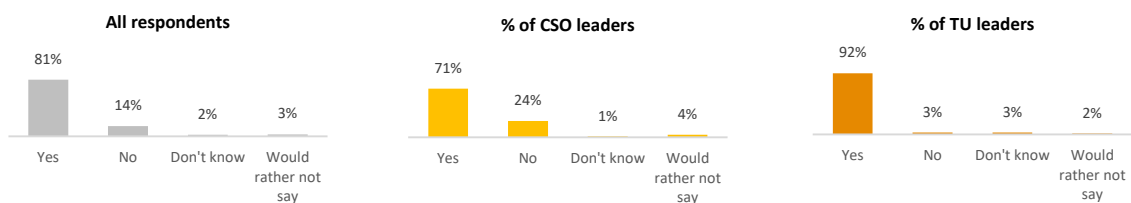
5.5: In the last 12 months, did you feel that your CSO's communication (via email, telephone, social media, etc.) were monitored by the Government authorities? (n=146)



5.6: In the past year, have you been targeted by the Government due to involvement in your CSO? (n=146)

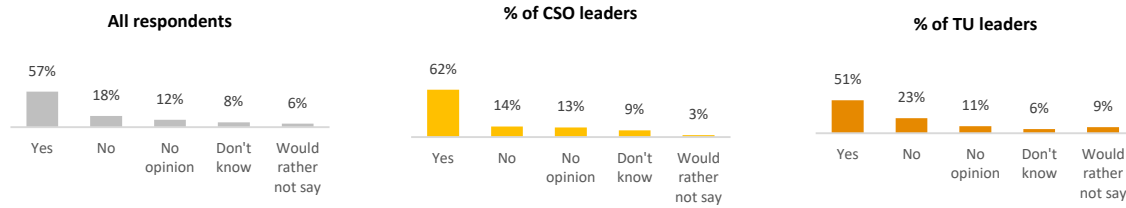


5.7: In the last 12 months, has your organization partnered with other CSO or TUs to take joint action to promote human rights or freedoms? (n=145)

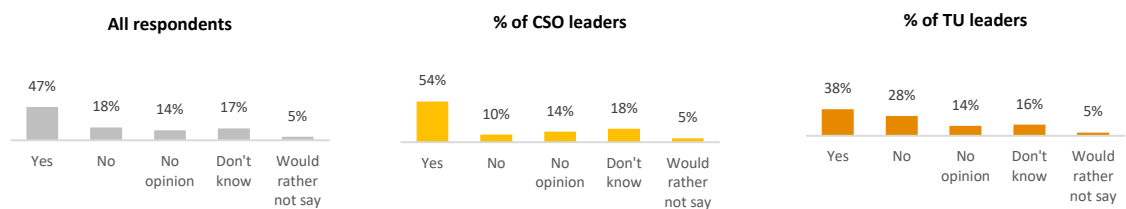


## Section 6: CSO and TU Partnership with the Government

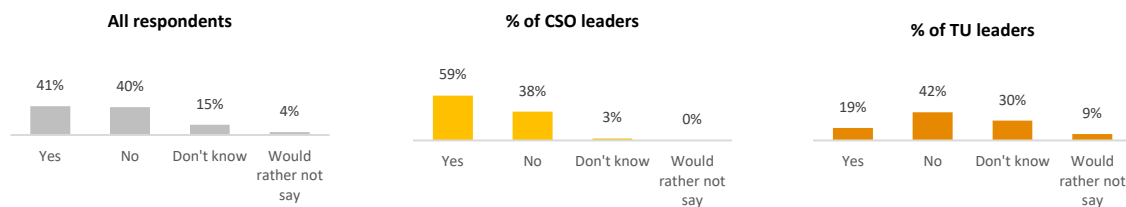
6.1: Do you believe that your CSO is recognized as a legitimate development partner by the Government? (n=144)



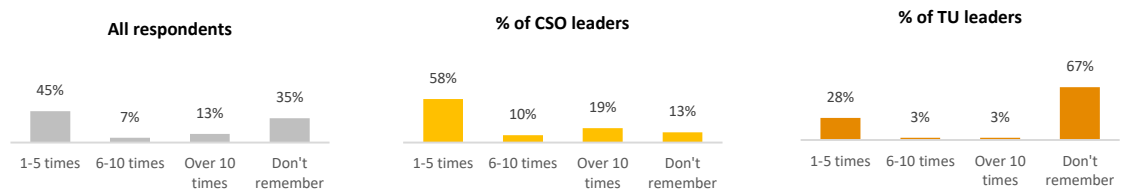
6.2: Do you believe that your CSO is recognized as a competent development partner by the Government? (n=144)



6.3: In the last 12 months, has your CSO partnered with Government authorities for an official collaboration or project? (n=143)



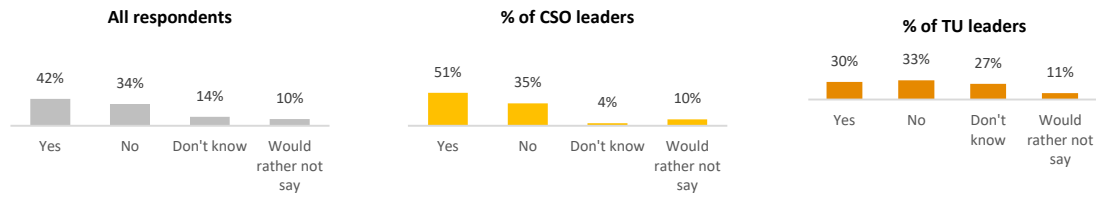
6.4: How many times has your CSO partnered with Government authorities for an official collaboration or project? (n=88)



6.5: In the last 12 months, how often has your CSO informally partnered or collaborated with Government authorities? (n=143)



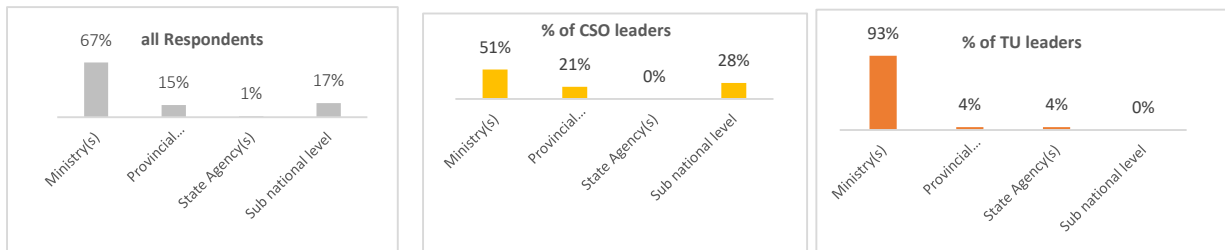
6.5.1: In the last 12 months, have you ever partnered with the Government to respect or promote the rights of marginalized or minority groups? (n=144)



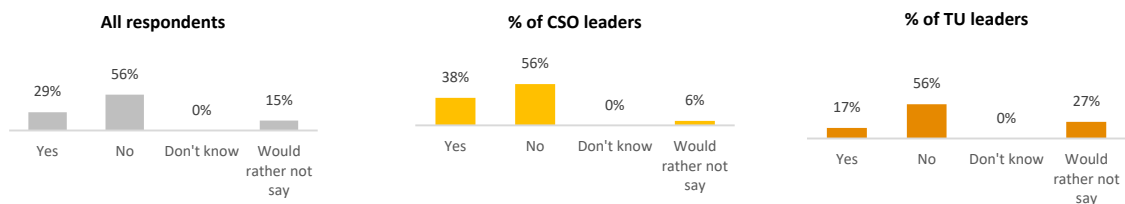
6.5.2: If so, which marginalized/minority groups were the focus of your partnership with the Government? (n=148)



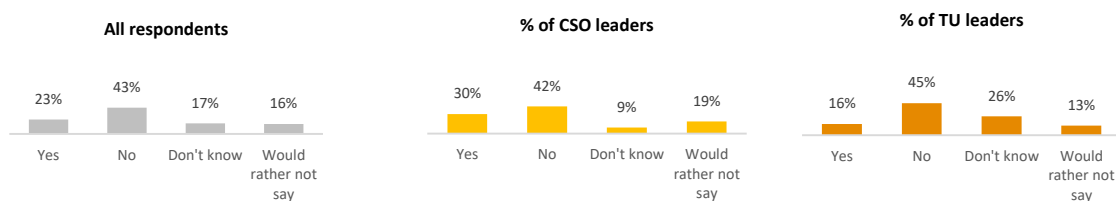
6.5.3: Which Ministry or Agency did you work with? (n=75)



6.6: In the last 12 months, were you aware of any opportunities to participate in Government consultations, panels and/or committees? (n=143)



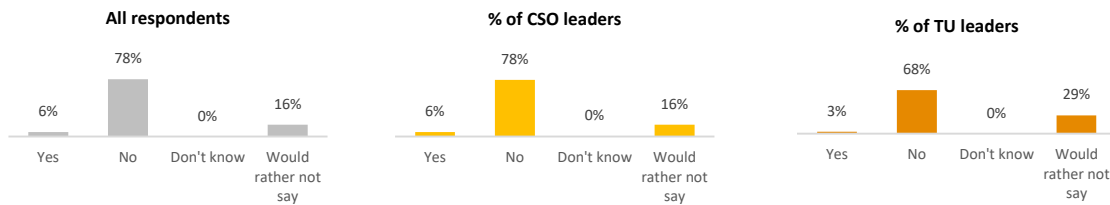
6.7: Do you believe that these calls for participation were explicit, open, and transparent? (n=81)



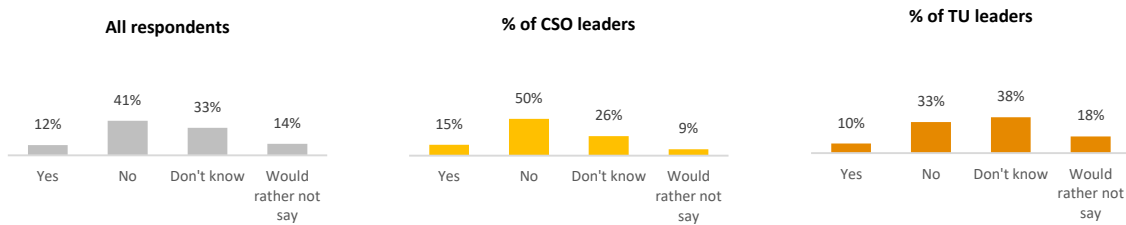
6.8: In the last 12 months, how often has your CSO been an active participant in decision- and law-making processes with the Government? (n=143)



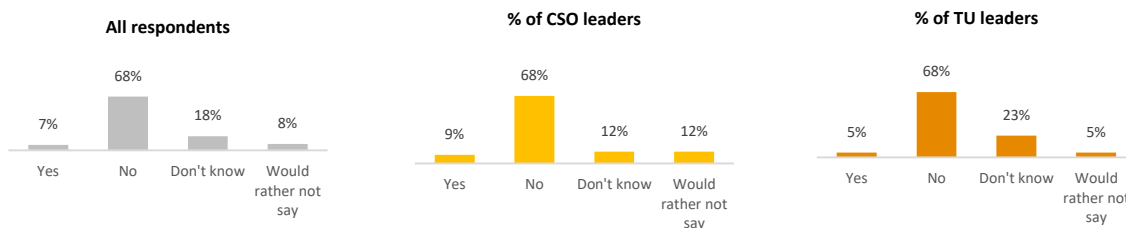
6.9: In the last 12 months, were you aware of any financing or funding opportunities from the Government that your CSO was eligible for? (n=143)



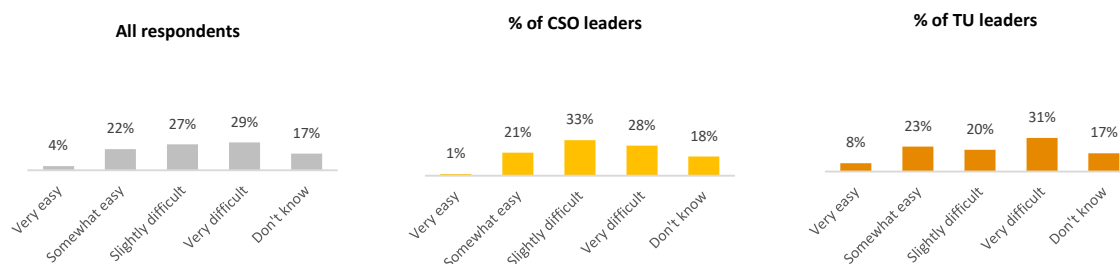
6.10: Do you believe that these Government financing or funding opportunities were explicit, open, and transparent? (n=73)



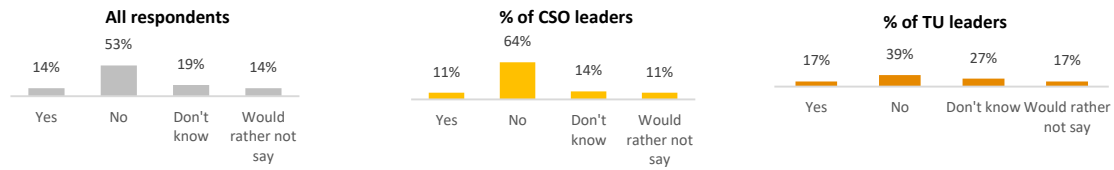
6.11: Was your CSO able to access Government financing for capacity building? (n=74)



6.12: How is easy is it to access information from the Government? (n=144)



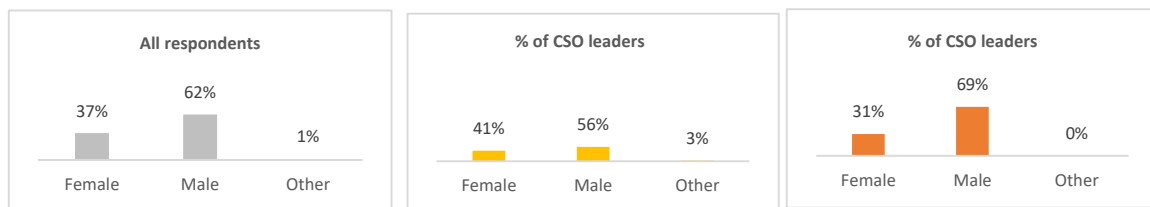
6.13: In the last 12 months, have you ever been denied access to non-classified and/or non-sensitive Government information (e.g. laws, policies, statistics)? (n=144)



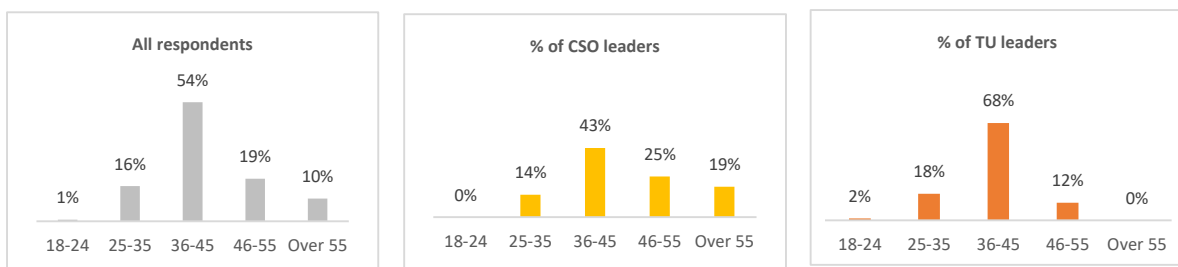
6.14: What type of information have you tried to get from the Government? (n=11)



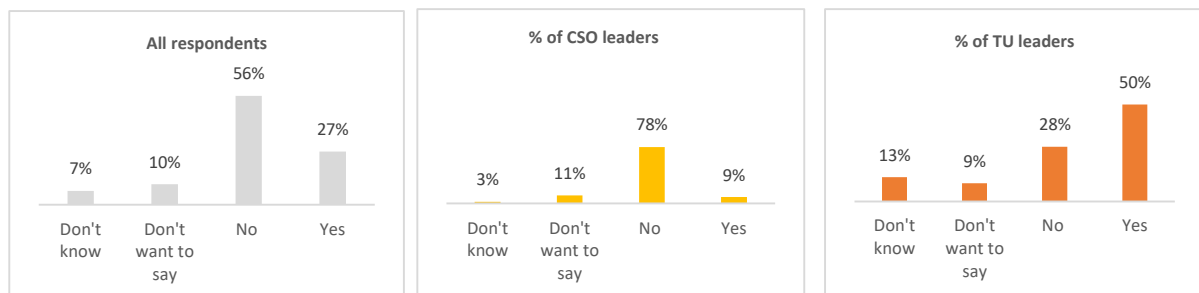
6.15: What is your gender? (n= 145)



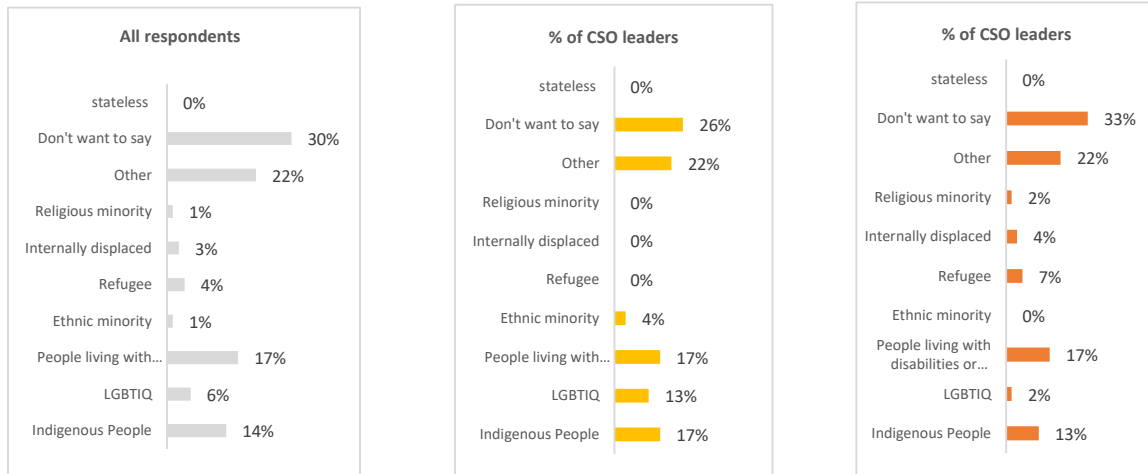
6.16: How old are you? (n= 145)



6.17: Do you identify as part of a marginalized or minority group? (n=144)



6.18 Which marginalized or minority group do you identify with? (n=69)



6.19: If you identify as a person living with a disability, how does this impact on you? (n= 11)

