

Cambodia Fundamental Freedom Monitor

2023 Annual Report

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The Fundamental Freedoms Monitoring Project

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Executive Summary

Figure 1: Number of incidents involving a restriction or violation of fundamental freedoms in 2023 by province

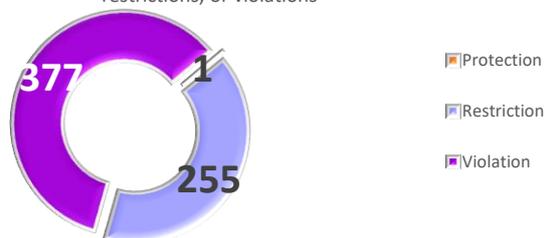


The Fundamental Freedoms Monitoring Project (FFMP) examines the state of the three fundamental freedoms - the freedom of association, the freedom of expression, and the freedom of assembly – in the Kingdom of Cambodia. Employing a range of monitoring tools, the FFMP offers an objective assessment of how these fundamental freedoms are enshrined in law and exercised across the country. Between the 1st of January and the 31st of December 2023, data collected by the FFMP indicated that the exercise of fundamental freedoms has faced increased restriction. Legislative changes in 2023, such as the amended Election Law, have aided the crack-down on political dissent during the 2023 national general

elections. Compared to 2022, individuals reported feeling less free to exercise their fundamental, and the percentage of individuals who demonstrated clear understanding of each fundamental freedom decreased. Notably, although collaboration between civil society organizations and trade unions (CSOs/TUs) and the Royal Government of Cambodia (RGC) increased, these collaborations seldom translated into tangible integration of CSOs/TUs and their agendas into decision-making processes.

The FFMP recorded a total of 633 incidents related to the exercise of fundamental freedoms in 2023. 377 of these incidents resulted in at least one violation of fundamental freedoms.

Figure 2: Number of incident involving protections, restrictions, or violations



Four key findings support the FFMP’s conclusion that during 2023, the Cambodian people’s ability to exercise their fundamental freedoms was considerably limited. First, the amendment of Article 142 of the Election Law targeted political opposition for peacefully exercising their freedom of expression and does not comply with constitutional law (**Key Finding One**). Cambodians’ fundamental freedoms are increasingly undermined, with those expressing political dissent being disproportionately targeted and subjected to judicial harassment (**Key Finding Two**). The public’s understanding of their fundamental freedoms has decreased, and individuals have a greater fear of repercussions when exercising these freedoms (**Key Finding Three**). Finally, despite some increased collaboration, with the RGC, CSOs and TUs are still not recognized as meaningful stakeholders (**Key Finding Four**).

Key Finding One: The amendment of Article 142 of the Election Law targets political opposition for peacefully exercising their freedom of expression and does not comply with constitutional law

On 4 July 2023, King Norodom Sihamoni promulgated the amended Law on the Election of Members of the National Assembly. Article 142 of the amended Election Law limits civic freedoms and cracks down on political opposition:

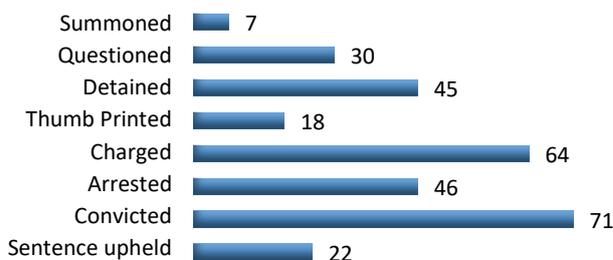
- Article 142 has been amended to criminalize two behaviors: 1) instructing or inciting voters to destroy or damage their ballots and 2) inciting eligible voters not to cast votes. This

amendment limits freedom of expression in a way that conflicts with domestic and international law. Article 41 of Cambodia’s constitution states “Khmer citizens shall have the freedom to express their personal opinions, the freedom of the press, of publication and of assembly.” Spoiling ballots is a form of expression. Politicians may call for their supporters to spoil their ballots or to boycott elections as an expression of their opinion that the elections are not free. The criminalization of this act in Article 142 is a dismissal of the constitutional right to voice personal opinions.

- Under the Criminal Code, incitement is only a crime if it encourages illegal behaviors such as the committing of a felony. Since neither boycotting an election nor spoiling ballots are crimes under the Criminal Code, the incitement of these behaviors would also be legal. Article 142 of the amended Election Law outlaws the incitement of legally permitted acts in contradiction to the criminalization of incitement permitted under the Criminal Code.
- In violation of domestic and international law, the amended Article 142 stifles the freedom of expression of opposition party members and restricts their meaningful participation in public affairs. The provision empowers the RGC to press charges on political opposition in cases where they have encouraged the spoiling of ballots as a form of protest, in violation of the right to freedom of expression.

Key Finding Two: Cambodians’ fundamental freedoms are increasingly undermined, with those expressing political dissent being disproportionately targeted

Figure 3: Criminal Sanction taken against opposition members



Data from Key Milestone Two reveals that the Cambodian public have been subject to acts of harassment, restriction, and surveillance when exercising fundamental freedoms at levels higher than in previous years. Of the 633 incidents relating to fundamental freedoms recorded in 2023 (a 11% increase from 2022). Of the incidents, 255 involved at least one restriction, 377

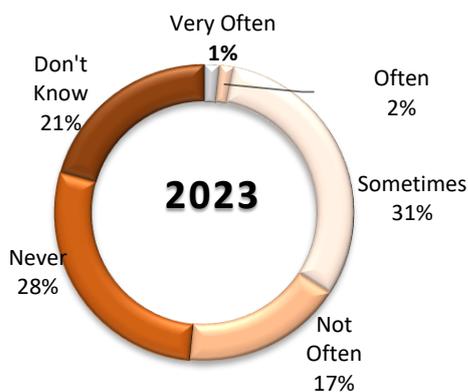
involved at least one violation, and only one incident constituted a protection. This increase in incidents that restrict or violate fundamental freedoms is not surprising given the crackdowns on political dissent witnessed during the 2023 general elections. Those who challenged the actions of the RGC, namely human rights defenders, politicians, and CSOs, were disproportionately targeted by such crackdowns. In July 2023, the month of the national election, Article 142 of the amended Election Law was used 42 times against activists and members of the political opposition. The FFMP found numerous instances where individuals were assaulted for being affiliated with or showing support for the opposition Candlelight Party. Three Candlelight Party members were removed from their civil servant positions in 2023 because of their political affiliations, and at least 10 other members were physically assaulted. One individual received death threats and faced interrogation from the authorities after installing a Candlelight Party billboard outside her home. This crackdown on dissent and political opposition during 2023 suggests that one’s rights to freedom of association, expression, and assembly are conditioned on their loyalty and conformity to the RGC and its policies.

Key Finding Three: Understanding of fundamental freedoms has decreased, and individuals have a greater fear of repercussions when exercising these freedoms

A thriving democracy is dependent upon the public’s knowledge of their rights and their willingness to exercise these rights. 2023 has seen a regression in the public’s understanding of their fundamental freedoms. Amidst a political climate where the rights of the people were often arbitrarily denied, individuals also felt more reluctance to exercise these fundamental freedoms. According to the FFMP’s public poll, the percentage of respondents who understood each fundamental freedom has decreased in 2023, with 8% reporting they clearly understood, respectively, the freedom of assembly and expression, and 5% reporting they clearly understood the freedom of association. Based on the results, an overwhelming percentage of Cambodians do not clearly understand their fundamental freedoms. This is particularly concerning in an election year where increased exercise of these freedoms might be expected. Additionally, in 2023 people felt less free to speak to reporters, speak in public, or on social media. On a more positive note, respondents surveyed with diverse gender identities reported to always and regularly self-censoring at substantially lower levels compared to 2022 (a 42% decline was recorded). However, the overall percentage of people feeling free to peacefully assemble has declined. Despite a promising increase from 2020 to 2022 in the public’s confidence that the RGC would provide redress for human rights violations, levels in 2023 decreased to 34%.

Key Finding Four: Despite some increased collaboration with the RGC, CSOs, and TUs are still not recognized as meaningful stakeholders

Figure 4: % of CSO/TU leaders who reported being an active participant in decision- and law-making processes alongside the RGC



In 2023, the FFMP survey recorded a significant increase in levels of official and informal collaboration between CSOs/TUs and the RGC. However, the percentage that felt they were recognized as legitimate partners was the lowest since recording began. There has been no notable improvement in the extent to which CSOs and TUs have been involved in decision-making and law-making processes, and there is still a very low proportion of CSO/TU leaders aware of RGC financing opportunities. Exclusion from decision-making processes and a lack of adequate funding leave CSOs and TUs unable to effectively represent the viewpoints of marginalized groups and grassroots communities, therefore making governance less inclusive and participatory.

Color key for this report	
■	Freedom of association
■	Freedom of expression
■	Freedom of assembly
■	All three freedoms

Introduction

The Fundamental Freedoms Monitoring Project (FFMP), which began on 1st 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 assembly¹ - 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 the eighth monitoring year (2023), outlining key findings from 1st January 2023 to 31st December 2023.

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 freedoms are guaranteed and exercised.

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).

In 2023, the FFMP leveraged six data collection methods to assess the Key Milestones: Media Monitoring,² Incident Reports,³ a desk review of the relevant laws (Desk Review),⁴ a TU Registration Evaluation Tool,⁵ a Public Poll⁶ conducted with Cambodian citizens from 25 provinces across the country, and a survey of CSO and TU leaders (CSO/TU Leader Survey⁷). These methods provided comprehensive data for the report analysis of key findings and trends based on the data collected during 2023.

¹ For the purposes of this report – “fundamental freedoms” 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.

² 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.

³ Incident Reports are collected through a form developed to capture restrictions of freedom of association and related rights against individuals or associations.

⁴ 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.

⁵ 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.

⁶ The Public Poll aims to gauge the general public’s sentiment towards the fundamental freedoms. The Public Poll for 2023 was conducted in Khmer from 1 November to 31 December 2023.

⁷ 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 2023, the Survey was conducted from 14 August to 30 September 2023.

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.⁸ From 1 January to 31 December 2023, the Royal Government of Cambodia (RGC) entered into force the Law on the Amendment of the Election Law and three Sub-Decrees: Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment, Sub-Decree on Document Verification Platform verify.gov.kh, and Sub-Decree 217 on the Organization, Management, and Distribution of Radio Frequencies. These enacted Sub-Decrees and amended laws cause concern for the protection and exercise of fundamental freedoms.

Key Finding: The three new Sub-Decrees and the Amended Law on the Election Law do not comply with international human rights law and standards governing fundamental freedoms. The Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment provisions could be used as a tool to mass surveil and restrict the rights of Cambodian citizens. The Sub-Decree on the Digital Verification Platform verify.gov.kh aims seeks to verify the accuracy of documents and improve costs and efficiency, but the platform and its use of blockchain technology must not exacerbate underlying risk factors for human rights abuses in the country. The provisions of Sub-Decree 217 on the Organization, Management, and Distribution of Radio Frequencies could be used as an instrument to mass surveil individuals and impermissibly violate the right to privacy, access to information, and freedom of expression. Finally, the Law on the amendment of the election law further restricts the right to freedom of association, particularly for members of opposition parties. These laws mark an ever-shrinking political and civic space, as well as a sustained crackdown on journalists, and human rights defenders, and freedom of expression broadly.

⁸ The findings in Key Milestone One are primarily based on a 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 instruments 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 the 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 to 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.

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.⁹ For a restriction of 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 19¹⁰, Article 21¹¹, and Article 22¹² of the ICCPR, respectively.

To be permissible under international human rights law, any restriction to freedom of expression must be:

- 1) provided by a law meeting with sufficient clarity and accessibility;
- 2) for the respect of the rights or reputations of others, or for the protection of national security, public order, public health or morals; or the protection of the rights and freedoms of others; and
- 3) necessary in a democratic society and proportionate to the aim.

*** The three-part test also applies to Articles 21 (freedom of assembly) and 22 (freedom of association) of the ICCPR.*

1.1 The Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment poses a risk to the enjoyment of fundamental freedoms

The Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment (Sub-Decree No. 41), dated 3 February 2023, comprises 15 chapters and 43 articles. The Registration of SIM-Enabled telecommunications devices is mandatory, except for SIM-enabled telecommunication devices of tourists or foreign travelers who stay in the country for no more than sixty days. The Sub-Decree aims to prevent and reduce the use of Fake-SIM telecommunication devices, stolen devices, and illegally imported devices, protect the health, safety, and rights of users, improve the quality of telecommunication services, urge and promote fair competition and transparency, and enable the effective collection of national revenue.

All phones and certain types of computers, eBooks, and other electronic devices using SIM cards must be registered with their International Mobile Equipment Identity (IMEI) in the government database. Failure to comply incurs administrative sanctions and fines. The Sub-Decree tasks the Ministry of Posts and Telecommunications with leading and administering the Identity Registration of SIM-Enabled Telecommunication Devices and collects fees from such registration. The Sub-decree is vague in defining how the registration process will take place, the kind of data that will be collected, stored, and used, and how the government will protect the user's privacy. The introduction and usage of the Identity Registration of SIM-Enabled telecommunication equipment registration and system shall be determined by the Inter-Ministerial Prakas of the Minister of Posts and Telecommunications and the

⁹ 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.

¹⁰ 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>.

¹¹ 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>.

¹² ICCPR, Art. 22.

Ministry of Economy and Finance. Similarly, the form and procedure of dispute resolutions will also be determined by the Prakas, leaving questions about compliance with due process. In addition, the Sub-Decree was passed without valuable input from civil society and other relevant stakeholders.

The Sub-Decree fails to clarify how the registration process will achieve the aforementioned vague objectives and is not proportionate or necessary to achieve those objectives. There is no evidence of the effectiveness of a SIM registration system in deterring the use of fake, stolen, or illegally imported SIM telecommunication devices, stolen devices, and illegally imported ones. The Sub-Decree also fails to explain how the registration process will protect the health, safety, and rights of Cambodian citizens and promote fair competition and transparency. Instead, the Sub-Decree raises serious concerns about enabling the government to easily track and surveil citizens, particularly human rights defenders, journalists, environmental activists, and dissenting voices, especially because the Sub-Decree does not mention how the information obtained from the process of registration will be treated as confidential. In the absence of a data protection framework, the information contained in the SIM cards can be easily accessed and shared with different databases and third parties. This might constitute a breach of the right to privacy, as the instrument could enhance the government's ability to shut down devices and track down and monitor citizens. Moreover, the law erodes anonymity protections in telecommunications, weakening Cambodians' rights to secure communications and therefore endangering their rights to freedom of expression and association.

While freedom of expression may be legitimately restricted, restrictions are lawful only if the three conditions of Article 19(3) of the ICCPR are met: (1) the restriction is provided by a law meeting with sufficient clarity and accessibility; (2) the restriction is for the respect of the rights or reputations of others, or protection of national security, public order, or public health or morals; and (3) the restriction is necessary and proportionate to the aim. The listed aims for the establishment of the Sub-Decree do not satisfy the legality requirement under the first prong of the article's three-part test, due to its vague and broad terms. The Sub-Decree also violates the principles of necessity and proportionality, according to which any interference on rights must be necessary for a legitimate purpose and be the least intrusive means of achieving such aim. These vaguely worded provisions could allow authorities to infringe on citizens' freedom of expression, as they could be invoked to criminalize online content and expression critical of the government and public officials. Other, more narrow measures could be instituted instead to achieve the aims of the Sub-Decree, such as preventing the use of fake, stolen, or illegally imported devices. The application of these provisions does not align with Article 19 of the ICCPR, restricting the right to freedom of expression and access to information.

The provisions discussed above also do not conform with international human rights standards on the right to privacy, enshrined in Article 17 of the ICCPR. United Nations Resolution 68/167¹³ calls upon all states to respect and protect the right to privacy, including in the context of digital communication, and to create the conditions to prevent violations of this right, including by ensuring that relevant national legislation complies with their obligations under international human rights law. The Sub-

¹³ United Nations. Resolution 68/167. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/449/47/PDF/N1344947.pdf?OpenElement>.

Decree clearly contravenes this Resolution and allows for mass surveillance, jeopardizing the already dire state of human rights in Cambodia.

1.2 The vague provisions of the Sub-Decree on Document Verification Platform verify.gov.kh could open the door for the government to further interfere with the right to privacy

The Sub-Decree on the Digital Document Verification Platform verify.gov.kh (Sub-Decree 052) launches a platform developed by the Ministry of Posts and Telecommunications to eliminate fraud, provide convenience, verify the accuracy of documents, provide confidence, save time, and reduce costs, as well as facilitate the digital transformation of public services. The document verification is made by adding a standard QR-Code on verifiable documents in the platform, verify.gov.kh. Although the Sub-Decree does not specify what kind of documents can be included in the QR verification code, Article 4 states that Ministries, Sub-National Administration, and public legal entities shall set a plan to add Standard QR Code, which can be verified through the verification platform verify.gov.kh on their documents. Similarly, private legal entities wishing to add a standard QR-Code on their documents through the verification platform verify.gov.kh can request it from the Ministry of Posts and Telecommunications.

Article 8 of the Sub-Decree states that Ministries, sub-national administration, public legal entities, and private legal entities that receive the documents included in the standard QR-Code are eligible to store files in (1) their own database, (2) the data center of the operator licensed by the Ministry of Posts and Telecommunications, or (3) ask the Ministry of Posts and Telecommunications to store the data in the National Data Center.

The Sub-Decree is vague on how the relevant authorities will protect all the data gathered through the QR codes. This process might also interfere with the right to privacy protected under the International Covenant on Civil and Political Rights.¹⁴ The fact that the Ministries, sub-national administration, public legal entities, and private legal entities that receive the documents including the Standard QR-Code are eligible to store files on their own database or the data center of the operator licensed by the Ministry of Posts and Telecommunications could allow the government to access private information and compile information that could be used to target human rights defenders, activists, journalists and members of the opposition.

Similarly, Ministries can ask the Ministry of Posts and Telecommunications to store the information collected in the National Data Center, a planned central hub for storing and processing data, especially for the Cambodian government. Its construction began in July 2023 with an expected completion date of 2025. Such interference with right holders' privacy and anonymity facilitates communication surveillance by the government and could dissuade the dissemination of information. The lack of established data privacy protections as part of the process raises concerns about how personal information might be secured and used.

¹⁴ Cambodia ratified the ICCPR in 1992.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CCPR&Lang=en.

1.3 The vague provisions of Sub-Decree 217 on the Organization, Management, and Distribution of Radio Frequencies jeopardize the right to privacy of radio frequency holders

This Sub-Decree establishes the Ministry of Posts and Telecommunications as the competent institution responsible for managing the resources of the radio frequency spectrum, satellite radio frequency band, and the satellite orbit in Cambodia and requires any individual who intends to use radio frequency to disseminate broadcasting service to apply before the Ministry of Information. The Sub-Decree aims to strengthen the management and the use of national rare resources (referred to as the natural resources and the limited number of radio frequencies in a country) as it is part of an honest and legalized competition and national income collection. Article 1 of the Sub-Decree determines the principles, rules, and competencies for the management of the radio frequency spectrum and satellite radio frequency band, and the satellite orbit is made to organize, distribute, and use radio frequencies efficiently and effectively. Article 2 of the Sub-Decree 217 includes the vague terms of national security and defense, providing *that the scope of the sub-degree is enforced only to radio frequency spectrum and satellite radio frequency band and the satellite orbit in Cambodia, except when involving national security and defense, under which the scope is broader.*

Article 24 requires radio frequency holders *to cooperate to provide information to competent authorities in emergency cases or seek emergency aims with conditions such as (a) Harmful cause to national security and social order.* Since the Sub-Decree does not specify what kind of information could be required from radio frequency holders and does not include a data protection policy, this provision could be misused to require individuals who are radio frequency holders to provide personal information, which undermines their right to privacy and to be free from intrusions by the State. Thus, the Sub-Decree carries unclear provisions that leave it open to abuse, as virtually anything could be deemed a threat to national security or social order and give rise to requirements to provide information. Similarly, Article 35 expresses that, *to enforce the national radio frequency plan, the right to use any part or total of the radio frequency, which is authorized, is revoked by the Cambodia Telecommunication Regulator to comply with the decision of the Ministry of Posts and Telecommunications in cases when the user: (a) uses radio frequency in order to commit a crime against the nation, or (c) provides fake information to get radio frequency license, without specifying which actions are considered a "crime against the nation."*

1.4 The Law on the amendment of the election law ("LAEL") further restricts the right to freedom of association and expression, particularly of members of the opposition

On 4 July 2023, King Norodom Sihamoni promulgated the amended election law, following its passage by the National Assembly and Senate in June and the most rushed clearance by the Constitutional Council of Cambodia (CCC) on 3 July 2023. The LAEL amended several provisions in existing laws, such as the Law on the Election of Members of the National Assembly related to elections at the national and commune levels, which entered into force in 2017.

In its previous form, Article 23 of the Law on the Election of Members of the National Assembly listed five requirements a Cambodian citizen must meet to be able to stand as candidate for the National Assembly, namely: *'(1) Be Khmer national by birth; (2) Be at least twenty-five (25) years of age on the date of Polling Day; (3) Have the right to vote and has name registered in the voter lists; (4) Have a residence or temporary residence in the Kingdom of Cambodia; (5) Be nominated by a registered political party running for the Election.'*

- **Law on the Election of Members of the National Assembly (“LEMNA”)¹⁵ amended Articles 23, 142 and 143**

Article 23

The LAEL amended Article 23 to introduce a new requirement for candidates of the National Assembly: *(4) Have exercised the right to vote by voting in the last two consecutive general elections organized by the National Election Committee [NEC], except in the cases where the right to vote was not exercised with an appropriate reason.* The LAEL also introduced provisions stating that the NEC shall establish the “applications, requirements, and procedures” to assess what constitutes an appropriate reason not to vote. These changes are in line with the Cambodian Constitution, whose Article 34 states that provisions restricting the right to stand for election shall be determined by law. However, they are inconsistent with the country’s obligations under Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which enshrines the right and the opportunity of every citizen to be elected at genuine periodic elections without unreasonable restrictions.

In its General Comment No. 25 on the right to participate in public affairs, voting rights, and the right of equal access to public service, the UN Human Rights Committee stressed that the exercise of the rights protected by Article 25 may not be suspended or excluded, except on grounds which are 1) established by law, 2) objective, and (3) reasonable. As it stands, Article 23 of the Law on the Election of Members of the National Assembly (“LEMNA”) does not meet the first requirement and lacks pluralistic input from relevant stakeholders. The amended article fails to define what constitutes an appropriate reason not to vote, failing to meet the objectivity requirement. In addition, that the NEC is empowered to evaluate what constitutes an appropriate reason, which raises serious concerns about potential double standards in the application of the new provisions.

Article 142

The LAEL amended Article 142 to criminalize two new behaviors: instructing or inciting voters to destroy or damage their ballots and inciting eligible voters not to cast votes. These additions limit the right to freedom of expression in a way that seems at odds with international and domestic law. Article 41 of the Constitution states that “Khmer citizens shall have the freedom to express their personal opinions, the freedom of the press, of publication and of assembly. No one can take abusively advantage of these rights to impinge on the dignity of others, to affect the good mores and custom of society, public order, and national security.” Although Article 41 of the Constitution states that all Khmer citizens shall have freedom of expression, it also permits legal restrictions on this right to protect the “rights of others,” “the good traditions of the society,” or “public law and order and national security.” In practice, the broad nature of these provisions has enabled the government to adopt legal provisions that unjustifiably restrict the right to freedom of expression over the years.

Notably, the Criminal Code only criminalizes inciting illegal behaviors such as abandoning a child, committing a felony, obstructing a public official, or committing discrimination against minorities. Since boycotting an election or spoiling or destroying one’s own ballot are not against the law, the

¹⁵ The LEMNA first entered into force in March 2015. It was first amended in Oct 2017, and was subjected to a second amended through the Law on the amendment of the election law (“LAEL”) in 2023.

new law effectively criminalizes inciting non-punishable behaviors, an approach that is incompatible with criminalization of incitement under the Criminal Code.

The LAEL provisions jeopardize the right to freedom of expression. The meaningful exercise of the right to participate in public affairs requires the enjoyment of various other established rights, including the right to freedom of expression, opinion, and information. These problematic provisions stifle free expression and pose threats to the security and privacy of opposition leaders. It could also reinforce a culture of self-censorship, forcing those perceived as adversaries by the authorities to withhold critical opinions or actions to avoid reprisal.

Article 143

In its previous form, Article 143 of the LEMNA provided that any political party committing infractions under Article 142 shall have its candidacy withdrawn and/or be fined ranging from 10 million to 30 million riels (approximately \$2,420-\$7,270 USD) by the NEC. The LAEL expanded this power to provide that the NEC shall also deprive this party of its right to run for election for at least five years. The political parties that fail to remove disqualified candidates can also be fined 10 million-30 million riels. Such a sanction would, if imposed, amount to an unreasonable restriction of the right to stand for election.

- ***Law on the Election of Commune/Sangkat Councils (LEC/SC) Articles 35, 171 and 172***

Article 35

The LEC/SC amended Articles **35**, **171**, and **172** so that the eligibility requirement for candidates, offenses, and sanctions discussed above also apply to the election of Commune/Sangkat Councils.

Under the amended election law, prospective candidates must have voted in at least two elections to qualify as a candidate in elections at the commune, district, municipality, provincial, and national levels. Most prominent opposition figures are in self-imposed exile to avoid being jailed on various charges they say are trumped up and unfair, and the amendment would prevent them from running in future elections without any further action needed to bar them. The amended law would also discourage an election boycott by placing opposition figures who wish to contest future elections in the awkward position of appearing to be hypocrites if they urge people not to vote while they themselves cast ballots.

To comply with international human rights law and standards, any restriction to the freedom of association must comply with the three-part test outlined in Article 22 of the International Covenant on Civil and Political Rights (ICCPR). Any restriction to the freedom of association must: (1) be prescribed by law; (2) pursue a legitimate aim (national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others); (3) be the least restrictive means of achieving that aim. This legal amendment seems unnecessary to ensure national security reasons or public safety. Further, the restrictions listed in the amendment law are not the least restrictive means to achieving the purported purposes. The fines impose high financial burdens (\$1,200-\$4,800 USD, approximately 4,800,000 Riels-19,200,000 Riels), which discourages the exercising of the right to vote. The provision to depriving candidates of their right to run election for at least five years also does not seem to achieve a legitimate aim while making it more difficult for opposition members, who are already targeted with other restrictions, to participate in elections.

- **Law on the Election of Members of the Senate (LEMS)**

Article 4&7

Articles 4 and 7 of the LAEL also made changes to the LEMS so that the fourth requirement of the amended Article 23 under the LEMNA also applied to Senate candidates.¹⁶ There are no new eligibility requirements for Senate candidates compared to the previous system. This is because Senators are either elected by commune councillors (58) or nominated by the King and National Assembly (two each). However, LAEL Article 7 for the 2024 senatorial elections lowers the voting requirement for potential candidates. Previously, under Article 23, they needed to have voted only in the last election organized by the NEC (National Election Committee). Now, they need to have voted in the past two elections. While the motivation behind this change is unclear, it effectively adds a new voting requirement for some candidates, potentially impacting their right to participate in public affairs.

The three new sub-decrees and the amended Law on the election law do not comply with international human rights law and standards governing fundamental freedoms and could be used as an instrument to mass surveil, restrict or violate the right to freedom of expression, freedom of assembly, and the right to privacy, and otherwise impermissibly violate the rights of Cambodian citizens. The Sub-Decree on the Digital Document Verification Platform verify.gov.kh is vague on how the relevant authorities will protect the right to privacy, including ensuring that the government does not access the private information of individuals and use that information to target and surveil human rights defenders, activists, journalists and members of the opposition. The Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment fails to clarify how the registration process will achieve its broad and vague objectives and raises concerns about mass surveillance and targeting of human rights defenders, journalists, environmental activists, and dissenting voices. The Sub-Decree 217 on the Organization, Management, and Distribution of Radio Frequencies jeopardizes the right to privacy of radio frequency holders and enables the government to access private information for broad and vague purposes such as threat to national security or social order.

The LAEL modified several laws to prohibit those who have not voted in two consecutive general (national assembly) elections from running for office. They also introduced two new offenses in the LEMNA and LEC/SC: inciting eligible voters not to cast votes and instructing/inciting voters to destroy or damage their ballot. These new offenses are punishable by fines and a temporary - but also potentially permanent - suspension of the right to stand for election. These prohibitions are incompatible with the right to freedom of expression as guaranteed under Article 19 of the ICCPR and raise concerns about inconsistency with incitement provisions under the Criminal Code.

These restrictions have also facilitated violations of the right to freedom of association. Authorities had already used the new legal provisions to ban 42 opposition figures and activists from running for office for at least 20 years, including former opposition leader Sam Rainsy.

In the current Cambodian context marked by an ever-shrinking political and civic space, as well as a sustained crackdown on freedom of expression, journalists, and human rights defenders, these legal developments affirm existing concerns that laws and policies are likely to be weaponized against dissenting voices.

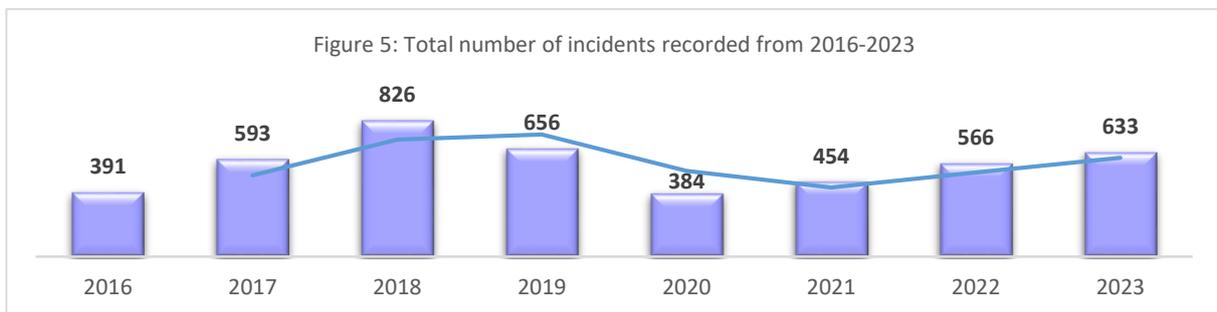
¹⁶ Please see analysis article 23 news, 142 new, and 143 new above.

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.¹⁷ For individuals to enjoy their fundamental freedoms, it is not enough for the domestic legal framework to comply with international human rights laws 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: 2023 saw a grim decline in fundamental freedoms across Cambodia, according to Key Milestone Two data. Not only did authorities increasingly harass people exercising these rights, but most restrictions imposed also violated international human rights standards.¹⁸ The Royal Government of Cambodia (RGC) targeted those expressing political dissent, advocating for improved labor conditions, and voicing criticism on social media. Further, perpetrators of such violations have not been held accountable for their actions.

2.1 In 2023, fundamental freedoms continue to be restricted and violated, marking steady increase in incidents since 2020



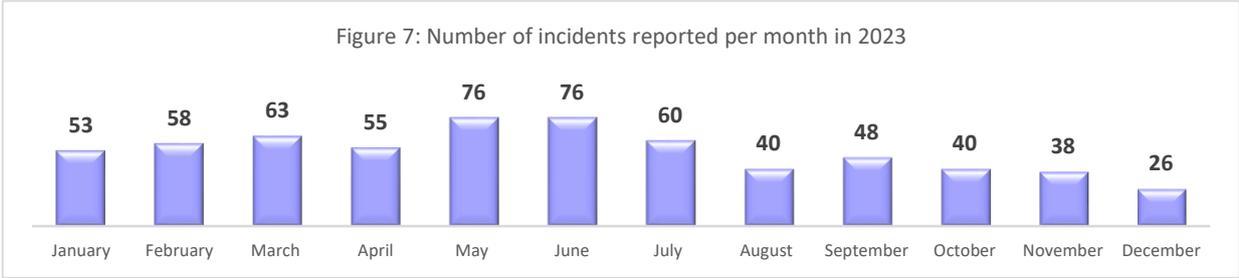
Despite fundamental freedoms being protected in national and international laws, restrictions and violations of fundamental freedoms continue to occur regularly. These restrictions and violations are a result of a systemic misapplication of laws. The FFMP documented a concerning 11% increase in fundamental freedom violations in 2023, with 633 incidents reported nationwide (Figure 5), only one of which was a protection rather than restriction or violation.

¹⁷ Findings in this Key Milestone are based on data collected from Media Monitoring, Incident Reports, Public Polls, CSO/TU leader surveys, and Focus Group discussions.

¹⁸ International Human Rights Law recognizes the authority of states to impose restrictions on individuals under certain circumstances. These restrictions may be necessary to maintain public order, national security, public health, or morals. However, IHRL also establishes clear limitations on the types and scope of permissible restrictions. These limitations ensure that restrictions do not unduly interfere with fundamental human rights. Any restriction that goes beyond these limitations is considered a violation of these standards. Please refer to KM1 for a detailed analysis.



This represents a significant uptick from 2022, which recorded 566 incidents. Of the 633 incidents in 2023, 255 involved at least one restriction on freedom of expression, assembly, and/or association (see Figure 6).



Notably, the number of violations rose sharply in the first half of 2023, peaking in July, the month of the general election, before declining steadily from August to December (Figures 7 and 8). This trend was particularly notable with regard to restrictions imposed by the Royal Government of Cambodia (RGC) on politicians and political parties and disruptions in the activities of Civil Society Organizations (CSOs).

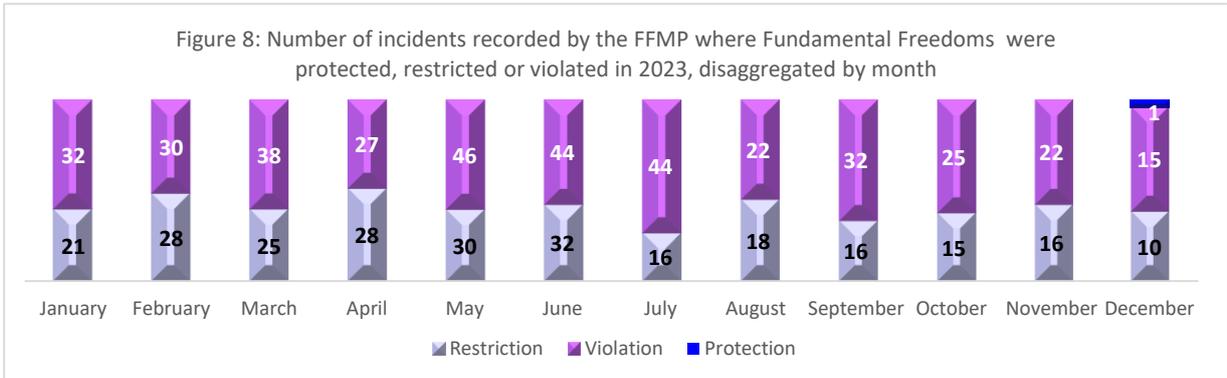
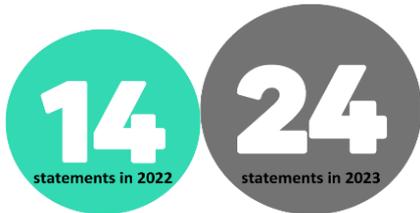


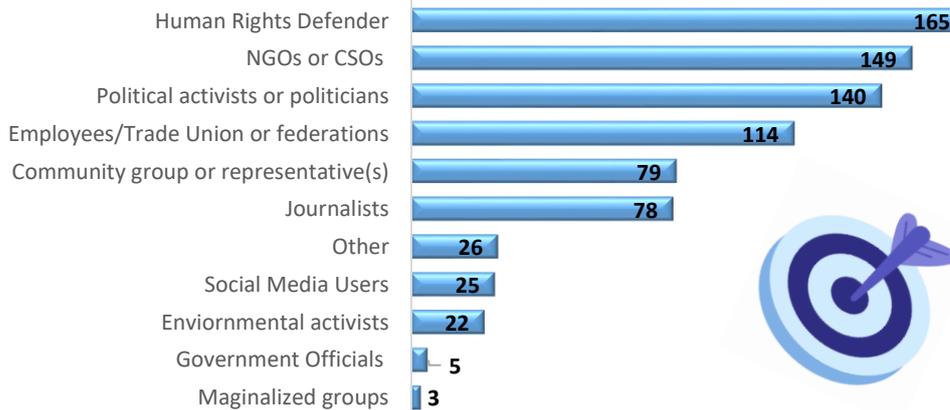
Figure 9: Number of RGC statements recorded which misrepresented or misunderstood fundamental freedoms



The Royal Government of Cambodia made misrepresentations or misunderstandings of fundamental freedoms in 24 incidents during the monitoring period.¹⁹ This represents an increase from 14 such statements in 2022 to 24 in 2023.

¹⁹ Data collected through FFMP media monitoring.

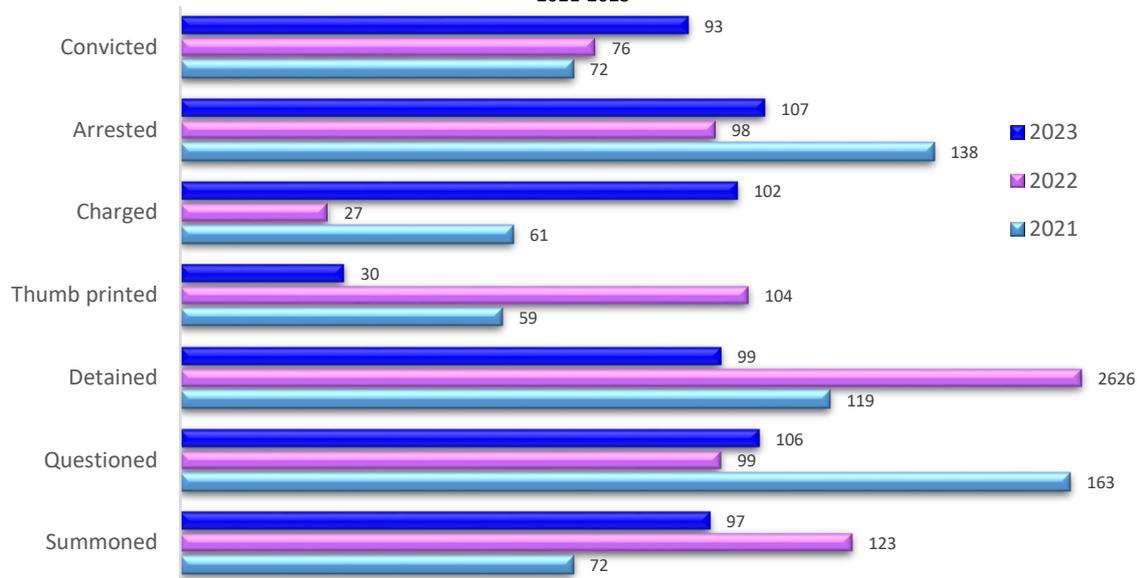
Figure 10: Number of victims of restriction/violations of fundamental freedoms in 2023, disaggregated by type of victim or target



2023 saw human rights defenders, civil society organizations, and opposition politicians bear the brunt of fundamental freedoms restrictions. They were the most affected group, followed by employees and trade unions, who faced 114 incidents (a 16% decrease from 2022's 135). However, the FFMP also witnessed a worrying 41% increase in incidents against journalists. License revocation,²⁰ intimidation, and interview disruptions during the national election were common tactics used against journalists. Notably, 19 incidents involved legal harassment for reporting on sensitive issues, illegal businesses, or corruption.

2.2 There was a significant rise in criminal charges filed against people exercising their fundamental freedoms in 2023, leading to significant increases of convictions, charges, and arrests

Figure 11: Number of individual suffered of criminal sanction for exercising fundamental freedoms from 2021-2023



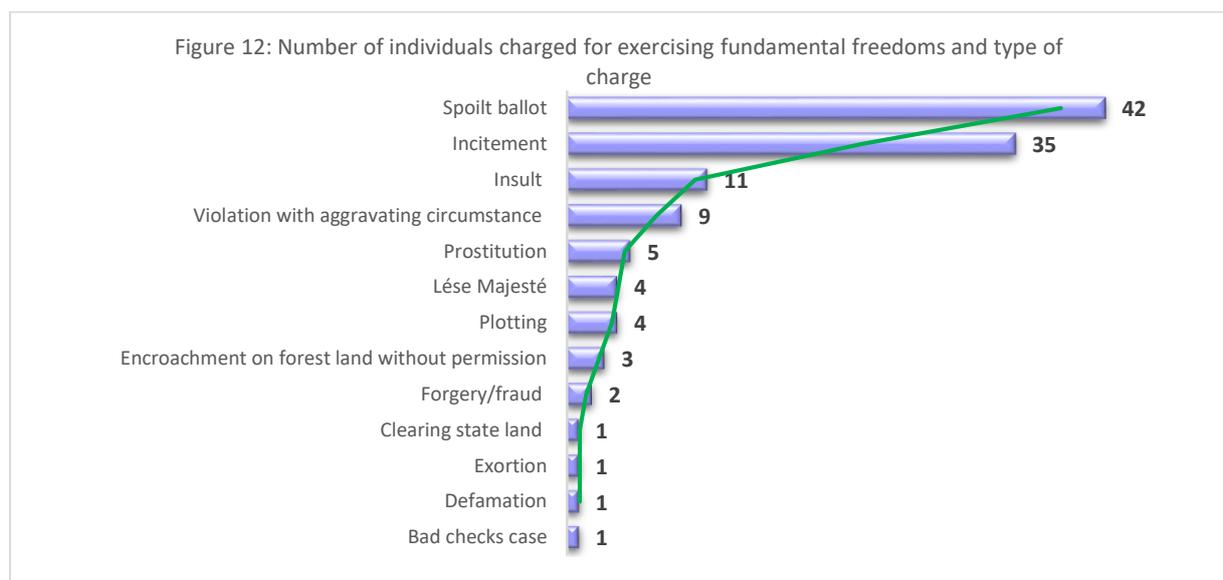
In 2023, the FFMP documented a similar rising trend to 2022 in the number of individuals convicted for exercising their rights compared to the year before, increasing by 18% from 76 to 93 individuals.

²⁰ In 2023, Five media outlets had their licenses arbitrarily revoked including Voice of Democracy (VOD), The Federation of Cambodia-ASEAN Journalists, Raksmeay Kampong Cham, Dumnong Knong Srok, and Khmer Cover TV (KCTV).

Of those convicted, 71 (76%) were politicians, including officials, members, and activists of the political opposition²¹. 42 among those 71 were convicted under the new Law on Amendment of the Election Law Article 142. The remaining 22 individuals were human rights defenders from land rights²², labor rights,²³ journalists,²⁴ and social media users.²⁵

Land rights activists also faced increased criminal sanctions in 2023. Notably, 50 out of 97 individuals summoned by authorities belonged to land communities. A nearly quadruple increase in criminal charges was recorded in 2023, reaching 102 individuals compared to 27 the previous year. Detentions in 2022 were particularly high as a result of the NagaWorld strikes, accounting for thousands of detentions in violation of fundamental freedoms. However, the wider trend shows a regression in the protection of fundamental freedoms in 2023, with significant increases in the number of criminal charges, arrests, and convictions targeting those exercising fundamental freedoms since 2022.

2.3 Charges of ballot spoiling and incitement were frequently brought against individuals exercising their fundamental freedoms



Disaggregated data for 2023 reveals that individuals exercising fundamental freedoms were most frequently charged under Article 142 of the Law on the Amendment of the Election Law ("LAEL"), which criminalized the act of inciting others to spoil their ballots or boycott elections. In July 2023 alone, the FFMP documented 42 individuals, primarily politicians, activists, and members of the political opposition, charged under this Article. The second most common charge in 2023 was "incitement" under the Cambodian Criminal Code, targeting political activists, politicians, and land rights activists.²⁶

²¹ 71 of them are political opposition officials, member or activists.

²² Meas Da, "Koh Kong Provincial Court Sentences 10 Land Activists to One Year in Prison for Incitement", (VOA Khmer, 16 August 2023) <https://khmer.voanews.com/a/koh-kong-provincial-court-sentenced-ten-land-activists-to-one-year-in-prison-for-incitement/7227360.html>, and IR2023-263.

²³ Leas Liplip, "Court of Appeal upholds trial verdict in NagaWorld casino strike case", (VOA Khmer, 19 October 2023) <https://khmer.voanews.com/a/phnom-penh-appeal-court-uphold-pp-court-over-naga-case/7317525.html>

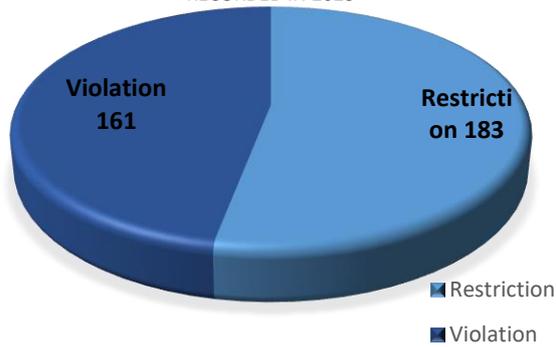
²⁴ IR2023-370

²⁵ RFA Khmer, "Cambodian man gets 3 years for Facebook posts critical of government", (RFA, 22 November 2023) <https://www.rfa.org/english/news/cambodia/facebook-comments-sentence-11222023151550.html>

²⁶ 11 among 35 who were charged under 'Incitement' in 2023 were land rights activists, the 24 remaining were Candlelight Party politician and activists.

Freedom of Association

FIGURE 13: NUMBER OF RESTRICTIONS AND VIOLATIONS RELATED TO FREEDOM OF ASSOCIATION RECORDED IN 2023



In 2023, the FFMP documented 344 incidents related to freedom of association. These comprised 183 incidents (53%) involving restrictions and 161 incidents (47%) involving violations of this right.²⁷ Compared to 2022, the number of restrictions increased by 30% (from 129 to 183 incidents), and violations increased by 8% (from 148 to 161 incidents).²⁸

Figure 14: Number of incidents involving restrictions or violations on freedom of association by month

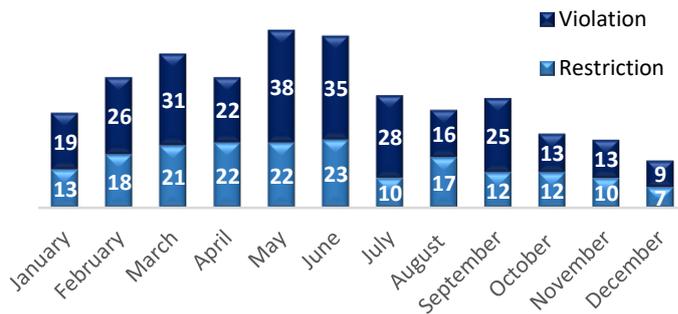
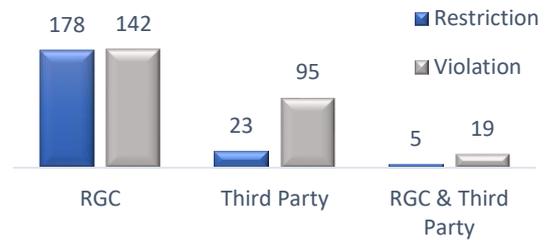
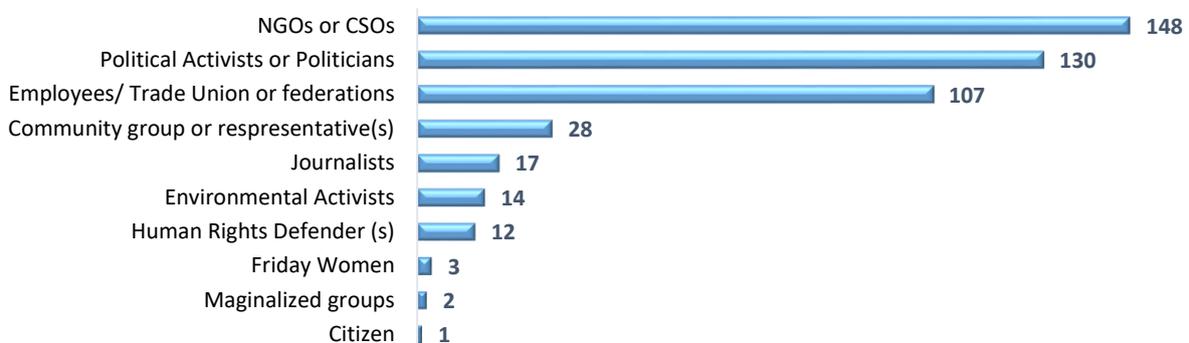


Figure 15: Number of restrictions/violations of freedom of association by state actors and non-state actors



During 2023 and particularly the period leading up to the general election in July, the FFMP recorded high numbers of incidents related to the restriction or violation of freedom of association (see Figure 14). Notably, competent authorities were responsible for most of these violations (see Figure 15).

Figure 16: Number of incidents related to freedom of association by target category in 2023



²⁷ Figure 15 shows the number of incidents disaggregated by type of actor, and some incidents fall into multiple categories.

²⁸ CCHR, "2022 annual report Cambodia Fundamental Freedom Monitor", 07 September 2022, (<https://mail.cchrcambodia.org/en/publications/general-reports/cambodia-fundamental-freedom-monitor-2022>).

In 2023, the FFMP documented at least 16,974 individuals whose right to freedom of association were restricted, with NGOs/CSOs and human rights defenders as the most targeted group, followed by political entities and trade unions (Figure 16).²⁹

2.4 In most incidents documented in 2023, the Royal Government of Cambodia (RGC) engaged in excessive monitoring

Data from media monitoring and incident reports showed that 35% (161 out of 462) of all incidents related to freedom of association involved excessive supervision by the Royal Government of Cambodia (RGC). This was seen predominantly in incidents of harassment against politicians or political activists and disruptions of CSOs' activities, including both private events and public activities.

2.5 CSO/TU leaders consistently reported interference with their coalition-building efforts

Figure 17: Percentage of CSO/TU leaders who reported interferences with their attempts to form a network/coalition in 2023

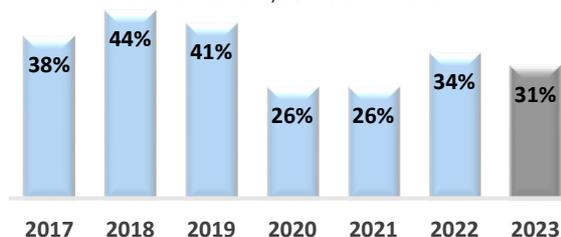
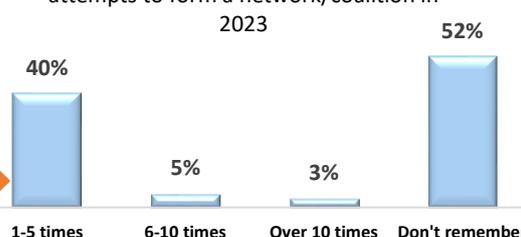
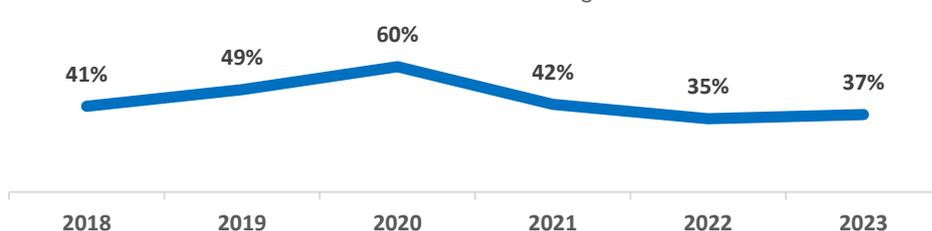


Figure 18: Number of times that CSO/TU leaders reported interferences with their attempts to form a network/coalition in 2023



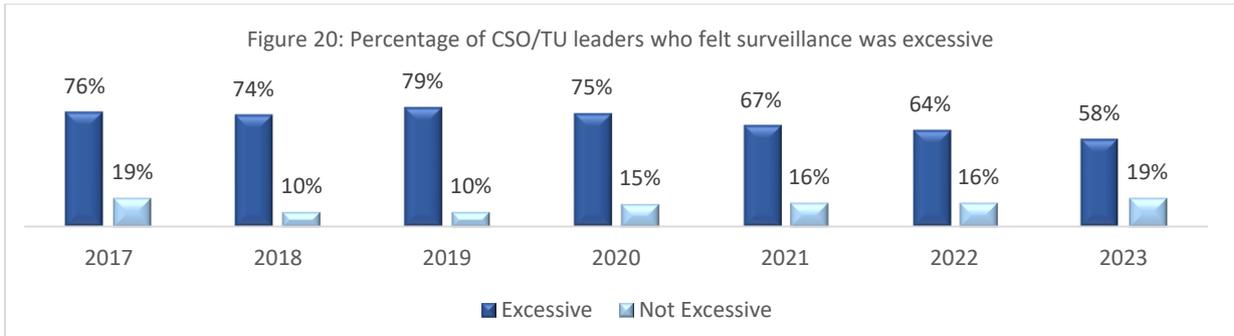
In 2023 CSO/TU leaders' surveys, the FFMP documented a 3% decrease in reported interference with attempts to form networks/coalitions (Figure 17). Nevertheless, about a third of CSO/TU leaders still reported experiencing interference. Despite the slight decline from 2022, the levels remain higher than in 2020 and 2021, when the COVID-19 pandemic likely dampened activity and lowered reported interference. Of the CSO/TU leaders surveyed, 40% reported experiencing interference 1-5 times, 5% reported 6-10 times, 3% reported over 10 times throughout the year. Notably, 52% of respondents did not recall experiencing any interference.

Figure 19: Percentage of incidents involving restriction of freedom of association due to excessive RGC monitoring or surveillance



Conversely, the surveys revealed a rising percentage of incidents (37%) involving excessive RGC monitoring or surveillance compared to 2022 (Figure 19). Specifically, 34% of CSO leaders (29 out of 86) and 44% of TU leaders (19 out of 43) reported experiencing such monitoring or surveillance in 2023.

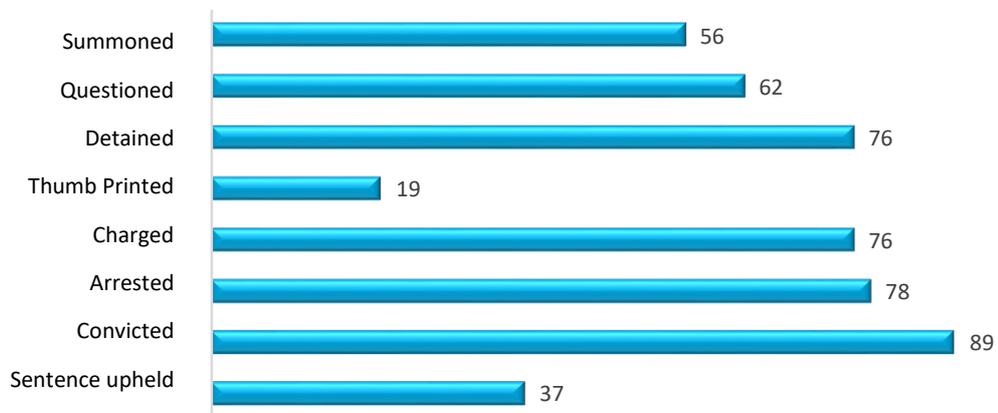
²⁹ The data collected for this analysis is drawn from the Media Monitoring and Incident Report tracking system in 2023. Data in this figure shows the total number of incidents, disaggregated by type of target. However, the number of individuals who experienced a restriction of freedom of association is higher since one particular incident could impact multiple individuals.



Surveys over the past three years show a gradual decline in the percentage of CSO/TU leaders reporting excessive surveillance, reaching a low of 58% in 2023. However, the overall percentage remains quite high, with more than half of surveyed CSO/TU leaders reporting excessive surveillance. This trend is echoed in the 2022 public poll, where 64% of respondents said they were surveilled by the authorities while participating in association activities. However, 22% (138 of 640 respondents) of individuals reported being targeted for their involvement in such activities, a figure that has remained unchanged for the past three years (Figure 20) ³⁰

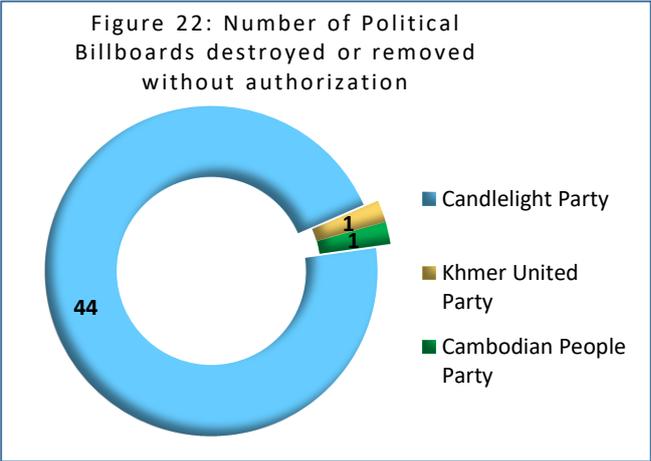
2.6 The government continued to interfere with the activities of opposition parties, trade unions, and civil society organizations (CSOs)

Figure 21: Number of individuals subjected to criminal sanctions for exercising their right to freedom of association in 2023



In 2023, the FFMP documented 462 incidents related to freedom of association. Of the incidents, 56 individuals were summoned, 62 individuals were questioned, 76 individuals were detained, 19 individuals were fingerprinted, 76 individuals were arrested, 89 individuals were convicted, and 37 sentences were upheld (Figure 21). Political activists and politicians were often targeted with charges such as issuing bad checks, violating Article 142 of the Law on the Election of Members of the National Assembly (related to amendment elections), forgery, fraud, incitement, and plotting.

³⁰ The Public Poll, which was conducted from 1 November – 31 December 2023 across 25 provinces and surveyed 1,005 respondents.



In 2023, the FFMP documented 46 incidents of political billboards being destroyed or removed without authorization. The Candlelight Party reported the highest number of these incidents. Notably, only one incident involved the Cambodian People's Party (CPP), where the perpetrators faced legal consequences (Figure 22). Incidents against opposition parties have remained unresolved. Incidents should be addressed similarly, regardless of whether the target is the CPP or an opposition party.

2.7 Death threats and questioning followed a Candlelight Party supporter's billboard installation

For instance, on 12 April 2023, Ms. Soun Sokeourn, a Candlelight Party supporter, reported she received death threats after installing a billboard outside her home. The next day, authorities visited and questioned her, likely targeting her due to her involvement with the opposition party.³¹

3 Civil servants of Candlelight Party were removed from their position

Candlelight Party members continued to face persecution throughout 2023 for their political activism. Three members – Mr. Phon Sophea³², Mr. Ey Muylly³³, and Mr. Sin Vatha - were removed from their civil servant positions for alleged violations of codes of conduct.³⁴

10
10 members of political opposition party were assaulted



The opposition experiences significant challenges in exercising their civil and political rights, often facing criminal sanctions for their activism. In 2023, opposition figures encountered a range of legal actions, including 7 summonses, 30 questioning sessions, 45 detentions, 18 fingerprinting procedures, 64 charges, 46 arrests, 71 convictions, and 22 upheld sentences (Figure 23).

³¹ So Chivy, "Two Candlelight Party Activists in Prey Veng Arrested and Another in Kandal Threatened" (RFA, April 13, 23) <<https://www.rfa.org/khmer/news/politics/police-questions-candlelight-party-activist-for-raising-a-party-banner-in-front-of-her-house-04132023081509.html>>/.

³² Yorong Chandara, "Candlelight Party official in Kandal province says deleting his name from the state is political" (RFA, April 30, 23) <<https://www.rfa.org/khmer/news/politics/kandal-provincial-governor-removes-names-of-senior-clp-officials-from-civil-service-04302023091229.html>>/

³³ Men Rith, "Another Candlelight Party Official Dismissed by Heng Samrin" (RFA, May 8, 23) <<https://www.rfa.org/khmer/news/politics/another-candlelight-party-official-fired-by-national-assembly-president-heng-samrin-05082023040859.html>>/

³⁴ Khuon Narim, "Candlelight Official Fired from High School Teaching Job with Education Ministry" (CamboJA, June 12, 23) <<https://cambojanews.com/candlelight-official-fired-from-high-school-teaching-job-with-education-ministry/>>.

2.8 Authorities unnecessarily appeared at a recent private activity hosted by an association

In 2023, the FFMP documented 75 private events held by CSOs where the RGC interfered. In at least 29 of these events, the authorities attended or took participants' details (Figure 24). In 13 cases, authorities demanded proof of prior notification before allowing the activities to proceed. Additionally, the RGC was reported to have taken photos at 45 private association activities. Article 21 of the ICCPR protects the right to peaceful assembly in public and private spaces.³⁵ The UN Human Rights Committee has stated in General Comment 37 that the requirement of prior authorization by States appears to be incompatible with and could undercut the right to peaceful assembly guaranteed under Article 21 of the ICCPR.³⁶

Figure 24: Authorities interference with CSOs' private meetings/trainings in 2023



On July 2, 2023, during a training session for the COMFREL National Election Monitor Team in Prey Veng Province, an official from the Commune Election Committee (CEC) instructed COMFREL to notify local authorities before holding future training sessions in the area.³⁷

On September 15, 2023, the Cambodian Human Rights and Development Association (ADHOC) in Mondulkiri planned to train 15 individuals on the prevention of child marriage. However, a village guard prevented them from participating, claiming ADHOC was conducting illegal activities because the training hadn't been approved by the police chief. Despite this obstacle, the ADHOC team went to the Chong Tlas commune hall and convinced the authorities that there was no prior notification requirement. Subsequently, police chief Mr. Chan Sophary granted permission for the training, which was rescheduled to September 24, 2023, by ADHOC.³⁸

2.9 Union leaders proactively gathered and submitted all necessary documentation for registration



In 2023, nine trade unions successfully registered without significant hurdles or burdensome procedures. This suggests improvement in preparation and knowledge of application requirements, as union leaders demonstrated a clearer understanding of the process and carefulness in their submissions.

³⁵ United Nations Human Rights Committee, General Comment 37 on Article 21 (Rights of Peaceful Assembly) para 6, 70, CCPR/C/GC/37, 19 September 2020 /

³⁶ Human Rights Committee. General comment No. 37 (2020) on article 21 (Right of peaceful assembly) Para.13 (CCPR/C/GC/37).

³⁷ IR2023-202

³⁸ IR2023-264

However, as the examples below demonstrate, workers and trade unions continued to face challenges when registering or conducting union activities.

On March 5, 2023, over 100 workers from the ML and Yan Jia factories protested the Ministry of Labor to intervene in their trade union registration process as authorities were constantly interfering with this process. Union representative Mr. Keo Vannak shared his frustrating experience of authorities repeatedly correcting typos in the application, leading to delays.³⁹ In 2023, trade union leaders reported facing challenges during the election and registration processes, with many cases involving founder members being forced to resign from the union during the early stages of registration.⁴⁰

2.10 Trade union busting continued in 2023, despite a decrease in interference overall with network/coalition formation.

Figure 25: Number of individuals facing administrative or legal sanctions



The 2023 FFMP survey of CSO/TU leaders showed a decrease in reported interference with attempts to form networks/coalitions. However, the FFMP still documented 50 incidents related to union-busting tactics in 2023.

Forming coalitions and networks remains a significant challenge for trade unions in Cambodia. Data from the FFMP reveals union-busting⁴¹ tactics, with 156 individuals terminated or forced to resign after being elected to form local unions. Additionally, 23 individuals were offered higher salaries or new positions, and 1 individual was demoted from

their position. Furthermore, at least 66 individuals faced summons or legal threats due to their involvement in union activities.

On February 16, 2023, Mr. Pao Sina, President of the Collective Union of Movement of Workers (CUMW), issued a press release stating that one union member was fired, and nine others faced threats after attempting to form a local union at the Caswell Apparel Co. factory in Kambol, Phnom Penh.⁴²

³⁹ Mean Rith, "Nearly 100 workers protest to the Ministry of Labor as soon as possible to register unions at ML and Yuan Jia factories" (RFA, Mar 5, 2023) < <https://www.rfa.org/khmer/news/human-rights/nearly-100-workers-asked-ministry-of-labor-to-expedite-the-registration-of-unions-03052023102509.html>>

⁴⁰ Focus Group discussion with trade union in August 2023.

⁴¹ Union busting is a range of activities undertaken to disrupt or weaken the power of trade unions or their attempts to grow their membership in a workplace.

⁴² Sovann Sreypich, Phon Sotthyroth, "Fifteen garment and footwear factory workers fired after union formation" (Camboja, 17 February 2023) <<https://khmer.cambojanews.com/15-factory-workers-fired-after-union-formation/>>.

Freedom of Assembly

Figure 26: Number of restriction and violation related to freedom of assembly in 2023



In 2023, FFMP documented 134 incidents related to freedom of assembly. Of these, 99 (74%) were categorized as restrictions of the right to assemble freely, and 34 (25%) as violations of this right. One incident recorded by FFMP was categorized as a protection of the freedom of assembly, where the public’s rights were upheld and respected by authorities. In this instance, around 500 Candlelight Party members gathered in front of the Party’s headquarters in Phnom Penh on December 18, 2023, demanding an explanation from their leader for the recent removal of several officials at the grassroots level. Local authorities assisted with traffic management at the gathering location.⁴³

Figure 27: Incidents related to freedom of assembly, by category

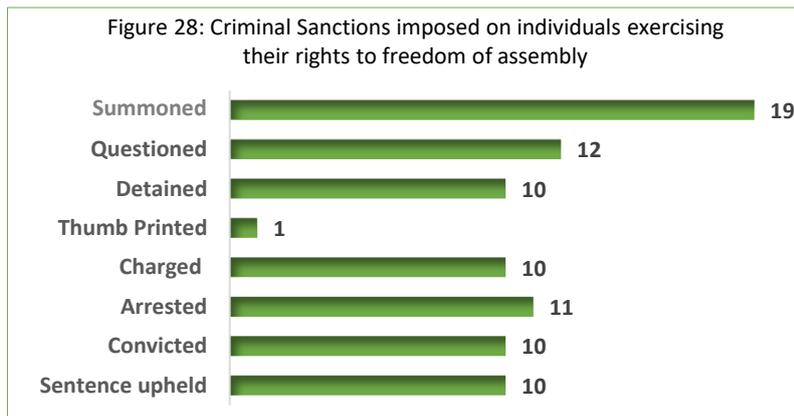


According to the data, the most frequent incidents involved labor rights, followed by land rights, political opposition, and other groups such as environmental activists, vulnerable individuals, and street vendors (Figure 27). Notably, during the general election in July 2023, the main opposition party was unable to participate due to disqualification based on missing NEC-required paperwork.⁴⁴ RGC was responsible for most restrictions and violations of the right to freedom of assembly in 2023.

2.11 Individuals faced legal sanction for exercising freedom of assembly in 2023

⁴³ Tin Zakariya, "Hundreds of Candlelight Party members protest and demand that party leaders arbitrarily remove local members", (RFA Khmer, 18 December 2023) <<https://www.rfa.org/khmer/news/politics/hundred-activists-of-candlelight-party-protest-against-party-leaders-for-removing-local-members-12182023141142.html>>

⁴⁴ Seth Mydans, "Cambodia Disqualifies Main Opposition Party Ahead of Election", (BBC News, May 16 2023), <<https://www.nytimes.com/2023/05/16/world/asia/cambodia-election-candlelight-party.html>>



The FFMP recorded at least 19 individuals summoned after participating in peaceful assembly, 10 of which were members or representatives of land communities. Additionally, the FFMP documented 10 individuals convicted of exercising peaceful assembly, all of whom were members or representatives of land community groups.⁴⁵

2.12 Attempts by land communities to obtain solutions are frequently met with interference from the RGC, potentially undermining the effectiveness of their gatherings

Many land communities are prevented from accessing spaces that could amplify their impact:

Residents of Koh Kong have been resisting forced evictions and protesting against private companies that received state-granted economic land concessions to develop the Island. On 29 June 2023, police stopped a group of land activists from Koh Kong province traveling to the Ministry of Justice in Phnom Penh. The activists were carrying a petition urging the dismissal of charges against 30 other land rights activists from five communities. Four vans transporting the activists were blocked along the road. According to LICADHO, police arrested 11 villagers, charging them with criminal incitement under articles 494 and 495 of the Cambodian Criminal Code.⁴⁶

On 29 December 2023, over 200 Kroul and Mile indigenous people from Sre Ches and Ro Lous communes in Sambour district traveled to the Kratie Provincial Hall to seek resolution to a conflict with the Kratie Provincial Forestry Department regarding a cycle farm. During their journey, district authorities stopped the group from continuing their protest and requested them to wait for a solution in early 2024.⁴⁷

On May 22, 2023, Ms. Mom Sophy, a representative of the people in Kampong Speu province, alleged that local authorities interrogated and prevented residents from traveling to Phnom Penh to protest for the release of Mr. Theng Savooun and two colleagues. According to Ms. Sophy, local authorities, and village guards in the community of Reaksmei Samaki, Peam Ros village, Reaksmei Sameakki

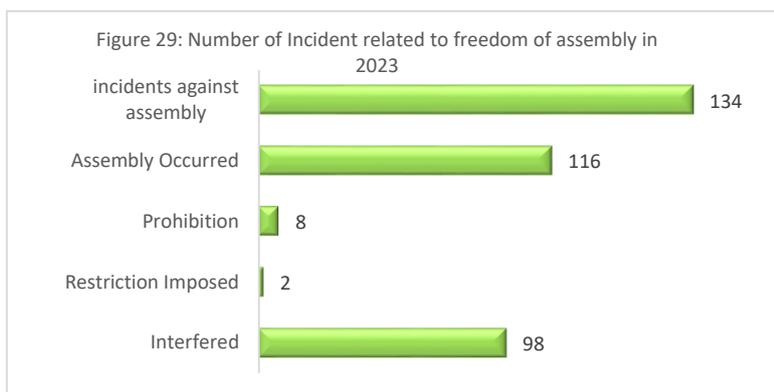
⁴⁵ Mean Rithy, "Koh Kong Provincial Court Sentences 10 Land Activists to One Year in Prison and Fines 40 Million Riel", (RFA Khmer, August 15, 2023), <<https://www.rfa.org/khmer/news/land/koh-kong-provincial-court-sentences-10-land-activists-one-year-in-prison-for-incitement-08152023142708.html>>

⁴⁶ Eung Sea, "At Least 10 Koh Kong Land Activists and a Child Detained Attempting to Deliver Petition", CamboJA, (June 30, 2023) <<https://cambojanews.com/at-least-10-koh-kong-land-activists-and-child-detained-attempting-to-deliver-petition/>>

⁴⁷ Sochivy, "More than 200 Indigenous Families in Kratie Province Protest Authorities Confiscate Their Land", (RFA Khmer, December 29, 2023) <<https://www.rfa.org/khmer/news/land/kratie-indigenous-families-protest-for-their-land-from-confiscation-01022024035754.html>>

commune, Aoral district, Kampong Speu province, guarded homes to prevent residents from leaving to join the protest in Phnom Penh.⁴⁸

2.13 Peaceful assemblies continue to be disrupted and banned



Compared to 2022, the FFMP recorded an increase in incidents prohibiting and interfering with the right to peaceful assembly. In 2023, the FFMP recorded 8 prohibited assemblies, double the number in 2022. In 2023, there were 98 incidents of interference with this freedom, compare to 95 out of 169 assemblies in 2022.

On December 06, 2023, many local police in Kna village, Chreav commune, Siem Reap City, stopped approximately 100 individuals, including monks, members of civil society groups, and youth who were marching from Siem Reap to Phnom Penh. The group intended to pray for respect for human rights and mark International Human Rights Day in Phnom Penh on December 10. The authorities cited a lack of notification as the reason for stopping the march, although the group claims to have submitted a notification to the provincial administration beforehand.⁴⁹

2.14 State forces employed force at peaceful gatherings, resulting in injuries to participants

In 2023, data revealed 8 incidents where the state used force against 675 individuals exercising their right to peaceful assembly while seeking redress on issues like land rights, environment, and labor disputes.

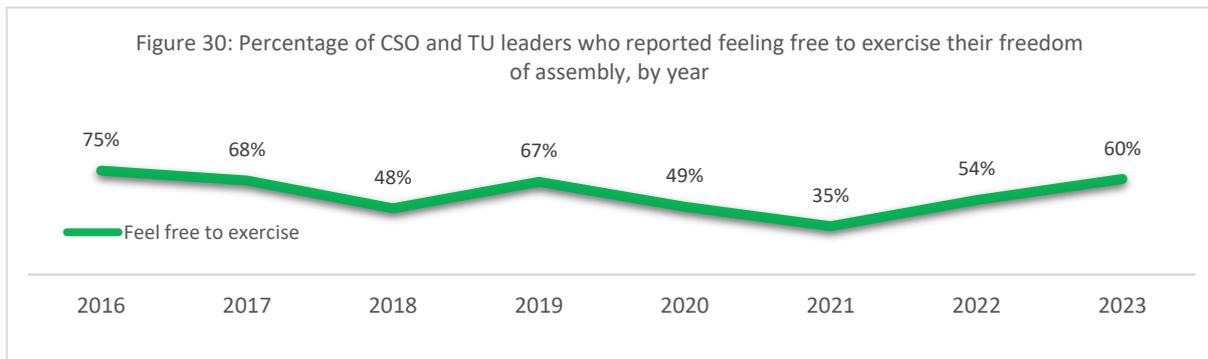
On August 21, 2023, Daun Penh district police used violence against Keo Sovanrith, a pedagogy student, and two others peacefully protesting with a banner outside the Ministry of Education, demanding reinstatement to the pedagogy student list from which they were removed along with 11 others due to alleged "below-standard" performance. Around 10 authorities and security personnel beat and forced them into a police car. Sovanrith reported chest and rib injuries, while Leap Prathna reportedly fainted after being hit on the head during the crackdown.⁵⁰

⁴⁸ Ouk Dean, "Villagers say local authorities have banned them from protesting for the release of Theng Savoeun and two association officials", CJ News, (May 22, 2023) <<https://cjkhmer.com/villagers-say-local-authorities-have-banned-them-from-protesting/>>/

⁴⁹ Va Sopheanut, "Siem Reap Authorities Block Human Rights Defenders' Pilgrimage", (CamboJA, 06 December 2023) <<https://khmer.cambojanews.com/siem-reap-authorities-block-human-rights-defenders-pilgrimage/>>.

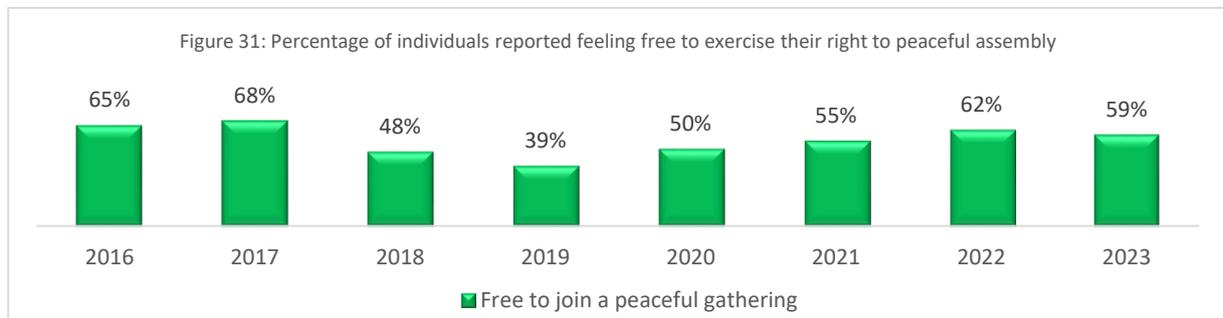
⁵⁰ Chy Vita, "Former student of the National Institute of Physical Education and Sports plans to sue Daun Penh district authorities after using violence against him for the second time", (RFA Khmer, 09 October 2023), <<https://www.rfa.org/khmer/news/human-rights/daun-penh-authorities-use-violence-against-former-students-of-moeys-the-second-time-10092023053001.html>>.

2.15 There is a growing trend of CSO/TU leaders feeling comfortable exercising their right to assemble



The 2023 surveys of civil society organization/trade union (CSO/TU) leaders showed a positive shift, with 60% feeling free to exercise freedom of assembly, compared to 54% in 2022. However, despite feeling more empowered, CSO/TU leaders were restricted to host only a few public events in 2023, such as International May Day and Internal Labor Day (a national holiday to celebrate workers' rights in Cambodia). Notably, even these events required CSOs to fulfill unnecessary bureaucratic requirements before gaining approval.⁵¹

2.16 Individuals felt less inclined to exercise their right to peaceful assembly

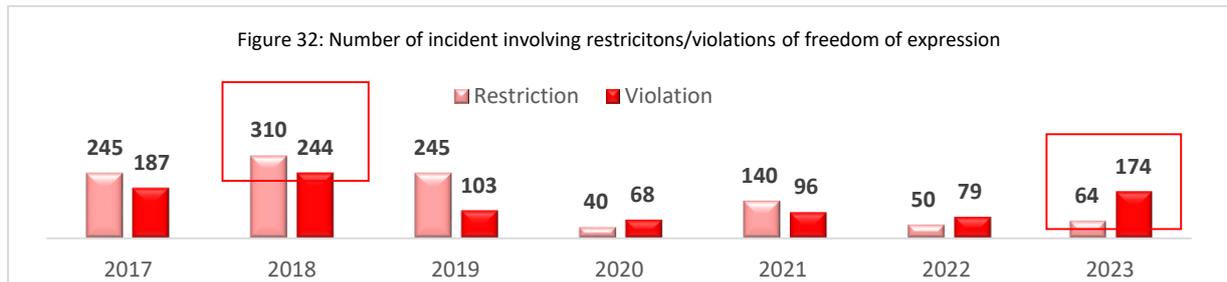


The 2023 public poll showed a slight decrease in the number of individuals who reported feeling free to gather for peaceful public assemblies, with 59% feeling free down from 62% in 2022. This shift potentially stemmed from the national election in July, which witnessed increased crackdown against political dissent.

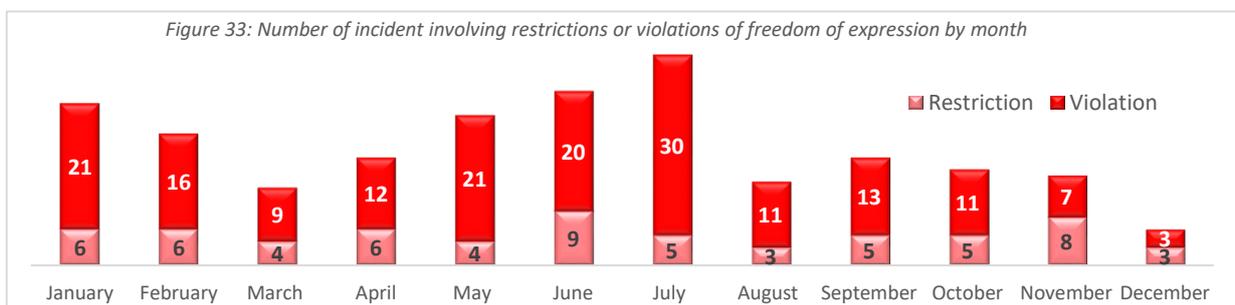
⁵¹ IR2023-371 and IR2023-372.

Freedom of Expression

2.17 Recent data indicates an uptick in incidents related to freedom of expression, following a decline observed in the previous year



In 2023, the FFMP documented 238 incidents across Cambodia involving at least one restriction on freedom of expression, as defined by the three-part test articulated by Article 19 of the International Covenant on Civil and Political Rights (ICCPR). This represented a 46% increase from 2022's 129 documented incidents.⁵² 2018 and 2023, both national election years, saw surges in restrictions. Data analysis also suggests a significant increase in 2021, which may be attributable to heightened discussions surrounding these topics in the aftermath of the COVID-19 pandemic.

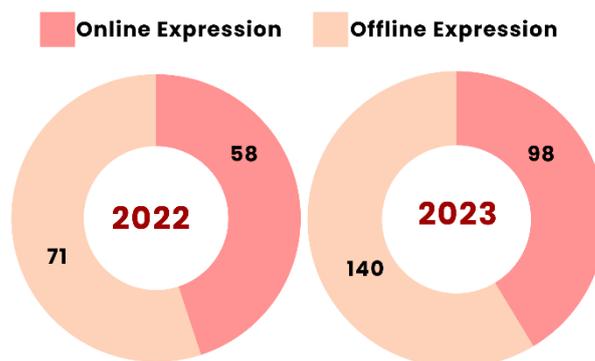


Between May and July 2023, incidents restricting freedom of expression increased significantly during the election period. Notably, these restrictions and violations took various forms, including those targeting elections, media houses, journalists, political opposition activists and members, community-based organizations, and social media users.

2.18 Restrictions on online expression continued to increase in 2023, impacting social media users, political activists, and politicians

Figure 34: Restriction or Violation of online expression in 2022

Figure 35: Restriction or Violation of online expression in 2023

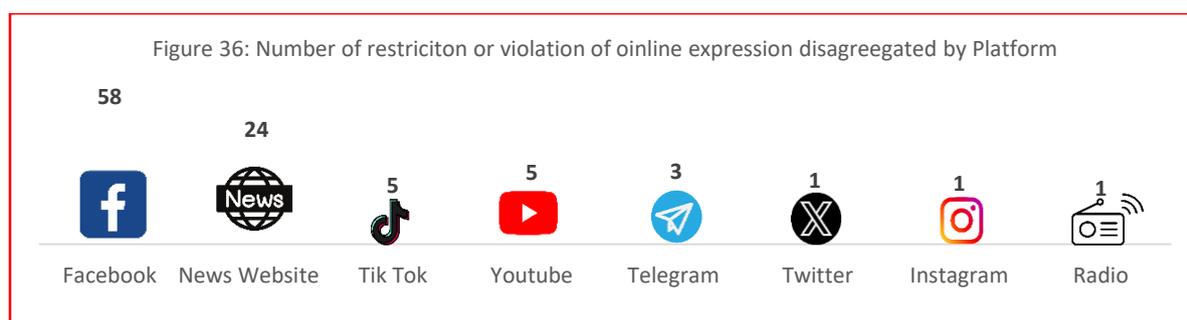


⁵² ICCPR, Article 19.

While the number of online restrictions and violations as a proportion of the total incidents recorded are similar across 2022 and 2023, 2023 saw a substantially higher number of restrictions or violations to freedom of expression, both online and in person. In 2023, 41% (98 out of 238) of all documented incidents involved online expression restrictions (Figure 35). The 2023 data indicates that among these, 98 were online expression incidents, 24 targeted journalists, 24 involved crackdowns on social media users, and 19 impacted the online expression of opposition political activists/politicians.

On May 5, 2023, Mr. Douch Phors, a resident of Prek Rodeng commune, Srey Santhor district, Kampong Cham province, spoke in a video during a gathering protesting the bulldozing of the Boeung Chamnar area by company machinery. In the video, Phors stated, "Forest, mountains, lake, all demolished. Not even dogs can sell this property, besides the authorities' corruption. Following the video interview's publication on social media, Phors was summoned to the police station on May 11, 2023, and forced to publicly apologize for his May 5th remarks.⁵³

2.19 Facebook and certain news websites were among the platforms associated with the highest number of online expression restrictions in 2023



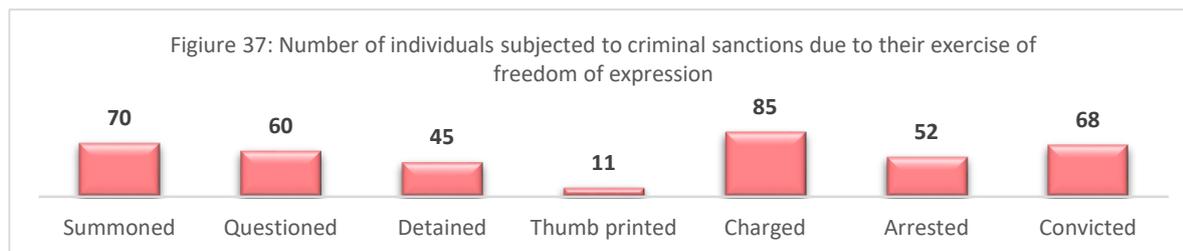
The FFMP documented 98 incidents of online expression in 2023 (see Figure 36). Among these, 64% (63 incidents) violated freedom of expression across social media platforms. Facebook saw the most restrictions and violations, with 58 incidents recorded. The second most targeted platform was news websites, with 24 incidents documented in 2023, primarily against journalists.

Illustrated example: On 28 February 2023, the Bar Association of the Kingdom of Cambodia issued a decision to impose disciplinary action against lawyer Chou Chou Ngy (written reprimand ID 300) under Article 63 of the Law on the Statute of Lawyers after he was interviewed by Radio France International (RFI) regarding the case of Vice President of the Candlelight Party Thach Seth. The Bar Council found that Mr. Ngy violated Article 7 (Integrity and Honesty and Professional Confidentiality), Article 17 (Public Media Intervention), Article 58 of the Law on Lawyers, and Articles 1 and 3 of the Rules of Procedure of the Bar Association of the Kingdom of Cambodia.⁵⁴

⁵³ Vayo, "Duch Pheas, who accused the authorities of clearing Boeung Char land, was not arrested and sent to court" (VAYO, May 28, 23) <https://vayofm.com/news/detail/124841-435.html>.

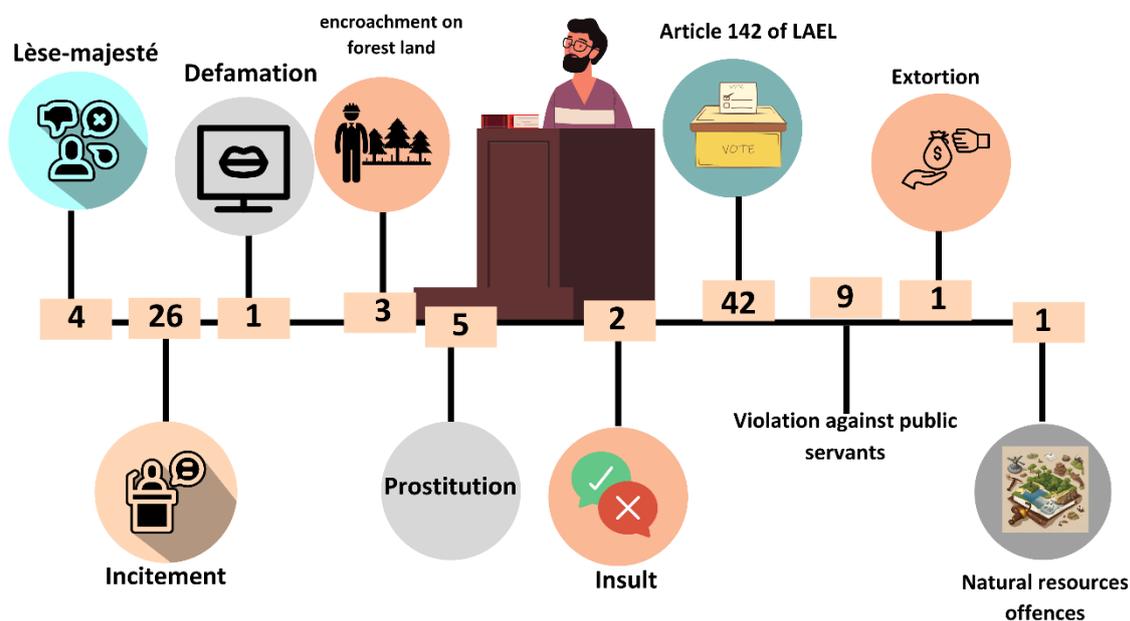
⁵⁴ Chhim Sopheat, "The Bar Association decided to impose disciplinary action on Mr. Choung Chou-Ngy and Mr. Sam Sokong", VAYO, (February 28, 2023) <<https://vayofm.com/news/detail/122955-955.html>>

2.20 2023 witnessed a rise in the number of individuals subjected to criminal sanctions for exercising their right to freedom of expression



Data gathered in 2023 illustrates that at least 85 individuals were criminally charged for exercising their right to freedom of expression. This figure represents a significant increase compared to the 27 individuals charged in 2022, leading to the conviction of 68 people. Among those charged, 73% (62 out of 85) faced accusations related to their online activity. The significant number of sanctions likely creates a chilling effect, leading to self-censorship and a decrease in online expression of critical opinions in Cambodia.

2.21 Authorities have levied ten types of charges against peaceful protestors for exercising their right to freedom of expression



The FFMP documented⁵⁵ 10 types of lawsuits filed against individuals during the reporting period. Under the new Election amendment, 42 individuals, all members and/or supporters of opposition Party, were charged. The FFMP also documented 9 members or representatives of the Boeung Tamok community charged with aggravated criminal breach of trust in relation to their actions opposing government actions. Additionally, 26 individuals, including journalists, land community members and

⁵⁵ Number of individuals were charged in this figure higher than number of charge in Figure 37 due one individual can be charged more than one offend.

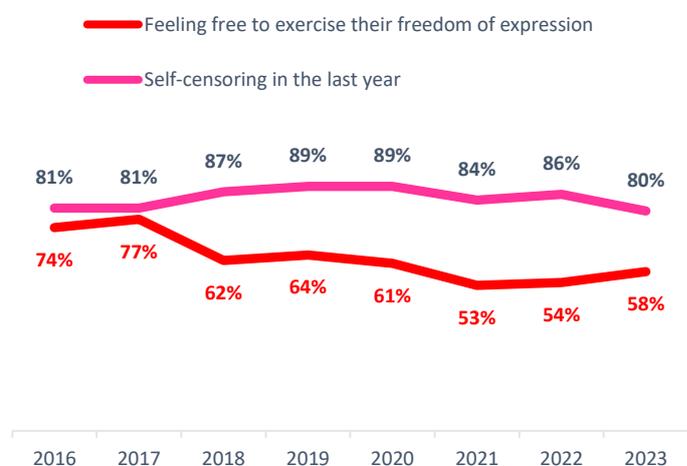
representatives, social media users, and politicians/political activists, were charged for incitement under articles 494 and 495 of the Cambodia Criminal Code.⁵⁶

2.22 Hate speech targeting independent media house workers can create a hostile and unsafe work environment

While freedom of expression is a fundamental human right, hate speech threatens to undermine its rightful balance. It can silence the voices of marginalized groups, undermine their right to freely express themselves, and create a climate of intimidation and stifled voices. In 2023, the FFMP documented four confirmed incidents of hate speech, three targeting journalists and one targeting a politician.⁵⁷

2.23 Levels of freedom of expression amongst CSO/TU leaders showed some slight improvement in 2023 but remains concerningly low

Figure 38: Percentage of CSO/TU leaders who report feeling free to exercise their right to freedom of expression and percentage of individuals self-censoring during 2023



In 2023, the proportion of CSO/TU leaders who reported feeling free to exercise their right to freedom of expression rose by 4%, from 54% in 2022 to 58% in 2023. Tied with this improvement was a positive decrease noted in levels of self-censorship reported by CSO/TU leaders, reducing from 86% in 2022 to 80% in 2023. While these results reveal an encouraging trend, it is nonetheless very concerning that such a high proportion of CSO/TU leaders reported to self-censoring over the course of the year. Moreover, levels of freedom of expression are still far below the percentages reached over 2016 and 2017, where, respectively,

74% and 77% of respondents reported feeling free to express themselves. The data indicates that civil society leaders remain cautious when expressing themselves and the views of those they represent in public.

⁵⁶ Yornng Chandara, "Court Investigates Two Boeung Tamok Land Activists, Couple for Intentional act of Violence", (RFA, 07-Sep-23), <<https://www.rfa.org/khmer/news/land/beoung-ta-mok-community-testify-at-pp-court-09072023045404.html>>/

⁵⁷ Three Incident Reports about using hate against independent journalists at classroom and on social media.

2.24 Restrictions against journalists in 2023 were commonplace

Figure 39: Number of journalists who faced legal sanction over exercising freedom of expression in 2023



Through the recording period, the FFMP recorded 26 journalists who experienced restrictions or sanctions for doing their jobs. Reporters were brought in for questioning after investigating or reporting on issues such as illegal business activities,⁵⁸ corruption,⁵⁹ and land disputes⁶⁰.

Example: On 1 January 2023, the Supreme Court upheld the decision of the Battambang Appeal Court to sentence Mr. Kao Piseth, a journalist for a news website, to two years in prison and a fine of 3 million riels on charges of incitement after he criticized the Cambodian government and the Chinese-made COVID-19 vaccine on social media. The Supreme Court deemed that such comments violated the *Law on measures to prevent the spread of COVID-19 and other serious, dangerous and contagious diseases*.⁶¹

Figure 40: intimidation/harassment of journalists in 2023



Across 2023, the Fundamental Freedom Monitoring Project continued to record intimidation and harassment experienced by journalists while they were investigating or reporting the news. In 5 incidents, media outlets or journalists were faced with legal threats and ordered to revise, or refrain from publishing, their articles.⁶²

There were 6 cases of journalists who worked for independent media outlets being attacked or injured

⁵⁸ IR2023-016.

⁵⁹ IR2023-009.

⁶⁰ Khut Sokun, "Civil Society Says Kampong Chhnang Authorities Detained Citizen Journalists as a Threat and Blocked Rights", VOD, (20 January 2023) <<https://www.vodkmer.news/2023/01/20/civil-society-says-kampong-chhnang-authorities-detained-citizen-journalists-as-a-threat-and-blocked-rights/>>

⁶¹ Meng Kruey Ponlok, "Supreme Court sentences journalist to two years in prison for posting message on Facebook criticizing government", VOD (01 February 2023) <<https://www.vodkmer.news/2023/02/01/supreme-court-sentences-journalist-to-two-years-in-prison/>>

⁶² RFA, 'Cambodian news outlet removes minister's name following legal threat', (RFA, 19 September 2023) <https://www.rfa.org/english/news/cambodia/news-outlet-legal-threat-09192023164628.html>.

by unknown assailants.⁶³ On 4 occasions, journalists had their material confiscated or destroyed by business owners or authorities while investigating, live streaming, or taking photographs.⁶⁴ This excessive interference in journalist's activities is extremely concerning, especially since none of the perpetrators have been held accountable.

2.25 During the 2023 general election period, the RGC revoked media licenses of independent media outlets

Figure 41: Number of revocations, sanctions, or suspensions of independent media outlets throughout the years



The RGC continued to restrict press freedom ahead of the 2023 general election by shutting down five media outlets that published sensitive stories or criticized corruption in the country.⁶⁵ All of them were denied the possibility to appeal the decision.

Example: On 9 February 2023, Voice of Democracy (VOD), one of Cambodia's last remaining independent media outlets, published an article quoting government spokesperson Phay Siphon remarking that prime minister Hun Manet, then a military commander, had signed a \$100,000 relief package to Türkiye in lieu of his father, former prime minister Hun Sen. On 11 February, Hun Sen demanded via social media that VOD issue a public apology within 72 hours. The following day, the Cambodian Center for Independent Media (CCIM), VOD's parent NGO, issued a letter expressing regret for any confusion the article may have caused and asking for tolerance from Hun Sen. The former prime minister dubbed the response "unacceptable" and ordered the Ministry of Information to revoke VOD's publishing and broadcasting license, which the Ministry did on 13 February.⁶⁶

Example: On 16 March 2023, the Ministry of Information revoked the licenses of three online Khmer language media outlets: Federation of Cambodia-ASEAN Journalists; Raksmeay Kampong Cham; and Dumnong Knong Srok for committing "serious violations of journalistic ethics." All three outlets had previously reported on the alleged involvement of the Takeo provincial deputy prosecutor in an extortion case. They had also published an article revealing that Sar Chamrong, a senior CPP National Assembly Member, had reportedly forged documents to obtain land in Banteay Meanchey.⁶⁷

⁶³ Chhom Pismay, "A journalist was attacked by unknown person," *kohsantepheapdaily*, (Feb 3, 23)<<https://kohsantepheapdaily.com.kh/article/1679217.html/>>

⁶⁴ IR2023-011.

⁶⁵ Voice of Democracy (VOD), The Federation of Cambodia-ASEAN Journalists, Raksmeay Kampong Cham, Dumnong Knong Srok, and Khmer Cover TV (KCTV).

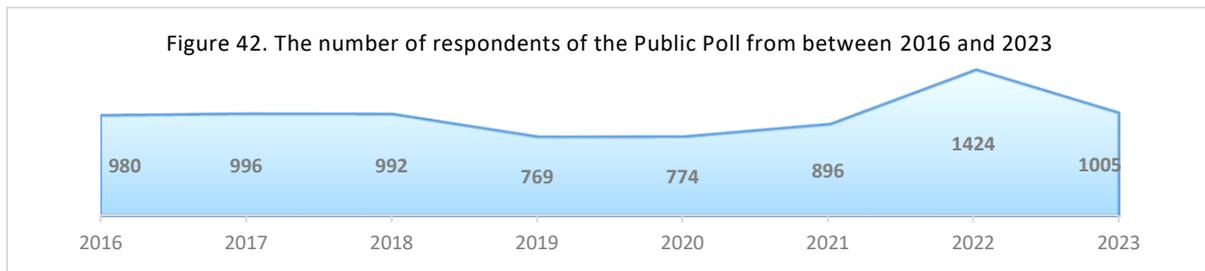
⁶⁶ Clare Baldwin; Hugh Lawson, "Cambodia's Hun Sen orders shutdown of independent local news outlet", *Reuters*, (Feb 13, 23)<<https://www.reuters.com/world/asia-pacific/cambodias-hun-sen-orders-shutdown-last-independent-local-news-outlet-2023-02-12/>>

⁶⁷ Khuon Narim, Eung Sea, "Information Ministry Revokes Three Media Licenses Following Reports on Senior Official's Role in Land Fraud", (*Camboja*, 18 March, 23)<<https://cambojanews.com/information-ministry-revokes-three-media-licenses-following-reports-on-senior-officials-role-in-land-fraud/>>

Analysis of data from Key Milestone 2 shows that RGC remained non-compliant with international human rights laws and standards in 2023. The FFMP documented a year-to-year increase in incidents involving violations of fundamental freedoms. Legislation such as the amended Law on the Election Law were used to shrink civic space and suppress dissenting voices, particularly during the 2023 national elections. As a result, 42 individuals who were members or activists of the political opposition were charged under the amended election law. Journalists, human rights defenders, labor rights activists, and environmental activists also continued to face harassment and attacks due to their activism.

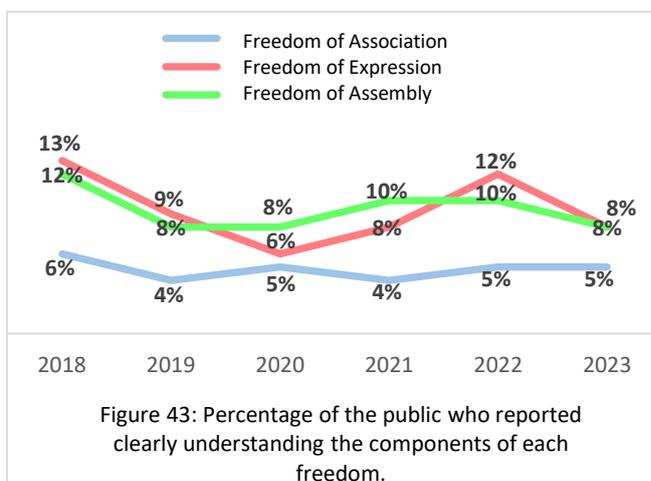
3. Key Milestone Three: Do individuals understand fundamental freedoms, and feel free to exercise them?

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. The data for Key Milestone Three was gathered via a Public Poll of 1,005⁶⁸ Cambodians (Figure 42) across 25 provinces, conducted from 01 November to 31 December 2023. Convenience sampling was used to administer the poll. Individuals from a range of age groups and gender undertake the poll.



Key findings: Amidst increased political suppression and arbitrary crackdowns on dissent during the 2023 Cambodian general elections, the public’s knowledge of and belief in fundamental freedoms, and the relevant legal framework governing these rights, have decreased since 2022 and remain low. In 2023, many Cambodians reported that they self-censor or conceal their ideas and opinions out of fear of repercussions. However, the data encouragingly shows that women and respondents with diverse gender identities self-censor at lower levels than men compared to previous years. Yet, women feel significantly less free than men to participate in political life. When it comes to redress for human rights violations, Cambodians do not have confidence in most structural mechanisms intended to protect fundamental freedoms, feel that it is more difficult to file complaints, and have lower confidence in the success of filing complaints to the RGC or courts on human rights abuses. This lack of confidence in the courts and the RGC has remained prevalent through all years of recording.

3.1 The public’s understanding of fundamental freedoms continues to decrease



The percentage of people who answered they “clearly” comprehended what each freedom means remains very low (8% for freedom of expression and assembly, and only 5% for freedom of association). This means that, out of ten people in Cambodia, fewer than one person clearly understands each fundamental freedom.

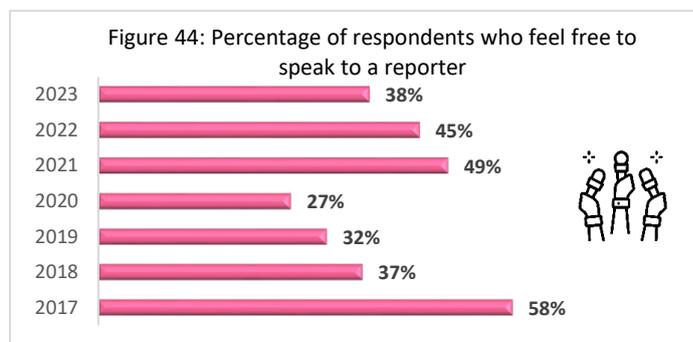
The percentage of respondents who “clearly” knew the elements of both freedoms of assembly and freedom of expression decreased in comparison to 2022, from 12% (expression) and 10% (assembly), to 8% for both fundamental freedoms in 2023. The

⁶⁸ The augmentation in the sample size for the 2022 survey was attributable to the enhanced availability of resources.

percentage of respondents who “clearly” understood the key components of freedom of association remained unchanged from last year, at 5%.

The fact that only a small number of Cambodians fully understand fundamental freedoms and the key elements constituting them likely prevents the public from fully exercising their rights or recognizing violations of these rights. It is concerning that after a slow growth in the public’s understanding of their fundamental freedoms from 2020, levels of understanding have decreased once again.

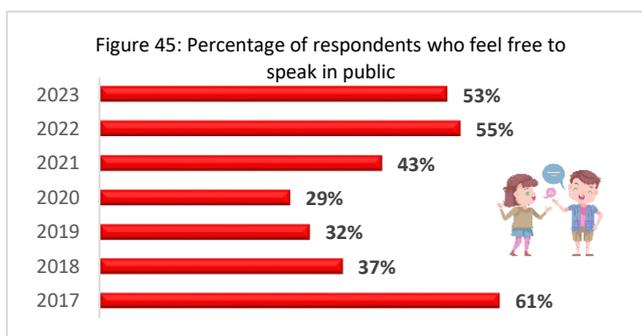
3.2 People feel less free to exercise their right to freedom of expression, particularly online and with reporters



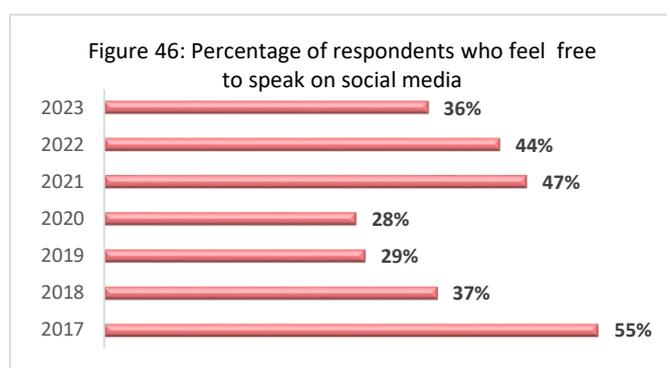
The percentage of respondents who feel free to speak to a reporter reached a low point of 27% in 2020. Since then, figures have remained above this percentage. However, the percentage of respondents feeling free to speak to a reporter in 2023 decreased to 38%, 11% less than 2021 levels (from 49%), and 7% less than 2022 (from 45%). This means that more than half of Cambodians surveyed, 62%, do not

feel free to speak to a reporter. For example, the FFMP documented several cases where individuals have requested their identity to remain anonymous when providing information to the media, as they fear reprisals from the authorities. This data demonstrates that many Cambodians still experience a continuous and serious restraint on freedom of expression.

The percentage of respondents who feel free to speak in public remained steady with levels from 2022 (from 55% in 2022 to 53% in 2023), maintaining a shift in social attitude which has seen those feeling free to speak in public almost double over the last 4 years, from 29% in 2020 to 55% and 53% in 2022 and 2023, respectively. However, the fact that 47% of Cambodians do not feel free to speak in public



is a worrying sign that many still fear consequences if they voice opinions that may criticize or question those in positions of authority. When people fear repercussions for expressing dissent, their freedom of expression is undermined.



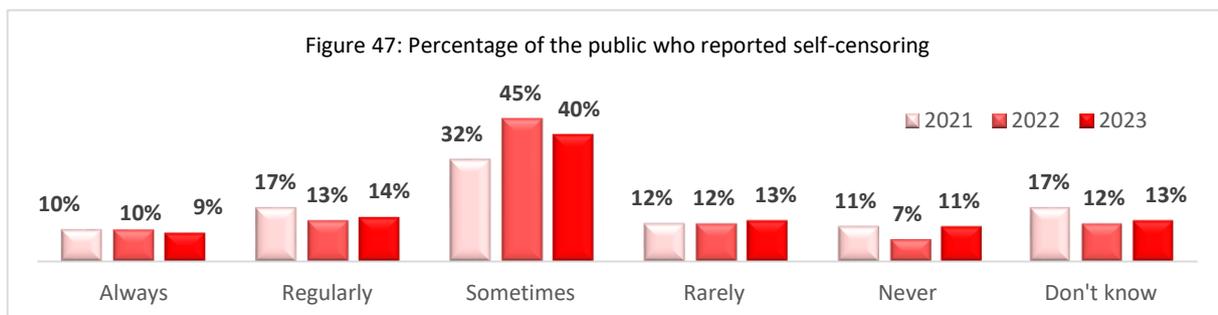
The percentage of Cambodians who feel free to speak on social media showed a marked decrease between 2022 and 2023, from 44% to 36%. Despite still being above 2020 levels (28%), the percentages overall remain low, and any positive trends that had seemed to develop in 2021, where 47% of respondents felt free to speak on social media, have regressed. The low percentage in 2023 potentially reflects the fear

garnered from high surveillance and crackdowns on social media posts expressing support for opposition parties or criticizing the ruling party during the 2023 elections.

Polling from FFMP shows that over time, the percentage of people feeling free to exercise their freedom of expression has followed a repeated pattern: restrictions on expression are experienced most sharply during election periods. According to Figures 44, 45, and 46, respondents felt at most liberty to speak freely a year prior to the national election, such as in 2017. Decreased levels of free speech, such as in 2018, could be due to the increased restrictions and violations surrounding the general elections. Continued decrease recorded in 2020 could be attributed to increased restrictions and violations during the Covid-19 pandemic. This is followed by a subsequent progression over the next two years. During the national election in 2023, percentages decreased once again, likely due to fear of reprisals during the run-up to the most recent general election, where there was no tolerance for political dissent.

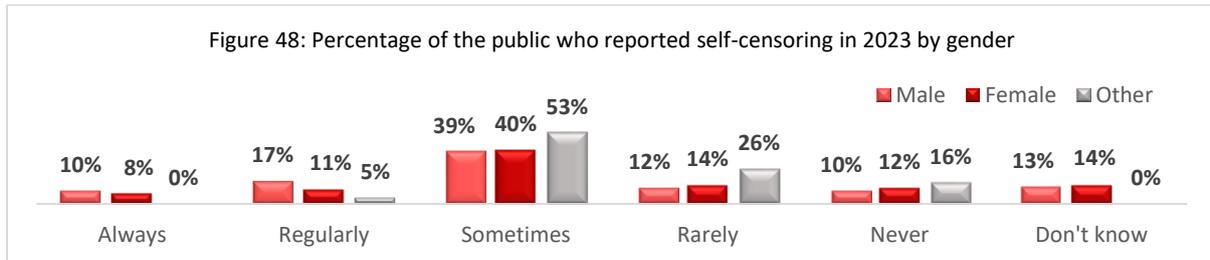
It is troubling that during an election year, almost half of people in Cambodia are unable to exercise freedom of expression, and nearly two-thirds do not feel free to express themselves on social media. Work must be done to create environments where people can exercise their fundamental freedoms without fearing repercussions, and to maintain such environments through periods of political instability or transition.

3.3 The number of individuals frequently self-censoring has decreased from previous years, but remains concerningly high



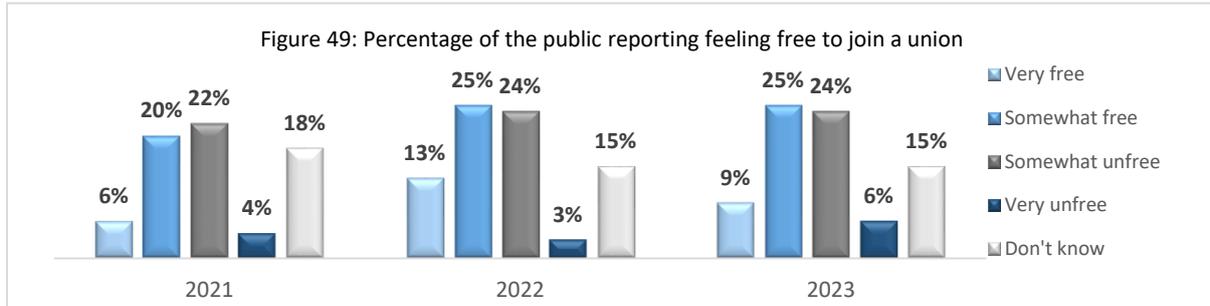
Between 2021 and 2023, significant portions of Cambodians reported engaging in at least some measure of self-censorship, suggesting an atmosphere where people fear repercussions for expression. The percentage of people who reported “*always*” self-censoring was at 10% in both 2021 and 2022 and 9% in 2023. In 2023, 14% of respondents stated they “*regularly*” self-censor, 40% “*sometimes*” do so, 13% “*rarely*” self-censor, and only 11% “*never*” do so. Despite a 5% decline of the people who report sometimes self-censoring from 2022, the fact that such a substantial percentage of respondents (40%) reported to “*sometimes*” self-censoring and there has been negligible changes in the percent of respondents who “*always*” or “*regularly*” self-censor may suggest that citizens fear potential repercussions when expressing or sharing their ideas online and in public. People continue to refrain from exercising their right to freedom of expression, even though domestic law guarantees it for all citizens.

3.4 Women feel freer than men to express their ideas or opinions, and individuals with diverse gender identities reported to self-censoring at lower levels than both men and women



Historical data from the public polls consistently indicated a gender disparity in self-reported censorship, with women typically expressing higher levels than men. However, this disparity appears to have narrowed in 2022. In 2023, levels of self-censoring amongst men were in fact higher than women. 10% of men reported “always” self-censoring, 17% “regularly”, 39% “sometimes”, 12% “rarely”, and 10% “never” self-censored. In comparison, 8% of women “always” self-censored, 11% “regularly”, 40% “sometimes”, 14% “rarely”, and 12% “never” did so. Encouragingly, those individuals with diverse gender identities reported to “always” self-censoring and “regularly” self-censoring in 0% and 5% of cases, respectively⁶⁹ – an impressive improvement on the figures from last year, where 21% reported “always” self-censoring and 26% reported “regularly” self-censoring. Yet it should be noted that more than half of those surveyed with non-binary gender identities reported to “sometimes” self-censoring (53%), suggesting that while some LGBTIQ+ Cambodians feel freer to express themselves, many may still fear repression when voicing their opinions.

3.5 Cambodians feel slightly less free to join associations or unions, but feel freer to leave them



Since 2017s, employed respondents were asked about the extent to which they feel free to join and/or leave a labor union or association. Figure 50 shows that just over a third of the public (34%) feel they can freely exercise their right to freedom of association by joining a union (“very free” and “somewhat free” combined). The finding that 30% of respondents expressed feelings of limited freedom (somewhat unfree or very unfree) to join a union is concerning (See Figure 49). This represents an increase in apprehension compared to 2022, suggesting that many individuals continue to fear potential negative consequences associated with unionization activities.

⁶⁹ In 2023, 19 of the survey respondents reported non-binary gender identity.

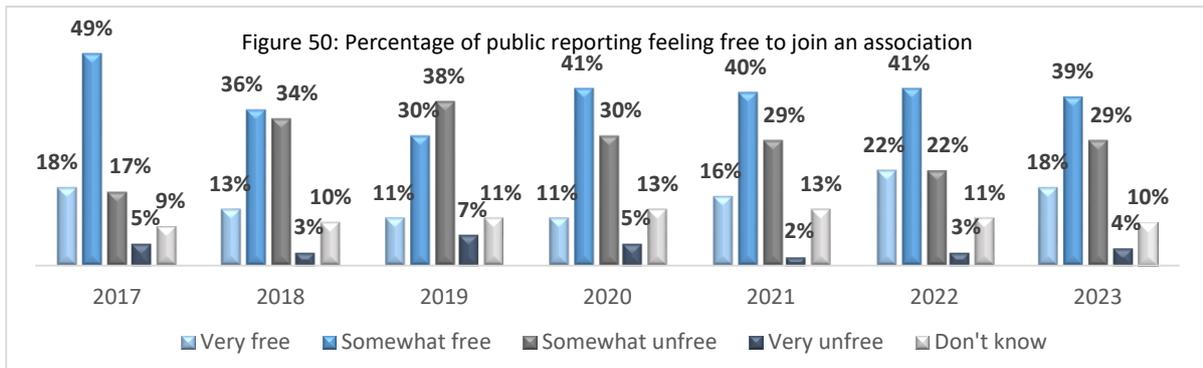


Figure 50 shows that 18% of respondents feel “*very free*”, and 39% feel “*somewhat free*” to join an association; such figures represent a drop in levels from 2022. In trends similar to the case of unions, only 4% of respondents felt “*very unfree*” to join an association, a percentage which has remained low since the monitoring began.

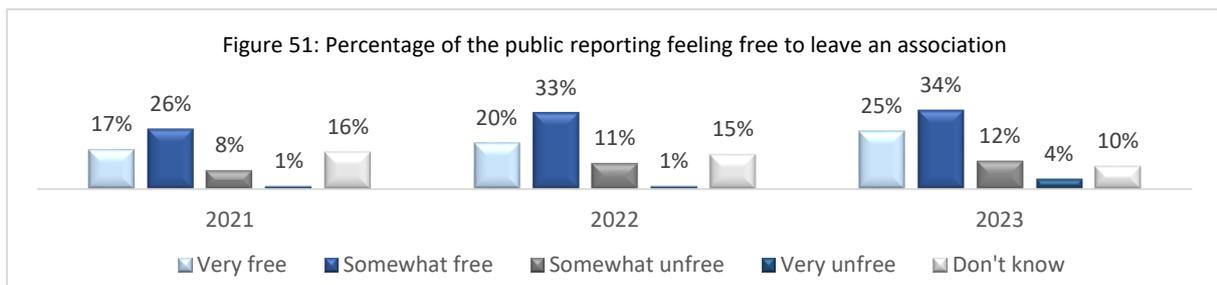
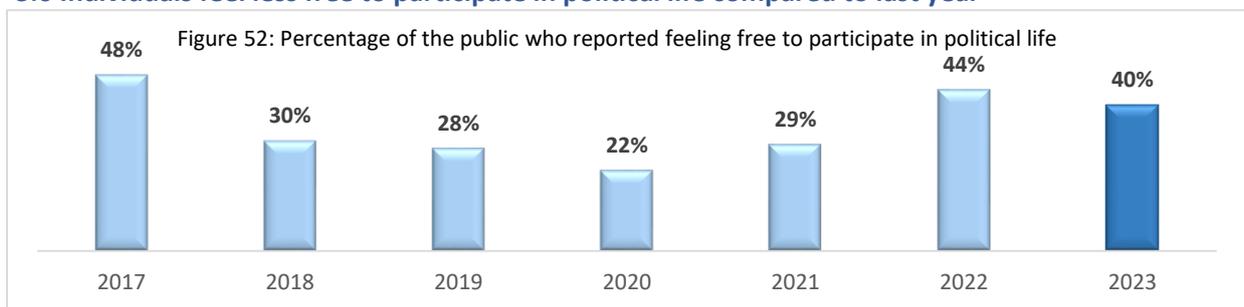


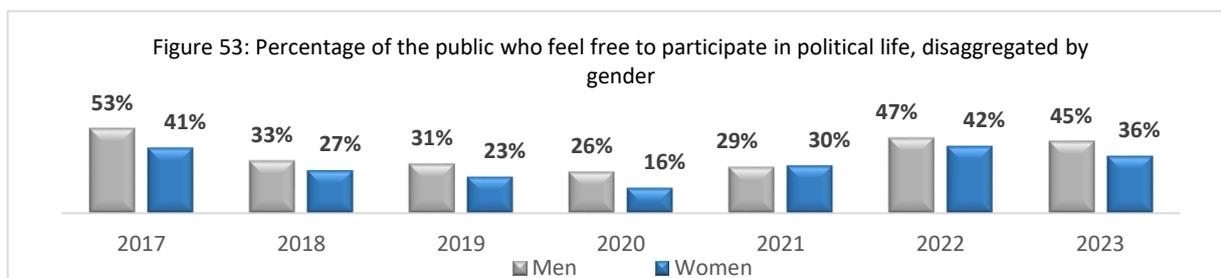
Figure 51 reveals that individuals are feeling increasingly freer to leave an association (with 25% of respondents reporting they felt “*very free*” to do so, compared to 20% in 2022 and 17% in 2021). However, it should be noted that the percentage of Cambodians who felt “*very unfree*” to leave an association increased by 3% in 2023 (from 1% to 4%). Results across Figures 49 and 50 suggest there has been no improvement, but rather a decline in the public’s willingness to join associations or unions. However, Figure 51 presents a trend of consistent growth in the willingness of the Cambodian public to leave an association.

3.6 Individuals feel less free to participate in political life compared to last year



Data from 2023 shows a 4% decrease in the percentage of individuals feeling free to participate in political life compared to 2022. The figures show a reversal of the impressive growth in political participation recorded in 2022 when the percentage of those feeling free to participate in political life rose by 15% from 2021. Even during a year of national election, only 40% of people felt free to engage in political activities, raising concerns about whether such an environment could foster truly free and fair elections.

3.7 Men feel freer than women to participate in political life

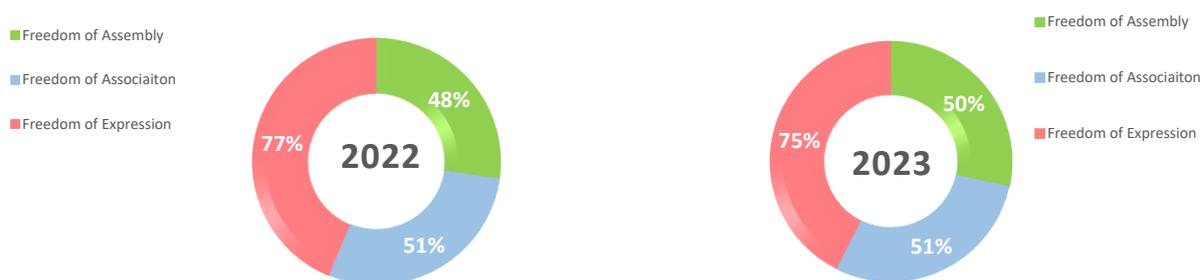


45% of male respondents and 36% of female respondents felt either “*very free*” or “*somewhat free*” to participate in political life. This is a slight decrease from 2022, where 47% of men and 42% of women felt free to participate in political life.⁷⁰ This also represents an exacerbation of present gender inequality in the political sphere, with the percentage of women feeling free to participate in political life is 9% lower than for men, compared to 2022 when the disparity stood at 5%. On the whole, more men and women feel free to participate in political life compared to 2018-2021. However, it is concerning that gender disparities are amongst the highest on the measure since monitoring began.

3.8 The public’s understanding of laws governing fundamental freedoms has remained consistent but low

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 2023, the participants were asked ten questions, four on freedom of expression, three on freedom of association, and three on freedom of assembly. Freedom of expression remains the most understood freedom by Cambodian individuals. In contrast, freedom of assembly continues to be the least understood of all freedoms.

Figure 54: Percentage of the public who correctly answered questions on fundamental freedoms



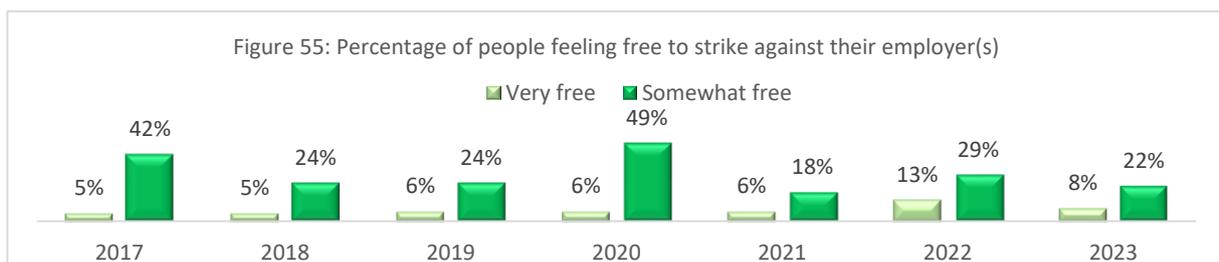
In 2023, 50% of respondents correctly answered the questions related to freedom of assembly. Only 33% of respondents accurately answered that it is legal to strike without permission, and 54% were aware of their right to engage in peaceful protest. 64% of respondents were aware that it is illegal for authorities to use force to break up peaceful assemblies. While this figure is higher than those for the previous questions, it is extremely concerning that 36% - or 362 participants of the study – were unaware that such blatant acts of suppression towards one’s freedom of assembly were in fact illegal.

⁷⁰ In the previous FFMP report, 2022 figures were calculated by finding the percentage of men and women feeling free to participate in political life as a proportion of total respondents. This has been rectified to fit in line with the calculation procedure used across all other years, where figures represent the percentage of each gender feeling free to participate in political life as a proportion of all respondents identifying as that gender.

51% of respondents correctly answered questions examining the freedom of association. By way of illustration, only 27% correctly answered that it is legal for an association to carry out activities without notifying authorities, and a slightly more positive 47% correctly answered that forming an unapproved savings group is illegal. 79% of respondents, the highest percentage in this section, correctly stated that it is illegal to form an unregistered NGO. Under international law, NGOs have the right to operate without being registered. The large percentage of correct answers for this question suggests those surveyed are more aware of barriers or legal restrictions imposed on their freedom of association rather than laws in place to protect this freedom.

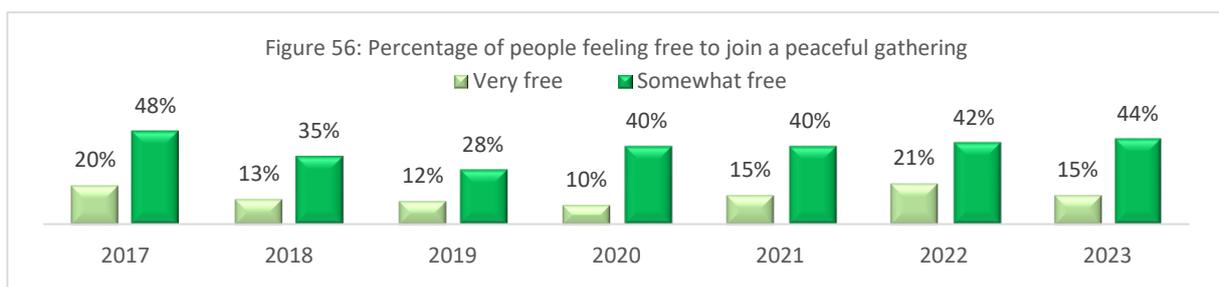
75% of respondents correctly answered the questions related to freedom of expression. 67% of the respondents accurately replied that it is legal to discuss politics in public; 85% correctly answered that it is legal to speak at a commune council meeting; 89% correctly answered that it is illegal to insult a public figure; and 57% of the participants stated that it is legal to criticize RGC policies.

3.9 Individuals feel less free to exercise their right to assembly through striking



Data from 2022 showed positive developments in the percentage of Cambodians feeling free to strike compared to 2021. This was an encouraging sign of individuals feeling freer to exercise their right to assembly. However, such trends have not continued in 2023.

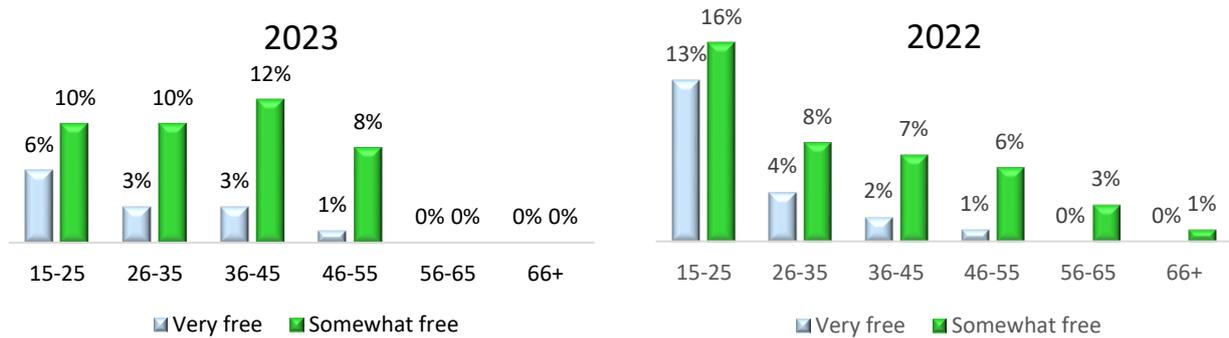
Only 8% of respondents felt “*very free*” to strike against their employer, decreasing from 13% in 2022; 22% felt “*somewhat free*” compared to 29% in 2022.



A slight decrease was also noted in the percentage of people feeling free to join a peaceful gathering, with 15% feeling “*very free*” to do so – a decline of 6% from 2022 – and 44% feeling “*somewhat free*.”” During the 2023 general elections, social media posts mobilizing opposition party supporters to protest were cracked down upon heavily, and individuals who created such posts often faced reprisals. These events likely contributed to a suppression of peaceful protests, which are often organized online, attributing to the decrease in the percentage of people feeling “*very free*” to join peaceful gatherings.

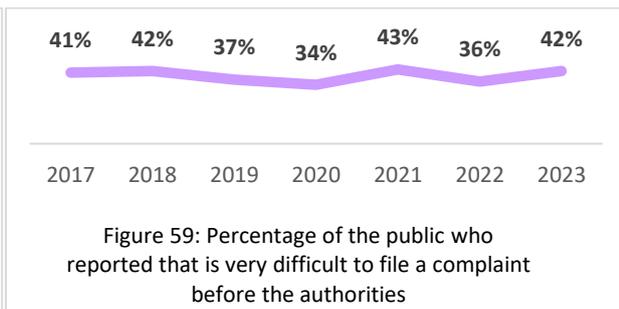
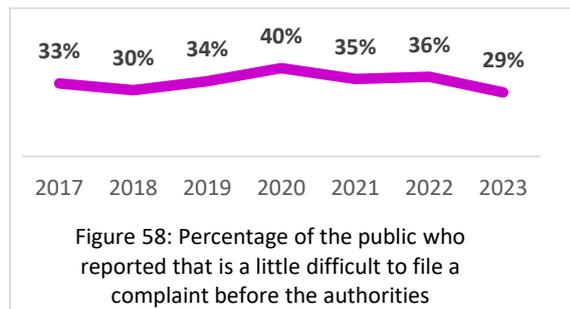
3.10 In 2023, there is a more even distribution in age for people who feel free to protest

Figure 57: Percent of each age group who feel free to join a peaceful gathering



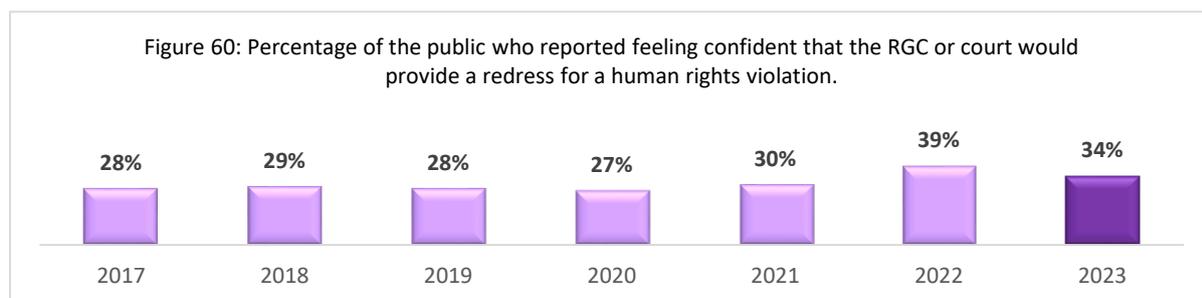
In 2023, 16% of the total respondents were 15–25-year-olds who felt either “*somewhat free*” or “*very free*” to join a peaceful protest. People aged 15-25 reported feeling slightly more free than older age groups to engage in peaceful protests, but the overall percentage remains low. This percentage decreased with each older age group. Furthermore, across all age ranges, only a very small percentage of respondents felt “*very free*” to join a peaceful gathering. In the previous year, youth between 15-25 felt the freest to join peaceful protests. In 2023, the 36-45 year old group and 45-55 year old group reported slight increases in feeling free to assemble (4% increase for 36-45 year olds, and 2% increase for 46-55 year olds). However, the fact that only 15% of the population feels “*very free*” to engage in peaceful protests is problematic (see Figure 56).

3.11 It remains difficult for individuals to report human rights abuses



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. In total, 71% of the public felt it is either “*a little difficult*” or “*very difficult*” to file complaints. While there has been a decline in those reporting it being “*a little difficult*” to file a complaint, from 40% in 2020 to 29% in 2023, the percentage of those finding it “*very difficult*” to complain before authorities regarding a human rights violation saw a 6% increase between 2022 and 2023 (from 36% up to 42%). These results are concerning because more than two-thirds of the public find the process at least a little difficult. When people find the process difficult, they are less likely to file complaints to the authorities on human rights violations.

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



Since the FFMP began, the public has gradually gained more confidence in the RGC or the courts to provide redress for human rights violations. However, in 2023, 66% of respondents do not have confidence in the RGC or court providing redress for human rights violations. In 2023, only 34% - a 5% decrease from 2022 - reported that they feel confident that the RGC or courts would provide remedies for human rights violations, compared to less than 30% reported between 2017 and 2021. This indicates that the majority of the public does not have confidence in the government's ability to provide redress. Much work must be done to improve the public's confidence in the mechanisms that are supposed to protect their human rights. Similarly, authorities must fulfill their obligation to ensure human rights are both protected and realized.

Data from Key Milestone Three in 2023 (Year 8) shows that individuals continue to struggle to identify key elements of fundamental freedoms, resulting in a decreased willingness to, and an elevated sense of fear of, exercising their rights. It is positive to see that both women and individuals with diverse sexual identities reported levels lower of self-censorship than men, as both groups are integral to challenging structural prejudices and pushing for gender equality in the public sphere. However, while 2022 saw some improvements in how well the public understood and exercised their fundamental freedoms, this trend has in almost all cases reversed in 2023. The build-up to the general elections in July 2023 witnessed the willingness of the leading party to arbitrarily suppress and crack down on political dissent, likely discouraging individuals from exercising their fundamental freedoms in ways that contravene international legal principles and standards.

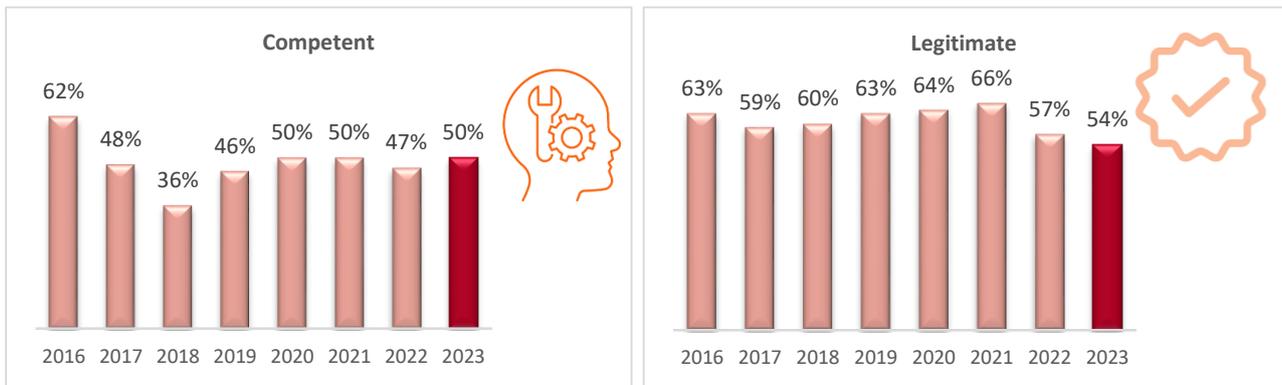
4. Key Milestone Four: Are CSOs and TUs recognized by, and able to work in partnership with, the RGC?

Key Milestone Four examines the extent to which civil society organizations (CSO) and Trade Unions (TU) are able to work with the RGC as meaningful stakeholders in Cambodia’s development. The data for Key Milestone Four was drawn from the annual CSO/TU Leader Survey conducted from 14 August to 30 September 2023.⁷¹ In 2023, 159 respondents, representing 159 organizations, including 104 CSO leaders (89 domestic/Cambodian CSOs and 15 international NGOs) and 55 TU leaders (from 25 provinces) took the CSO/TU Leader Survey.

Key Findings: Data gathered in 2023 showed that CSOs/TUs are still not recognized as meaningful stakeholders by the RGC. CSOs and TUs had limited awareness of the opportunities to apply for funding and partner with the RGC in relevant decision-making processes. Similarly, respondents perceived a narrow space for interaction and participation, and the opportunities to engage with authorities are not explicit, transparent, and open. However, the data gathered in 2023 did show that CSOs/TUs played a larger role in collaborating with the RGC, both officially and informally, to ensure pluralistic and balanced perspectives in governance. This suggests ongoing efforts to bridge the gap and increase collaboration between these organizations and the government.

4.1 CSOs and TUs are not fully recognized as legitimate and competent development partners

Figure 61: CSO/TU leaders who feel recognized as legitimate and competent partners by the RGC



The project examines the percentage of CSO and TU leaders who reported feeling recognized as competent and legitimate development partners. In 2023, 50% of the CSO leaders surveyed reported that their organizations were considered competent partners by the RGC,⁷² while 54% surveyed reported that their organizations were entirely considered legitimate⁷³ partners by the RGC. These results suggest that like previous years, the government or relevant authorities may not completely comprehend or value CSOs as partners in addressing social concerns or contributing to policy

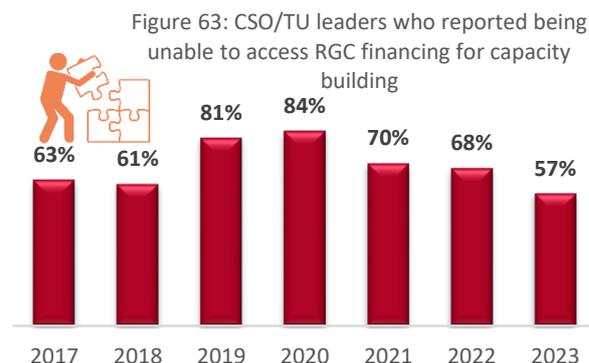
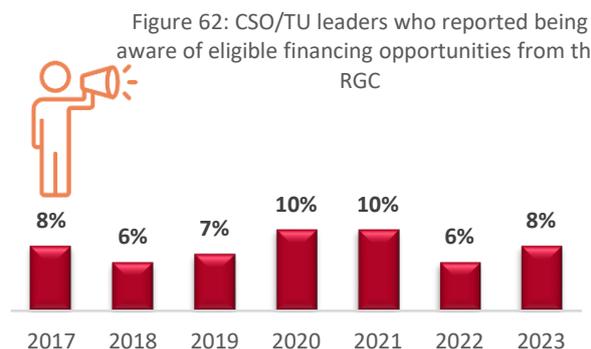
⁷¹ The data for Key Milestone Four is drawn from the FFMP’s CSO/TU leaders survey conducted in December 2016 (2016), December 2017 (2017), January 2019 (2018), January 2020 (2019), October 2020 (2020), September 2021 (2021), September 2022 (2022), August 2023 (2023).

⁷² To be perceived as a competent development partner is to be valued as having the relevant skills, knowledge, and ability to be a beneficial development partner to the RGC.

⁷³ To be perceived as a legitimate development partner is to be recognized as a valid, official, and lawful entity.

development. This lack of understanding can lead to the perception that CSOs or TUs are not key and relevant actors playing a crucial role in the civic space.

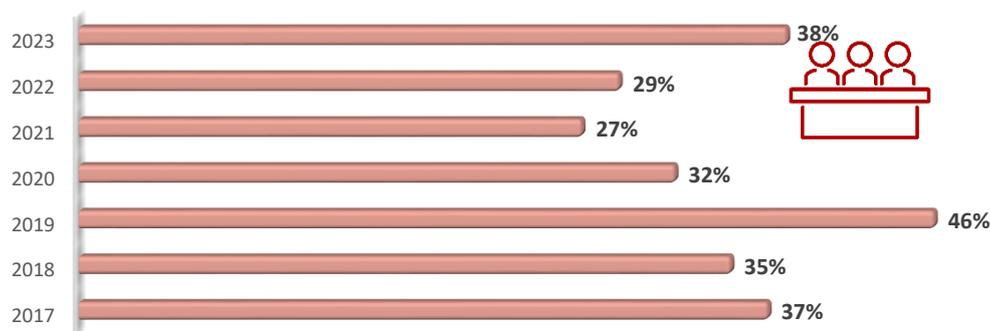
4.2 CSO/TU leaders find it hard to access RGC funding



The project examines the percentage of CSO and TU leaders who reported being able to access financing or funding opportunities to support their activities. There has been a slight improvement in awareness compared to the previous year, with 8% of CSO/TU leaders reporting knowing about financing opportunities in 2023 (Figure 62), compared to 6% in 2022. However, the percentage of leaders who know about these funding opportunities has not surpassed 10% since 2017, when this question was first asked in the survey.⁷⁴ Furthermore, Figure 64 shows that a majority (57%) of CSO/TU leaders reported being unable to access RGC financing for capacity building. This suggests the existence of challenges or barriers preventing organizations from accessing the necessary funds. This could potentially limit CSOs/TUs from contributing their expertise to or conducting valuable work for Cambodian society.

4.3 Opportunities for participation and membership in the RGC remains a big challenge for CSO/TU leaders.

Figure 64: % of CSO/TU leaders who reported being aware of opportunities to participate in consultations, panels and/or committees with the RGC

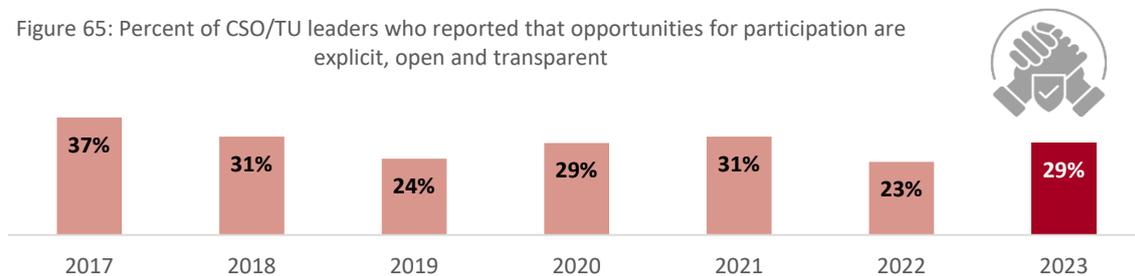


The survey examines the percentage of CSO/TU leaders who reported that opportunities for participation in and membership of RGC committees, forums, working groups panels, boards are explicit, open and transparent.

⁷⁴ This question was not asked in 2016.

In 2023, CSO/TU leaders reported an increase in the awareness of opportunities to participate in consultations, panels, and/or committees with the relevant governing institutions (RGC) (38% compared to 29% in the previous year, see Figure 64). However, despite this increase in awareness, over 70% of CSO/TU leaders still feel that the opportunities for participation in consultations, panels, or committees are not explicit, open, and transparent (see Figure 65). In a pluralistic society, it is important for organizations and governments to strive for transparency and openness and to ensure that a diverse range of stakeholders can contribute meaningfully to decision-making processes.

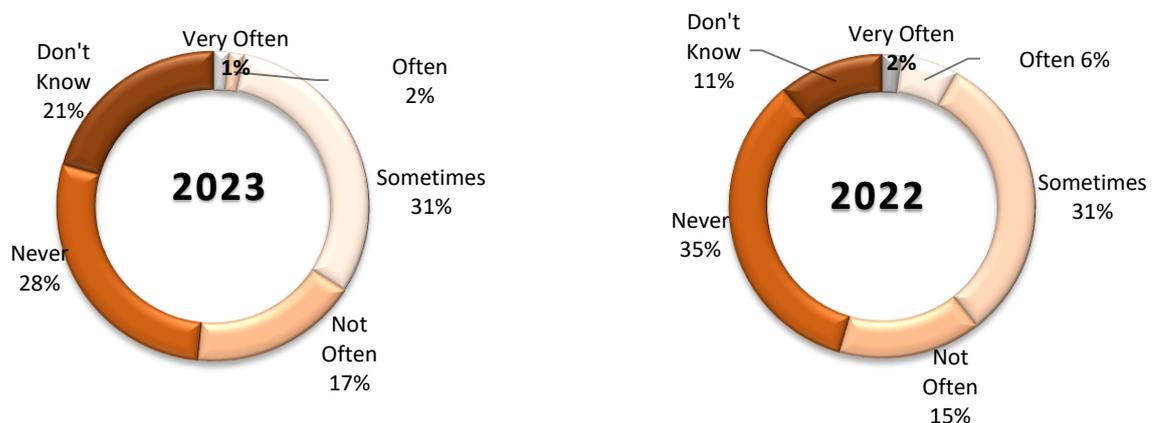
Figure 65: Percent of CSO/TU leaders who reported that opportunities for participation are explicit, open and transparent



Data from the survey indicates that a significant portion of CSOs/TUs feel excluded or have limited opportunities to take part in these important events. The lack of participation from CSOs/TUs in such outcomes suggests that the RGC faces challenges in effectively gathering and utilizing the existing resources and expertise available under their authority for significant consultations with civil society and the promotion of social interest.

4.4 CSOs and TUs are not fully active participants in decision-making and law-making processes

Figure 66: Percentage of CSO/TU leaders who reported being an active participant in decision- and law-making processes alongside the RGC

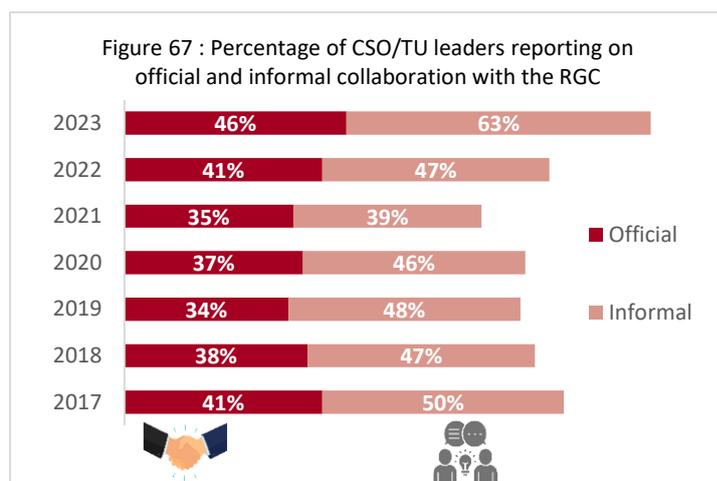


In 2023, 34%⁷⁵ of the CSO/TU leaders surveyed reported having been active participants in RGC decision- and law-making processes, a decrease from 40% 2022. For example, the FFMP is not aware that civil society was consulted during the drafting process of major amendments to the election laws,

⁷⁵ The proportion here is a total of CSO and TU leaders who reported “very often”, “often” or “sometimes” taking part in decision- or law-making processes with the RGC. For result comparisons from 2016 to 2022 please read Figure 57 page 37, FFMP 2022 Annual Report at <https://cchrcambodia.org/en/publications/general-reports/cambodia-fundamental-freedoms-monitor-2022>.

which were adopted by the National Assembly and Senate in June 2023 with the most expedited clearance by the Constitutional Council of Cambodia (CCC).⁷⁶

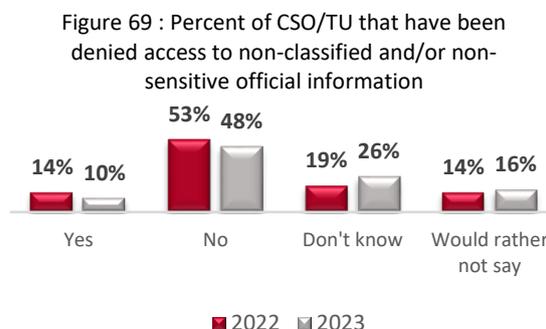
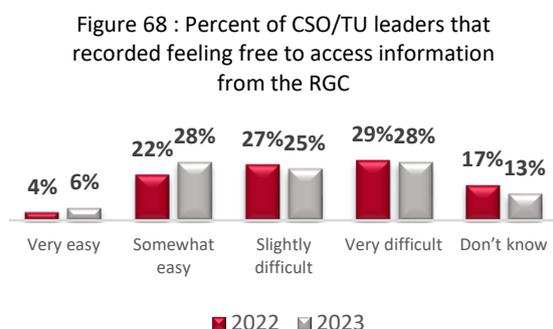
4.5 The level of cooperation between CSOs/Tus and the RGC has improved



The percentage of CSO/TU leaders surveyed who reported having been officially engaged in collaboration with the RGC in critical projects that are beneficial for the performance of community-based activities reached 46% in 2023, up from 41% in 2022. In parallel, the percentage of leaders who reported informal collaboration surpassed 50% for the first time since the beginning of FFMP, reaching 63%.⁷⁷ This suggests that the government is collaborating more with CSOs/TUs,

although more progress could be made by further publicizing calls for government-nonprofit collaboration.

4.6 CSOs and TUs feel that they can more easily access information from the Government

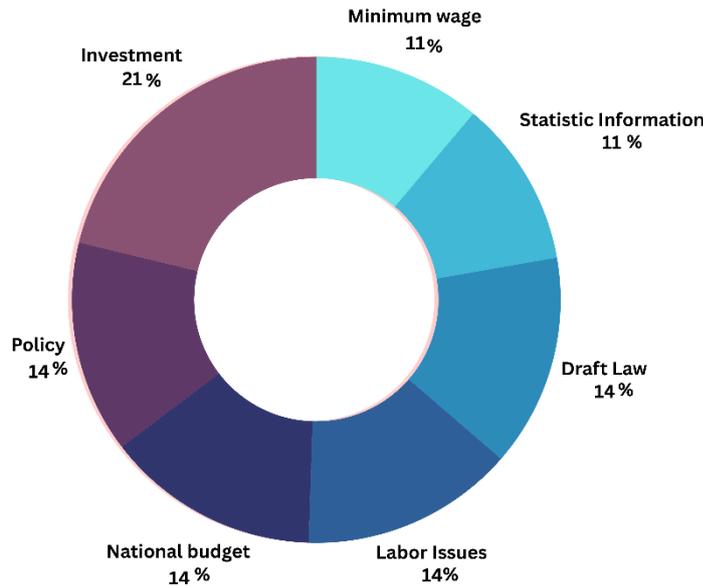


The project examines the percentage of CSOs and TUs leaders who reported being able to easily access information from the Government. In 2023, the percentage of CSO/TU leaders who reported feeling free to access information from the RGC reached 34% (28% reporting it was “somewhat easy” and 6% reporting it was “very easy”), up from 26% in 2022. This improvement in CSO/TU leaders’ ability to access information is crucial as it allows them to stay informed about government policies, decisions, and initiatives that may impact their organizations or the communities they represent.

⁷⁶ Civil society organizations published a joint statement calling for the government to consult them during the drafting process. Available at: <https://comfrel.org/english/joint-statement-request-for-postponement-of-election-law-amendment/>.

⁷⁷ Regarding informal collaboration shows the proportion of CSOs/TUs reported of ‘Very often’, ‘Often’ and ‘sometimes’ informally collaborating with RGC in the past year.

Figure70: Type of information that CSOs/TUs reported trying to get from the



In 2023, 21% of CSO/TU leaders surveyed reported that they tried to access information on investments by the RGC, more than other categories. By contrast, in 2022, legislation (28%) and labor issues (27%) were the main topics of interest.⁷⁸ Other types of information that CSO/TU leaders tried to obtain in 2023 include information on draft law, labor issues, the national budget, and policy (14% each).

Data gathered from Key Milestone Four suggests that CSO/TU leaders still feel like they are not valued as competent development partners by the RGC despite unprecedented levels of collaboration. Additionally, there has been no significant increase in the level of involvement of CSO/TU in decision-making processes, law-making processes, consultations, panels, and committees with the RGC. CSOs/TUs serve as key actors whose expertise and experience can make a substantial contribution to Cambodia's development. Organizations frequently represent the valuable perspectives of marginalized groups and grassroots communities. CSO/TU participation in decision-making processes carried out by the RGC can provide a more inclusive and participatory approach to good governance and the rule of law.

⁷⁸ Please read the 2022 Annual Report Figure 63, page 39.

Conclusion

During 2023, the FFMP continued documenting events involving restrictions on the exercise of fundamental freedoms (freedom of expression, association, and assembly), which increased around the 2023 general elections. The RGC introduced laws that enable authorities to track and target opposition more easily, disregarding Cambodia's obligations to protect fundamental freedoms under domestic and international law. The amendment of Article 142 of the Election Law forbids members of the National Assembly from inciting voters to destroy their ballots or not to vote. By criminalizing the incitement of acts which are legal in themselves, the RGC can banish opposition party members from the political sphere on unjust grounds. New Sub-Decrees have also widened the RGC's surveillance capabilities. Overall, these legislative changes limit the Cambodian people's freedom of expression in ways that are at odds with both domestic and international law.

In the lead-up to the 2023 general elections, unlawful crackdowns on dissent saw a marked increase, partly fueled by the legislative changes discussed in Key Milestone One. Politicians, NGOs or CSOs, and human rights defenders bore the brunt of these attacks, with the FFMP documenting 377 incidents constituting violations of fundamental freedoms. Notably, 42 instances involved judicial harassment against opposition party members and activists for urging supporters to spoil their ballots. Other repressive tactics included the destruction of billboards and the physical harassment of opposition party figures. Consequently, exercising fundamental freedoms – particularly of expression and association -- remained perilous for Cambodians.

2023 witnessed a troubling decline in Cambodians' understanding of their fundamental freedoms, reaching concerningly low levels. This stark gap in knowledge reflects the disconnect between international law and standards in human rights treaties, to which Cambodia is a signatory, and the realities of upholding the rule of law in practice. Crackdowns on fundamental freedoms have led to decreased public awareness and confidence in exercising their rights to assembly, association, and expression. Most Cambodians feel less free to express themselves in public, on social media, or to reporters, fearing repercussions. This fear extends to key human rights protection mechanisms, with public confidence declining sharply in the RGC's ability to address human rights violations. The Cambodian people's decreased understanding of and trust in their fundamental freedoms has increased degrees of self-censoring and decreased civic engagement.

While CSOs reported increased levels of formal and informal collaboration with the RGC, they clearly lack recognition as meaningful stakeholders in political and economic affairs. Remarkably, there was no significant increase in their involvement in decision-making, suggesting that the reported collaboration might be primarily symbolic rather than indicative of substantive progress. 2023 saw the lowest recorded percentage of CSOs or TUs feeling valued as legitimate partners by the RGC.

Offering a unique perspective on Cambodia's fundamental freedoms, the FFMP aims to create a foundation for informed, inclusive, and genuine discussions on aligning domestic law in line with international standards, particularly during periods of heightened political restrictions. The FFMP urges constructive steps toward fostering an enabling environment and creating 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 2023 took place from 1 January – 31 December 2023. Results from monitoring were collated and reviewed quarterly: the First Quarter, 1 January – 31 March 2023; the Second Quarter, 1 April – 30 June 2023; the Third Quarter, 1 July – 30 September 2023; and the Fourth Quarter, 1 October – 31 December 2023.

The MTT is comprised of 152 individual indicators that correspond to the four Key Milestones (KMs).⁷⁹

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

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

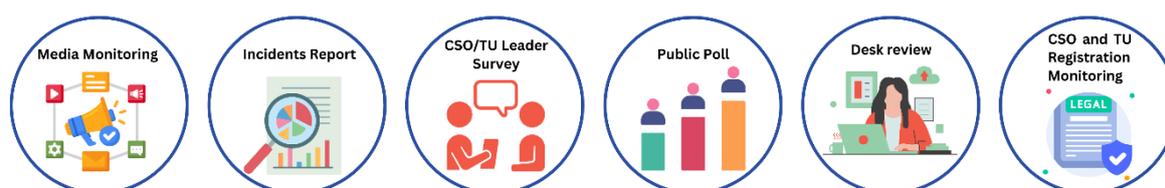
KM3: Individuals understand fundamental freedoms and feel free to exercise them; and,

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.⁸⁰

Data Collection Methods

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



⁷⁹ 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.

⁸⁰ More information regarding the methodology of the MTT is available upon request.

Since the implementation from 2016 to 2023, FFMP recorded the data collection tools as follows:

YEAR	 Media Monitoring	 Incident Report	 CSO/TU surveys	 Public Polls	 Desk Review	 CSO/Tus registration
2016	612	132	209	908	8	This monitoring method was not implemented in 2016
2017	669	147	169	996	4	72 Attempts
2018	658	167	202	992	6	46 Attempts
2019	537	119	142	779	2	29 Attempts
2020	292	92	178	790	1	6 Attempts
2021	351	103	171	925	3	3 Attempts
2022	329	237	150	1424	1	2 Attempts
2023	262	371	159	1005	4	10 successful registrations

Media Monitoring

Media monitoring focuses on news coverage related to fundamental freedoms. This data collection method is used in two ways. First, it surveys a range of media sources to record 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.⁸¹

The Monitoring Team identifies and reviews relevant articles, then enters 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.

⁸¹ 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 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.

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 2023, the Monitoring activities captured 371 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.

In 2023, the CSO/TU Leader Survey was carried out from 14 August – 30 September 2023. The survey was completed online with 159 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 of 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 2023 Public Poll was conducted from 1 November – 31 December 2023. 1,005 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 which 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.⁸²

⁸² See Annex 2.

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.⁸³

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 processes for associations and TUs.

In 2023, FFMP monitoring showed that 1 NGO, and 9 TUs were successfully registered under the LANGO and TUL in 2023.

⁸³ 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 2023 of monitoring (1 January – 31 December 2023). 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 re categorization 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. For previous detail last 7 years’ capture under this annex (2016-2022), please see our 2022 annual report.⁸⁴

⁸⁴ CCHR, ADHOC, Solidarity Center and ICNL, ‘2022 Annual Report’ September 2023 available at (<https://www.cchrcambodia.org/en/publications/general-reports/cambodia-fundamental-freedoms-monitor-2022>)

Key Milestone 1: The legal framework for the freedoms of association, assembly and expression meets international standards				
Element	Indicator/s	Data Source	2023	Notes
1.1: FoAA&E are guaranteed under domestic law	Degree to which Cambodian laws, regulations and policies respect FoAA&E	Desk Review of laws, regulations, and policies	2,5	<i>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).⁸⁵ 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.⁸⁶ Furthermore, these constitutional guarantees were significantly weakened by the February 2018 constitutional amendments.⁸⁷ 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.⁸⁸ The 2020 amendments to the TUL do not significantly lessen its restriction to the freedom of association.⁸⁹ 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.⁹⁰ 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.⁹¹ 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</i>
Freedom of Association				
1.2: The registration process for associations is fair and transparent	Degree to which the registration process and fee schedule for registering associations is publicly advertised and clearly prescribed	Desk Review of laws, regulations, fee schedules, and registration information	1	<i>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.⁹² Notably, Article 5 of the LANGO prevents certain individuals, such as individuals who do not hold Khmer nationality, as 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,⁹³ 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</i>

⁸⁵ 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).

⁸⁶ Sub-decree 148 on Special Economic Zones, extends rights to workers in the Special Economic Zone.

⁸⁷ 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>>.

⁸⁸ 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).

⁸⁹ 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.

⁹⁰ See Key Milestone One.

⁹¹ 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/>>.

⁹² 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>>.

⁹³ Under Article 8, the Ministry of Interior (Moi) 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 Moi through administrative orders or Prakas.

				<p>representatives in full freedom.⁹⁴ Ultimately the TUL establishes an authorization procedure for TUs, requiring RGC approval for union registration in contravention of international human rights law.⁹⁵</p> <p>The Law on the amendment of the election law ("LAEL") further restricts the right to freedom of association, particularly of members of the opposition, as it introduces unreasonable restrictions for candidates to stand for elections, requiring citizens to 'Have exercised the right to vote by voting in the last two consecutive general elections organized by the National Election Committee [NEC], except in the cases where the right to vote was not exercised with an appropriate reason.' Such a requirement contravenes the country's international obligations under the ICCPR.</p>
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	<p>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.</p>
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	<p>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.⁹⁶</p>
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	<p>Cambodia fails to meet this element because the LANGO, TUL, LPP, and Law on Agricultural Cooperatives require mandatory registration. The LANGO's definition of association is exceptionally broad, potentially applying to every informal group in Cambodia, including community-based organizations (CBOs).⁹⁷ 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.</p>
1.6: Provisions for the supervision of associations comply with international standards	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	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>
1.7: Association reporting requirements to the RGC comply with international best practices	Degree to which reporting requirements comply with international best practices	Desk Review of reporting requirements	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.⁹⁸ However, international standards require that such reporting obligations are not arbitrary⁹⁹ or</p>

⁹⁴ 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>>.

⁹⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) Article 8.

⁹⁶ 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.

⁹⁷ CCHR wrote to the MoI seeking clarification on this matter on 21 August 2015, and received a response on 22 September 2015. Encouragingly, the response letter from the MoI 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>.

⁹⁸ 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>.

⁹⁹ Ibid.

				<p>burdensome.¹⁰⁰ 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 Mol.¹⁰¹ 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.</p> <p>Furthermore, Article 25 of the LANGO grants the Mol the authority to compel associations to provide copies of their activities and financial reports, and to subject them to government checks and audits “if necessary.” This provision confers broad and discretionary power upon the Mol to determine which associations or NGOs are obligated to disclose their records and undergo government audits. This practice jeopardizes the independence of associations and potentially risks the safety of their members. Consequently, Cambodia’s current legal framework governing reporting requirements for CSOs and TUs violates established international standards due to their ambiguity, burdensome nature, and potential infringement on the independence and safety of these entities.</p>
<p>1.8: Sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand</p>	<p>Degree to which sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand</p>	<p>Desk Review of laws, regulations, and policies</p>	<p>1</p>	<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 standards.¹⁰² 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,¹⁰³ 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,¹⁰⁴ Counter-Terrorism Law,¹⁰⁵ 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.¹⁰⁶ 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”,¹⁰⁷ and for “intentionally disobeying the measures laid down by the Royal Government”.¹⁰⁸ 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.¹⁰⁹ 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”.</p> <p>Similarly, in its previous iteration, Article 143 of the Law on the Election of Members of the National Assembly (LEMNA) prescribed a two-pronged approach for addressing infractions outlined in Article 142. This response entailed both the withdrawal of the offending political party’s candidacy and the imposition of a fine ranging from 10 million to 30 million riels by the National Election Commission (NEC). However, the subsequent amendment introduced by the Law on Amendments to the Law on the Election of Members of the National Assembly (LAEL) significantly heightened the severity of the penalty. This amendment mandates the NEC to also deprive the party of its right to participate in any elections for at least five years. Political parties that fail to comply with the directive to remove disqualified candidates from their electoral lists are subject to a similar fine of 10 million to 30 million riels, equivalent to approximately \$2,420 to \$7,270. Such a sanction, if implemented, would constitute an unreasonable restriction upon the right to stand for election. This argument is further bolstered by the reasoning outlined in the preceding paragraph, which highlights the inherent disproportionality of the five-year electoral ban.</p> <p>Cambodia’s current legal framework governing sanctions for CSOs, TUs, and political parties exhibits numerous inconsistencies with international standards. The vagueness, lack of transparency, and potential disproportionality of these sanctions pose significant challenges to these entities and their ability to operate freely and autonomously.</p>

¹⁰⁰ 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>>.

¹⁰¹ 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>>.

¹⁰² 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>>.

¹⁰³ See Article 29 of the TUL.

¹⁰⁴ See Article 107 of the Law On Telecommunications.

¹⁰⁵ See Articles 7, 76, 77 and 78 of the Counter-Terrorism Law.

¹⁰⁶ See Article 74 of the Law on the Election of Commune Councils.

¹⁰⁷ See Article 7 of the State of Emergency Law.

¹⁰⁸ See Article 8 of the State of Emergency Law.

¹⁰⁹ 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> “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”.

1.9: Procedural safeguards are in place for associations facing sanctions	Degree to which safeguards are in place for associations facing sanctions	Desk Review of laws, regulations, and policies	2	<p>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.</p> <p>Penalties stipulated in the Criminal Code do include a right of appeal. However, the Law on Political Parties (LPP) offers limited safeguards against sanctions, despite granting the executive branch significant discretionary power to impose broadly and vaguely defined penalties. Therefore, the current legal framework in Cambodia presents challenges in ensuring adequate due process and fair application of sanctions across different legal frameworks and relevant entities.</p>
1.10: The right to voluntary dissolution is protected by law	Degree to which voluntary dissolution is protected by law	Desk Review of laws, regulations, and policies	4	<p>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)).</p>
1.11: Dissolution is only possible after other legal avenues are exhausted and clear and imminent danger from the association is present	Degree to which dissolution processes are in place	Desk Review of laws, regulations, and policies	1	<p>Cambodia fails to meet this element. Dissolution of associations is possible under the Criminal Code, Counter-Terrorism Law, LANGO, LPP, TUL and the Law on the Election of Members of the National Assembly (LEMNA). 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.¹¹⁰ 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 delist 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.</p> <p>This broad and ambiguous provision enshrined in the Law on Associations and Non-Governmental Organizations empowers the Ministry with excessive discretion and potentially opens doors for arbitrary dissolutions, further undermining the right to freedom of association. Cambodia’s legal framework governing the dissolution of associations falls short of international standards by allowing for disproportionate and punitive measures, often exceeding the principle of last resort and potentially infringing upon the fundamental right to freedom of association.</p>
1.12: Associations are permitted to engage in economic activities	Degree to which laws, regulations or policies permit associations to engage in economic activities	Desk Review of laws, regulations, and policies	4	<p>Cambodia exhibits partial compliance with this element regarding the ability of civil society organizations (CSOs) to engage in economic activities. While no specific law directly regulates the engagement of Cambodian NGOs in economic activities, this right is neither explicitly protected nor prohibited within the current legal framework. This lack of clarity and guidance creates an environment of uncertainty. However, the Law on Trade Unions (TUL) imposes restrictions on this right by prohibiting unions from running businesses, with the sole exception granted to unions holding the Most Representative Status in their respective workplaces. This specific limitation on trade unions potentially contradicts international human rights instruments. These instruments, including the right to peaceful assembly, advocate for the empowerment of individuals and groups to engage in a diverse range of activities, encompassing literacy, artistic pursuits, and other cultural, economic, and social endeavors.</p> <p>Therefore, while Cambodia does not explicitly prohibit NGOs from engaging in economic activities, the absence of legal recognition and the restrictive provisions within the TUL create a challenging environment for full compliance with international human rights principles in this regard.</p>
1.13: Access to foreign funding is permitted under the law	Degree to which the law permits associations to access foreign funding	Desk Review of laws, regulations, and policies	4	<p>Cambodia exhibits partial compliance with this element regarding the ability of associations to receive foreign funding. While the legal framework does not impose explicit prohibitions on receiving foreign funding by associations, certain provisions within the Law on Associations and Non-Governmental Organizations (LANGO) raise concerns. Specifically, Article 27 of the LANGO imposes additional and stringent reporting requirements on NGOs that seek and/or receive foreign funds. These increased reporting obligations could potentially create administrative burdens and discourage some NGOs from accessing foreign funding.</p> <p>Furthermore, Article 25 of the LANGO mandates that domestic and foreign associations receiving support from donors must submit various documents to multiple government ministries within specified timeframes. These requirements include 1) Submitting copies of original donor communications within 30 days of sending them and 2) Submitting copies of project documents and funding agreements within 30 days of establishing a new project or agreement. While seemingly straightforward, these compulsory reporting procedures may, in practice, act as a barrier to receiving foreign funding, particularly for smaller organizations. The time constraints and potential complexities of fulfilling these requirements could disproportionately impact smaller NGOs with limited resources, hindering their ability to access crucial external funding. Although legal prohibitions are absent, the stringent reporting requirements outlined in the LANGO potentially create obstacles for some associations, particularly smaller ones, seeking to receive foreign funding.</p>
1.14: Associations do not face unreasonable restrictions on receiving funding from private sources (domestic)	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	<p>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.</p> <p>Although seemingly straightforward, these compulsory procedures may, in practice, act as a deterrent, particularly for smaller organizations with limited resources. The time constraints and potential administrative burdens associated with fulfilling these requirements could disproportionately impact smaller entities, who</p>

¹¹⁰ ILO, ‘Freedom of Association: Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO’ (5th ed, ILO 2006) para. 683 <http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_090632.pdf>.

				have less capacity and resources, thus hindering their ability to secure crucial financial support from private domestic sources. Therefore, despite the absence of explicit legal barriers, the stringent reporting obligations outlined in the LANGO potentially create obstacles for some associations, particularly smaller ones, seeking funding from private domestic sources.
1.15: Financial reporting obligations are not onerous	Degree to which financial reporting requirements follow international best practices	Desk Review of laws, regulations, policies, and financial reporting requirements	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.
1.16: Mechanisms for redress for violations of FoA are in place	Degree to which redress systems for violations of FoA are guaranteed by laws, regulations and policies	Desk Review of laws, regulations, and policies	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 a political party to appeal a decision of the Mol denying its registration. Under the LANGO there is no administrative remedy against a refusal of registration. For domestic associations, the only potential recourse against a negative registration decision is the possibility for an association or NGO to appeal the decision in the courts (Article 8(5)). Foreign associations and NGOs do not have the right to appeal registration decisions of the MFA. Under Prakas 250 and 251 which expand upon the TUL, there is a limited right of administrative appeal to the MLVT where registration is denied, but no right of appeal to courts. This does not comply with international best practice, which requires that "associations should be able to challenge any rejection [of registration] before an impartial and independent court". ¹¹¹
1.17 Membership in an organization, association, coalition or federation is not compulsory	Degree to which membership and the withdrawal of membership is voluntary under law	Desk Review of laws, regulations, and policies	4	Cambodia partially meets this element. Both the Labour Law and the TUL guarantee the freedom not to join or to withdraw from worker's unions or employers' associations. ¹¹² The TUL requires the individual to submit a signed or thumb-printed letter to their union and their employer to exercise the right to withdraw. The TUL further stresses that "no one shall interfere with a worker's rights to join or to leave a union". ¹¹³ Similarly, the LPP states that "[m]embership in a political party shall be voluntary. A member of a political party may resign at any time, without requiring indicating of the reasons". ¹¹⁴ The LANGO remains silent on the topic of voluntary withdrawal. Aside from these three categories of associations – trade unions, employer associations and political parties – the right to the withdrawal of membership is not protected in law, therefore this indicator has been scored at 4. Article 42 of the Constitution explicitly guarantees the right for Khmer Citizens to establish associations and political parties, but it is silent on the topic of withdrawing from said associations. Therefore, while specific guarantees exist for certain types of associations, Cambodia's legal framework exhibits gaps in comprehensively safeguarding the right to freely join or withdraw from various associations. Addressing these shortcomings by enacting clear legal provisions protecting the right to withdraw from any association would enhance compliance with international standards in this area.
Freedom of Assembly				
1.18: Presumption in favor of holding peaceful assemblies is clearly and explicitly established	Degree to which the legal framework establishes a presumption in favor of peaceful assemblies being permitted	Desk Review of laws, regulations, and policies	2	Cambodia fails to meet this element. Cambodian legislation does not explicitly and clearly establish a presumption in favor of holding peaceful assemblies. The LPA contains a presumption in favor of holding peaceful assemblies, as it states that the competent authority "shall respond positively in writing". ¹¹⁵ However, the presumption does not apply if the peaceful assembly is to take place during some public holidays (the King's birthday, Coronation Day, the Water Festival, National Independence Day, Khmer New Year Day, and Pchum Ben Day). In addition, if there is "clear information" indicating that the demonstration "may cause danger" or "may seriously jeopardize security, safety and public order", the presumption is also nullified. ¹¹⁶ Additionally, the extremely narrow scope of the law, which excludes election campaign rallies, or assemblies related to a labor dispute for instance, goes against the establishment of the above-mentioned presumption. ¹¹⁷ Similarly, the Labor Law also excludes a number of activities from the scope of its protection. ¹¹⁸ The State of Emergency Law further diminishes the presumption of permitting peaceful assemblies, by prescribing vast and unfettered powers to "prohibit or restrict the right of meeting and grouping people" during a state of emergency. ¹¹⁹ Legislative

¹¹¹ 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. 95 <https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf>.

¹¹² "The trade union freedom of individuals also implies freedom of not joining a workers' union or employers' association and freedom of withdrawing at any time from the organisations in which they join" Article 273 of the Labour Law; and "The freedom of individuals as set out in Article 5 (Rights to Establish and to Join a Union or an Employer Association) of this law also implies the freedom not to join a union or an employer association and the freedom to withdraw at any time from the union or the association that they have joined" Article 7 of the TUL.

¹¹³ See Article 7 of the TUL.

¹¹⁴ Article 13 of the LPP.

¹¹⁵ Article 9 of the LPA.

¹¹⁶ In such a case, under Article 11 of the LPA, the competent authority must inform the organizers "immediately" in order to "have time to meet with local authorities and other relevant authorities to discuss solutions". If no agreement is reached, the Mol shall provide the final decision in writing and at least 24 hours before the scheduled peaceful assembly (Article 12).

¹¹⁷ Article 3 of the LPA.

¹¹⁸ While the Labour Law provides in Article 320 that the right to strike is "guaranteed", it limits the circumstances in which strikes may lawfully take place. In particular, the right to strike "can be exercised only when all peaceful methods for settling the dispute with the employer have already been tried out".

¹¹⁹ Article 5(2) of the Law on the Management of the Nation in State of Emergency (2020).

				developments from 2021 create additional grounds for this presumption to be rebuked. Article 4 of the COVID-19 Law gives authorities broad and sweeping powers to restrict or prohibit the “meeting and gathering of persons which may cause the spread of COVID-19”. Further, Article 6 of the NIG Sub-Decree could be used by the RGC to turn off the internet or block services without consultation and are often used to exercise freedom of assembly. Finally, the Monks prakas forbids monks from participating in any assembly. For this reason, the score has been lowered to 2 to reflect the stronger legislative powers to restrict and prohibit peaceful assemblies. Therefore, despite a limited presumption within the LPA, the extensive limitations, exclusions, and recent legislative developments within Cambodia’s legal framework demonstrate a failure to uphold the right to peaceful assembly comprehensively and consistently.
1.19: Prior notification procedure for assemblies conforms with international best practice, and prior approval is not enshrined in law	Degree to which the legal notification procedures for assemblies conforms to international best practice	Desk Review of laws, regulations, and policies	3	Cambodia does not fully meet this element. The LPA, ¹²⁰ the Labour Law, ¹²¹ and the Election Laws contain prior notification procedures for assemblies, ¹²² 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. ¹²³ 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. ¹²⁴ 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. ¹²⁵ 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. ¹²⁶ 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. ¹²⁷ 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.
1.20: Prohibition of assemblies is noted as a measure of last resort, and is necessary and proportionate to the aim pursued	Degree to which the legal framework enables prohibition only as a measure of last resort, and when necessary and proportionate to the aim pursued	Desk Review of laws, regulations, and policies	2	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. ¹²⁸ 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. ¹²⁹ 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”. ¹³⁰ 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. ¹³¹ Further, the prohibition to take part in assemblies imposed on monks by the Monks 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.
1.21: Timely and fulsome reasons for the imposition of any restrictions to assemblies are required	Degree to which the legal framework requires timely and fulsome reasons for restrictions to assemblies	Desk Review of laws, regulations, and policies	2,5	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. ¹³² 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”. ¹³³ 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

¹²⁰ Articles 6, 7, 10, 14, 20 and 28 of the LPA.

¹²¹ Articles 324 and 327 of the Labour Law.

¹²² 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.

¹²³ 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>.

¹²⁴ 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>.

¹²⁵ Articles 6, 7, 10, 14, 20 and 28 of the LPA.

¹²⁶ Article 6 of the LPA.

¹²⁷ Article 7 of the LPA.

¹²⁸ 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.

¹²⁹ Section 3, Article 2-4-7 of the Implementation Guide.

¹³⁰ Section 3, Article 2-4-7 of the Implementation Guide.

¹³¹ See Key Milestone One.

¹³² See Articles 9 and 10 of the LPA.

¹³³ Article 10 of the LPA.

				scheduled peaceful assembly. ¹³⁴ This decision is not open to appeal before an independent and impartial court as international standards stipulate. ¹³⁵ 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. ¹³⁶ This score has thus been lowered to 2.5.
1.22: Blanket time and location prohibitions are not mandated	Degree to which blanket time and/or location prohibitions are stated in the legal framework	Desk Review of laws, regulations, and policies	2,5	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). ¹³⁷ 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 law’s wording is so broad and insufficiently prescribed that it is foreseeable that any 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. ¹³⁸ This score has been lowered to 2,5. This lack of clear criteria creates a risk of arbitrary and potentially excessive restrictions on this fundamental right. These significant inconsistencies with international standards and best practices regarding the regulation of assemblies during specific periods or events justify a lower score of 2.5 for this element.
1.23: Simultaneous assemblies at the same location and time are allowed	Degree to which the legal framework allows simultaneous assemblies	Desk Review of laws, regulations, and policies	5	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.
1.24: An expedited appeal procedure before an independent and impartial body is established for assembly restrictions	Degree to which expedited appeals procedures are provided for in the legal framework	Desk Review of laws, regulations, and policies	2,5	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. ¹³⁹ Failure to reply within this window “implies the competent municipal or provincial territorial authorities have approved”. ¹⁴⁰ 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 an “independent and impartial body”. The Minister of Interior – as a member of the executive branch – is neither 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. ¹⁴¹
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	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. ¹⁴² 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. ¹⁴³ However, only a court can determine the legality or illegality of a strike. ¹⁴⁴ 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). ¹⁴⁵ 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. Therefore, although Cambodian law offers some safeguards against excessive penalties, the potential imposition of a substantial fine for non-compliance with notification requirements for strikes creates a disproportionate restriction on workers’ right to freedom of association, highlighting the need for review and potential revisions to ensure a balanced and proportionate approach.

¹³⁴ Article 12 of the LPA.

¹³⁵ 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>.

¹³⁶ Article 4 of the COVID-19 Law.

¹³⁷ 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>.

¹³⁸ See Key Milestone One.

¹³⁹ Article 12 of the LPA.

¹⁴⁰ Article 10 of the LPA.

¹⁴¹ Article 5(2) of the *Law on the Management of the Nation in State of Emergency (2020)*; Article 4 of the COVID-19 Law.

¹⁴² Article 21 of the LPA; See also Section 3, Article 4-4-1 of the Implementation Guide.

¹⁴³ Article 92 of the TUL.

¹⁴⁴ Article 337 of the *Labour Law*.

¹⁴⁵ Article 92 of the TUL.

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	5	<p>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.¹⁴⁶</p> <p>The Law on Public Assembly (LPA) outlines the responsibilities of competent authorities regarding peaceful assemblies. It mandates them to:</p> <ul style="list-style-type: none"> ● Safeguard the peaceful demonstration (LPA). ● Refrain from interfering in the conduct of the assembly (LPA). ● Respond to requests for assistance from organizers, ensuring their right to freedom of peaceful assembly and public expression (LPA). <p>Furthermore, the Implementation Guidelines for the LPA provide additional clarity. They emphasize that:</p> <ul style="list-style-type: none"> ● Dispersal of an assembly is only permitted as a last resort when no other options exist. <p>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".¹⁴⁷ In case of violence, the implementation guidelines state unequivocally that an assembly can only be dispersed when no other options exist;¹⁴⁸ it adds that the actions of the police must be proportional to the situation and only be used to the extent necessary.¹⁴⁹</p>
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	5	<p>Cambodia demonstrates compliance with this element concerning the legal framework's absence of provisions holding assembly organizers liable for the cost of public services during assemblies. The Law on Public Assembly (LPA) does not include any stipulations requiring assembly organizers to bear financial responsibility for public services provided during events. This aligns with international best practices, which recognize the right to peaceful assembly and avoid placing undue financial burdens on organizers. Therefore, Cambodia's legal framework upholds this element by not imposing such financial charges on assembly organizers, ensuring the exercise of this fundamental right without unnecessary obstacles.</p>
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	4	<p>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.</p>
1.29: State use of force is mandated only when indispensable to control the situation in a reasonable and proportional manner	Degree to which the legal framework limits the State's use of force to situations where it is indispensable to control the situation, in a reasonable and proportional manner	Desk Review of laws, regulations, and policies	4	<p>Cambodia generally meets this element. If a peaceful assembly turns violent, competent authorities shall take proper measures to prevent and stop the demonstration immediately.¹⁵⁰ 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 used to the extent necessary to promptly restore order.¹⁵¹ Consequently, while Cambodia demonstrates an effort to establish a legal framework for managing violent assemblies, the lack of clarity regarding "proper measures" and the absence of an explicit prohibition on the use of force necessitate further refinement to ensure proportionality and compliance with international human rights standards.</p>
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	2	<p>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. While Article 19 mandates proper identification for personnel maintaining security during assemblies, this falls short of the specific requirement for a comprehensive communication record system. The absence of such a system hinders transparency and accountability in interactions between authorities and assembly organizers. Establishing and maintaining a communication record system would provide a crucial tool for monitoring interactions, resolving potential disputes, and ensuring adherence to human rights principles during assemblies. Thus, Cambodia's legal framework currently lacks the necessary safeguards in this area, and further legislative measures are required to implement a communication record system and enhance compliance with international standards.</p>
1.31 The legal framework in respect of	Degree to which the legal framework in	Desk Review of laws,	3	<p>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</p>

¹⁴⁶ Article 17 of the LPA.

¹⁴⁷ Article 18 of the LPA.

¹⁴⁸ Section 2, Article 3-6-4 of the Implementation Guide.

¹⁴⁹ Section 2, Article 3-6-5 of the Implementation Guide.

¹⁵⁰ Articles 20(2) and 23-27 of the LPA.

¹⁵¹ Article 3-6-5 of the Implementation Guide.

strikes meets international standards	respect of strikes meets international standards	regulations, and policies		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, ¹⁵² 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”. ¹⁵³ 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. ¹⁵⁴ 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. ¹⁵⁵ 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. ¹⁵⁶ 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. ¹⁵⁷ 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. ¹⁵⁸ 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.
Freedom of Expression				
1.32: Restrictions to FoE comply with the three-part test from Article 19 of the International Covenant on Civil and Political Rights (ICCPR)	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	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. ¹⁵⁹ 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 do not comply with the three-part test set out in Article 19(3) of the ICCPR. ¹⁶⁰ 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. ¹⁶¹ These punishments are not the least restrictive means necessary to achieve the aims of the Social Media Prakas. ¹⁶² 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. ¹⁶³

¹⁵² Article 319 of the Labour Law.

¹⁵³ Article 320 of the Labour Law.

¹⁵⁴ 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”.

¹⁵⁵ Ibid, paras. 800 and 801.

¹⁵⁶ Ibid, para. 803.

¹⁵⁷ International Labour Organization, Compilation of decisions of the Committee on Freedom of Association, (2018) para. 793.

¹⁵⁸ 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.

¹⁵⁹ 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”.

¹⁶⁰ 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>.

¹⁶¹ 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>.

¹⁶² Ibid, 5-8.

¹⁶³ See Key Milestone One.

1.33: Defamation is decriminalized	Degree to which defamation is decriminalized	Desk Review of laws, regulations, and policies	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. ¹⁶⁴ 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. ¹⁶⁵ 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. ¹⁶⁶ 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 campaign. ¹⁶⁷ 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. ¹⁶⁸ 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.
1.34 Legal protections against Strategic Litigation Against Public Participation (SLAPP) lawsuits	Degree to which the legal framework protects against Strategic Litigation Against Public Participation lawsuits	Desk Review of laws, regulations, and policies	1	Cambodia exhibits significant shortcomings in complying with international standards regarding the prohibition of Strategic Lawsuits Against Public Participation (SLAPPs). The absence of a specific law, regulation, or policy explicitly prohibiting SLAPPs constitutes a key gap in the legal framework. Additionally, the lack of penalties for individuals or entities who file such suits further reinforces the lack of legal safeguards against this practice. Furthermore, the presence of numerous vaguely defined offenses within the Criminal Code (e.g., defamation, public insulting, insulting through media) creates conditions conducive to the misuse of legal mechanisms to silence critics or suppress legitimate expression. These offenses, due to their ambiguous nature, fail to comply with international human rights standards and facilitate the weaponization of lawsuits against individuals and entities engaged in public participation.
1.35: Surveillance of private communications and information can occur only after meaningful judicial oversight	Degree to which the legal framework ensures that surveillance of communications only occurs after meaningful judicial oversight	Desk Review of laws, regulations, and policies	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. ¹⁶⁹ 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. ¹⁷⁰ 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. Additionally, two sub-decrees entered into force in 2023 raise concerns regarding digital privacy and freedom of expression. The Sub-Decree on the Digital Document Verification Platform (verify.gov.kh) lacks clarity on how authorities will protect user privacy, particularly regarding potential government access to private information and targeting of specific groups like activists and journalists. This ambiguity facilitates state surveillance and creates a chilling effect on information dissemination. The Sub-Decree on Identity Registration of SIM-Enabled Telecommunication Equipment lacks clear objectives and evidence of effectiveness, failing to demonstrate how registration protects public well-being, promotes fair competition, or deters unauthorized SIM use, while raising concerns about potential government surveillance and the lack of guaranteed data confidentiality, particularly for individuals engaged in critical activities. These shortcomings necessitate legal reforms to ensure robust

¹⁶⁴ 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/1xmySgV>>.

¹⁶⁵ 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>.

¹⁶⁶ 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/1xmySgV>>.

¹⁶⁷ 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).

¹⁶⁸ 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>

¹⁶⁹ 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>.

¹⁷⁰ 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>>.

				privacy protections, clear justifications for data collection, and independent oversight mechanisms to safeguard human rights in the digital sphere.
1.36: The right to information is protected and promoted	Degree to which the right to information is protected and promoted by the legal framework	Desk Review of laws, regulations, and policies	1	<i>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.¹⁷¹ 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 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”,¹⁷² impeding on the right to seek, receive and impart information during a state of emergency. It allows the RGC to restrict verifiably true information, which could discourage transparent reporting to the detriment of the population. 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.¹⁷³</i>
1.37: Internet access cannot be arbitrarily shut down	Degree to which access to the internet is guaranteed by law and protected from arbitrary restrictions	Desk Review of laws, regulations, and policies	1	<i>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.¹⁷⁴ The NIG Sub-Decree provides for the creation of an infrastructure that will centralize the RGC’s control over the internet.¹⁷⁵ There is a likelihood that the RGC could impose internet blackouts.¹⁷⁶</i>

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

Element	Indicator/s	Data Source	2023	Notes
2.1: RGC institutions understand the rights and obligations related to FoAA&E	% of statements in the media that show a misunderstanding or misrepresentation of FoAA&E by RGC representatives	Media Monitoring	10%	<i>Media Monitoring recorded 24 RGC statements, which illustrated a misunderstanding or misrepresentation.</i>
2.2 Authorities and third parties are held accountable for violations of domestic law related to FoAA&E	# 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	1	<i>Media Monitoring recorded 262 incidents, 1 of which that authorities or third parties being held accountable for violations.</i>
	# of instances reported where authorities and third parties are held accountable for violations of domestic law related to FoAA&E	Incident Reporting	2	<i>Incident Reporting record 371 incidents, 2 of which that authorities or third parties being held accountable for violations.</i>

¹⁷¹ 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>>.

¹⁷² See Article 5(11) of the *State of Emergency Law*.

¹⁷³ See Key Milestone One.

¹⁷⁴ *Social Media Prakas*, clause 4.

¹⁷⁵ Article 1 of the NIG Sub-Decree.

¹⁷⁶ See Key Milestone One.

2.3 Freedoms can be exercised without undue interference or retaliation	# of individuals reported in the media as being summoned by authorities for exercise of FoAA&E	Media Monitoring	69	<i>Media Monitoring recorded 69 summonses.</i>
	# of individuals summonsed by authorities for exercise of FoAA&E	Incident Reporting	29	<i>Incident Reporting recorded 29 summonses.</i>
	# of individuals reported in the media as being questioned by authorities for exercise of FoAA&E	Media Monitoring	87	<i>Media Monitoring recorded 87 cases in which individuals were questioned.</i>
	# of individuals questioned by authorities for exercise of FoAA&E	Incident Reporting	19	<i>Incident Reporting recorded 19 cases in which individuals were questioned.</i>
	# of individuals reported in the media as being detained for exercise of FoAA&E	Media Monitoring	95	<i>Media Monitoring recorded 95 individuals detained.</i>
	# of individuals detained for exercise of FoAA&E	Incident Reporting	4	<i>Incident Reporting recorded 4 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	25	<i>Media Monitoring recorded 25 individuals sign/thumbprint an agreement.</i>
	# of individuals made by authorities to sign / thumbprint an agreement for exercise of FoAA&E	Incident Reporting	5	<i>Incident Reporting recorded 5 individuals 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	100	<i>Media Monitoring recorded 100 individuals charged.</i>
	# of individuals or entities charged with crime(s) for exercise of FoAA&E	Incident Reporting	2	<i>Incident Reporting recorded 2 individuals charged.</i>
	# of individuals reported in the media as being arrested for exercise of FoAA&E	Media Monitoring	105	<i>Media Monitoring recorded 105 arrests.</i>
	# of individuals arrested for exercise of FoAA&E	Incident Reporting	2	<i>Incident Reporting recorded 2 arrests.</i>

	# of individuals or entities reported in the media as being convicted of crime(s) for exercise of FoAA&E	Media Monitoring	91	<i>Media Monitoring recorded 91 convictions.</i>
	# of individuals or entities convicted of crime(s) for exercise of FoAA&E	Incident Reporting	2	<i>Incident Reporting recorded 2 convictions.</i>
	# of individuals or entities reported in the media as being subject to administrative sanctions for exercise of FoAA&E	Media Monitoring	51	<i>Media Monitoring recorded 51 individuals or entities subject to administrative sanctions.</i>
	# of individuals or entities subject to administrative sanctions for exercise of FoAA&E	Incident Reporting	18	<i>Incident Reporting recorded 18 individual or entity subject to administrative sanctions.</i>
2.4: RGC institutions respect the rights, obligations and exercise of FoA	# of reports in the media where the RGC demonstrates respect for the rights, obligations and exercise of FoA	Media Monitoring	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	71	<i>Media Monitoring recorded 71 incidents where RGC institutions violated freedom of association.</i>
	# of incidents reported where RGC institutions are violating FoA	Incident Reporting	90	<i>Incident Reporting recorded 90 incidents where RGC institutions violated freedom of association.</i>
2.5: The registration process for associations is implemented fairly and transparently	Degree to which the registration process for associations is implemented fairly and transparently	Monitoring of the Registration Process for Associations	0	<i>Media Monitoring recorded no incidents where a registration application was denied due to multiple associations existing for a similar purpose.</i>
2.6: Multiple associations may exist for similar purposes	# of registration applications denied due to multiple associations existing for similar purposes	Incident Reporting	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	0	<i>The CSO/TU Registration Monitoring did not record any registration that was denied for this reason.</i>
2.7: Associations can freely form networks, coalitions, federations, or other types of unions	% of association leaders who report interference with attempts to form networks, coalitions, federations, or other types of unions	CSO/TU Leader Survey	31%	<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	2	<i>Incident Reporting record 2 incidents of interference in attempts by associations to form networks, coalitions, federations, or other types of unions.</i>
2.8 Membership of an organization, association, coalition or federation can be withdrawn	% of association leaders who report conditions for membership withdrawal	CSO/TU Leader Survey	51%	<i>See question 4.3.1 of the CSO/TU Leader Survey.</i>
2.9: Associations operate without excessive RGC supervision	% of associations leaders who report excessive supervision by the RGC in the last year	CSO/TU Leader Survey	58%	<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	70	<i>Media Monitoring recorded 70 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	91	<i>Incident Reporting recorded 91 incidents of RGC supervision of an association that violated international standards.</i>
2.10: Individuals are not targeted due to their involvement with associations	% of association leaders who report victimization due to their involvement in their association	CSO/TU Leader Survey	30%	<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	22%	<i>See question 3.4 of the Public Poll.</i>
2.11: Associations are protected from third-party interference	% of association leaders who report third-party interference	CSO/TU Leader Survey	27%	<i>See question 4.7 of the CSO/TU Leader Survey.</i>
	# of incidents of third-party interference in an association	Media Monitoring	48	<i>Media Monitoring recorded 48 incidents where an association was interfered with by a third party.</i>
	# of incidents of third-party interference in an association	Incident Reporting	73	<i>Incident Reporting recorded 73 incidents where an association leader reported third-party interference.</i>
2.12: Associations are not subject to excessive or burdensome reporting requirements	% of association leaders who report being subject to excessive or burdensome reporting requirements	CSO/TU Leader Survey	45%	<i>See question 4.12 of the CSO/TU Leader Survey.</i>

2.13: Sanctions for associations are implemented in accordance with Cambodian law	# of incidents reported that include sanctions that are not implemented in accordance with Cambodian law	Media Monitoring	1	<i>Media Monitoring recorded 1 incident of sanctions being imposed on an association that were not implemented in accordance with Cambodian law.</i>
	# of incidents reported that include sanctions that are not implemented in accordance with Cambodian law	Incident Reporting	0	<i>Incident Reporting did not record any incidents of sanctions being imposed on an association that were not implemented in accordance with Cambodian law.</i>
2.14: Associations have recourse to safeguards if they are sanctioned	% of association leaders who report accessing legal aid or assistance	CSO/TU Leader Survey	47%	<i>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.</i>
2.15: Dissolution of association occurs only after legal avenues are exhausted and clear and imminent danger is present	# of incidents reported in the media of dissolutions which occur before legal avenues are exhausted and without clear and imminent danger present	Media Monitoring	1	<i>Media Monitoring recorded 1 incident of involuntary dissolution of association.</i>
	# of incidents reported of dissolutions which occur before legal avenues are exhausted and without clear and imminent danger present	Incident Reporting	0	<i>Incident Reporting did not record any incidents of involuntary dissolution of association.</i>
2.16: Associations are not restricted from generating income	% of association leaders reporting that associations are being restricted from generating income	CSO/TU Leader Survey	6%	<i>See question 4.22 of the CSO/TU Leader Survey. Note* this question was changed into 4.21 in 2022 questionnaire.</i>
2.17: Associations are not restricted in accessing funding	% of association leaders reporting that associations are not restricted in accessing funding	CSO/TU Leader Survey	7%	<i>See the CSO/TU Leader Survey Note* these two questions were changed into 4.22 and 4.23 in the 2022 questionnaires. Domestic Funding = 7%, Foreign Funding= 8%.</i>
2.18: Associations are not subject to excessive financial reporting requirements	% of association leaders reporting that associations are subject to excessive financial reporting requirements	CSO/TU Leader Survey	58%	<i>See question 4.15 of the CSO/TU Leader Survey. Note*This question was changed into 4.13 in the 2022 questionnaire.</i>
	% of association leaders reporting that associations cannot meet financial reporting requirements	CSO/TU Leader Survey	61%	<i>See question 4.13 of the CSO/TU Leader Survey. Note*This question was changed into 4.10 in 2022 questionnaire.</i>
2.19: RGC institutions take actions that respect and promote marginalized groups' FoA	% of association leaders reporting that they partner with the government to respect and promote the rights of marginalized groups	CSO/TU Leader Survey	50%	<i>See question 6.5.1. of the CSO/TU Leader Survey.</i>

	# of instances reported in the media where RGC statements or actions promote or protect the rights of marginalized groups	Media Monitoring	0	<i>Media Monitoring did not record any incidents of the RGC promoting freedom of association or related rights of a marginalized group.</i>
2.20: Association representatives, individually or through their organization, can exercise the freedom of peaceful assembly	% of association leaders who report being able to exercise the freedom of peaceful assembly freely	CSO/TU Leader Survey	15%	<i>See question 5.2 of the CSO/TU Leader Survey.</i>
	# of incidents reported that identify a restriction on the freedom of assembly	Incident Reporting	85	<i>Incident Reporting recorded 85 incidents of the RGC restricting the freedom of assembly.</i>
	% of assemblies' subject to undue interference reported in the media	Media Monitoring	71%	<i>Media Monitoring recorded 25 assemblies subject to interference out of the 35 assemblies that occurred.</i>
2.21: Groups can assemble without seeking or receiving prior authorization from the authorities	# of reports in the media of assemblies being restricted or prohibited in advance due to a lack of prior authorization	Media Monitoring	0	<i>Media Monitoring did not record assemblies being prohibited or having restrictions imposed due to a lack of prior authorization.</i>
	# of incident reports of assemblies being restricted or prohibited in advance due to a lack of prior authorization	Incident Reporting	0	<i>Incident Reporting did not record any incidents of assemblies being restricted or prohibited due to a lack of prior authorization.</i>
	# of reports in the media of assemblies which are interfered with due to a lack of prior authorization	Media Monitoring	6	<i>Media Monitoring recorded 6 incidents of assemblies being interfered with due to a lack of prior authorization.</i>
	# of incident reports of assemblies which are interfered with due to a lack of prior authorization	Incident Reporting	0	<i>Incident Reporting did not record incidents of assemblies being interfered with due to a lack of prior authorization.</i>
2.22: Prohibiting an assembly is a measure of last resort, where necessary and proportionate to the aim pursued	% of planned assemblies reported in the media which are prohibited	Media Monitoring	18%	<i>Media Monitoring recorded 7 prohibited assemblies out of a total of 38 planned assemblies.</i>
	% of prohibitions reported in the media with a clear justification provided	Media Monitoring	100%	<i>Media Monitoring recorded 7 prohibited assemblies where no clear justification was provided for the prohibition.</i>

	% of prohibitions reported in the media that were a measure of last resort, necessary and proportionate	Media Monitoring	0%	<i>Media Monitoring did not record any prohibited assemblies where the prohibition was a measure of last resort, necessary and proportionate.</i>
	# of incident reports of prohibitions of planned assemblies	Incident Reporting	1	<i>Incident Reporting recorded 1 prohibition of a planned assembly.</i>
	# of incident reports of prohibitions without a clear justification provided	Incident Reporting	0	<i>Incident Reporting did not record any prohibitions of a planned assembly without a clear justification provided.</i>
	# of incident reports of prohibitions that were not a measure of last resort, necessary and proportionate	Incident Reporting	0	<i>Incident Reporting did not record any incidents of a prohibited assembly that was not a measure of last resort, necessary and proportionate.</i>
	# of assembly prohibitions which occur as a measure of last resort, where necessary and proportionate to the aim pursued	Incident Reporting	0	<i>Incident Reporting did not record any incidents of prohibited assemblies that were a measure of last resort, necessary and proportionate to the aim pursued.</i>
2.23: Legitimate, timely and fulsome reasons for the imposition of any restrictions are provided by authorities to organizers	% 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	0%	<i>Media Monitoring did not record incidents of restrictions being imposed on an assembly.</i>
	# of demonstrations reported where traffic flow was cited as a reason for restricting an assembly	Media Monitoring	0	<i>Media Monitoring did not record any incidents where traffic flow was given as a reason for restricting an assembly.</i>
	# of incidents reports where traffic flow was cited as a reason for restricting an assembly	Incident Reporting	0	<i>Incident Reporting did not record any incidents where traffic flow was cited as a reason for restricting an assembly.</i>
	# of demonstrations reported in the media that were restricted due another demonstration already taking place or being scheduled to take place	Media Monitoring	0	<i>Media Monitoring did not record any incidents where an assembly was restricted due to other demonstrations taking place at the same time.</i>
	# of incident reports where demonstrations	Incident Reporting	0	<i>Incident Reporting did not record any incidents where an assembly was restricted due to other demonstrations taking place at the same time.</i>

	were restricted due to another demonstration already taking place or being scheduled to take place			
	# of incidents reports where assemblies were restricted without timely and fulsome reasons being provided in writing	Incident Reporting	0	<i>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.</i>
2.24: Demonstrations are not limited to locations or times where impact will be muted	# of demonstrations reported in the media that were limited to designated spaces, times, or number of attendees that muted their impact	Media Monitoring	6	<i>Media Monitoring recorded 6 incidents where an assembly was limited to a space, time or number of attendees that would limit its impact.</i>
	# of incidents reports where assemblies were limited to designated spaces, times or number of attendees that muted their impact	Incident Reporting	5	<i>Incident Reporting recorded 5 incidents where a demonstration was limited to a space, time or number of attendees that would limit its impact.</i>
2.25: Spontaneous assemblies are exempt from prior notification	% of assemblies reported in the media that were said to be spontaneous that faced restrictions or interference for lacking prior notification	Media Monitoring	0%	<i>Media Monitoring recorded 2 spontaneous assemblies, none of which were interfered with due to a lack of prior authorization.</i>
	# of incidents reports of spontaneous assemblies that face restrictions or interference for lacking prior notification	Incident Reporting	0	<i>Incident Reporting recorded 2 spontaneous assemblies that faced restrictions or interference for lacking prior notification.</i>
2.26: Assembly organizers are not penalized for failing to notify authorities	# of assembly organizers who face criminal or administrative sanctions for failing to notify authorities reported in the media	Media Monitoring	0	<i>Media Monitoring did not record any incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.</i>
	# of incident reports where assembly organizers face criminal or administrative sanctions for failing to notify authorities	Incident Reporting	0	<i>Incident Reporting did not record any incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.</i>

2.27: The police actively protect peaceful assemblies	# of assemblies reported in the media where the police/authorities fail to protect protestors at a peaceful assembly	Media Monitoring	0	<i>Media Monitoring did not record any incidents where the RGC failed to protect peaceful assemblies.</i>
	# of incidents reports that identify third-party interference in an assembly	Incident Reporting	3	<i>Incident Reporting recorded 3 incidents of third-party interference in an assembly.</i>
2.28: Assembly organizers are not financially responsible for financial charges for the provision of public services	# of incident reports where assembly organizers are made financially responsible for the provision of public services	Incident Reporting	0	<i>Incident Reporting did not record any incidents of assembly organizers being made financially responsible for the provision of public services.</i>
	# of reports in the media where assembly organizers are made financially responsible for provision of public services	Media Monitoring	0	<i>Media Monitoring did not record any incidents of assembly organizers being made financially responsible for the provision of public services.</i>
2.29: Assembly organizers and participants are not liable for the conduct of others	# of incident reports assembly organizers who are made liable for the conduct of others	Incident Reporting	0	<i>Incident Reporting did not record any incidents of assembly organizers being made liable for the conduct of others.</i>
	# of reports in the media where assembly organizers are made liable for the conduct of others	Media Monitoring	1	<i>Media Monitoring recorded 1 incident of assembly organizers being made liable for the conduct of others.</i>
2.30: State use of force is exercised only in exceptional circumstances, is proportionate and justified	# of assemblies reported in the media where the state actors use force proportionately and justifiably	Media Monitoring	7	<i>Media Monitoring recorded 7 incidents where state use of force at an assembly was used proportionately and justifiably.</i>
	# of assemblies reported where the state actors use of force is disproportionate and/or exercised unjustifiably	Media Monitoring	1	<i>Media Monitoring recorded 1 incident where state use of force at an assembly was used disproportionately and/or unjustifiably.</i>
	# of incidents reports of where the state actors use of force is disproportionate and/or exercised unjustifiably	Incident Reporting	0	<i>Incident Reporting did not record any assemblies where state actors used force disproportionately and/or unjustifiably.</i>
2.31: Monitors at assemblies can operate freely	# of assemblies reported where there was interference with	Media Monitoring	2	<i>Media Monitoring recorded 2 incidents of assembly monitors being interfered with.</i>

	monitors at assemblies			
	# of incident reports where there was interference with monitors at assemblies	Incident Reporting	101	<i>Incident Reporting recorded 101 incidents of assembly monitors being interfered with.</i>
2.32 Restrictions on the right to strike are legitimate and consistent with ILO jurisprudence	% of strikes reported in the media that are subjected to restrictions that are legitimate and consistent with ILO jurisprudence	Media Monitoring	0%	<i>Media Monitoring didn't recorded any strikes which were subject to restrictions that were not legitimate and consistent with ILO jurisprudence.</i>
2.33: Association representatives, individually or through their organizations can exercise FoE	% of association leaders who report being able to exercise FoE freely	CSO/TU Leader Survey	10%	<i>See question 5.1 of the CSO/TU Leader Survey.</i>
	# of incidents reported that identify a restriction of FoE	Incident Reporting	15	<i>Incident Reporting recorded 15 incidents of the RGC restricting freedom of expression.</i>
2.34: Association representatives, individually and through their organizations, can safely impart information through any media	% of association leaders who report being able to safely impart information through any media	CSO/TU Leader Survey	54%	<i>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 = 5% Social media = 8% TV = 4% Radio = 5% Email = 5% (This option was added in 2022). Telephone= 7% (This option was added in 2022). In Person=5% (This option was added in 2022). Video conference = 6% (This option was added in 2022). Messenger, telegram, WhatsApp, signal = 8% (This option was added in 2022). ** 471 ou879 (allow multiple answer)</i>
	# of incidents reported that identify a restriction on the ability to impart information through any media	Incident Reporting	24	<i>Incident Reporting recorded 24 incidents where there was a restriction on the ability to impart information through any media.</i>
2.35: Information is not arbitrarily censored	# reports of websites being blocked in Cambodia arbitrarily	Media Monitoring	2	<i>Media Monitoring recorded 2 incidents of websites being blocked arbitrarily.</i>
	# reports of websites being blocked in Cambodia arbitrarily	Incident Reporting	0	<i>Incident Reporting did not record any incidents of a website being blocked arbitrarily.</i>
	# reports of media outlets shut down,	Media Monitoring	3	<i>Media Monitoring recorded 3 incidents involving Five media outlets being shut down, sanctioned or suspended arbitrarily.</i>

	sanctioned or suspended arbitrarily			
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Incident Reporting	0	<i>Incident Reporting did not record any incidents of media outlets being shut down, sanctioned or suspended arbitrarily.</i>
	# of reports of artistic works banned or restricted arbitrarily	Media Monitoring	4	<i>Media Monitoring recorded 4 incidents of artistic works being banned or restricted arbitrarily.</i>
	# of reports of artistic works banned or restricted arbitrarily	Incident Reporting	0	<i>Incident Reporting did not record any incidents of artistic works being banned or restricted arbitrarily.</i>
2.36: Surveillance of communications complies with the laws of Cambodia	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Media Monitoring	3	<i>Media Monitoring recorded 3 incidents of surveillance activities undertaken without judicial oversight.</i>
	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Incident Reporting	0	<i>Incident Reporting did not record any incidents of surveillance activities undertaken without judicial oversight.</i>
	# reports of private communications collected by Government being published	Media Monitoring	4	<i>Media Monitoring recorded 4 incident of private communications collected by the RGC being published.</i>
	# reports of private communications collected by Government being published	Incident Reporting	0	<i>Incident Reporting did not record any incident of private communications collected by the RGC being published.</i>
2.37: Access to non-classified and non-sensitive information held by the Government is not restricted	% of CSO and TU leaders who have been denied access to non-classified and/or non-sensitive Government information	CSO/TU Leader Survey	10%	<i>See question 6.13 of the CSO/TU Leader Survey.</i>

Key Milestone 3: Individuals know and understand the freedoms of association, assembly and expression, and feel free to exercise them

Element	Indicator/s	Data Source	2023	Notes
3.1: Individuals understand their rights to FoAA&E	% of individuals who report that they understand FoAA&E	Public Poll	7%	<i>Average of the scores recorded for each freedom individually. **219 out of 3015 responses from three main questions.</i>
	Freedom of Association	Public Poll	5%	<i>See Question 4.1 of the Public Poll.</i>
	Freedom of Expression	Public Poll	8%	<i>See Question 4.3 of the Public Poll.</i>
	Freedom of Assembly	Public Poll	8%	<i>See Question 4.5 of the Public Poll.</i>
3.2: Individuals understand the legal	% of individuals who can correctly identify	Public Poll	86%	<i>See Questions 4.9 to 4.18 of the Public Poll. **8616 out of 10050</i>

limitations of their rights	the limitations to their rights			
3.3: Individuals feel they can access redress systems for infringements to their rights	% of individuals who can correctly identify mechanisms for redress	Public Poll	48%	See question 5.16 of the Public Poll. The correct answers were: Court = 587, Ministry or National Assembly = 67, and police =596.
	% of individuals who feel that they can access a redress mechanism if their rights are violated	Public Poll	4%	See Question 5.17 of the Public Poll.
3.4: Individuals have confidence in redress systems for infringements to their rights	% of individuals who report believing that redress systems are an effective remedy	Public Poll	3%	See Question 5.18 of the Public Poll.
3.5: Individuals feel free to participate in political activities	% of individuals who report feeling free to participate in political activities	Public Poll	7%	See Question 5.15 of the Public Poll.
3.6: Individuals understand the laws pertaining to FoA	% of individuals who report that they understand FoA under Cambodian law	Public Poll	5%	See Question 4.1 of the Public Poll.
3.7: Individuals feel free to associate (for any lawful, peaceful purpose)	% of individuals who report that they feel free to associate for any lawful purpose peacefully	Public Poll	18%	See Question 5.9 of the Public Poll.
3.8 Individuals feel free to establish, join and leave groups	% of individuals who report that they feel free to establish, join and leave groups for a peaceful purpose	Public Poll	20%	See Questions 5.9 - 5.11 of the Public Poll. 5.9. Join = 18% 5.10. Establish = 16% 5.11. Leave = 25% ¹⁷⁷
3.9 Individuals understand that workers are free to join a trade union	% of individuals who report that workers are free to join a trade union	Public Poll	9%	See Question 5.12 of the Public Poll. ¹⁷⁸
3.10: Individuals understand their right to collectively bargain	% of individuals who report that they understand collective bargaining	Public Poll	5%	See Question 4.7 of the Public Poll.
3.11: Individuals feel free to assemble peacefully	% of individuals who report that they feel free to peacefully assemble	Public Poll	21%	See Question 5.8 of the Public Poll.

¹⁷⁷ Result for question 5.11 may have been influenced by the inclusion of an 'N/A' option for the first time in 2021.

¹⁷⁸ Result for question 5.12 may have been influenced by the inclusion of an 'N/A' option for the first time in 2021.

3.12: Individuals feel free to strike	% of individuals who report that they feel free to strike	Public Poll	15%	See Question 5.14 of the Public Poll. ¹⁷⁹
3.13: Individuals feel free to impart information to the media	% of individuals who report that they feel free to impart information to the media	Public Poll	7%	See Questions 5.4 - 5.6 of the Public Poll. 5.4. Newspaper = 8% 5.5. TV = 6% 5.6. Radio = 6% **197 out of 3015
3.14: Individuals feel free to express themselves and report that they do not self-censor	% of individuals who report that they feel free to speak openly about all subjects in public	Public Poll	8%	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	6%	See Question 5.3 of the Public Poll.

Key Milestone 4: Civil society organizations and trade unions are recognized and can work in partnership with the RGC

Element	Indicator/s	Data Source	2023	Notes
4.1: CSOs and TUs are recognized as legitimate and competent development partners	% of CSO and TU leaders who report being recognized as competent development partners	CSO/TU Leader Survey	50%	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	54%	See Question 6.1 of the CSO/TU Leader Survey.
4.2: RGC institutions are open to partnerships with CSOs and TUs that aim to improve the work or services of the institution	% of CSO and TU leaders who report partnering with RGC institutions	CSO/TU Leader Survey	46%	See Question 6.3 of the CSO/TU Leader Survey.
4.3: Public financing is available for CSOs and TUs	% of CSO and TU leaders who report being able to access financing for their CSO or TU	CSO/TU Leader Survey	45%	See Question 6.11 of the CSO/TU Leader Survey.
4.4: Public financing opportunities for CSOs and TUs are explicit, open and transparent	% of CSO and TU leaders who report that public financing opportunities for CSOs and TUs are explicit, open and transparent	CSO/TU Leader Survey	11%	See Question 6.10 of the CSO/TU Leader Survey.

¹⁷⁹ Results for question 5.14 may have been influenced by the inclusion of an 'N/A' option for the first time in 2021.

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	% 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	29%	<i>See Question 6.7 of the CSO/TU Leader Survey.</i>
4.6: CSOs and TUs are active participants in decision- and law-making processes	% of CSOs and TUs leaders who report being active participants in decision- and law-making processes	CSO/TU Leader Survey	2%	<i>See Question 6.8 of the CSO/TU Leader Survey.</i>
4.7 CSOs and TUs are taking joint action to promote fundamental freedoms	% of CSOs and TUs leaders who report taking joint action (with other CSOs and TUs) to promote freedoms and rights	CSO/TU Leader Survey	73%	<i>See Question 5.7 of the CSO/TU Leader Survey.</i>
4.8 CSOs and TUs can easily access information from the Government	% of CSOs and TUs leaders who report being able to easily access information from the Government	CSO/TU Leader Survey	6%	<i>See Question 6.12 of the CSO/TU Leader Survey.</i>

Annex 3 – Public Poll 2023 Questions and Results

This Annex presents the questions and results of the Public Poll, which was conducted from 1 November – 31 December 2023 across 25 provinces and surveyed 1,005 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=1,010)

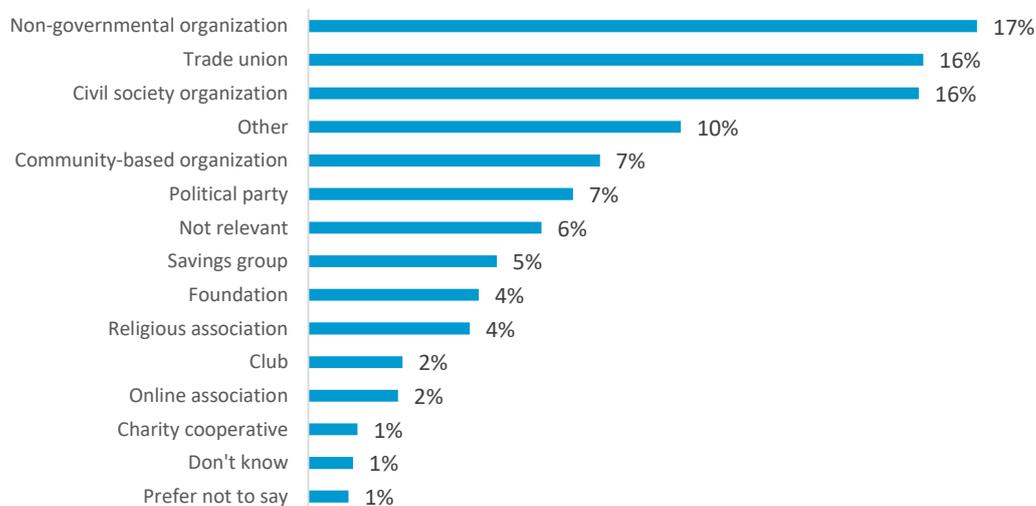


Section 3: Association Membership

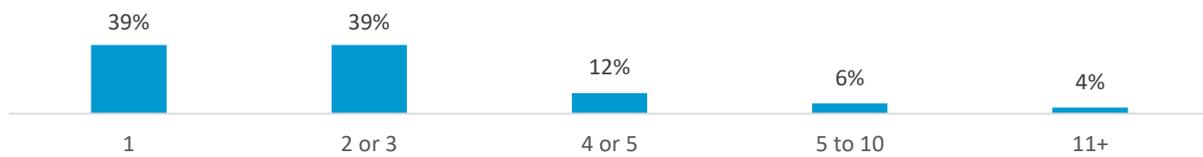
3.1: In the last year, have you been involved in any associations? (n=1,005)



3.2: What type of association(s) are you currently a member of? (n=868 - multiple answers allowed)



3.3: In the last year how many associations have you been involved with? (n=647)



3.4: In the last year have you ever been targeted or victimized because of your involvement with an association? (n=640)



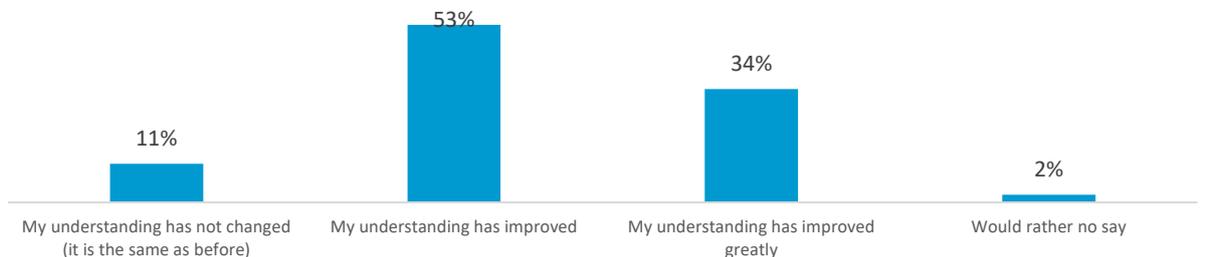
Section 4: Understanding Fundamental Freedoms

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.

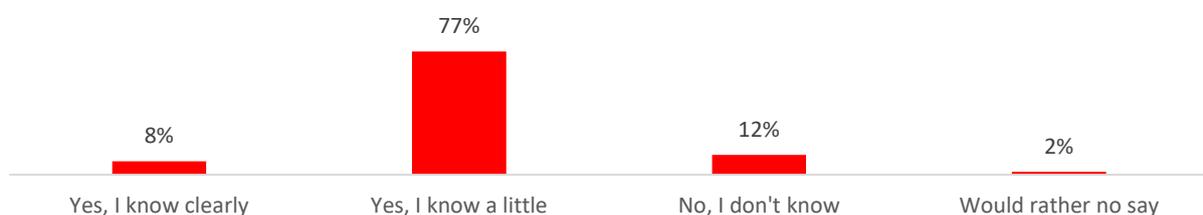
4.1: Do you know what freedom of association means? (n=1,005)



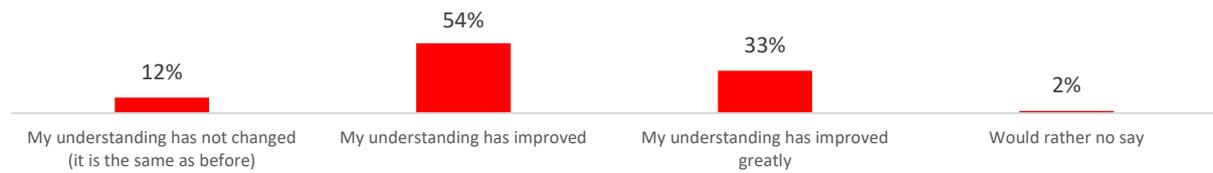
4.2: How has your understanding of this freedom improved? (n=1,005)



4.3: Do you know what freedom of expression means? (n=1,005)



4.4: How has your understanding of this freedom improved? (n=1,005)



4.5: Do you know what freedom of assembly means? (n=1,005)



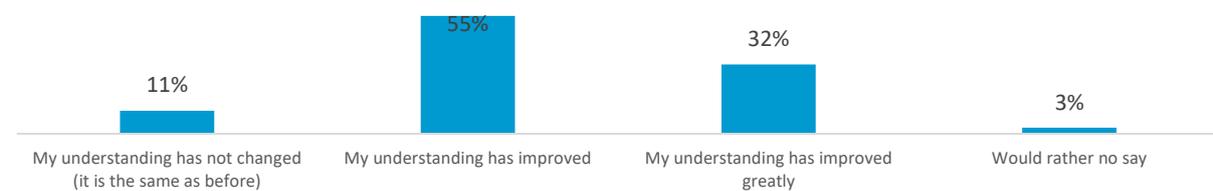
4.6: How has your understanding of this freedom improved? (n=1,005)



4.7: Do you know what collective bargaining means? (n=1,005)

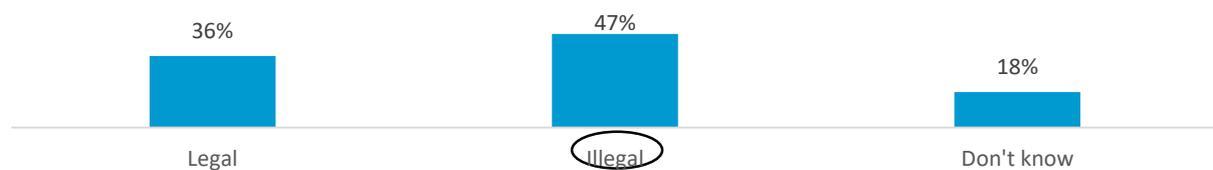


4.8: How has your understanding of collective bargaining improved? (n=1,005)

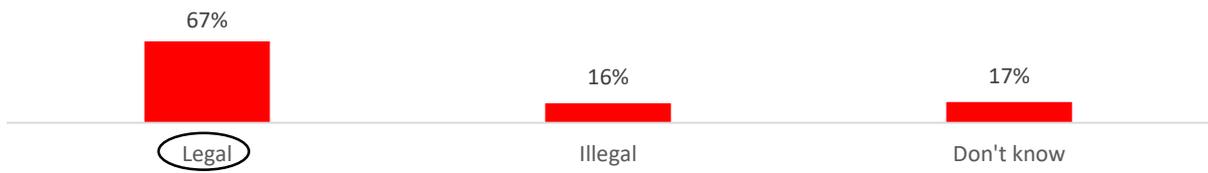


For questions 4.9 – 4.18, respondents were asked to identify whether an activity was legal or illegal under Cambodian Law. This enables the FFMP to gauge the public's understanding of domestic law in relation to fundamental freedoms. Correct answers are circled.

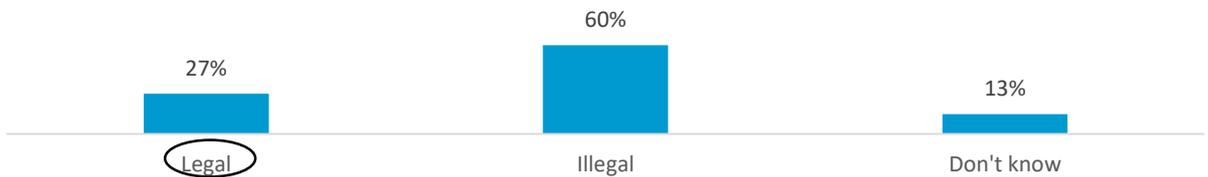
4.9: Is it legal to form an unapproved savings group? (n=1,005) Correct answer = illegal.



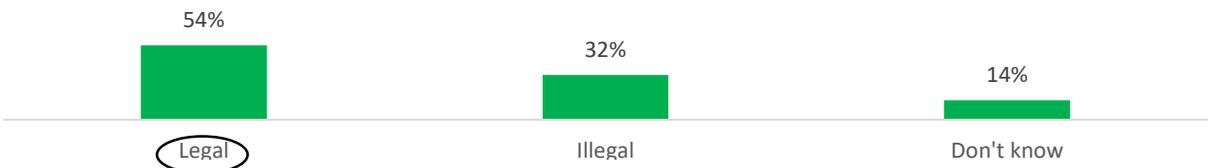
4.10: Is it legal to discuss politics with people? (n=1,005) Correct answer = legal.



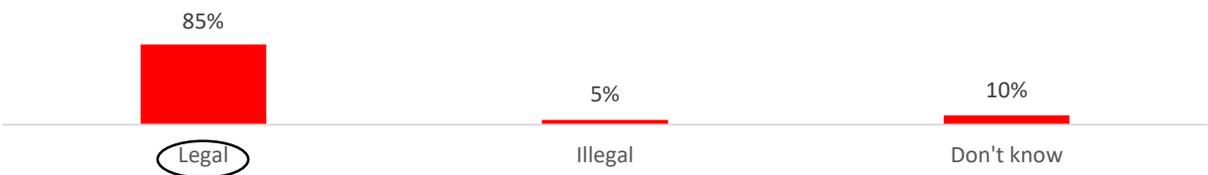
4.11: Is it legal for an association to carry out activities without notifying the authorities? (n=1,005) Correct answer = legal.



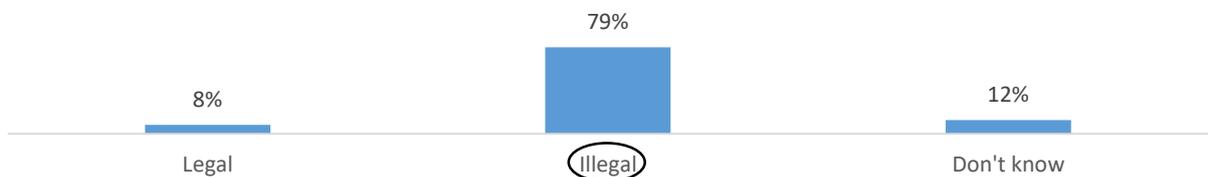
4.12: Is it legal to protest peacefully? (n=1,005) Correct answer = legal.



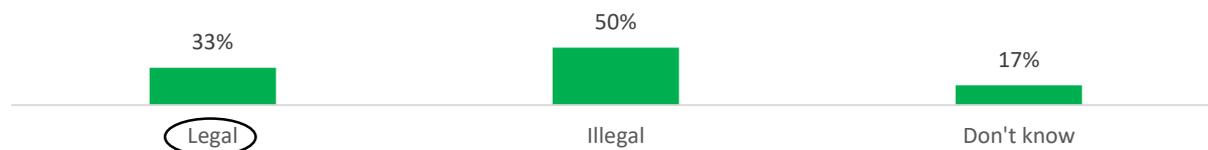
4.13: Is it legal to speak at a commune council meeting? (n=1,005) Correct answer = legal.



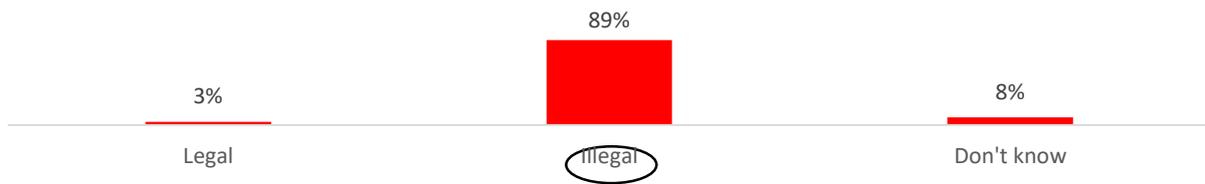
4.14: Is it legal to form an unregistered NGO? (n=1,005) Correct answer = illegal.



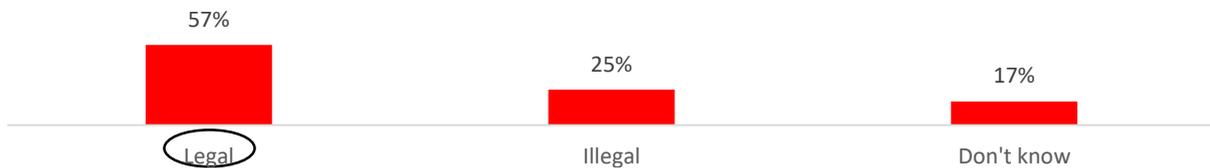
4.15: Is it legal to strike without permission? (n=1,005) Correct answer = legal.



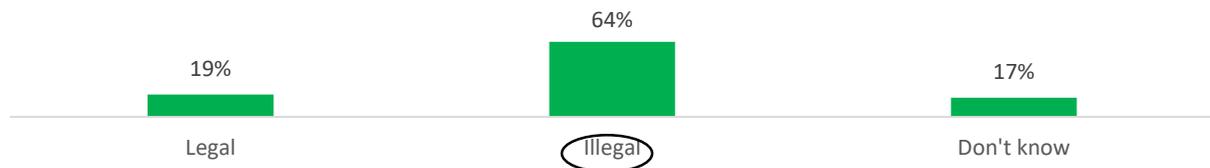
4.16: Is it legal to insult a public figure? (n=1,005) Correct answer = illegal.



4.17: Is it legal to criticize RGC policies? (n=1,005) Correct answer = legal.

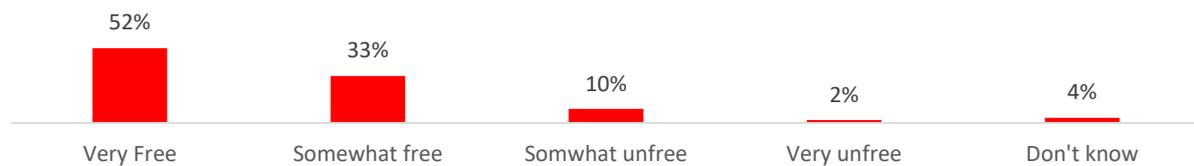


4.18: Is it legal for the State to use force to break up peaceful assemblies? (n=1,005) Correct answer = illegal.

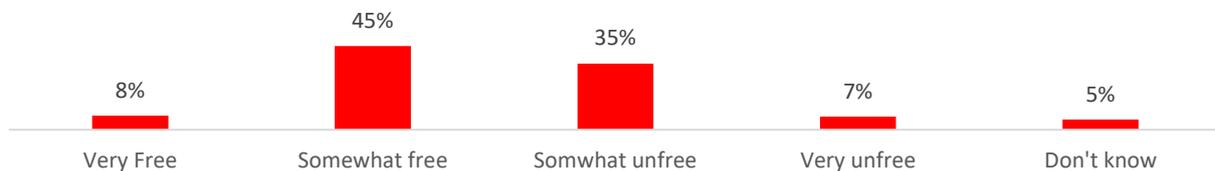


Section 5: Exercising Fundamental Freedoms

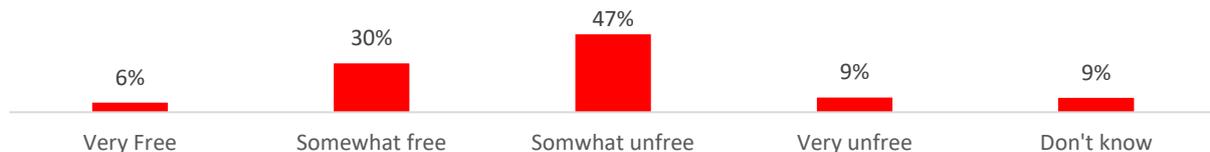
5. 1 How free do you think you are in dressing up as you like? (n=1,005)



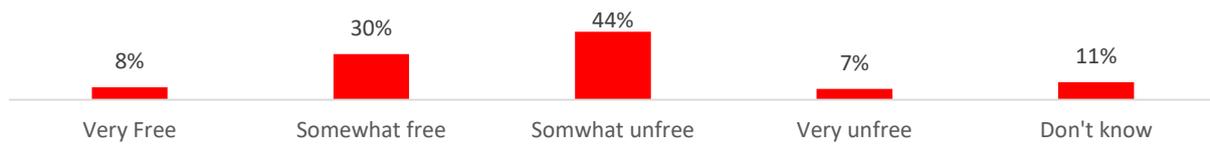
5.2: Do you feel free to speak in public? (n=1,005)



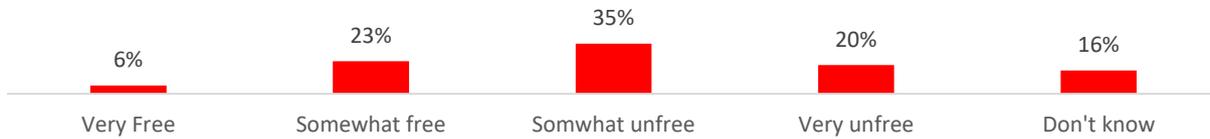
5.3: Do you feel free to speak on social media? (n=1,005)



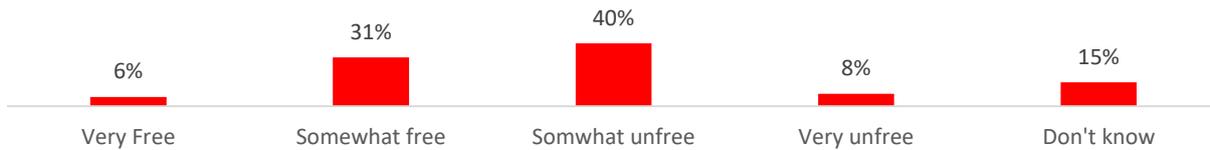
5.4: Do you feel free to express your opinions to a newspaper? (n=1,005)



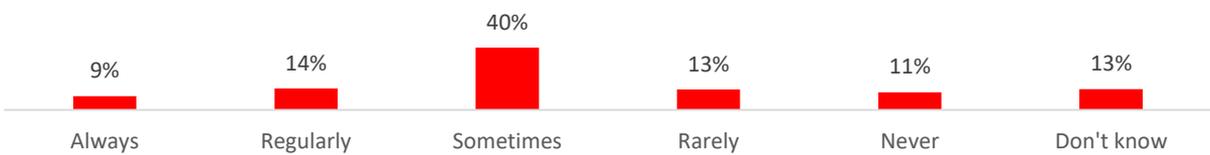
5.5: Do you feel free to express your opinions to a television? (n=1,005)



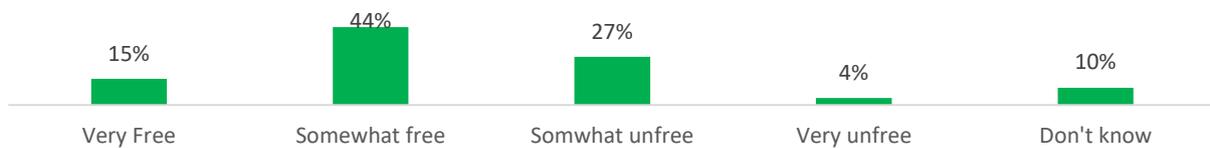
5.6: Do you feel free to express your opinions to a radio station or show? (n=1,005)



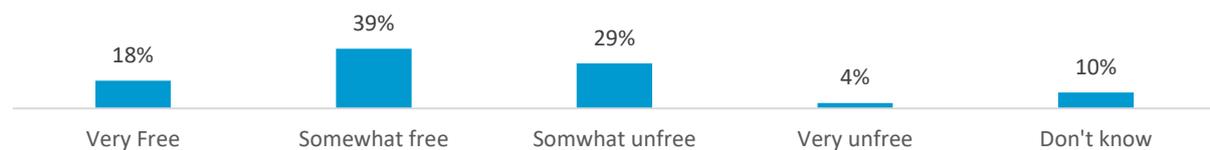
5.7: How often do you not say what you want to say in public or online for fear of retaliation? (n=1,005)



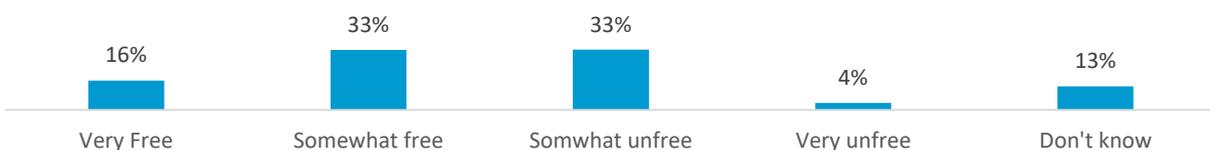
5.8: Do you feel free to gather peacefully? (n=1,005)



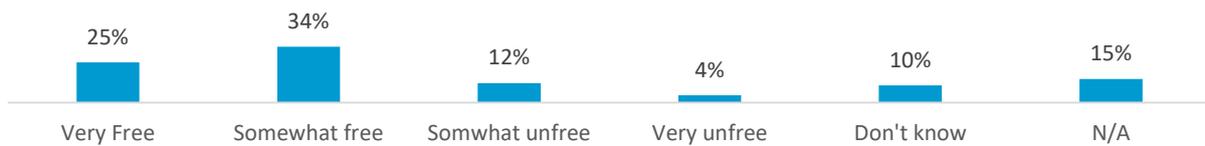
5.9: Do you feel free to join a lawful group? (n=1,005)



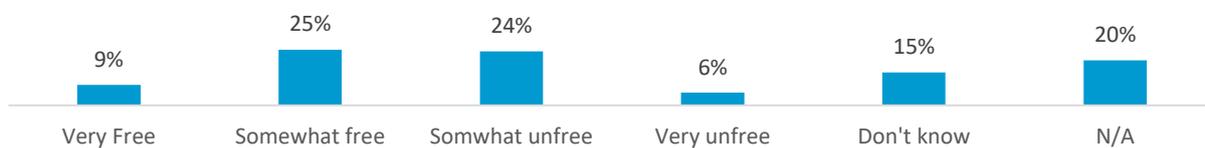
5.10: Do you feel free to establish a group for a lawful purpose? (n=1,005)



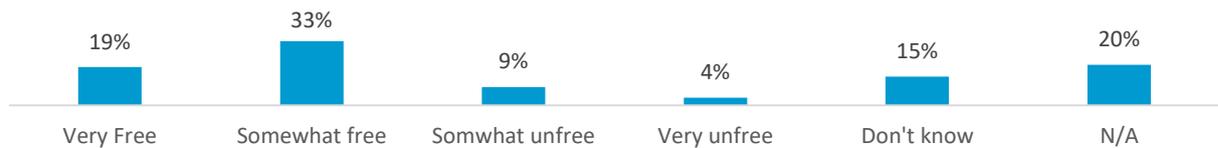
5.11: If you are part of an association, do you feel free to leave the group? (n=1,005)



5.12: If you work for an employer, do you feel free to join a trade union? (n=1,005)



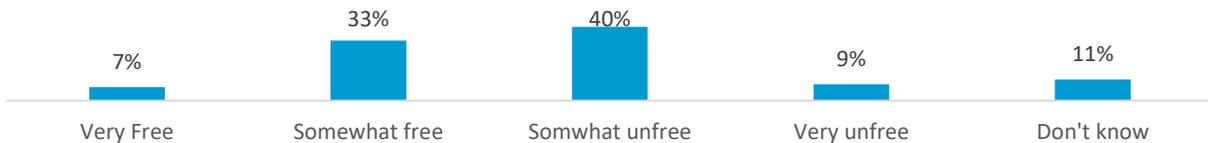
5.13: If you belong to a trade union, do you feel free to leave the union? (n=1,005)



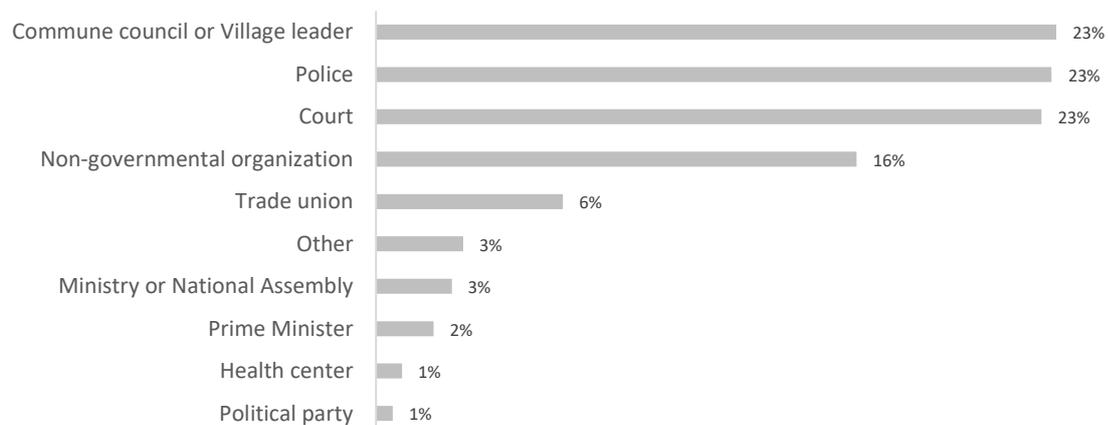
5.14: Do you feel free to peacefully strike and/or demonstrate against your employer? (n=1,005)



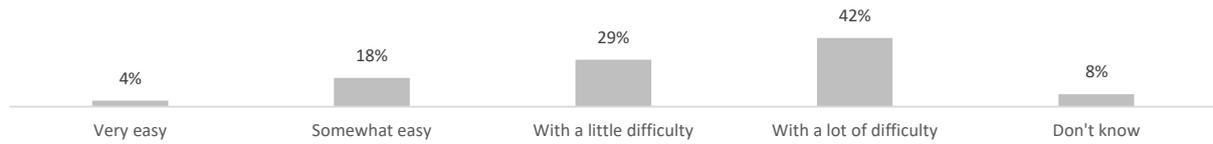
5.15: Do you feel free to participate in political activities? (n=1,005)



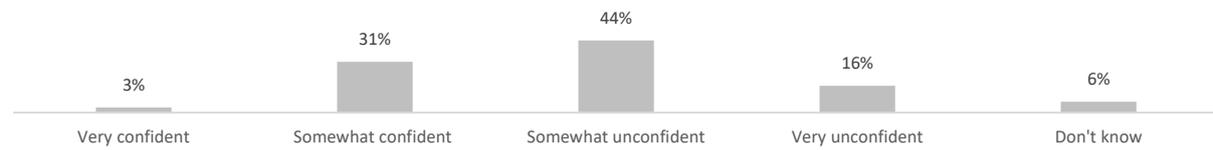
5.16: Where can you complain about a human rights violation? (n=2,605 – multiple answers allowed)



5.17: How easy is it to complain to the government or courts about a human rights violation? (n=1,005)



5.18: Are you confident that the government or courts would provide redress for a human rights violation? (n=1,005)

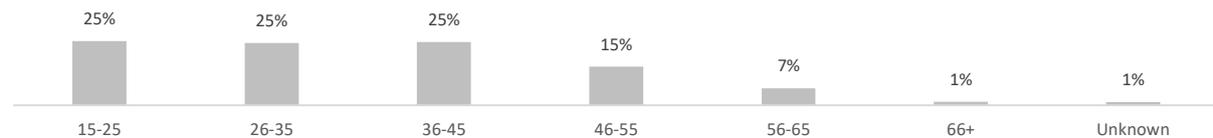


Section 6. Demographic Information

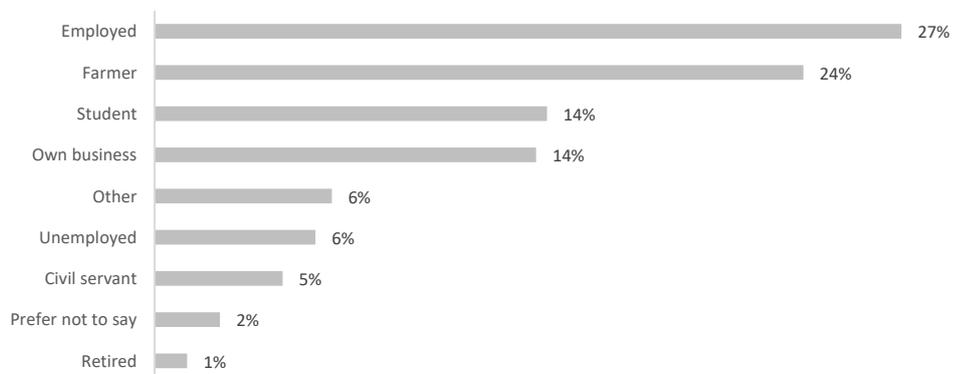
6.1: What is your gender identity? (n=1,005)



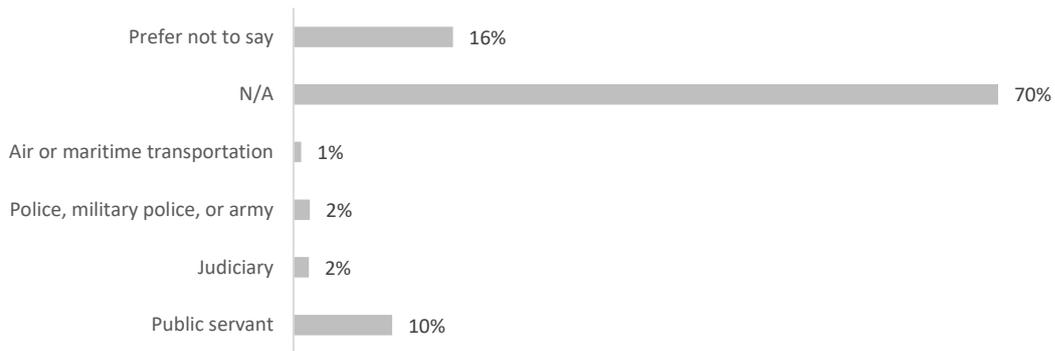
6.2: How old are you? (n=1,005)



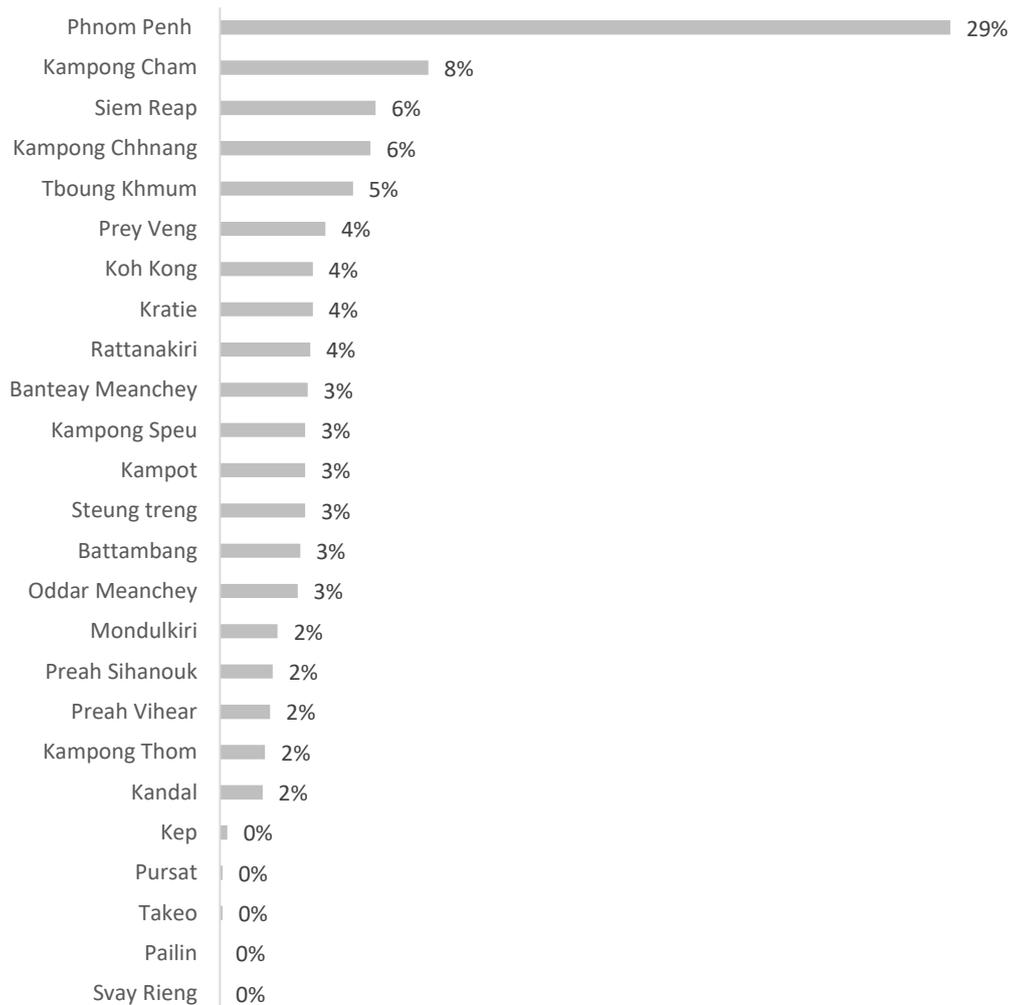
6.3: What is your primary occupation? (n=1,003)



6.4: If employed, are you any of the following? (n=924)



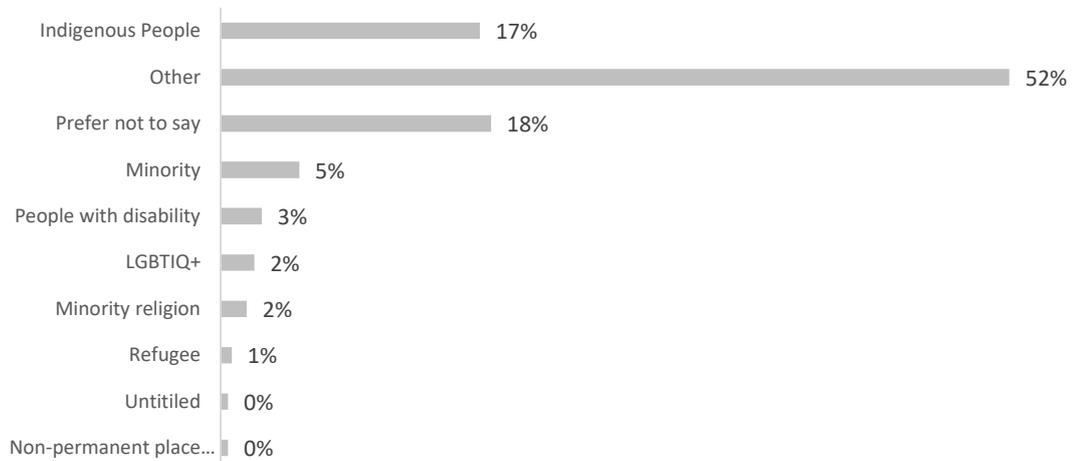
6.5: What is your province of residence? (n=1,005)



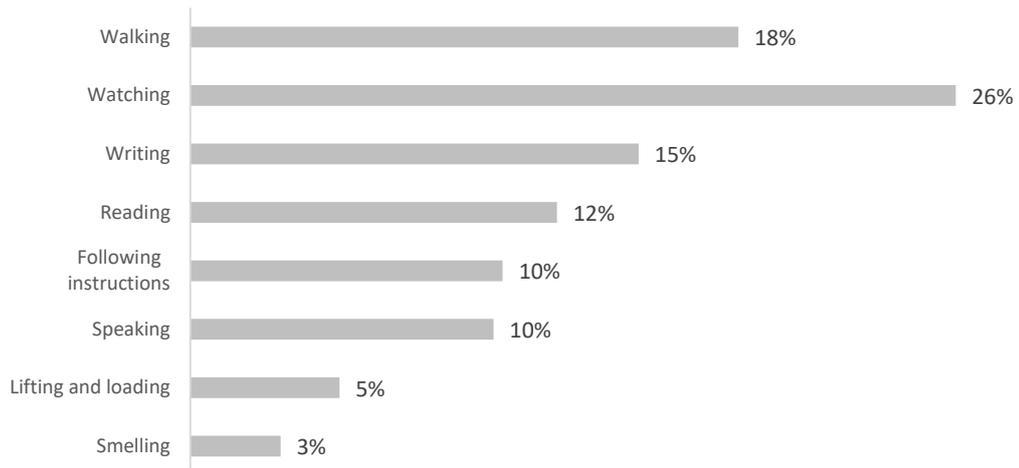
6.6 Are you a minority? (n=756)



6.7: If a minority, which category? (n=406– multiple answers allowed)



6.8: If so, you identify as a person living with a disability, how does this impact on you? (n=659– multiple answers allowed)



Annex 4 – CSO/TU Leader Survey Questions and Results

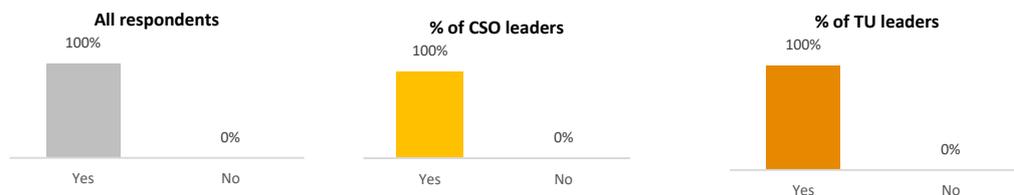
This Annex presents the questions and results of the 2023 CSO/TU Leaders Survey, conducted between 14 August to 30 September 2023 using an online survey. Participants were invited to participate by email, from lists of CSO and TU leaders. In total 159 CSO and TU leaders completed the survey; this included 104 CSO leaders (89 domestic/Cambodian CSOs, 15 international NGOs) and 55 TU leaders.

Section 1: Administrative Details

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

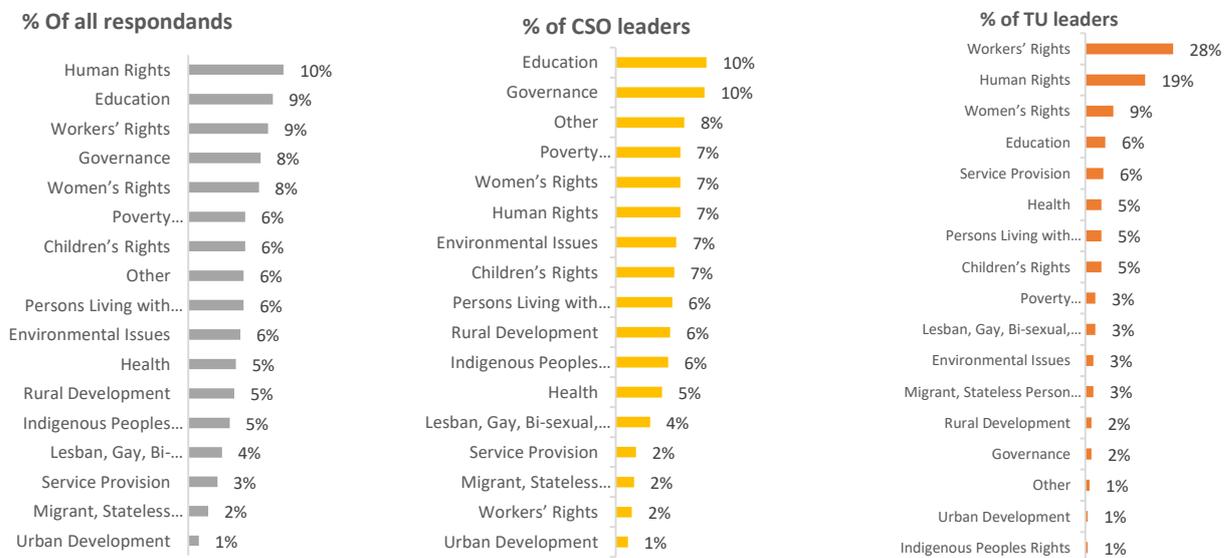
Section 2: Consent

2.1: Do you consent to participate in this survey? (n=159)



Section 3: CSO Profile

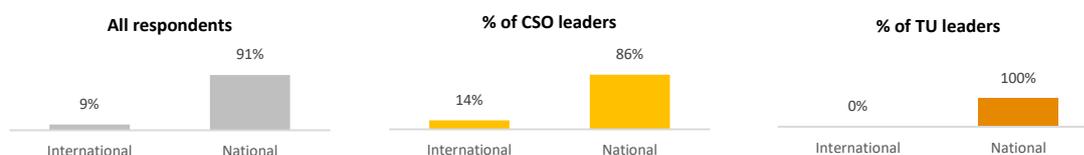
3.1: What is the main focus of your CSO? (n=591 – multiple answers allowed)



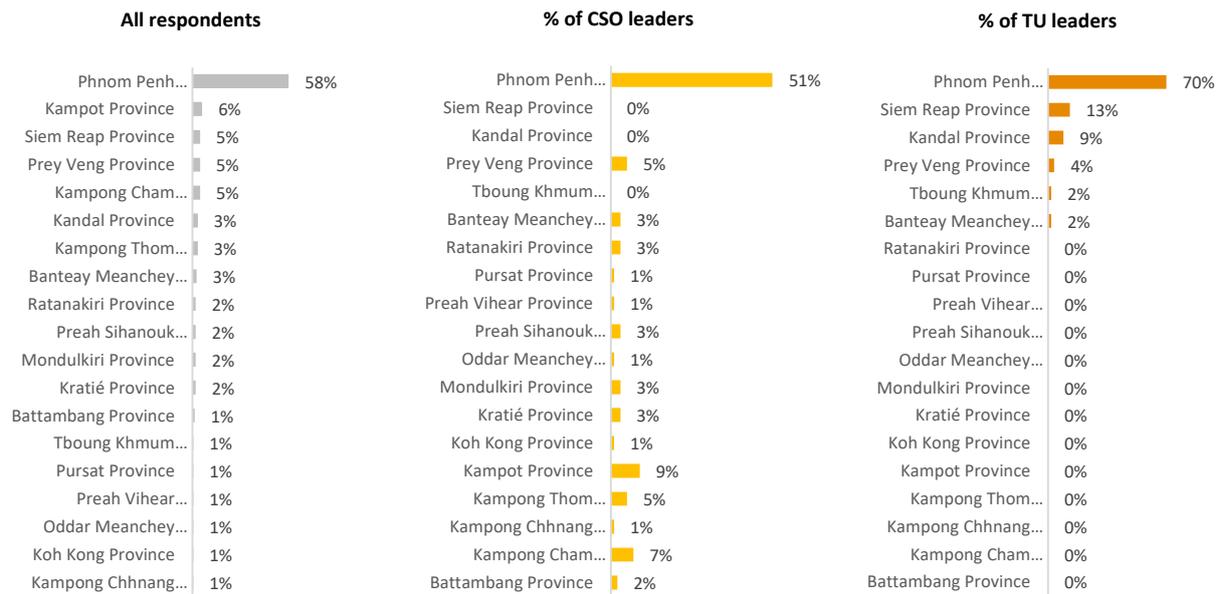
3.2: Please describe in one sentence the main purpose or mission of your CSO:

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

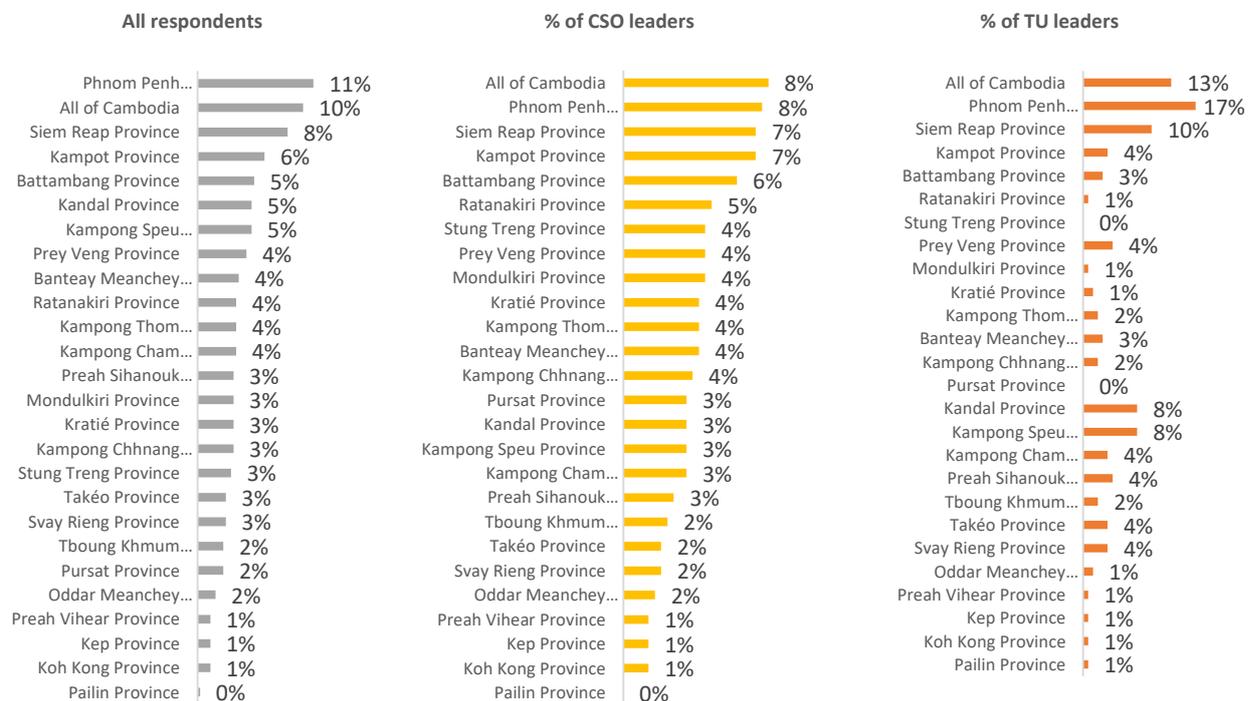
3.3: Is your organization a TU or a CSO? If it is a CSO, is it an international or national organization? (n=153)



3.4: Where is your CSO's Cambodian head office? (n=152)

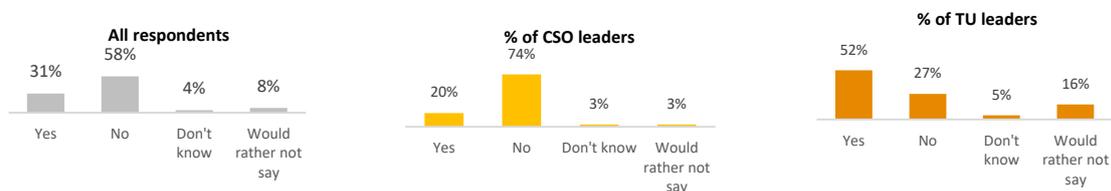


3.5: In which provinces of Cambodia does your CSO carry out its work? (n=425 – multiple answers allowed)

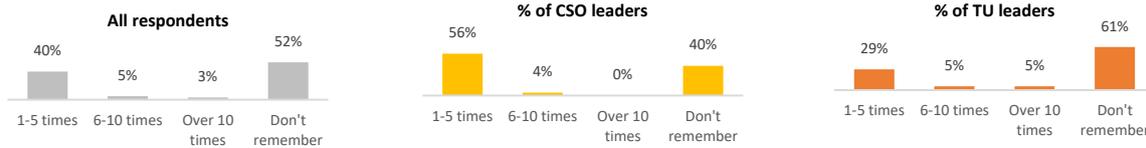


Section 4: Operations of the CSO

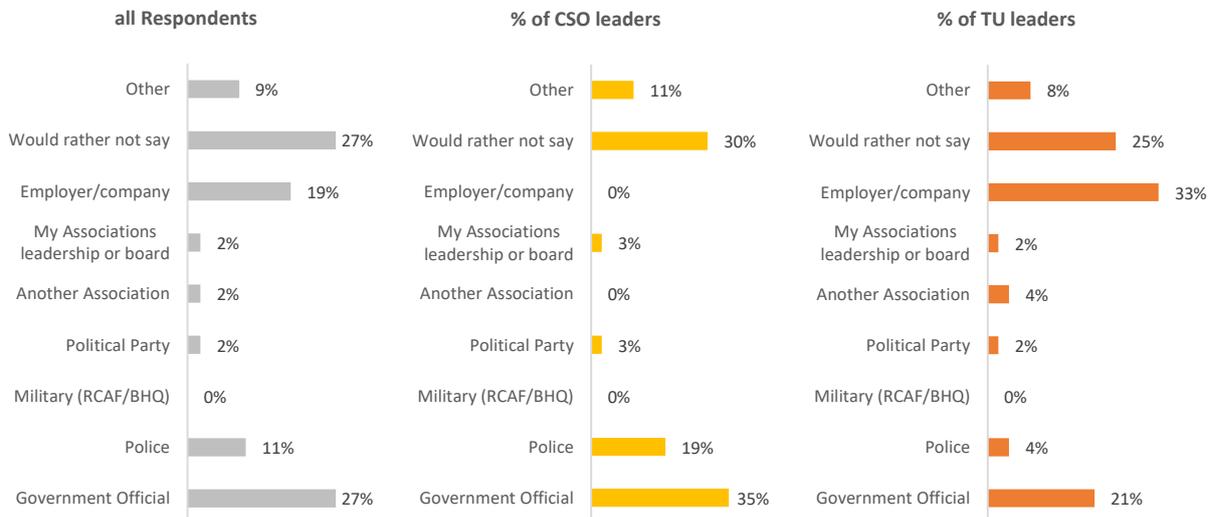
4.1: In the last 12 months, has your CSO faced restrictions or threats in forming networks, coalitions, federations, or other types of alliances with others? (n=131)



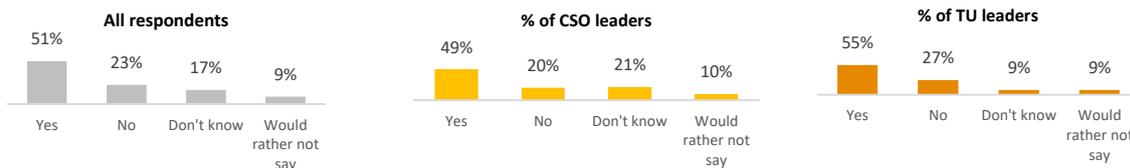
4.2: How many times has your CSO been restricted in forming networks, coalitions, federations, or other types of alliances with others? (n=63)



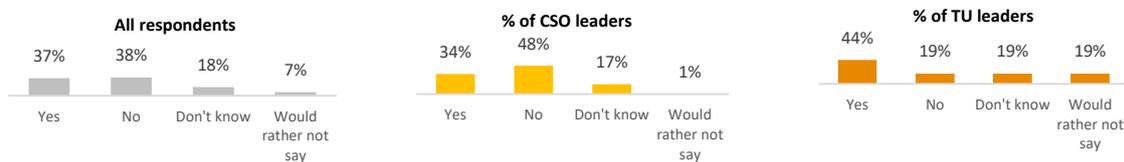
4.3: Who restricted your CSO from forming networks, coalitions, federations, or other types of alliances with others? (n=85 – multiple answers allowed)



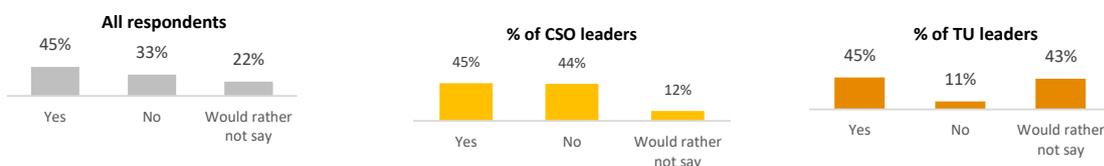
4.3.1: Can members of your organization leave without punishment or penalty? (n=128)



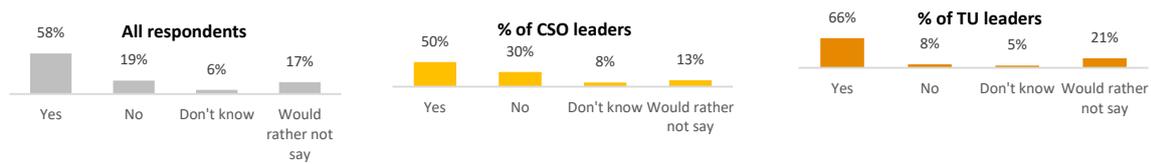
4.4: In the last 12 months, has a government official ever undertaken monitoring or surveillance of your CSO or its activities? (n=129)



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=129)



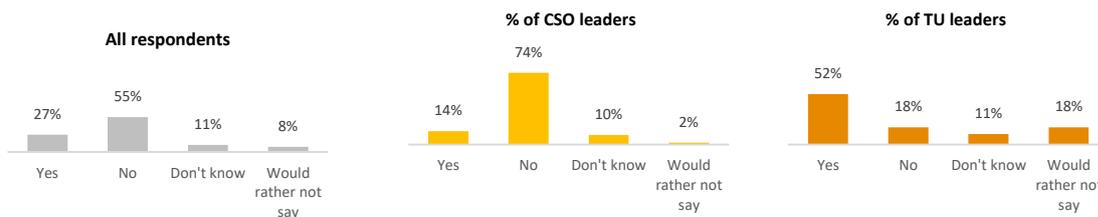
4.5: Did you feel this monitoring was ever excessive or did it interfere with your CSO's activities? (n=78)



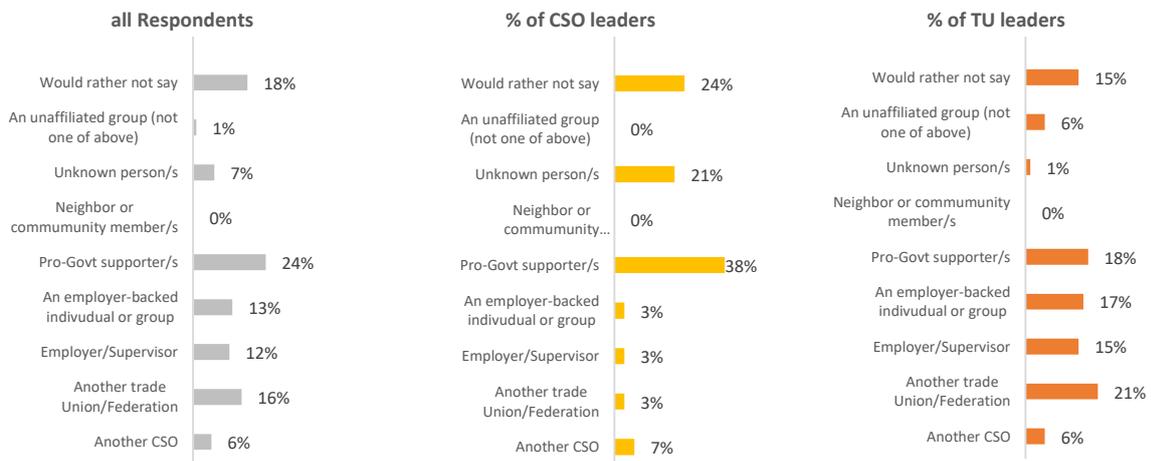
4.6: Why did you feel that this oversight was excessive or how did it interfere with your CSO's activities? (n=191 – multiple answers allowed)



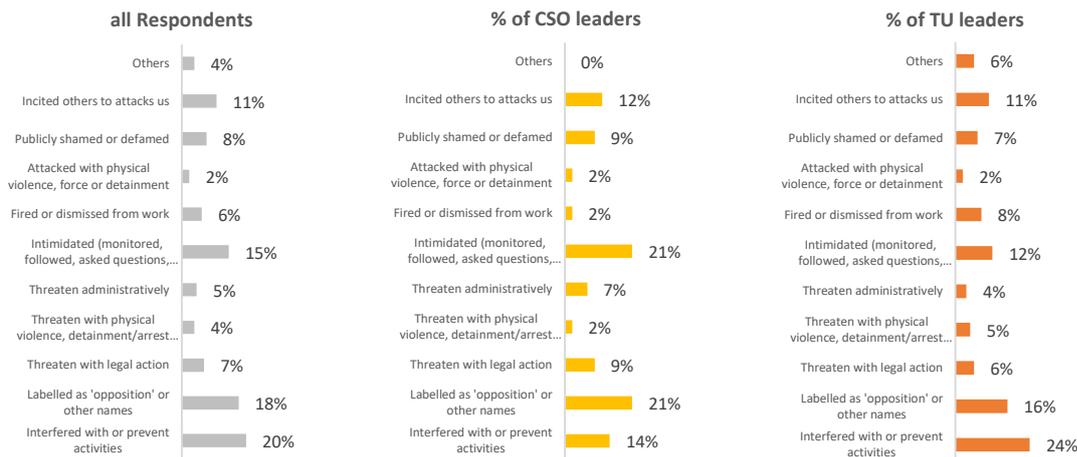
4.7: In the last 12 months, has your CSO or its activities ever been interfered with by a third party? (n=131)



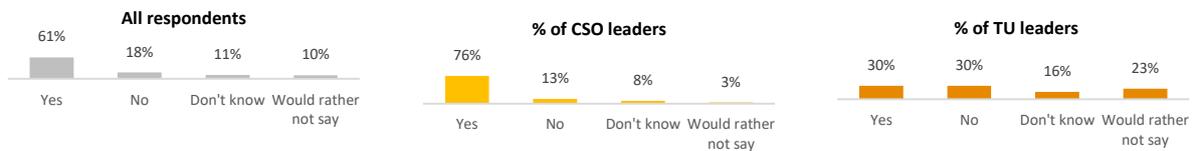
4.8: What type of third party interfered with your CSO or its activities? (n=100 – multiple answers allowed)



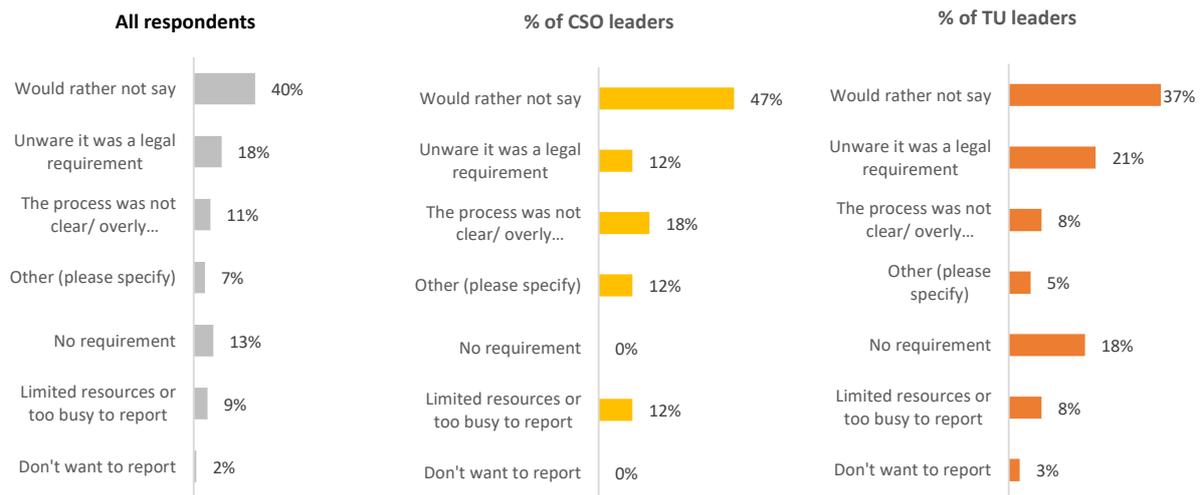
4.9: How did the third party interfere with your CSO or its activities? (n=128)



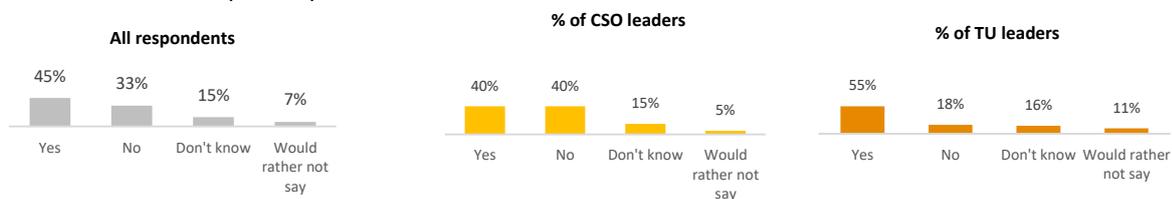
4.10: In the last 12 months, has your CSO been able to meet the non-financial reporting requirements of the Government? (n=131)



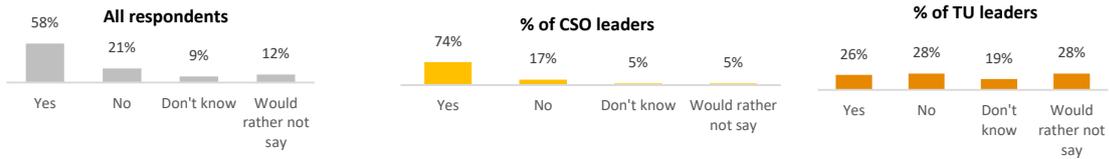
4.11: Why was your CSO unable to meet the Government's non-financial reporting requirements? (n=55)



4.12: Did you feel that the non-financial reporting requirements of the Government were excessive or burdensome? (n=131)



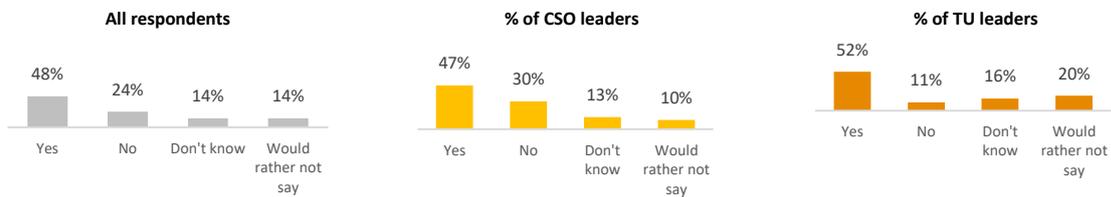
4.13: In the last 12 months, has your CSO been able to complete financial reports in accordance with Government requirements? (n=131)



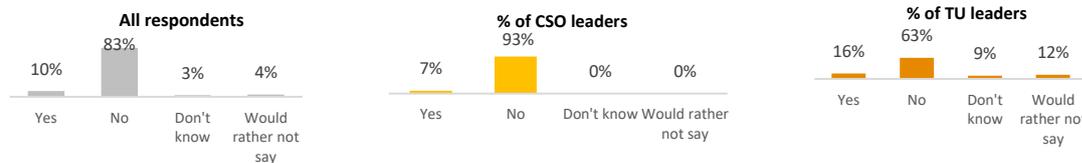
4.14: Why was your CSO unable to complete financial reports in accordance with Government requirements? (n=66)



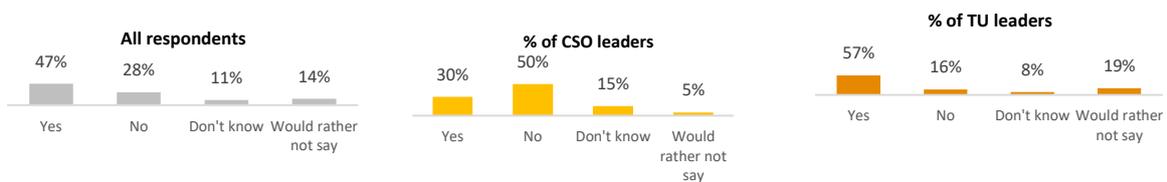
4.15: Did you feel that the financial reporting requirements of the Government were excessive or burdensome? (n=130)



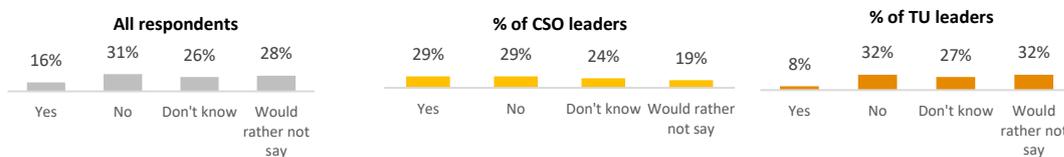
4.16: In the last 12 months, has your CSO been sanctioned by the Government? (n=131)



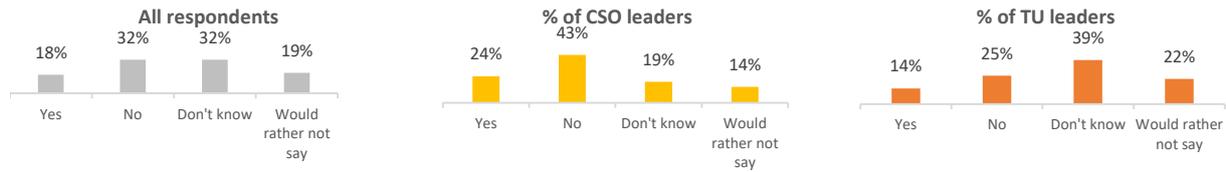
4.16.1: Were you able to access legal aid when sanctioned? (n=57)



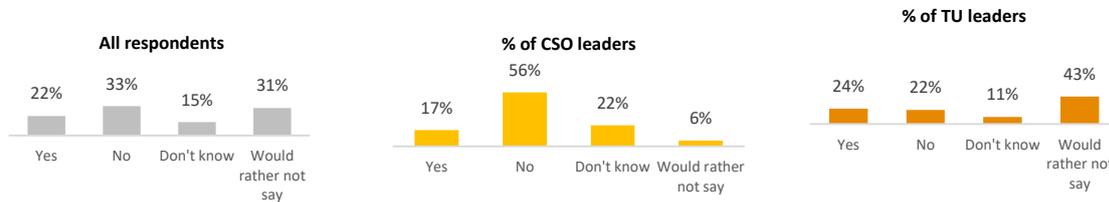
4.17: Were you provided with a reason for the sanction(s)? (n=58)



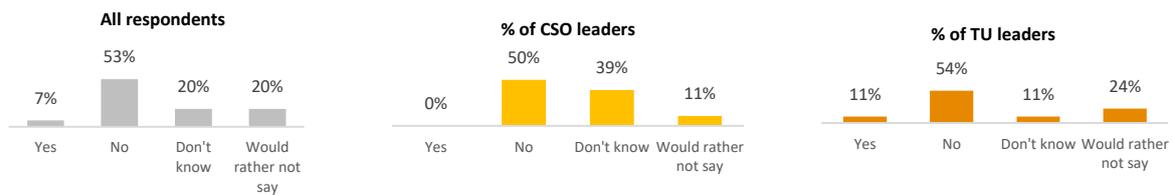
4.18: Did you have the opportunity to challenge the sanction? (n=57)



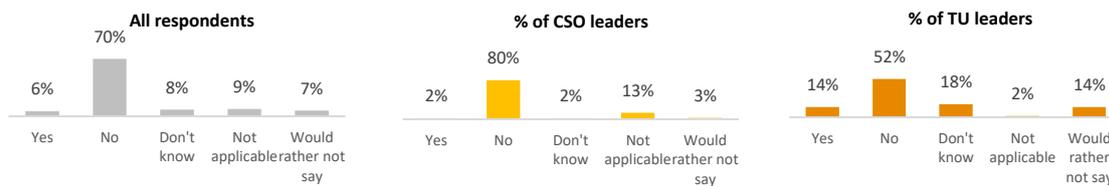
4.19: Did you appeal or challenge the sanction? (n=55)



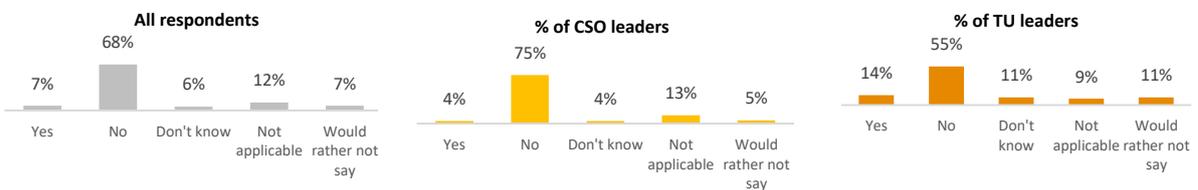
4.20: Did you feel that the appeal process was independent? (n=55)



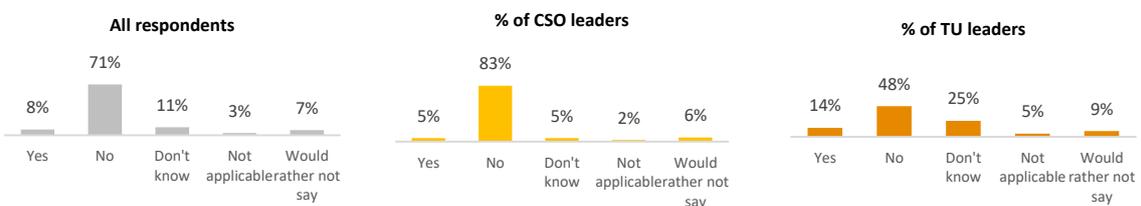
4.21: In the last 12 months, has your CSO been denied the right to undertake income generation activities? (n=132)



4.22: In the last 12 months, has your CSO faced Government restrictions in receiving funding from domestic sources? (n=129)

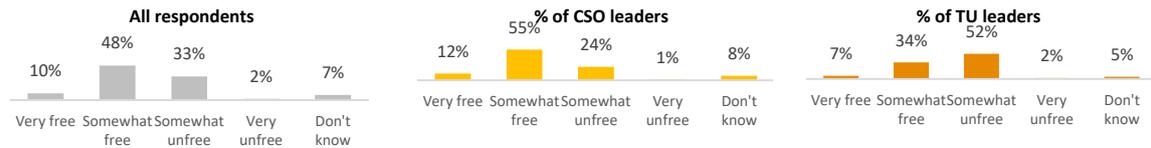


4.23: In the last 12 months, has your CSO faced Government restrictions in receiving funding from foreign sources? (n=131)

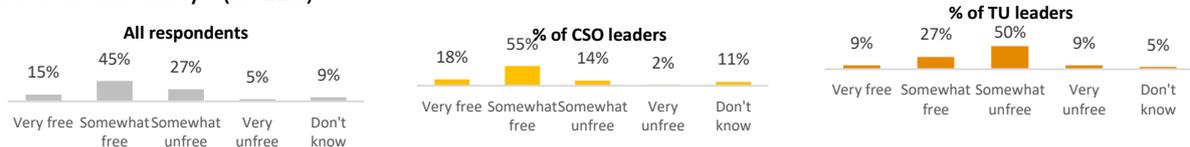


Section 5: Ability to Exercise Freedoms

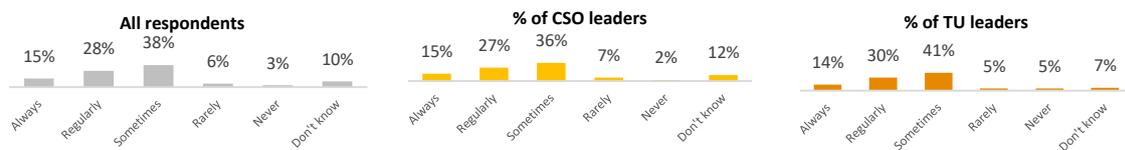
5.1: In the last 12 months, how freely have you and your CSO been able to exercise the freedom of expression? (n=129)



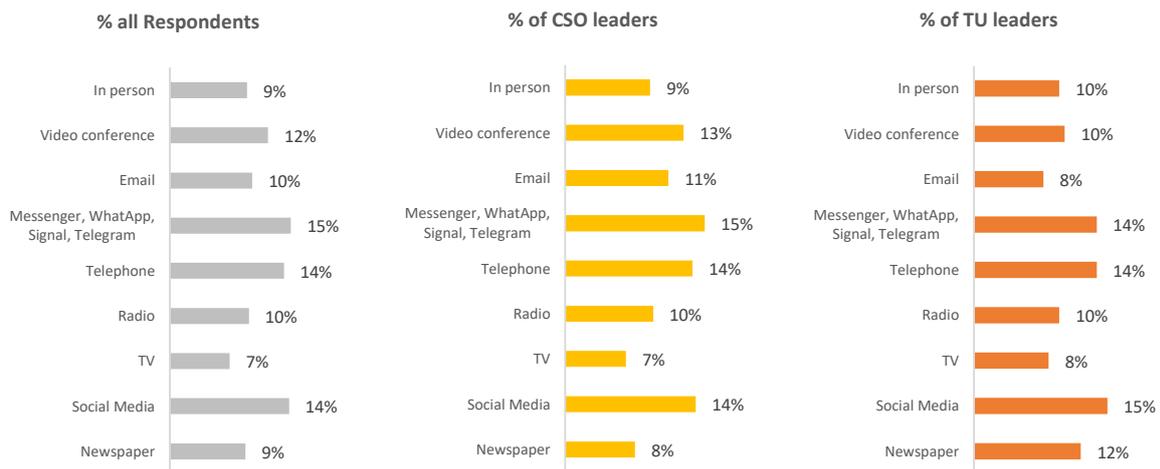
5.2: In the last 12 months, how freely have you and your CSO been able to exercise the freedom to peaceful assembly? (n=128)



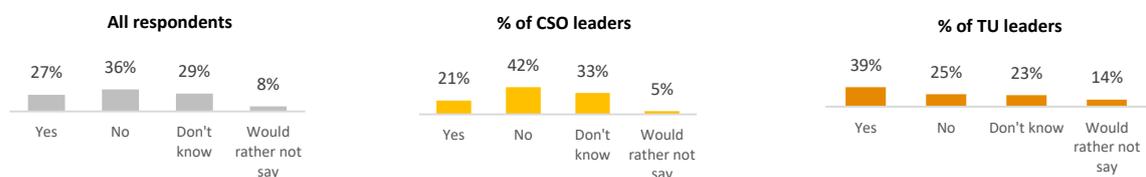
5.3: In the last 12 months, how often have you been worried when expressing yourself publicly to the point that you did not say what you wanted to? (n=128)



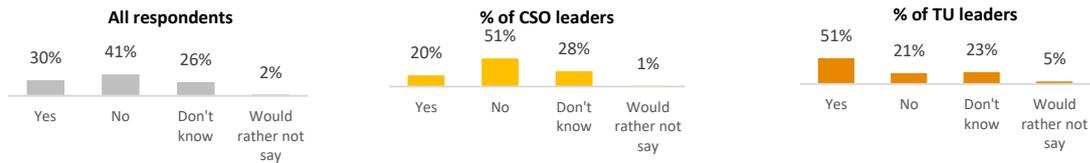
5.4: In the last 12 months, have you or your CSO ever felt unsafe to share information through the following means? (n=471 – multiple answers allowed)



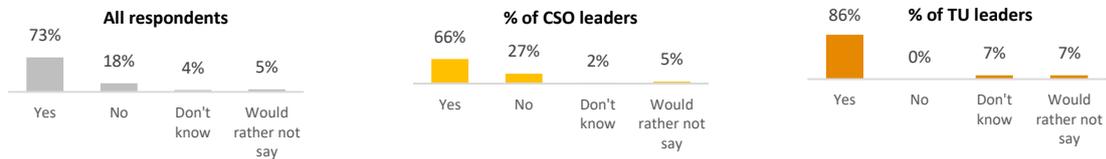
5.5: In the last 12 months, did you feel that your CSO's communication (via email, telephone, social media, etc.) were monitored by the Government authorities? (n=130)



5.6: In the past year, have you been targeted by the Government due to involvement in your CSO? (n=129)

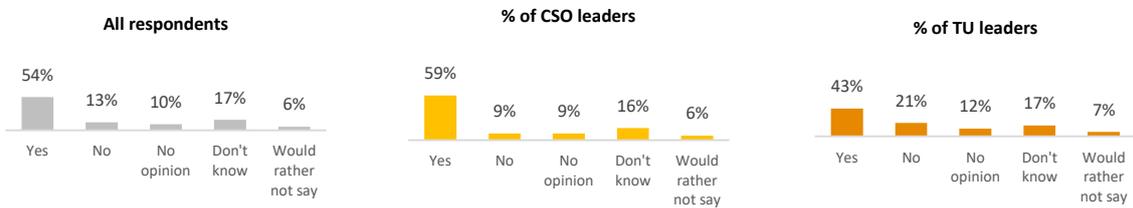


5.7: In the last 12 months, has your organization partnered with other CSO or TUs to take joint action to promote human rights or freedoms? (n=128)

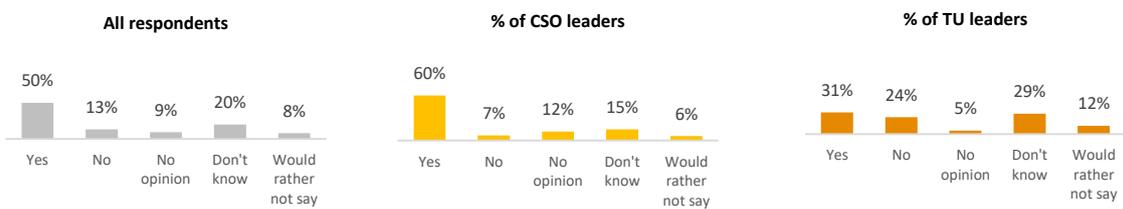


Section 6: CSO and TU Partnership with the Government

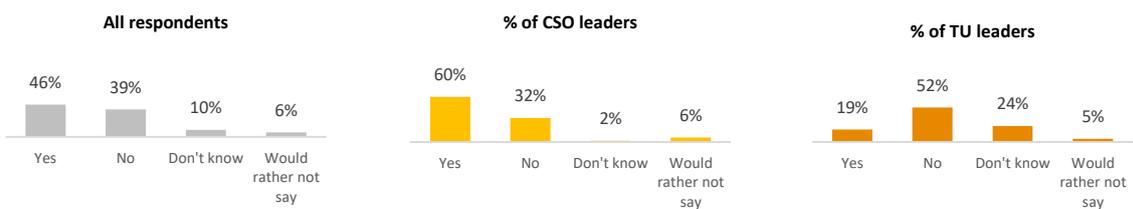
6.1: Do you believe that your CSO is recognized as a legitimate development partner by the Government? (n=127)



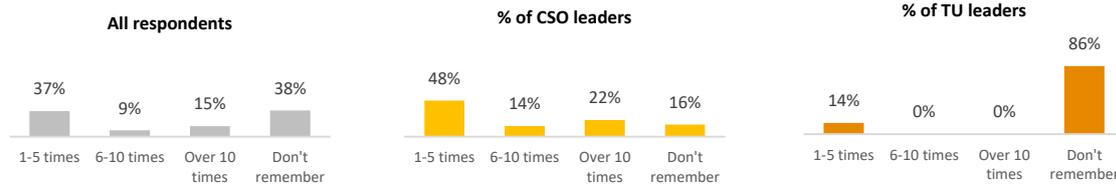
6.2: Do you believe that your CSO is recognized as a competent development partner by the Government? (n=127)



6.3: In the last 12 months, has your CSO partnered with Government authorities for an official collaboration or project? (n=126)



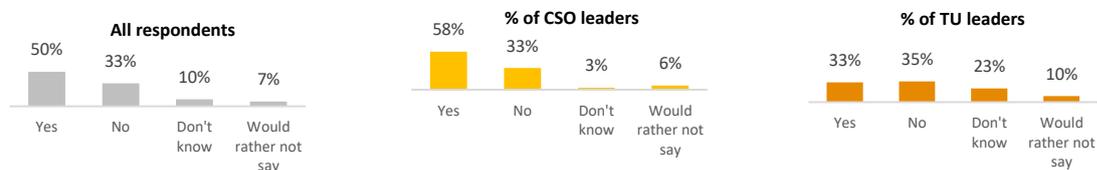
6.4: How many times has your CSO partnered with Government authorities for an official collaboration or project? (n=86)



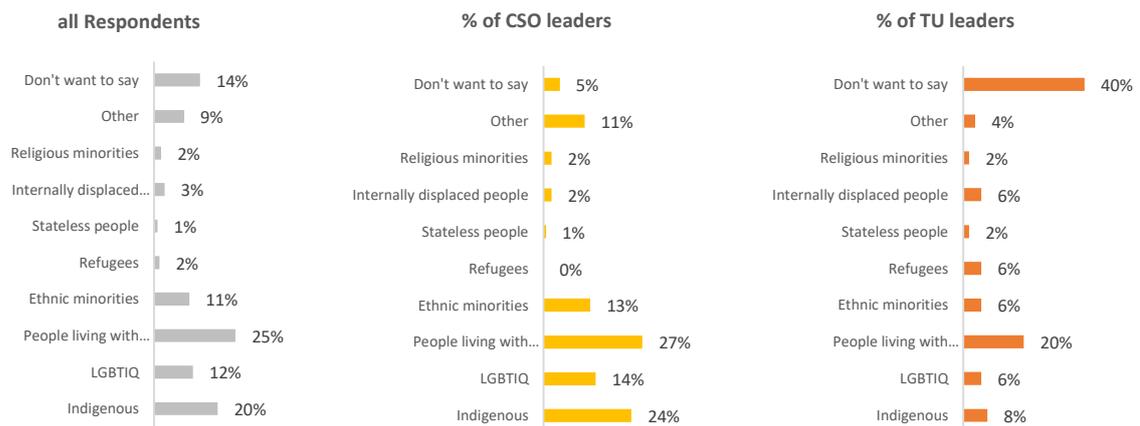
6.5: In the last 12 months, how often has your CSO informally partnered or collaborated with Government authorities? (n=124)



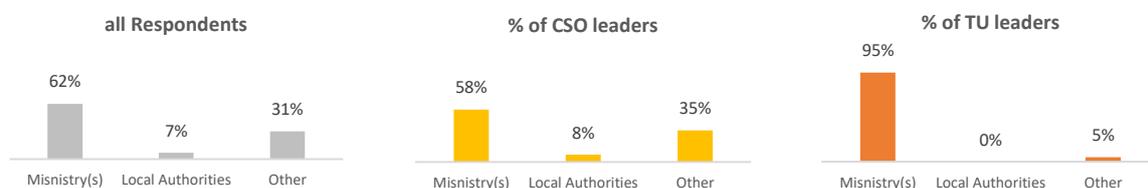
6.5.1: In the last 12 months, have you ever partnered with the Government to respect or promote the rights of marginalized or minority groups? (n=126)



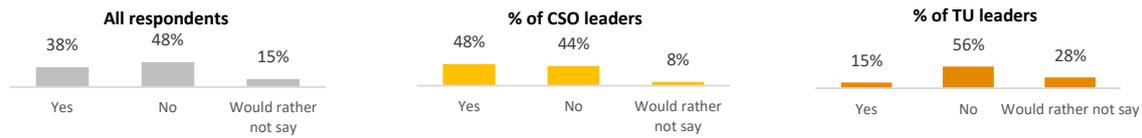
6.5.2: If so, which marginalized/minority groups were the focus of your partnership with the Government? (n=182)



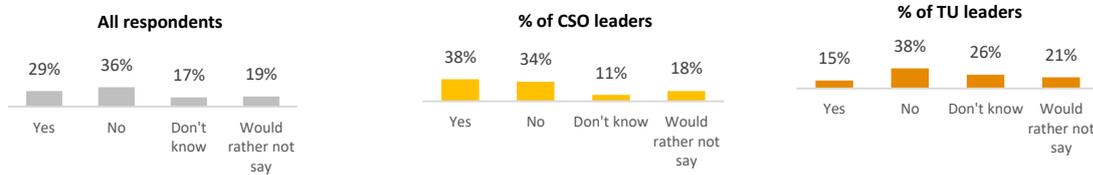
6.5.3: Which Ministry or Agency did you work with? (n=174)



6.6: In the last 12 months, were you aware of any opportunities to participate in Government consultations, panels and/or committees? (n=124)



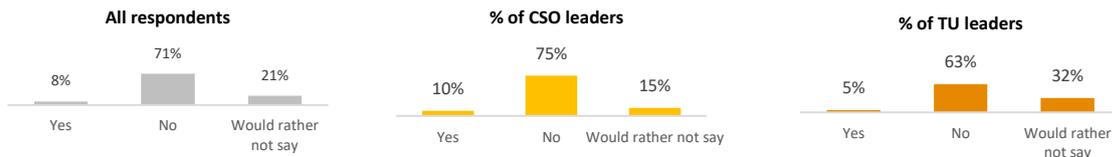
6.7: Do you believe that these calls for participation were explicit, open, and transparent? (n=90)



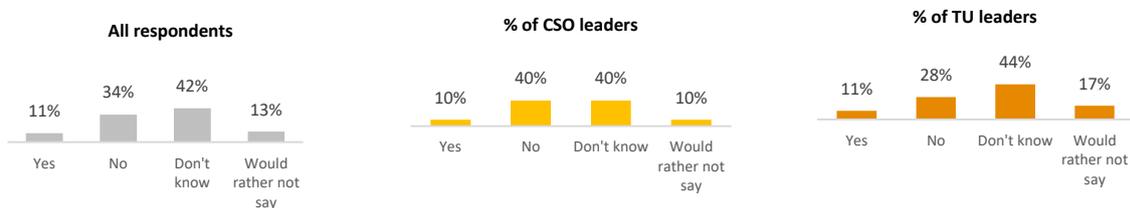
6.8: In the last 12 months, how often has your CSO been an active participant in decision- and law-making processes with the Government? (n=126)



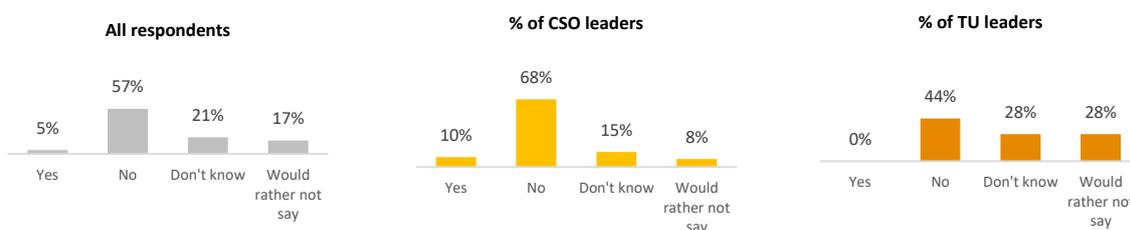
6.9: In the last 12 months, were you aware of any financing or funding opportunities from the Government that your CSO was eligible for? (n=125)



6.10: Do you believe that these Government financing or funding opportunities were explicit, open, and transparent? (n=76)



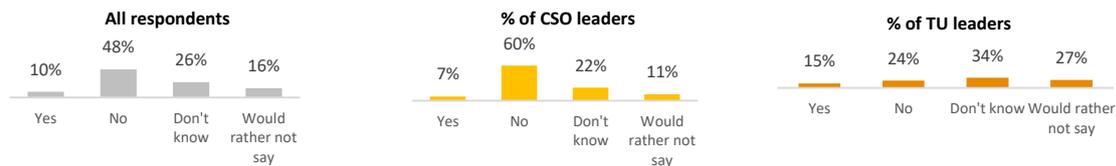
6.11: Was your CSO able to access Government financing for capacity building? (n=76)



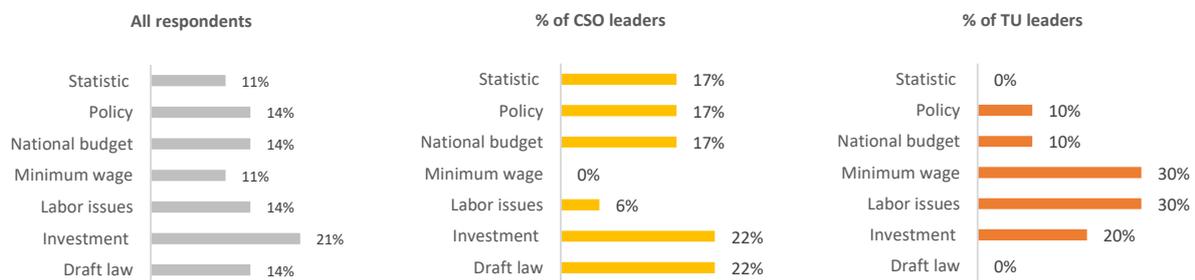
6.12: How is easy is it to access information from the Government? (n=126)



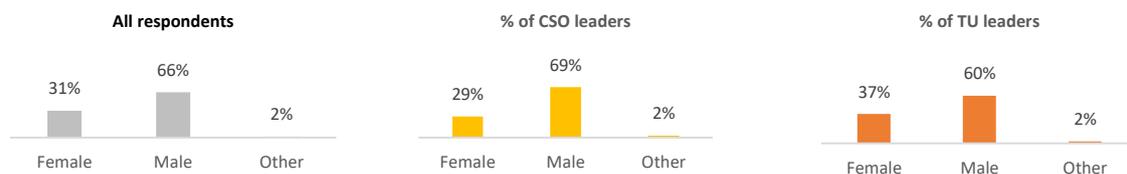
6.13: In the last 12 months, have you ever been denied access to non-classified and/or non-sensitive Government information (e.g. laws, policies, statistics)? (n=126)



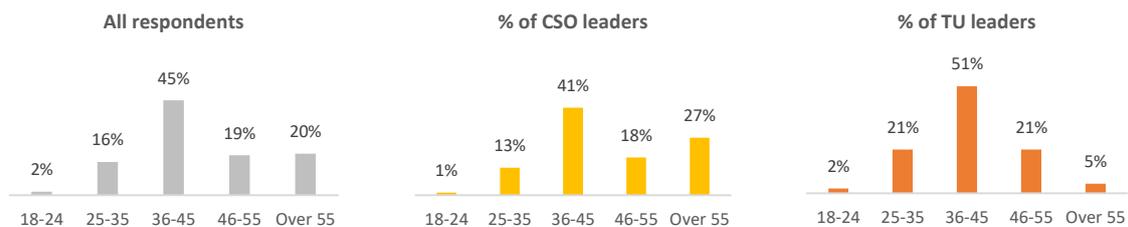
6.14: What type of information have you tried to get from the Government? (n=28)



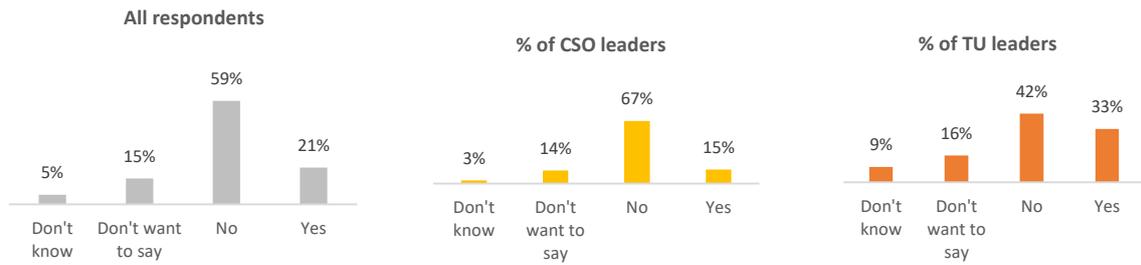
6.15: What is your gender? (n= 127)



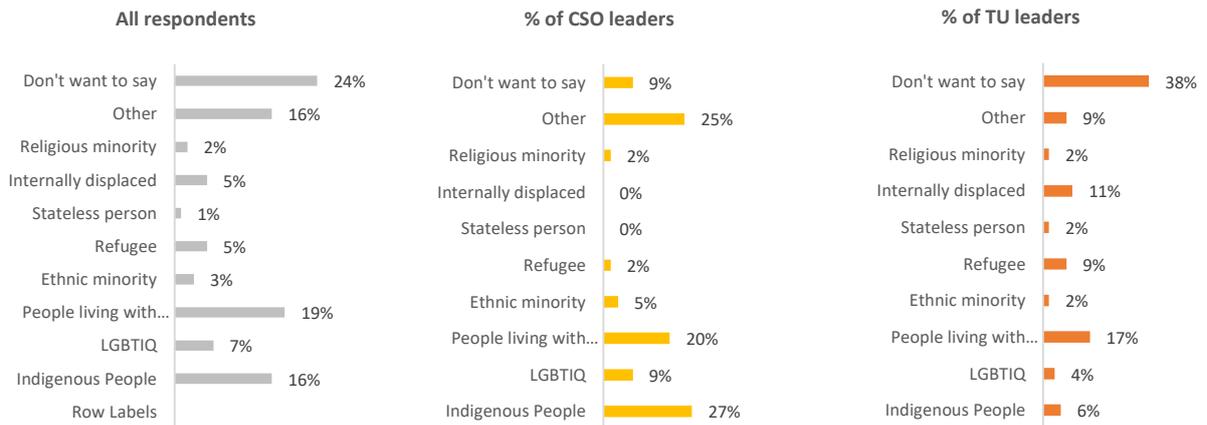
6.16: How old are you? (n= 128)



6.17: Do you identify as part of a marginalized or minority group? (n=129)



6.18 Which marginalized or minority group do you identify with? (n=91)



6.19: If you identify as a person living with a disability, how does this impact on you? (n= 49)

