

Cambodia Fundamental Freedom Monitor

Sixth Annual Report

January –
December
2021



The Fundamental Freedoms Monitoring Project



មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា
Cambodian Center for Human Rights



Supported by:

ICNL
INTERNATIONAL CENTER
FOR NOT-FOR-PROFIT LAW

Table of contents

Executive Summary	2
Introduction.....	6
1. Key Milestone One: Does the legal framework for fundamental freedoms meet international standards?	7
1.1. The <i>Sub-Decree on the Establishment of the National Internet Gateway</i>	8
1.2. The <i>Law on Measures to prevent the spread of COVID-19 and other Serious, Dangerous and Contagious Diseases</i>	10
1.3. The <i>sang prakas</i> (“ <i>Monk prakas</i> ”).....	13
2. Key Milestone Two: Is the legal framework for fundamental freedoms properly implemented and enforced?	15
2.1. Freedom of association	17
2.2. Freedom of expression.....	21
2.3. Freedom of assembly	24
3. Key Milestone Three: Do individuals understand fundamental freedoms, and feel free to exercise them?	29
3.1. The public’s understanding of fundamental freedoms has remained relatively constant	29
3.2. The public’s knowledge of domestic laws governing fundamental freedoms could be improved	30
3.3. The majority of Cambodians feel increasingly free to exercise their legitimate freedoms	31
4. Key Milestone Four: Are CSOs and TUs recognized by, and able to work in partnership with, the RGC?	36
4.1. CSOs and TUs are not seen as fully capable partners by the RGC, resulting in limited collaboration	36
4.2. CSO/TU leaders’ expertise and input as key stakeholders are seldom or inadequately sought	38
4.3. Financing opportunities for CSOs/TUs are both under-publicized and difficult to access.....	39
Conclusion	41
Annex 1 – Methodology and Data Collection.....	42
Annex 2 – FFMP Results Table.....	45
Annex 3 – 2021 Public Poll Questions and Results.....	69
Annex 4 – 2021 CSO/TU Leader Survey Questions and Results.....	76

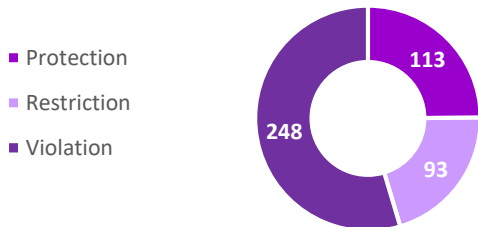
Executive Summary

The Fundamental Freedoms Monitoring Project (FFMP) examines the state of three fundamental freedoms – the freedom of association, the freedom of expression and the freedom of assembly (fundamental freedoms)¹ – in the Kingdom of Cambodia (Cambodia). Utilizing a range of monitoring tools, the FFMP provides an objective overview of how these fundamental freedoms are enshrined in law and exercised across the country.

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

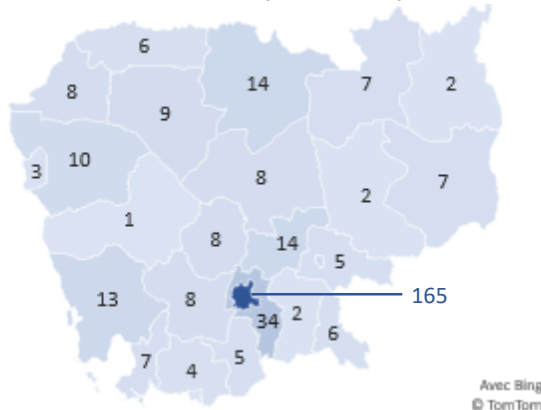
Between 1 January – 31 December 2021 (Year Six), data collected by the FFMP indicated that the space to exercise fundamental freedoms remained restricted. Authorities' actions frequently amounted to impermissible restrictions to fundamental freedoms, Cambodia's legal framework was amended to further stifle the enjoyment of fundamental freedoms, and few individuals reported feeling free to exercise these freedoms.

Figure 1: Number of incidents where fundamental freedoms were protected, restricted, or violated in Year Six



The FFMP recorded a total of 454 incidents related to the exercise of fundamental freedoms in Year Six. 341 of these incidents resulted in at least one restriction or violation of fundamental freedoms.²

Figure 2: Geographical mapping of incidents involving a restriction or violation to fundamental freedoms



Incidents involving a restriction or violation of fundamental freedoms were recorded in every province of Cambodia. Most occurred in Phnom Penh, where 165 incidents were recorded.

Five key findings support the FFMP's assessment that the space to exercise fundamental freedoms was restricted in Year Six. Cambodia enacted three regulations that are likely to hinder individuals'

¹ Fundamental freedoms, for the purposes of this report, comprise the freedom of association, freedom of expression and freedom of assembly. The FFMP adopts the definition of 'association' used by the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

² The difference between a restriction and a violation of a right is that a restriction can be legally permissible under certain circumstances, while a violation *prima facie* contravenes international legal standards.

exercise of their fundamental freedoms (**Key Finding 1**). The FFMP recorded multiple attempts, by both the Royal Government of Cambodia (RGC) and third parties, to hamper the political opposition (**Key Finding 2**). Findings from Year Six also demonstrate that authorities arbitrarily interfered with assemblies (**Key Finding 3**), and that restrictions to online speech have increased (**Key Finding 4**). These Key Findings could explain why individuals still do not feel free to exercise their fundamental freedoms (**Key Finding 5**).

Key Finding 1: Changes in Cambodia’s legal framework may hinder individuals’ ability to exercise their fundamental freedoms

Three new laws and regulations were enacted in Year Six that impact – or are likely to impact – the ability of individuals to exercise their fundamental freedoms:

- The *Sub-Decree on the Establishment of a National Internet Gateway* (NIG Sub-Decree), adopted in February 2021, creates a national internet gateway which will filter all internet communications and data, both domestic and international, before it is sent to an end user. Because of the control this Sub-Decree grants to the RGC over the internet, it will likely impact the exercise of fundamental freedoms and the right to privacy online.
- The *Law on Measures to Prevent the Spread of COVID-19 and other Serious, Dangerous and Contagious Diseases* (COVID-19 Law) was passed in March 2021. It gives authorities unchecked powers to potentially restrict freedom of association and freedom of assembly under the guise of fighting COVID-19.
- The *sang prakas* (*Monk prakas*), enacted in December 2021. It forbids monks from participating in any protest or demonstration.

Key Finding Two: Political dissent was targeted

Authorities and third parties targeted individuals for their perceived or actual affiliation with the political opposition, even though associating with or joining political parties is a fundamental aspect of the freedom of association. The FFMP recorded at least 282 individuals who experienced restrictions to their freedom of association. 101 (or 35%) were political activists or politicians from the opposition. Interference with the political activists’ freedom of association included – but was not limited to – excessive monitoring,³ legal action,⁴ intimidation,⁵ and physical attacks.⁶

Key Finding Three: Authorities arbitrarily interfered with assemblies

While the freedom of assembly was largely protected in Year Six, it was not equally upheld by authorities. The focus of the assembly appeared to matter. Authorities interfered with 95% of Friday

³ Romdoul Chetra & Teng Yalirozy, “PM Tells of Listening In On Exiled CNRP” (*Cambodianess*, 17 September 2021) <https://cambodianess.com/article/pm-tells-of-listening-in-on-exiled-cnrp>.

⁴ Lay Samean & Kim Sarom, “Rainsy sentenced to 25 years” (*Phnom Penh Post*, 1 March 2021) <https://phnompenhpost.com/national-politics/rainsy-sentenced-25-years>.

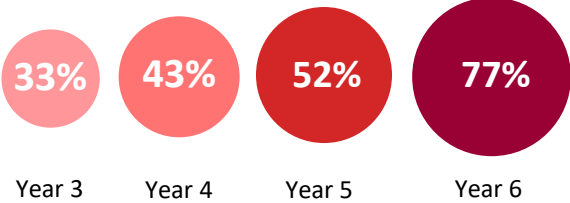
⁵ Kann Vicheika, “Former opposition party officials and their families face restrictions, fears and livelihood problems” (*VOA Khmer*, 29 January 2021) <https://khmer.voanews.com/a/opposition-loyalists-live-in-fears-of-arrests-violence-and-economic-hardships-amid-relentless-political-crackdowns/5756653.html?fbclid=IwAR26JST6ITCUWIBntLcv-LJPPMLyB1P7LkXvAeEtSRg8mp1SeyOnzGA-uPc>.

⁶ Joshua Lipos, “Activist Bludgeoned by Unknown Assailants in Latest Attack on Cambodia’s Opposition” (RFA, 16 February 2021) <https://www.rfa.org/english/news/cambodia/attack-02162021163449.html>.

Women assemblies,⁷ which called for the release of imprisoned Cambodia National Rescue Party (CNRP) members from prison. Authorities did not interfere with other assemblies to the same degree. Interference with Friday Women assemblies included the confiscation of their banners and the use of excessive force by authorities.⁸

Key Finding Four: Restrictions to online speech increased

Figure 3: Percentage of incidents involving a restriction of freedom of expression by the RGC that took place online



The RGC expanded its monitoring of online speech in Year Six,⁹ resulting in an increase in incidents of lawful online expression being restricted. This suggests the RGC is becoming increasingly intolerant of critical speech online.

Key Finding Five: Individuals still do not feel fully free to exercise their fundamental freedoms

The proportion of individuals who reported feeling free to speak on social media (Figure 4)¹⁰ and in public (Figure 5) increased in Year Six.¹¹ While this is encouraging and suggests that individuals were not further deterred by Cambodia’s increasingly closed space for free speech, it is concerning that less than 50% of Cambodians feel free to exercise the freedom of expression in person or online.

Figure 4: Percentage of respondents who feel free to speak on social media

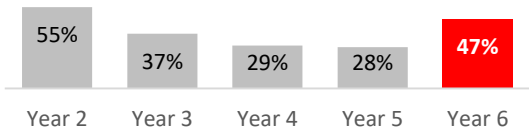
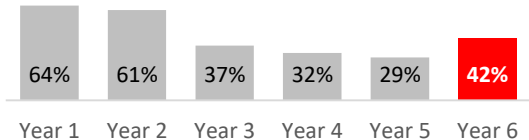


Figure 5: Percentage of respondents who feel free to speak in public



Cambodians do not fully enjoy the freedoms of assembly or association either, as illustrated by the low proportions of respondents who reported feeling free to peacefully assemble or to take part in political activities in Year Six.

⁷ The Friday Women are a group of women who regularly assemble on Fridays to ask for the release of their relatives from prison, all of whom are affiliates of CNRP, the main opposition party that was dissolved in 2017.
⁸ See for example: Kea Sonong, "Friday Women continue to petition the Australian embassy" (*RFA Khmer*, 23 September 2021) <https://www.rfa.org/khmer/news/politics/peaceful-protester-who-are-families-of-jailed-dissidents-submit-petition-to-australian-embassy-09232021102717.html>; Khut Sokhutha, "Former CNRP activists families continue their protest in front of court" (*VOD Khmer*, 29 January 2021) <https://vodkhmer.news/2021/01/29/former-cnrp-activist-families-continues-their-protest-in-front-of-court/>.
⁹ "Cambodia expands monitoring of 'fake news'" (*UCA News*, 19 January 2021) <https://www.ucanews.com/news/cambodia-expands-monitoring-of-fake-news/91186#>.
¹⁰ Figure 4 shows the proportion of respondents who reported feeling "very free" or "somewhat free" to speak on social media.
¹¹ Figure 5 shows the proportion of respondents who reported feeling "very free" or "somewhat free" to speak in public.

Figure 6: Percentage of respondents who feel free to peacefully gather

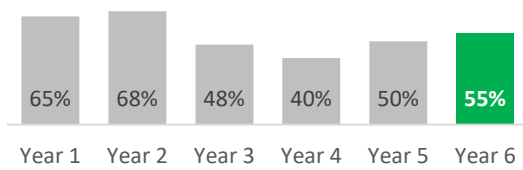
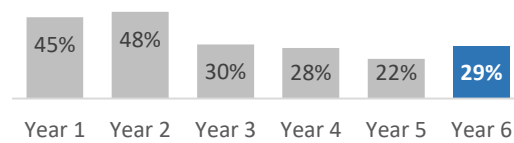


Figure 7: Percentage of respondents who feel free to take part in political activities



Only 55% of respondents said they felt free to peacefully gather (Figure 6),¹² a relatively low percentage that hints at individuals' reticence to assemble, despite freedom of assembly being a fundamental prerequisite for democracy. Similarly, it remains worrying that only 29% of respondents said they felt free to engage in political activities (Figure 7).¹³ This finding suggests that the current environment in Cambodia is not conducive to a thriving political landscape, a concerning finding considering upcoming elections in 2022 and 2023.

¹² Figure 6 shows the proportion of respondents who reported feeling "very free" or "somewhat free" to peacefully assemble.

¹³ Figure 7 shows the proportion of respondents who reported feeling "very free" or "somewhat free" to take part in political activities.

Introduction

The Fundamental Freedoms Monitoring Project (FFMP), which began on 1 April 2016, is a multi-year project that monitors and evaluates the state of three fundamental freedoms – the freedom of association, the freedom of expression and the freedom of assembly (fundamental freedoms)¹⁴ – in Cambodia. The FFMP tracks the exercise of fundamental freedoms by utilizing its Monitoring and Tracking Tool (MTT). This report covers the sixth year of monitoring (Year Six) which began on 1 January 2021 and ended on 31 December 2021.

The aim of the FFMP is to provide an objective overview of 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 focus on civil society and civic participation. The MTT systematically assesses whether, and to what extent, these fundamental freedoms are guaranteed and exercised in Cambodia.

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

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

KM2: The legal framework for fundamental freedoms is properly 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 Year Six, the FFMP utilized six data collection methods to measure the KMs: Incident Reports;¹⁵ Media Monitoring;¹⁶ a desk review of relevant laws (Desk Review);¹⁷ a CSO and TU Registration Monitoring;¹⁸ a Public Poll;¹⁹ and a survey of CSO and TU leaders (CSO/TU Leader Survey).²⁰ This report presents an analysis of key findings and trends based on the data collected in Year Six.

¹⁴ Fundamental freedoms – for the purposes of this report – comprise the freedom of association, freedom of expression and freedom of assembly. The FFMP adopts the definition of ‘association’ used by the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

¹⁵ Incident Reports are collected through a form developed to capture restrictions of freedom of association and related rights against individuals or associations.

¹⁶ Media Monitoring is carried out daily by CCHR. It focuses on newspaper coverage of fundamental freedoms and is governed by a set of Media Monitoring Guidelines which are based upon the MTT.

¹⁷ 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.

¹⁸ The CSO and TU Registration Monitoring records the experiences of CSO and TU representatives as they attempt to register their associations and their unions under the *Law on Associations and Non-Governmental Organizations* and under the *Law on Trade Unions*, respectively.

¹⁹ The Public Poll aims to gauge the general public’s sentiment towards the fundamental freedoms. The Public Poll for Year Six was conducted in Khmer from 1 November – 31 December 2021.

²⁰ 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 Year Six, due to the COVID-19 outbreak, the CSO/TU Leader Survey was conducted entirely online from 1 – 30 September 2021.

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.²¹ During Year Six, the RGC enacted the following laws and regulations, all of which restrict fundamental freedoms and do not comply with international law: (a) the *Sub-Decree on the Establishment of a National Internet Gateway*, adopted in February 2021; (b) the *Law on Measures to Prevent the Spread of COVID-19 and Other Serious, Dangerous and Contagious Diseases*, adopted in March 2021; and (c) the *sang prakas (Monk prakas)*, adopted in December 2021.

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

ICCPR article	Three-part test
Article 19: Freedom of Expression	To be permissible under international human rights law, any restriction to the freedom of expression must be: <ol style="list-style-type: none"> 1) provided by a law 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; and 3) necessary and proportionate to the aim.²³
Article 21 : Freedom of Assembly	To be permissible under international human rights law, any restriction to the freedom of assembly must be: <ol style="list-style-type: none"> 1) imposed in conformity with a law with sufficient clarity and accessibility;

²¹ The findings in Key Milestone One are primarily based on the Desk Review. The Desk Review analyzes the extent to which the domestic legal framework related to fundamental freedoms complies with international human rights law and standards, derived from relevant international treaties and international standards as interpreted by the United Nations (UN) Human Rights Committee and UN Special Rapporteurs. In this report, ‘international human rights law and standards’ refers to international human rights law and standards related to fundamental freedoms, namely freedom of association, freedom of assembly, and freedom of expression, derived from the international treaties to which Cambodia is a party. Article 31 of the Constitution of Kingdom of Cambodia gives constitutional status to the human rights contained in the UN Charter, the Universal Declaration on Human Rights, and the covenants and conventions related to human rights, women’s rights and children’s rights. The decision of Cambodia’s Constitutional Council on 10 July 2007 authoritatively interpreted Article 31 of the Cambodian Constitution as meaning that international treaties ratified by Cambodia are directly applicable in domestic law. See Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007). The treaties ratified by Cambodia include *inter alia* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, and the Convention on the Rights of the Child. In addition to these treaties, the FFMP also uses international standards as interpreted by the UN Human Rights Committee, and by UN Special Rapporteurs.

²² 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.

²³ 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>.

	<p>2) in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others; and</p> <p>3) necessary in a democratic society and proportionate to the aim.²⁴</p>
<p>Article 22: Freedom of Association</p>	<p>To be permissible under international human rights law, any restriction to the freedom of association must be:</p> <p>1) provided by a law with sufficient clarity and accessibility;</p> <p>2) in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others; and</p> <p>3) necessary and proportionate to the aim.²⁵</p>

1.1. The *Sub-Decree on the Establishment of the National Internet Gateway* may detrimentally impact online freedoms

The *Sub-Decree on the Establishment of National Internet Gateway* (NIG Sub-Decree), adopted on 16 February 2021, creates a national internet gateway (NIG) in Cambodia. An NIG routes all internet traffic into specific points where hardware and software may be installed to monitor incoming and outgoing network traffic, allowing for the filtering and blocking of designated content. Cambodia’s proposed NIG²⁶ will require all internet communications and data, both domestic and international, to first be filtered through the NIG before it is sent to an end user.

The NIG Sub-Decree outlines how the NIG will be operationalized and managed, and provides powers to government-appointed operators (NIG operators) and state institutions, including the Ministry of Post and Telecommunications (MPTC), and the Telecommunication Regulator of Cambodia (TRC), to oversee the NIG. The fact that NIG operators will be government-appointed and required to collaborate with and carry-out the orders of authorities means that the RGC will be able to exercise nearly complete control over the NIG’s operations. The NIG Sub-Decree is therefore a grave concern for the future of human rights in Cambodia because it is likely to restrict the ability of anyone in Cambodia to exercise fundamental freedoms online.

1.1.1. The NIG Sub-Decree may be used to restrict freedom of expression

Article 1

Article 1 of the NIG Sub-Decree provides that the goal of the NIG, defined in the glossary as “*the gateway where all internet services shall be connected nationally and internationally*”, is “*to facilitate and manage internet connections for the enhancement of effectiveness and efficiency of the national revenue collection, protection of the national security and the assurance of social order*”.

²⁴ 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>.

²⁵ ICCPR, Art. 22.

²⁶ The NIG Sub-Decree, adopted on 16 February 2021, gave internet service providers (“ISPs”) and internet companies 12 months to reroute their networks to the NIG. It was therefore expected to be operational by mid-February 2022. However, on 15 February 2022, the Ministry of Posts and Telecommunications announced the postponement of the implementation of the NIG, citing the effects of COVID-19 and the lack of supporting infrastructure.

By forcing all communications and data transferred via the internet to first pass through the NIG, the NIG Sub-Decree establishes an infrastructure that could facilitate the mass surveillance of all online information sharing or activity. The infringements on the right to privacy that this infrastructure would allow – such as interception and surveillance of private communications – could prevent individuals from freely expressing themselves, thus amounting to a restriction to the freedom of expression.

The reference in Article 1 to the “*assurance of social order*” is not sufficiently precise to prevent its subjective interpretation, in violation of the requirement that a law prescribing restrictions to fundamental freedoms meet a certain level of clarity. It could be broadly interpreted by authorities to justify infringements on privacy which could, in turn, impact the freedom of expression. As for the reference to “*national security*”, the Human Rights Council has explicitly stated that “*vague and overbroad justifications, such as unspecific references to “national security” do not qualify as adequately clear laws*”.²⁷ Article 1 therefore fails to meet the first prong of Article 19’s three-part test.

Further, neither “*national revenue collection*” nor “*the assurance of social order*” are legitimate aims in the pursuit of which restrictions to the freedom of expression are permissible, and thus, these fail to satisfy the second prong of Article 19’s three-part test.

Finally, granting authorities “*such wide-ranging control*”²⁸ over the internet “*for the enhancement of effectiveness and efficiency of the national revenue collection, protection of the national security and the assurance of social order*” cannot be seen as necessary or proportionate. Far-less intrusive measures than total government control of the internet could be implemented to achieve such goals, all while better upholding the right to privacy and to freedom of expression.

Article 6 Article 6 tasks NIG operators appointed by the RGC with the duty to collaborate with the MPTC, the TRC and relevant authorities to block and disconnect any online connection or content deemed to “*affect safety, national revenue, social order, dignity, culture, traditions and customs*”. These vague and undefined reasons for censoring content, coupled with the control the RGC will have over data exchanges in the country, effectively permits the RGC to police online content and, if it even tangentially affects these aims, to censor that content. Considering the broadness and ambiguity of the reasons for censoring content, nearly all content – including innocuous content – could be considered to affect them. For instance, reports predicting a decline of Cambodia’s gross domestic product growth or articles mentioning damage to infrastructure following a storm could arbitrarily be deemed to affect “*national revenue*” and “*safety*” respectively, and be subsequently blocked.

The terms “*safety, national revenue, social order, dignity, culture, traditions and customs*”, which are referenced in Article 6, are undefined and highly subjective. As such, it is very difficult to have a clear understanding of what content could be blocked, thus preventing individuals from tailoring their behavior to ensure compliance with the law. Article 6 therefore fails to satisfy the legality requirement under the first prong of Article 19’s three-part test, and would effectively permit the RGC to police and censor online content it arbitrarily deems as going against these aims.

²⁷ UN Human Rights Council, The right to privacy in the digital age, A/HRC/39/29 (3 August 2018) para 35, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/239/58/PDF/G1823958.pdf?OpenElement>.

²⁸ OHCHR, ‘Cambodia : Data surveillance legislation is ‘repressive’, must not be implemented – UN experts’ (1 February 2022) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28077&LangID=E>.

Allowing NIG operators to block and disconnect any online connection or content deemed to go against these aims is excessive, as such restrictions are overly broad and go beyond what is strictly necessary to achieve a legitimate aim. The risk of “over-blocking” – wrongfully restricting legitimate connections or content – that Article 6 presents means it is disproportionate,²⁹ and fails to satisfy the third prong of Article 19’s three-part test.

Additionally, Article 6 contravenes the Human Rights Council’s 2020 resolution on the freedom of expression, which requires states to refrain from imposing unlawful restrictions, including through “*the use of Internet shutdown to intentionally and arbitrarily prevent or disrupt access to or the dissemination of information online*”.³⁰ Since the NIG centralizes the RGC’s control over the internet, the RGC could disrupt internet connections, block unfavorable online content, or impose internet blackouts. There is a likelihood that it could be used to target journalists and human rights defenders.

1.1.2. The NIG Sub-Decree may be used to restrict freedom of assembly

Article 6 Article 6 of the NIG Sub-Decree may also be problematic for the freedom of assembly because it could be used by the RGC to turn off the internet or block specific services, like social media or video conferencing services which are often used by individuals to exercise their freedom of assembly online.³¹ The freedom of assembly includes the right to participate in and organize assemblies online.³²

Under Article 6, NIG operators are empowered to “*manage and facilitate access connection and utilization of infrastructure, networks and internet services at all NIGs as well as internet infrastructure across the land borders*”. This enables the RGC to impose internet shutdowns or to intentionally disrupt internet or electronic communications, rendering them inaccessible or effectively unusable.³³ These extensive powers granted to the RGC create reasons to fear that shutdowns made possible under Article 6 would go beyond what is necessary in a democratic society, thus failing the third prong of Article 21’s three-part test.

1.2. The Law on Measures to prevent the spread of COVID-19 and other Serious, Dangerous and Contagious Diseases gives authorities unchecked powers to potentially restrict fundamental freedoms under the guise of fighting COVID-19

In March 2021, the RGC swiftly passed the *Law on Measures to prevent the spread of COVID-19 and other Serious, Dangerous and Contagious Diseases* (COVID-19 Law). Several provisions of the COVID-19 Law are problematic and give authorities unchecked powers.

Article 4 Article 4 of the COVID-19 Law grants powers to the RGC to “*temporarily*” impose “*administrative and other measures*” necessary to respond to the spread of COVID-19.

²⁹ UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, A/HRC/17/27 (16 May 2011) para. 31, https://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/a.hrc.17.27_en.pdf.

³⁰ UN Human Rights Council, Freedom of opinion and expression, A/HRC/44/L.18/Rev. 1 (14 July 2020) para. 8(g), https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/44/L.18/Rev.1.

³¹ ICNL, Explanatory Note on Cambodia’s Internet Gateway.

³² UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37 (17 September 2020) para. 13, <https://undocs.org/CCPR/C/GC/37>.

³³ UN Human Rights Council, Ending Internet Shutdowns: a path forward – Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/47/24/Add.2 (15 June 2021) para. 7, <https://undocs.org/A/HRC/47/24/Add.2>, citing Global Network Initiative, “Disconnected: A Human Rights Approach to Network Disruptions” (2017)

This includes bans or restrictions on travel or business operations that may result in the spread of COVID-19, or lockdowns of infected areas. Article 4 also clarifies that the RGC can take “*other administrative and other measures necessary to respond to and prevent the spread of COVID-19*”. The risks created by the open-endedness of Article 4 are compounded by the vagueness of its terminology. Authorities have wide-ranging discretion to implement measures to stop the spread of COVID-19. The broad language of Article 4 means it could be used by authorities to arbitrarily enforce measures beyond the goal of containing COVID-19. In particular, the leeway Article 4 grants authorities raises concerns it could be wielded against individuals or organizations perceived as critical of the RGC.

The use of the term “*temporarily*” also raises concern. While emergency measures may be taken to protect public health even if no state of emergency has been declared, such measures must meet the requirements of legality, necessity and proportionality.³⁴ The vagueness of the term “*temporarily*” opens the door to subjective interpretation, in violation of the requirement of legality. The absence of a narrowly-defined timeframe or expiration date for these measures could enable the RGC to broadly interpret Article 4 and to adopt these measures indefinitely, even when they are no longer necessary.

1.2.1. The COVID-19 Law may be used to restrict freedom of assembly

Article 4

Article 4 of the COVID-19 Law permits the RGC to temporarily implement administrative or other measures to combat the spread of COVID-19, including restricting or prohibiting the “*meeting and gathering of persons which may cause the spread of COVID-19*.” This vague provision could lead to unjustifiable restrictions on the freedom of assembly. While the implementation of temporary measures to restrict or prohibit assemblies can be permissible to combat a public health crisis like the COVID-19 pandemic,³⁵ the language of Article 4 is imprecise and appears to grant authorities broad powers, in contravention of the first and third prongs of Article 21’s three-part test.

To satisfy the legality principle under the first prong of Article 21’s three-part test, the law must be sufficiently precise so as not to grant expansive discretionary power to those enforcing the law.³⁶ The wording, “*meetings and gathering of persons which may cause the spread of COVID-19*”, is unclear and provides no criteria for the types of gatherings that could be restricted or prohibited. Article 4 therefore confers broad discretionary powers to authorities to decide which gatherings purportedly spread COVID-19, with the risk that gatherings of opposition activists or dissidents would be disproportionately targeted.

To meet the necessity requirement under the third prong of Article 21’s three-part test, restrictive measures must be the least intrusive means possible to achieve a legitimate aim and they must be proportionate to the interest to be protected. Thus, authorities must make an individualized determination, balancing the impact of interference with a specific assembly against the potential benefits sought.³⁷

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

³⁴ OHCHR, ‘COVID-19: States should not abuse emergency measures to suppress human rights – UN experts’ (16 March 2020) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>; OHCHR, ‘Emergency measures and COVID-19: Guidance’ (27 April 2020) https://www.ohchr.org/Documents/Events/EmergencyMeasures_Covid19.pdf.

³⁵ UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37 (17 September 2020) para. 45, <https://undocs.org/CCPR/C/GC/37>.

³⁶ *Ibid*, para 39.

³⁷ *Ibid*, para 40.

whereby blanket bans on assemblies could be imposed, regardless of COVID-19 mitigation measures or the location and purpose of the assemblies. Such a ban would preclude the consideration of the specific circumstances of each assembly and would disproportionately infringe upon the right of freedom of assembly.³⁸

1.2.2. The COVID-19 Law may be used to restrict freedom of association

Article 4 Article 4 of the COVID-19 Law also represents a threat to the freedom of association. Even though the COVID-19 Law does not define “*meeting and gathering of people*”, a reasonable interpretation would be that the RGC could prohibit people from gathering as part of a meeting or a group activity, thereby affecting the freedom of association.

Article 4 does not comply with the first part of Article 22’s three-part test because it is imprecise as to what constitutes a “*meeting or gathering of people which may cause the spread of COVID-19*”, thus exposing individuals and groups to uncertainty as to what meetings or gatherings are permissible. Article 4 permits authorities to subjectively interpret which meetings or gatherings they may prohibit, potentially resulting in arbitrary enforcement of the law.

Article 4 permits restrictions to, and full prohibitions of, any meetings or gatherings of people which may contribute to the spread of COVID-19. Article 4 could allow for restrictions to be imposed on meetings or gatherings without considering the individual circumstances of each gathering, which fails to satisfy the proportionality requirement in the third prong of Article 22’s three-part test. Such extensive restrictions go beyond what is necessary and proportionate to respond to the COVID-19 pandemic, and are therefore likely to violate the freedom of association.

Article 5 Article 5 of the COVID-19 Law grants authorities unchecked powers to implement penalties – which include the suspension or revocation of business licenses, certificates or permits, as well as the closure of businesses – against those who do not comply with the vague and non-exhaustive “*health, administrative and other measures*” provided for in Articles 3 and 4 of the law. The penalties that Article 5 mandates are excessive; less severe measures – such as fines – could be implemented to respond to and contain the spread of COVID-19. Article 5 thus violates the requirement that restrictions must be necessary and proportionate to achieve a legitimate aim, under the third prong of Article 22’s three-part test. This article could be used as a weapon against civil society organizations and political parties, which have frequently and increasingly been targeted by the RGC to stifle public participation.

Article 9 Article 9 of the COVID-19 Law imposes a prison sentence of up to ten years if an individual “*intentionally transmits COVID-19 to others*”. This punishment rises to 20 years imprisonment if the offense is committed by an organized group. Article 9 fails to clarify what constitutes intentional actions, in breach of the legality requirement under the first prong of Article 22’s three-part test, thus preventing the public from understanding what actions are prohibited under the law and tailoring their behavior accordingly. This renders individuals and groups vulnerable to lengthy prison sentences.

³⁸ *Ibid.*

The severity of the criminal penalties in Article 9 constitutes an excessive response to support COVID-19 public health measures. The sentences provided for in Article 9 far exceed what is strictly necessary to achieve the aim of the law, in violation of the third part of Article 22's three-part test.³⁹

Article 9 could allow the RGC to declare that meetings or operations of political parties or CSOs contribute to the deliberate spreading of COVID-19, thus enabling authorities to arbitrarily arrest and punish civil society members in violation of the freedom of association.

1.3. The *sang prakas* (Monk *prakas*) unduly restricts monks' freedom of assembly

During the 29th National Congress of Buddhist Monks held on 20-21 December 2021 in Phnom Penh, a decision detailing seven points to strengthen monastic discipline was issued.⁴⁰ This *sang prakas* was signed by both monk representatives and the Ministry of Cults and Religion.⁴¹

The fifth point (Point 5) of the *sang prakas* worryingly mentions that monks "*shall not join protests, strikes, demonstrations, or riots in public places that lead to the loss of their dignity and monkhood by affecting security and public order*". This threatens the freedom of assembly under Article 21 of the ICCPR.

1.3.1. The *sang prakas* (Monk *prakas*) restricts freedom of assembly

Point 5

Point 5 of the *sang prakas* does not meet the second prong of Article 21's three-part test, namely that the restriction must be in pursuit of a legitimate aim. The provision – which establishes a correlation between monks' participation in assemblies and the loss of monastic dignity – aims to strengthen monastic discipline by forbidding monks from participating in conceivably any assembly. This prohibition does not serve any of the legitimate aims exhaustively mentioned in Article 21.

Further, prohibiting monks from taking part in assemblies is not necessary in a democratic society, as it cannot be considered "*imperative, in the context of a society based on democracy, political pluralism and human rights*".⁴² It is not proportionate either, as less restrictive measures than a complete ban on protest participation for monks could be adopted to achieve one of the legitimate aims of Article 21. Point 5 of the *sang prakas* thus fails to meet the third prong of Article 21's three-part test and amounts to a violation of the freedom of assembly.

The adoption of the NIG Sub-Decree, the COVID-19 Law and the *sang prakas* gives reason to fear for the future of fundamental freedoms in Cambodia. The NIG Sub-Decree represents a grave threat to the online exercise of all three fundamental freedoms. The NIG will facilitate mass surveillance, censorship, and governmental control over the internet. The problematic provisions of the COVID-19 Law allow authorities to adopt measures going beyond what is necessary to contain COVID-19, in violation of fundamental freedoms. As for the *sang prakas*, the restrictions it imposes on monks'

³⁹ UN Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, CCPR/C/GC/34 (12 September 2011) para 33, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

⁴⁰ Mom Kunthear, "Congress issues prakas banning monks from protest participation" (*Phnom Penh Post*, 22 December 2021) <https://www.phnompenhpost.com/national/congress-issues-prakas-banning-monks-protest-participation>.

⁴¹ A *sang prakas* is a notice from the Supreme Patriarchs who are Buddhist leaders in Cambodia. It is not to be confused with a *prakas* which is an executive regulation made at the ministerial level to implement and clarify specific provisions within higher-level legislative documents.

⁴² UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37 (17 September 2020) para. 45, <https://undocs.org/CCPR/C/GC/37>.

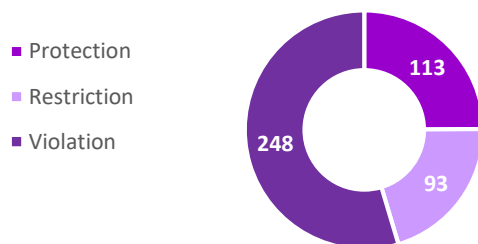
freedom of assembly unduly stifles their public participation. The overall conclusion to be drawn from the adoption of the NIG Sub-Decree, the COVID-19 Law and the *sang prakas*, as well as laws previously reviewed by the FFMP, is that the Cambodian legal framework continues to impermissibly restrict fundamental freedoms, in violation of international law.

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.⁴³ For individuals to enjoy their fundamental freedoms, is it not enough for the domestic legal framework to comply with international human rights law and standards. Laws affecting fundamental freedoms must be implemented according to the letter of the law and applied in a consistent, non-arbitrary manner.

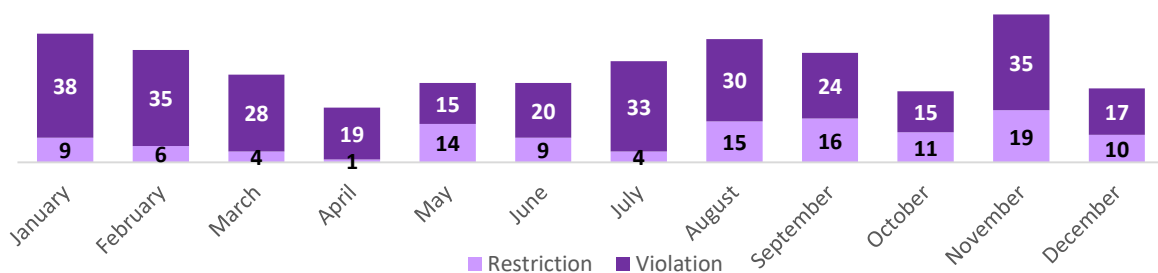
Key findings: Data from Key Milestone Two reveals that laws governing fundamental freedoms were implemented in a manner seemingly designed to stifle public participation, silence critical voices, and quash dissent. CSOs were frequently targeted by the RGC for holding trainings, bringing awareness to causes that the RGC disagrees with, or conducting lawful activities. Members of CSOs often faced criminal sanctions. Individuals who are part of the political opposition were targeted most frequently. Assemblies were unevenly protected, with the RGC interfering with several assemblies and using force unjustifiably. Restrictions to online expression increased, and multiple interferences to media freedoms were recorded.

Figure 8: Number of incidents where fundamental freedoms were protected, restricted or violated in Year 6



In Year Six, the FFMP recorded 454 incidents related to the exercise of fundamental freedoms. 351 of these incidents were recorded through Media Monitoring, and an additional 103 incidents were recorded through Incident Reports. 113 incidents demonstrated a protection of fundamental freedoms, while 93 included at least one restriction, and 248 included at least one violation of fundamental freedoms.

Figure 9: Number of restrictions or violations per month in Year Six



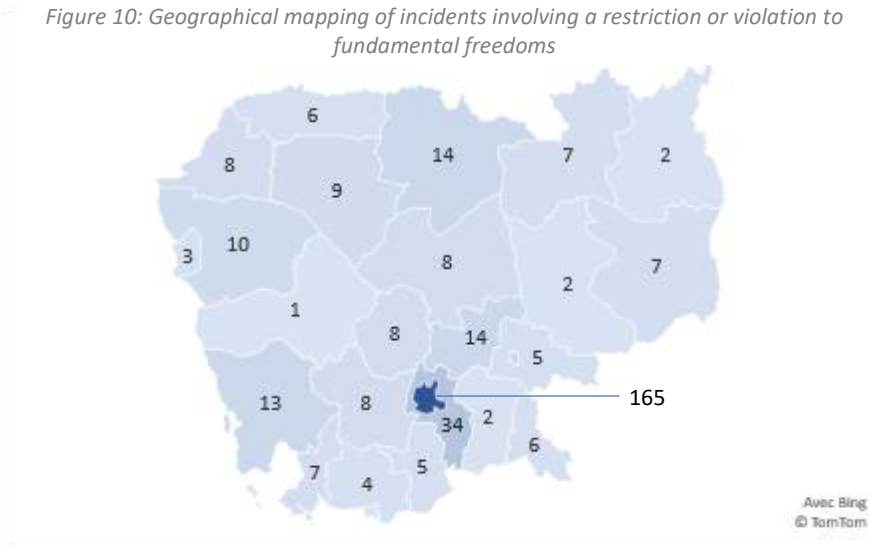
The beginning of Year Six saw the number of COVID-19 cases increase in Cambodia, which resulted in a lockdown in Phnom Penh and an inter-provincial travel ban in April 2021, which were lifted in early

⁴³ The findings in Key Milestone Two are based on Media Monitoring, Incident Reports, a CSO/TU Leader Survey conducted in September 2021, a Public Poll conducted in November – December 2021, and a CSO and TU Registration Monitoring. These data collection methods are presented in Annex 1.

May⁴⁴ and at the end of April respectively.⁴⁵ These measures likely resulted in reduced restrictions and violations in April 2021. The number of restrictions and violations⁴⁶ peaked in November 2021, when multiple political activists and politicians faced legal action or restrictions on their parties’ activities. Notably, four Cambodia National Rescue Party (CNRP) activists, who had fled to Thailand following the dissolution of the CNRP in 2017, were arrested and deported to Cambodia at the request of or in collaboration with Cambodian authorities in November 2021.⁴⁷ All were jailed for what the United Nations called “politically-motivated charges”⁴⁸ upon their arrival in Cambodia, and were charged with “conspiracy”: three of them over their alleged support of Sam Rainsy’s failed return to Cambodia in 2019⁴⁹ and the fourth over his criticism of Prime Minister Hun Sen’s government.⁵⁰ In November 2021, a former CNRP activist was murdered in Phnom Penh, in an attack that his family and friends described as “politically motivated”.⁵¹

Figure 10: Geographical mapping of incidents involving a restriction or violation to fundamental freedoms

Incidents involving a restriction or violation of fundamental freedoms were recorded in every province of Cambodia. The majority (165) occurred in Phnom Penh, an average of 13.6 incidents per month.



⁴⁴ Mom Kunthear, “Gov’t issues guidelines as lockdown nears end” (*Phnom Penh Post*, 4 May 2021) <https://www.phnompenhpost.com/national/govt-issues-guidelines-lockdown-nears-end>.

⁴⁵ “Inter-provincial travel ban lifted; Phnom Penh and Takmao not exempted” (*Phnom Penh Post*, 25 April 2021) <https://www.phnompenhpost.com/national/inter-provincial-travel-ban-lifted-phnom-penh-and-takmao-not-exempted>.

⁴⁶ The total number of restrictions and violations is higher than the number of incidents involving a restriction or a violation because one incident can, and often does, include multiple restrictions.

⁴⁷ Khan Leakhena, “Thai authorities arrest another former opposition activist and hand her over to Cambodian authorities” (*VOD Khmer*, 20 November 2021) <https://www.vodkmer.news/2021/11/20/thai-authorities-arrest-former-opposition-activist-hand-him-over-to-cambodian-authorities/>; Richard Finney, “Cambodian opposition activist held in Thailand faces deportation” (*RFA*, 23 November 2021) <https://www.rfa.org/english/news/cambodia/deport-11232021190849.html>; Roseanne Gerin, “Thai authorities arrest, deport two Cambodian opposition activists” (*RFA*, 10 November 2021) <https://www.rfa.org/english/news/cambodia/cnrp-activists-deported-11102021171509.html>.

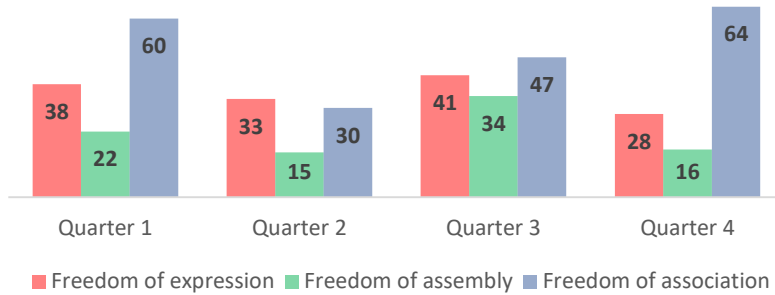
⁴⁸ “Comment by UN Human Rights Office spokesperson Rupert Colville on killing of Cambodian activist and refoulements from Thailand” (3 December 2021) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27906&LangID=E>.

⁴⁹ Khuon Narim, “Civil society groups decry deportation of CNRP asylum seekers” (*Cambodia News*, 22 November 2021) <https://cambodianews.com/civil-society-groups-decry-deportation-of-cnrp-asylum-seekers/>.

⁵⁰ Eugene Whong, “Court jails recently repatriated Cambodian activist” (*RFA*, 30 November 2021) <https://www.rfa.org/english/news/cambodia/michheang-11302021184914.html>.

⁵¹ Sam Sopich, “Sin Khon’s friends and family claim murder was politically motivated” (*Cambodia News*, 24 November 2021) <https://cambodianews.com/sin-khons-friends-and-family-claim-murder-was-politically-motivated/>.

Figure 11: Number of restrictions and violations per freedom and per quarter



After a COVID-19 outbreak in April 2021, which coincided with a decrease in the number of restrictions and violations in Quarter Two, the number of restrictions and violations to fundamental freedoms increased in Quarters Three and Four.

2.1. Freedom of association

In Year Six, the FFMP recorded 200 restrictions to the freedom of association, affecting at least 282 individuals.⁵² 154 of these restrictions (or 77%) were impermissible, amounting to violations of freedom of association. These restrictions included, but were not limited to, interferences with associations' activities,⁵³ excessive monitoring of associations,⁵⁴ physical attacks against association members,⁵⁵ and the use of the judiciary to impede or deter associations and their members.⁵⁶

2.1.1. Restrictions to the freedom of association are often used to target political dissent

At least 282 individuals had their freedom of association restricted in Year Six, suggesting a difficult environment for exercising this freedom. Of these individuals, at least 101 (35%) were political activists or politicians from the opposition. 94 of these 101 political activists or politicians were affiliated with the CNRP, the main opposition party dissolved by the Supreme Court in 2017.⁵⁷ Interferences with the political activists' freedom of association included – but were not limited to – excessive monitoring,⁵⁸ legal action,⁵⁹ intimidation,⁶⁰ and physical attacks.⁶¹



⁵² One restriction or violation often involves more than one individual.

⁵³ Mech Dara & Danielle Keeton-Olsen, "ADHOC Monitor Says She's Blocked from Preah Sihanouk Court Hearings" (VOD, 27 December 2021) <https://vodenglish.news/adhoc-monitor-says-shes-blocked-from-preah-sihanouk-court-hearings/>.

⁵⁴ Incident Report IRAD174.

⁵⁵ Tran Techseng, "Four Men Assault Opposition Activist at Phnom Penh Market" (VOD, 13 May 2021) <https://vodenglish.news/four-men-assault-opposition-activist-at-phnom-penh-market/>.

⁵⁶ Khy Sovuthy, "Environmental activists charged with plotting and insulting the king" (Cambodia News, 21 June 2021) <https://cambojanews.com/environmental-activists-charged-with-plotting-and-insulting-the-king/>.

⁵⁷ Other political parties whose members or activists experienced restrictions or violations of their freedom of association include the Candlelight Party, the Cambodian National Heart Party, the Khmer Patriot Party, the Cambodia National Love Party, the Khmer Democratic Party, the Social Democratic Party, the Vongkot Khemarak Mohanokor, the Cambodian Reform Party, and the Khmer Win Party.

⁵⁸ Romdoul Chetra & Teng Yalirozy, "PM Tells of Listening In On Exiled CNRP" (Cambodianess, 17 September 2021) <https://cambodianess.com/article/pm-tells-of-listening-in-on-exiled-cnrp>.

⁵⁹ Lay Samean & Kim Sarom, "Rainsy sentenced to 25 years" (Phnom Penh Post, 1 March 2021) <https://phnompenhpost.com/national-politics/rainsy-sentenced-25-years>.

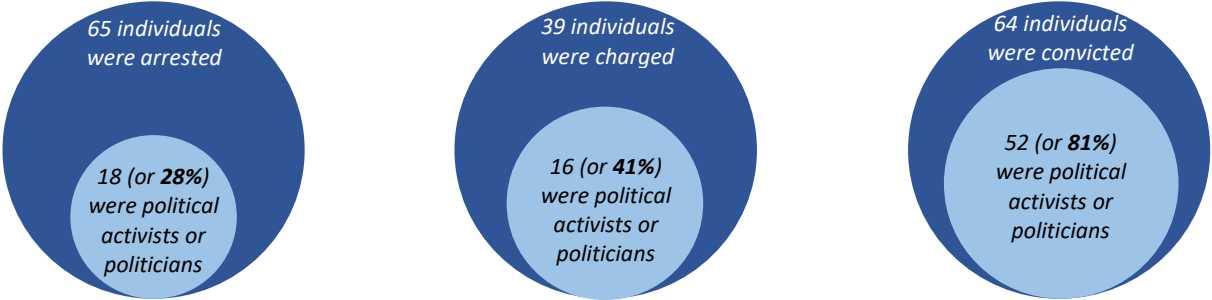
⁶⁰ Kann Vicheika, "Former opposition party officials and their families face restrictions, fears and livelihood problems" (VOA Khmer, 29 January 2021) <https://khmer.voanews.com/a/opposition-loyalists-live-in-fears-of-arrests-violence-and-economic-hardships-amid-relentless-political-crackdowns/5756653.html?fbclid=IwAR26JST6ITCUWIBntLcv-LJPPMLyB1P7LkXvAeEtSRg8mp1SeyOnzGA-uPc>.

⁶¹ Joshua Lipos, "Activist Bludgeoned by Unknown Assailants in Latest Attack on Cambodia's Opposition" (RFA, 16 February 2021) <https://www.rfa.org/english/news/cambodia/attack-02162021163449.html>.

The FFMP recorded nine incidents of physical violence against association members in Year Six; eight were against CNRP members, all of whom were attacked in the street by unknown assailants. Authorities arrested a suspect in only one of these attacks – the murder of Sin Khon in November 2021.⁶² The other attacks have gone unsolved, implying a lack of interest from authorities in investigating and addressing these attacks.

In Year Six, the FFMP recorded 65 individuals arrested, 39 individuals charged and 64 individuals⁶³ convicted for crimes allegedly committed while exercising the freedom of association. A high proportion of these individuals were political activists or politicians:

- out of the 65 individuals who were arrested, 18 (or 28%) were political activists or politicians;
- out of the 39 individuals who were charged, 16 (or 41%) were political activists or politicians;
- out of the 64 individuals who were convicted, 52 (or 81%) were political activists or politicians.



This targeting of politically active individuals could suggest an attempt by the RGC to discourage and hamper dissent in advance of upcoming elections in 2022 and 2023.

Example: On 2 July 2021, the Tboung Khmum Provincial Court convicted 12 former CNRP members on charges of incitement (articles 494 and 495 of the Criminal Code). All were sentenced to one year in prison and a fine of two to four million riels. These convictions stem from the individuals’ attempt to participate in a rally outside the Chinese Embassy in Phnom Penh on Paris Peace Agreements Day in October 2020. Six of them were detained at the time of their trial, while the remaining six were convicted in absentia after fleeing the country.⁶⁴

2.1.2. Trade unions face restrictions at the hands of third parties

The FFMP recorded several restrictions impacting trade unions in Year Six. Year Six saw an increase in the percentage of TU leaders who reported interference with their organization or activities by third parties (Figure 12). The TU leaders who reported such interferences in Year Six revealed that they

⁶² Sam Sopich & Chea Sokny, “Sin Khon’s friends and family claim murder was politically motivated” (*CamboJA News*, 24 November 2021) <https://cambojanews.com/sin-khons-friends-and-family-claim-murder-was-politically-motivated/>.
⁶³ The number of convictions is greater than the number of charges because individuals were convicted in Year Six for incidents that occurred in previous years. Additionally, one individual can be included in more than one of these three categories. For example, an individual who was arrested and charged in Year Six for crimes allegedly committed while exercising the freedom of association will be included in the number of individuals arrested and in the number of individuals charged. However, not all individuals who were arrested in Year Six were subsequently charged, and not all individuals who were charged in Year Six were subsequently convicted.
⁶⁴ Mech Dara, “Families of Convicted CNRP Officials Say They Will Struggle to Pay Court Fines” (*VOD*, 2 July 2021) <https://vodenglish.news/families-of-convicted-cnrp-officials-say-they-will-struggle-to-pay-court-fines/>.

mostly occurred at the hands of other unions (Figure 13), suggesting rivalry between them, perhaps due to the impact COVID-19 has had on the union landscape in Cambodia.⁶⁵

Figure 12: Percentage of TU leaders who reported that their organization or activities were interfered with by a third party

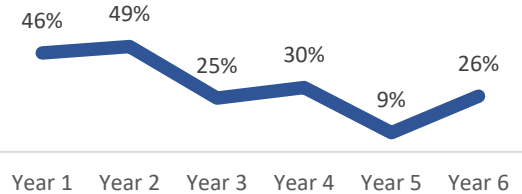
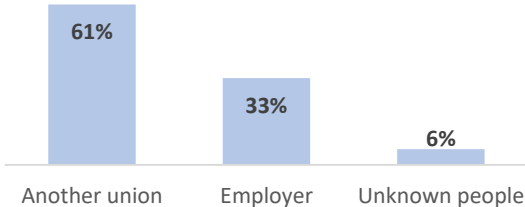


Figure 13: Source of third party interference in unions or their activities in Year Six



The FFMP recorded ten incidents in which employers caused union members, leaders and activists to face legal action,⁶⁶ or be threatened and intimidated,⁶⁷ discriminated against,⁶⁸ dismissed from employment⁶⁹ or prevented from registering a union.⁷⁰ While the FFMP cannot verify whether the dozens of individuals were targeted due to their unionism, trade union members report that their employers’ actions seemed to be in retaliation for their union activities.⁷¹ These incidents likely amount to breaches of the freedom of association, which covers the right of workers to organize and to bargain collectively.

Example: On 31 January 2021, after informing the Trippos International Co. Ltd. about the ongoing registration process of a trade union at the company, three employees who were working to register the union were called in for meetings. They were threatened with dismissal if they continued the union registration process. The company also allegedly met with six other workers who were considering joining the union and threatened

⁶⁵ Union busting, which refers to any activity taken by employers to reduce the power of a trade union or to prevent employees from exercising their right to unionize, increased during the COVID-19 pandemic in Cambodia, with multiple trade unions accusing employers of targeting union members under cover of widespread COVID-19 terminations. See for example: Khy Sovuthy, “Garment factories accused of union busting under cover of Covid-19” (*CamboJA News*, 22 May 2020) <https://cambojanews.com/garment-factories-accused-of-union-busting-under-cover-of-covid-19/>; Lay Sopheavotey, “Unions Sue Cambodia Airports over Unfair Dismissals and Union-Busting” (*Cambodianess*, 28 July 2021) <https://cambodianess.com/article/unions-sue-cambodia-airports-over-unfair-dismissals-and-union-busting>.

⁶⁶ Khuth Sokun, “A union leader seeks the intervention of the Ministry of Justice after a lawsuit from a company” (*VOD Khmer*, 5 February 2021) <https://www.vodkhmer.news/2021/02/05/union-leader-intervention-ministry-justice-after-lawsuit-company/>

⁶⁷ Incident Report IRCC347.

⁶⁸ Leng Maly, “Unions say Master Blacksmith discriminated against them after strike” (*RFA Khmer*, 5 February 2021) <https://www.rfa.org/khmer/news/social-economy/employer-of-master-blacksmith-factory-in-svay-rieng-accused-of-union-discrimination-02052021074840.html>.

⁶⁹ Tran Techseng & Horn Thovan, “NagaWorld’s Top Union Leaders Receive Dismissal Notices” (*VOD*, 28 May 2021) <https://vodenglish.news/nagaworlds-top-union-leaders-receive-dismissal-notices/>; Lay Sopheavotey & Phoung Vantha, “NagaWorld Laying off Employees during the COVID-19 pandemic is Inhuman, Union leaders and NGOs Say” (*Cambodianess*, 29 May 2021) <https://cambodianess.com/article/nagaworld-laying-off-employees-during-the-covid-19-pandemic-is-inhuman-union-leaders-and-ngos-say>.

⁷⁰ Incident Report IRSC089.

⁷¹ See for example: Leng Maly, “Unions say Master Blacksmith discriminated against them after strike” (*RFA Khmer*, 5 February 2021) <https://www.rfa.org/khmer/news/social-economy/employer-of-master-blacksmith-factory-in-svay-rieng-accused-of-union-discrimination-02052021074840.html>; Tran Techseng & Horn Thovan, “NagaWorld’s Top Union Leaders Receive Dismissal Notices” (*VOD*, 28 May 2021) <https://vodenglish.news/nagaworlds-top-union-leaders-receive-dismissal-notices/>; Incident Report IRSC082; Incident Report IRSC089.

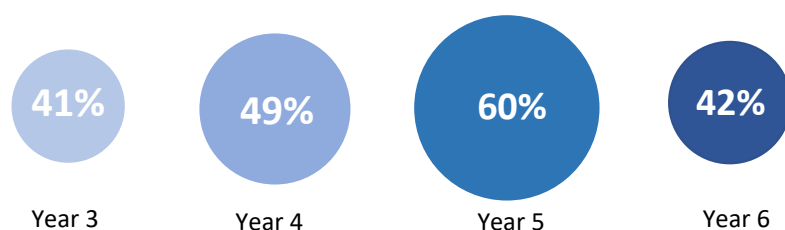
them with dismissal if they didn't abandon their plans to join the union. Ultimately, all nine individuals continued their employment. The union was registered, and these nine individuals joined the union.⁷²

2.1.3. The TU registration process is lengthy and overly burdensome

In Year Six, the FFMP documented the experiences of three TUs attempting to register their union pursuant to the *Law on Trade Unions* (TUL).⁷³ Two out of three TU registration applications experienced delays, and all three surveyed TUs answered that the form “Request for Registration of a Local Union” was difficult to complete. These findings indicate that the TU registration process is both lengthy and overly burdensome, hindering TUs’ exercise of their freedom of association, as union registration is a pre-condition for the ability to carry out union activities legitimately.⁷⁴

2.1.4. Frequent monitoring of associations by the RGC suggests a distrust of civil society

Figure 14: Percentage of incidents involving freedom of association in which excessive RGC monitoring or surveillance was reported

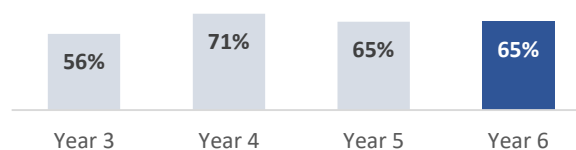


RGC monitoring and surveillance of CSO activities accounted for a high number of incidents restricting or violating the freedom of association.⁷⁵ This suggests that the RGC is suspicious of associations.

Example: On 9 September 2021, Prime Minister Hun Sen crashed a virtual CNRP meeting and warned the participants that he had been monitoring them.⁷⁶ On 17 September 2021, Prime Minister Hun Sen admitted that he had listened to multiple meetings held by CNRP members and that he was in possession of about 50 video clips of the opposition group’s meetings.⁷⁷

In light of these findings – and considering worrying legislative developments that are likely to facilitate mass surveillance (see Key Milestone One) – it is not surprising that almost two in three CSO/TU leaders in Year Six noted that their organizations did something to increase their security or prevent government surveillance.

Figure 15: Percentage of CSO/TU leaders who reported that their organization did something in the last year to increase its security or prevent government surveillance



⁷² Incident Report IRSC085.

⁷³ The low number of recorded TUs who attempted to register in Year Six could be a consequence of the COVID-19 pandemic which halted many workplaces across Cambodia.

⁷⁴ Art. 13 and 14 TUL.

⁷⁵ This data is not available for Year One and Year Two.

⁷⁶ Paul Eckert, “Cambodia PM Says He Crashed Opposition Zoom Talk to Warn ‘Rebels’” (RFA, 16 September 2021) <https://www.rfa.org/english/news/cambodia/hunsen-zoom-09162021191746.html>.

⁷⁷ Romdoul Chetra & Teng Yalrozy, “PM Tells of Listening in on Exiled CNRP” (Cambodianess, 17 September 2021) <https://cambodianess.com/article/pm-tells-of-listening-in-on-exiled-cnrp>.

2.2. Freedom of expression

In Year Six, the FFMP recorded 140 restrictions on the freedom of expression, 96 (69%) of which amounted to violations. These restrictions included, but were not limited to, threats against journalists,⁷⁸ individuals facing criminal sanctions for criticizing the RGC's handling of the COVID-19 pandemic,⁷⁹ and banners being confiscated by authorities during protests.⁸⁰

2.2.1. Journalists are frequently interfered with when reporting on issues deemed "sensitive"



A Strategic Lawsuit Against Public Participation (SLAPP)⁸¹ was filed 28 times in Year Six against 41 individuals in retaliation for their exercise of the freedom of expression. Six of these SLAPPs (21%) targeted eight journalists.

In Year Six, journalists reporting on land issues bore the brunt of the crackdown on press freedom; of the 33 incidents in which journalists were targeted in Year Six, 42% related to their reporting on land matters. Journalists faced a wide array of restrictions – including threats,⁸² physical attacks,⁸³ harassment,⁸⁴ intimidation⁸⁵ and legal action⁸⁶ – for reporting on land issues.

Examples of interferences journalists reporting on land issues faced in Year Six:

- On 13 August 2021, two journalists were harassed for attempting to cover a land dispute on Boeng Tompun lake. An Vichet, from CamboJA, claimed the police confiscated his phone and press card, and threatened to arrest him if he did not immediately delete all the pictures he had taken. Lors Liblib, from VOA Khmer, said he was also forced to delete the pictures he had taken of the dispute. Authorities allegedly also searched his motorbike and told him to delete all the pictures from the second phone they found. Lors Liblib was then threatened with legal action if he did not leave immediately. After the confrontation, both journalists were ordered away from the scene.⁸⁷
- Los Seng, the publisher of Los Seng News and the owner of the online LSN TV 24 news site, said in July 2021, that he was experiencing pressure from authorities due to his coverage of the ongoing land

⁷⁸ Khut Sokun, "Journalist Says He Was Threatened After Covering Land Clearing Case" (VOD, 4 August 2021) <https://vodenglish.news/journalist-says-he-was-threatened-after-covering-land-clearing-case/>.

⁷⁹ Buth Reaksmeay Kongkea, "Glass cutter arrested for insulting C-19 initiatives" (Khmer Times, 13 April 2021) <https://www.khmertimeskh.com/50838104/glass-cutter-arrested-for-insulting-c-19-initiatives/>.

⁸⁰ Eugene Whong, "30th Paris Peace Accords anniversary rings hollow for many Cambodians" (RFA, 22 October 2021) <https://www.rfa.org/english/news/cambodia/paris-10222021221126.html>.

⁸¹ A SLAPP is litigation used to discourage, intimidate, challenge, disrupt or financially drain a defendant, silencing their opposition, criticism or dissent.

⁸² Khut Sokun, "Journalist Says He Was Threatened After Covering Land Clearing Case" (VOD, 4 August 2021) <https://vodenglish.news/journalist-says-he-was-threatened-after-covering-land-clearing-case/>.

⁸³ Vann Vichar, "Journalist beaten as he slept outside temple" (VOD, 16 March 2021) <https://vodenglish.news/journalist-beaten-as-he-slept-outside-temple/>.

⁸⁴ Mech Dara, "Land protesters block road as reporter's equipment confiscated" (VOD, 11 May 2021) <https://vodenglish.news/land-protesters-block-road-as-reporters-equipment-confiscated/>.

⁸⁵ Khuon Narim, "Two journalists report harassment by authorities during coverage of separate land disputes" (CamboJA News, 13 May 2021) <https://cambojanews.com/two-journalists-report-harassment-by-authorities-during-coverage-of-separate-land-disputes/>.

⁸⁶ Khuon Narim, "Digital news publisher convicted, sentenced to prison for Koh Kong dispute" (CamboJA News, 30 September 2021) <https://cambojanews.com/digital-news-publisher-convicted-sentenced-to-prison-for-koh-kong-dispute/>.

⁸⁷ Sorn Sarath, "Journalists harassed on the job as authorities clear homes for development at Boeng Tompun" (CamboJA News, 13 August 2021) <https://cambojanews.com/journalists-harassed-on-the-job-as-authorities-clear-homes-for-development-at-boeng-tompun/>.

dispute related to the development of the new Phnom Penh International Airport in Kandal Province. Authorities warned him to stop his reporting.⁸⁸

Journalists reporting – or attempting to report – on COVID-19 were also targeted in Year Six; 27% of incidents involving journalists pertained to their coverage of COVID-19-related issues. Threats of legal action loomed over journalists who – unless they were invited by the RGC – were banned from reporting from within red zones,⁸⁹ giving rise to claims of discrimination in favor of government-friendly outlets.⁹⁰ Authorities also warned journalists not to broadcast live from treatment centers and hospitals, and not to draw conclusions without clear evidence, which could lead to public confusion, societal chaos and additional public health dangers.⁹¹ Most notably, six media licenses were revoked for their coverage of COVID-19 matters:

- The licenses of San Prum News and the Cambodia Facebook Journalists Association were revoked after San Prum, the administrator of these Facebook pages, posted a picture on Facebook of what he erroneously thought was the wrapped-up corpse of a dead COVID-19 patient. A Ministry of Information (MoI) spokesman said he had distorted information about the death of a COVID-19 patient, thereby affecting the reputation and efforts of authorities.⁹²
- The K01 TV online news outlet was shut down and its license revoked for disseminating “information that incites malicious intent to cause social unrest”. The revocation came after the website’s owner posted several videos on Cambodia’s fight against COVID-19 that were deemed “provocative”.⁹³
- Three media outlets – Angkor Today, Youth Techo and Stoeng Chral Post – had their licenses revoked for allegedly publishing “fake news” about COVID-19.⁹⁴

⁸⁸ Mech Dara, “Journalist reporting on new airport’s land dispute faces pressure” (VOD, 13 July 2021) <https://vodenglish.news/journalist-reporting-on-new-airports-land-dispute-faces-pressure/>.

⁸⁹ A lockdown was announced in Phnom Penh on 14 April 2021 to stem the spread of COVID-19. “Red zones” were announced on 19 April 2021, designating areas with a high number of COVID-19 cases. All individuals in red zones were prohibited from leaving their home, except to get tested, get a second dose of a vaccine or in case of medical emergency.

⁹⁰ Mech Dara, “Red Zone News Reporting Is Invite-Only: Information Ministry” (VOD, 3 May 2021) <https://vodenglish.news/red-zone-news-reporting-is-invite-only-information-ministry/>.

⁹¹ Samoeun Nicseybon & Ouch Sony, “Warning of Legal Action for Broadcasts From Red Zones, Following Ambulances” (VOD, 4 May 2021) <https://vodenglish.news/warning-of-legal-action-for-broadcasts-from-red-zones-following-ambulances/>. The threat of legal action for broadcasting live from treatment centers and hospitals seems excessive, as less restrictive measures could be imposed to prevent the spread of COVID-19 while upholding press freedom. This incident was therefore recorded as a violation of freedom of expression.

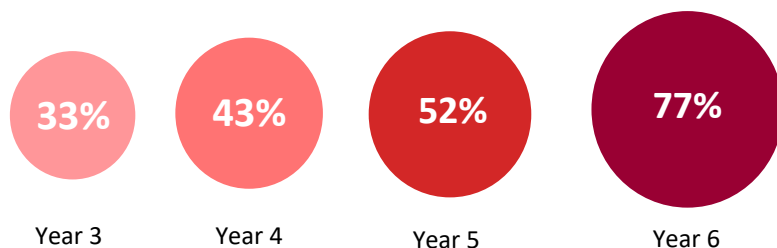
⁹² Khy Sovuthy, “Information Ministry advisor stripped of position, news outlet license” (Cambodia News, 15 March 2021) <https://cambojanews.com/information-ministry-advisor-stripped-of-position-news-outlet-license/>.

⁹³ “Ministry of Information decides to revoke K01 website license after disseminating provocative information” (Freshnews, 10 April 2021) <http://www.freshnewsasia.com/index.php/en/localnews/193183-2021-04-10-09-33-18.html>.

⁹⁴ Khy Sovuthy, “Chinese-language editor to be deported over “fake news” vaccine sales” (Cambodia News, 25 February 2021) <https://cambojanews.com/chinese-language-editor-to-be-deported-over-fake-news-vaccine-sales/>; Nath Sopheap, “Ministry revokes two media licenses on the grounds of serious professional abuse” (VOD Khmer, 26 March 2021) <https://vodkhmer.news/2021/03/26/ministry-of-information-revokes-license-of-two-online-media-outlet-for-spreading-fake-news/>.

2.2.2. Online speech continues to be restricted

Figure 16: Percentage of incidents involving a restriction of freedom of expression by the RGC that took place online

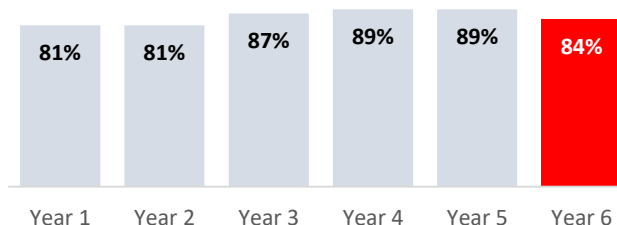


The FFMP has seen the proportion of incidents involving lawful online expression being restricted by the RGC consistently increase, from 33% in Year Three to 77% in Year Six.⁹⁵ These numbers indicate that the RGC is growing increasingly intolerant of critical speech online.

The high proportion of incidents involving restrictions of online expression by the RGC could also be attributed to the RGC expanding its ability to monitor online speech. In February 2021, the Mol announced that, in addition to Facebook, it would start monitoring TikTok as well as closed source platforms such as WhatsApp, Messenger, and Telegram.⁹⁶ As a result of this expanded monitoring, the FFMP recorded four incidents in which the RGC restricted expression on Telegram in Year Six: one individual, a 16-year-old with autism, was arrested⁹⁷ and convicted⁹⁸ for criticizing government leaders in a Telegram group; one government official was fired for spreading “fake news” via Telegram messages;⁹⁹ and one individual was arrested for criticizing the RGC for arresting individuals expressing their views about COVID-19 in voice messages that were subsequently uploaded to social media.¹⁰⁰

In light of these findings, it is not surprising that 84% of CSO/TU leaders reported self-censoring in Year Six,¹⁰¹ i.e. opting to not say what they wanted to because they feared potential repercussions. This high percentage indicates that the current environment in Cambodia is not conducive to the exercise and enjoyment of the freedom of expression.

Figure 17: Percentage of CSO/TU leaders who self-censored in the last year



⁹⁵ This data cannot be calculated for Year One and Year Two.

⁹⁶ “Cambodia expands monitoring of ‘fake news’” (UCA News, 19 January 2021) <https://www.ucanews.com/news/cambodia-expands-monitoring-of-fake-news/91186#>.

⁹⁷ Khuon Narim, “Former CNRP official’s son arrested on charge of incitement in Telegram chat” (Cambodia News, 25 June 2021) <https://cambojanews.com/former-cnrp-officials-son-arrested-on-charge-of-incitement-in-telegram-chat/>.

⁹⁸ Eugene Whong, “Cambodia sentences autistic minor to eight months in prison” (RFA, 1 November 2021) <https://www.rfa.org/english/news/cambodia/kak-11012021171536.html>.

⁹⁹ Khon Champa, “Undersecretary of State at the Ministry of Labor fired for spreading false information about COVID-19” (Thmey Thmey, 8 May 2021) <https://thmeythmey.com/?page=detail&id=103467>.

¹⁰⁰ Incident Report IRCC314.

¹⁰¹ Figure 17 shows the proportion of CSO/TU leaders who reported “always”, “regularly” or “sometimes” being worried when expressing themselves publicly to the point that they did not say what they wanted to.

Figure 18: Percentage of how unfree respondents felt to exercise their freedom of expression on various mediums



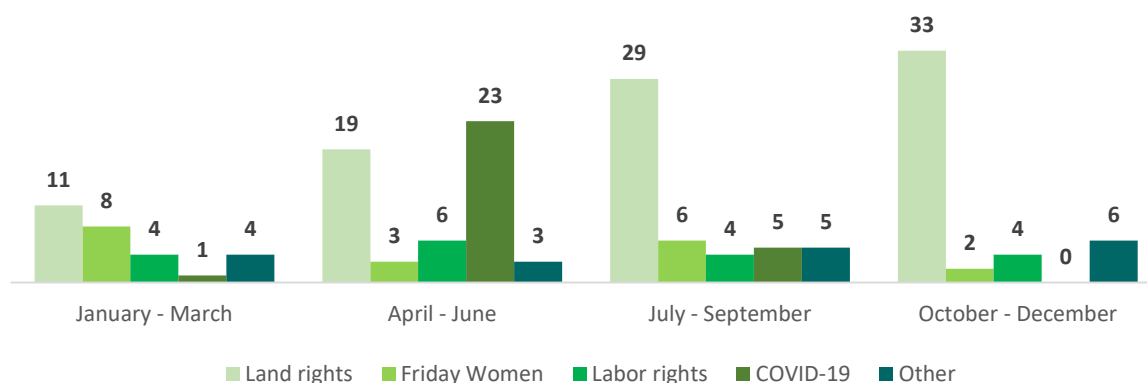
The RGC’s increased policing of online platforms appears to have also deterred the Cambodian public at large, in addition to CSO/TU leaders. Social media was the second medium through which respondents felt most unsafe exercising expression in Year Six, after television.¹⁰²

2.3. Freedom of assembly

In Year Six, the FFMP recorded 87 restrictions to the freedom of assembly, 60 (or 69%) of which were impermissible, thus amounting to violations. These restrictions included, but were not limited to, individuals being threatened with legal action or violence by authorities if they protested,¹⁰³ excessive force used by authorities,¹⁰⁴ interferences with assembly monitors,¹⁰⁵ and criminal sanctions.¹⁰⁶

2.3.1. Most assemblies were held to advocate for land rights

Figure 19: Number of assemblies per type and per quarter



Throughout Year Six, assemblies were held for a variety of reasons.¹⁰⁷ The number of COVID-19-related assemblies¹⁰⁸ was high in Quarter Two, at the height of the outbreak in Cambodia, when government measures to prevent the spread of COVID-19 prompted many protests. The number of land-related

¹⁰² Figure 18 shows the proportion of respondents who reported they felt “very unfree” and “somewhat unfree” to express their opinions on social media, to a newspaper, to a television media or to a radio station or show.

¹⁰³ Isa Rohany, “Villagers Demand Fair Compensation for Land, Threatened with Violence and Eviction” (*Cambodianess*, 27 July 2021) <https://cambodianess.com/article/villagers-demand-fair-compensation-for-land-threatened-with-violence-and-eviction>.

¹⁰⁴ Roseanne Gerin, “Cambodian Villager Shot by Security Forces in Plantation Land Dispute” (*RFA*, 3 June 2021) <https://www.rfa.org/english/news/cambodia/land-dispute-06032021165939.html>.

¹⁰⁵ Incident Report IRCC298.

¹⁰⁶ Roseanne Gerin, “Cambodian Villagers Arrested Over Airport Land Dispute” (*RFA*, 13 September 2021) <https://www.rfa.org/english/news/cambodia/villagers-arrested-09132021183947.html>.

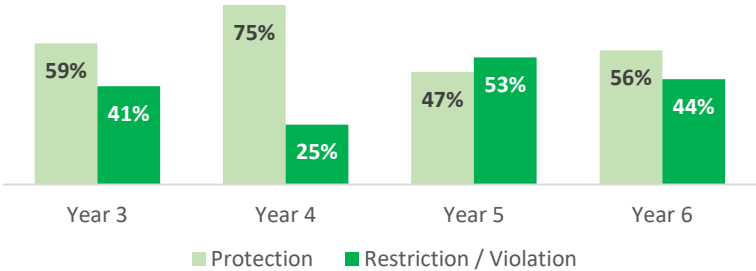
¹⁰⁷ The total adds up to 176 which is higher than the total number of assemblies that took place in Year Six, 165. This is because some assemblies were recorded across more than one category. For instance, some labor-related assemblies were also COVID-19-related.

¹⁰⁸ COVID-19-related assemblies designate assemblies that were held in response to COVID-19. They include, for example, assemblies held by market sellers asking to be able to resume work after markets were closed due to the outbreak, citizens gathering to ask for help to survive during COVID-19 lockdowns, protests held by employees protesting for missing wages or layoffs due to COVID-19, and assemblies of relatives of detained individuals expressing concerns over the spread of COVID-19 in prisons.

assemblies increased from quarter to quarter and accounted for 56% of the total number of assemblies in Year Six. Friday Women-led assemblies¹⁰⁹ occurred throughout the year and accounted for 12% of the total number of assemblies.

2.3.2. Despite freedom of assembly being mostly protected, individuals do not feel free to exercise it

Figure 20: Percentage of incidents in which a restriction / violation or a protection of freedom of assembly was recorded



Freedom of assembly is largely protected; other than in Year Five, protections of freedom of assembly have outnumbered restrictions.¹¹⁰ Protections are recorded when individuals can exercise their freedom of assembly freely and without interference or restriction from authorities or third parties.

However, other data suggests that individuals do not feel free to exercise their freedom of assembly. Only 55% of Public Poll respondents and 35% of CSO/TU leaders said they felt free to exercise their freedom of assembly in Year Six.

Figure 21: Percentage of individuals who feel free to peacefully assemble

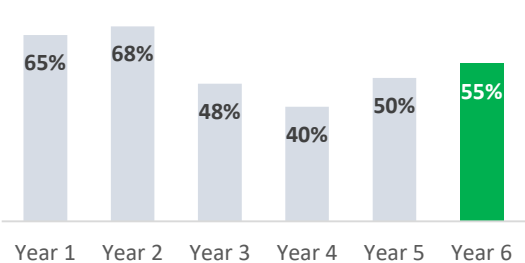
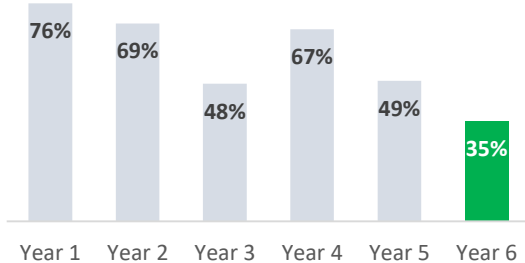


Figure 22: Percentage of CSO/TU leaders who feel free to exercise the freedom of assembly



The disparity between the finding that most assemblies are protected but that individuals still do not feel free to assemble could be explained by the fact that assemblies appear to be unevenly protected, depending on the cause(s) for which they are held (Figure 28). It is therefore likely that individuals only feel able to participate in certain types of assemblies.

¹⁰⁹ The Friday Women are a group of women who regularly assemble in front of the Phnom Penh Municipal Court on Fridays to ask for the release of their relatives – all of whom are CNRP affiliates – from prison. The Friday Women also sometimes gather to deliver petitions to embassies, seeking foreign governments’ intervention to obtain their relatives’ release. Their protests, which mostly take place in front of the Phnom Penh Municipal Court or in front of embassies in Phnom Penh, are frequently interfered with by the authorities.

¹¹⁰ This data is not available for Year One and Year Two.

The low percentages of individuals and of CSO/TU leaders who feel free to exercise their freedom of assembly could also be attributed to the threat of detention and arrest that looms over individuals who take part in assemblies. The exercise of the freedom of assembly led to 72 individuals being arrested and 62 individuals being detained in Year Six, the highest numbers across all three freedoms.¹¹¹

Figure 23: Number of individuals arrested for exercising their fundamental freedoms

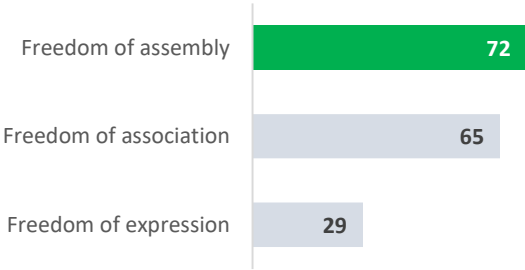
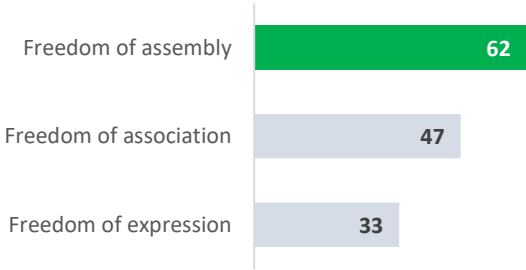


Figure 24: Number of individuals detained for exercising their fundamental freedoms



Example: On 31 December 2021, nine individuals who had taken part in the NagaWorld strike were arrested for incitement to commit a felony under Articles 494 and 495 of the Cambodian Criminal Code,¹¹² because they had organized what authorities claimed were “illegal demonstrations”.¹¹³ The strike, which began on 18 December 2021, involved hundreds of current and former NagaWorld casino workers who gathered daily nearby the casino to ask for the reinstatement of over 300 laid-off employees.¹¹⁴

2.3.3. Friday Women-led assemblies are targeted by authorities

Despite accounting for only 12% of all assemblies that took place during the reporting period (Figure 25), Friday Women assemblies suffered 38% of all interferences to assemblies recorded in Year Six (Figure 27). Out of the 19 Friday Women assemblies that took place in Year Six, 18 (or 95%) were interfered with (Figure 26).

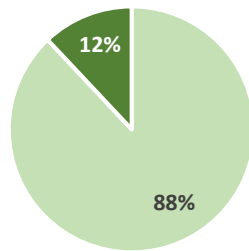
¹¹¹ In addition to the arrests that took place in Year Six, 11 arrests warrants were issued against individuals for exercising their freedom of association and 10 were issued against individuals for exercising their freedom of expression.

¹¹² Gerald Flynn, “Nine NagaWorld Unionist Arrested on New Year’s Eve” (*Cambodianess*, 1 January 2022) <https://cambodianess.com/article/nine-nagaworld-unionists-arrested-on-new-years-eve>.

¹¹³ The authorities’ claims that the strike was illegal has been contested. Before it had even begun, the strike was deemed illegal by the Phnom Penh Court of First Instance on 16 December 2021 in a provisional disposition. The Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU) was provided no opportunity to contest or respond to NagaWorld’s request to prohibit the strike prior to the decision being made, in violation of Paragraph 4 of Section 548 of the Code of Civil Procedure which requires the court to hold a court date for either oral arguments or questioning prior to issuing a provisional disposition. Two days later, on the first day of the strike, Phnom Penh governor Khoung Sreng issued a letter calling for the “demonstration” to cease for its lack of compliance with the *Law on Peaceful Demonstrations* (LPA). However, Point 3-1-2 of Section 1 of the Implementation Guide to the LPA clearly states that the LPA does not apply to labor disputes which take place outside or adjacent to an enterprise.

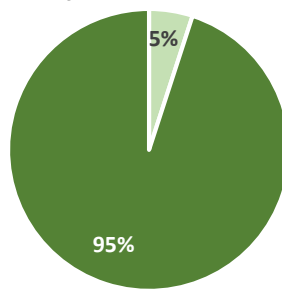
¹¹⁴ In April 2021, the NagaWorld casino laid off over 1,300 employees, citing a decline in income caused by the COVID-19 pandemic. Many of the terminated workers were union members and leaders. After several failed negotiation attempts with the casino and unsuccessful complaints to relevant authorities, the LRSU notified the authorities of their plan to start a peaceful strike.

Figure 25: Percentage of Friday Women assemblies in Year Six



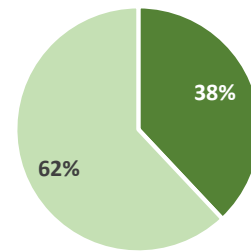
■ Other assemblies
■ Friday Women assemblies

Figure 26: Percentage of Friday Women assemblies that were interfered with in Year Six



■ Unimpeded ■ Interfered

Figure 27: Type of assemblies interfered with during Year Six

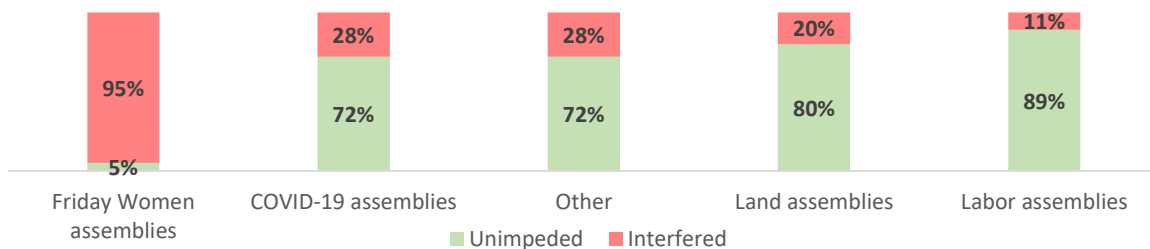


■ Friday Women assemblies
■ Other assemblies

The data shows that Friday Women assemblies have been targeted by the RGC. This is likely attributed to the sensitivity of the claims they make, namely that CNRP affiliates face politically-motivated charges and arbitrary detentions.

RGC targeting of Friday Women protestors did not extend to other assemblies, suggesting that Friday Women assemblies were disproportionately affected in Year Six. Indeed, while 95% of Friday Women assemblies were interfered with in Year Six, this percentage was much lower for other types of assemblies, indicating that the freedom of assembly is not equally upheld, depending on the cause in pursuit of which it is exercised.

Figure 28: Percentage of assemblies that were interfered with, per type of assembly



The authorities' disproportionate targeting of Friday Women assemblies is further illustrated when looking at the use of state force during assemblies. The FFMP recorded 22 assemblies during which authorities used force in Year Six, accounting for 13% of all assemblies. In all but one case, violence was used during land assemblies (six times) or during assemblies led by the Friday Women (15 times). The types of force used included pushing and dragging protesters,¹¹⁵ beatings,¹¹⁶ and violent attacks, some of which resulted in severe injuries.¹¹⁷ In all instances, the force used by authorities was deemed disproportionate or unjustifiable, because it exceeded what was necessary to achieve the "legitimate

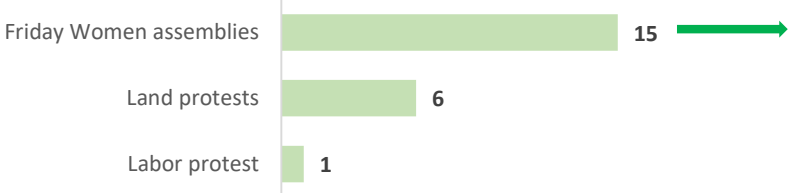
¹¹⁵ Khut Sokhutha, "Former CNRP activists families continue their protest in front of court" (VOD Khmer, 29 January 2021) <https://vodkhmer.news/2021/01/29/former-cnrp-activist-families-continues-their-protest-in-front-of-court/>.

¹¹⁶ Mech Dara, "Farmers Rip Out State-Land Post: 'If You Want to Arrest Us, It's Up to You'" (VOD, 26 January 2021) <https://vodenglish.news/farmers-rip-out-state-land-post-if-you-want-to-arrest-us-its-up-to-you/>.

¹¹⁷ Khut Sokun, "Homes Dismantled as Authorities Clash with Beeng Samrong Residents" (VOD, 18 January 2021) <https://vodenglish.news/homes-dismantled-as-authorities-clash-with-boeng-samrong-residents/>.

objective of either dispersing the assembly, preventing a crime or effecting or assisting in the lawful arrest of offenders or suspected offenders”.¹¹⁸ Thus, these uses of force amount to violations of the freedom of assembly. It is worth noting that, to date, no one has been held accountable for any of these incidents.

Figure 29: Number of assemblies during which state force was disproportionately used, per type of assembly



In two of these assemblies, violence was directed at CCHR monitors – who were chased away from the scene of the protest by authorities – rather than at Friday Women.

Example: on 22 October 2021, approximately 20 Friday Women peacefully gathered outside the French Embassy to protest and submit a petition calling on the French and Cambodian governments to meet their obligations under the Paris Peace Agreements. During the protest, uniformed and plain clothes police officers surrounded the women, pushed some of them to the ground, insulted them and stepped on them.¹¹⁹

The numerous restrictions of fundamental freedoms recorded in Year Six illustrate the misapplication and arbitrary enforcement of Cambodia’s legal framework. Laws were used to shrink civic space, rather than to protect fundamental freedoms. Actions by authorities regularly exceeded the limits of permissible restrictions, thus amounting to violations. Associations were interfered with, and their members targeted. Protesters making politically sensitive claims were disproportionately targeted by authorities, often involving instances of violence. The RGC’s expanded monitoring and policing of online speech, as well as its interferences with journalistic work, contravened freedom of expression standards. Using laws to prevent individuals from fully exercising fundamental freedoms is unlikely to result in either sustainable and equitable development or vibrant democracy.

¹¹⁸ UN Human Rights Committee, General Comment No. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37 (17 September 2020) para. 79, <https://undocs.org/CCPR/C/GC/37>.

¹¹⁹ Eugene Whong, “30th Paris Peace Accords anniversary rings hollow for many Cambodians” (RFA, 22 October 2021) <https://www.rfa.org/english/news/cambodia/paris-10222021221126.html>.

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 the freedom of association, expression and assembly, and the extent to which they feel free to exercise these rights.¹²⁰ The data for Key Milestone Three was gathered via a Public Poll of 925 Cambodians across 25 provinces from 1 November – 31 December 2021.¹²¹ Convenience sampling was used to administer the poll.

Key findings: Data from Key Milestone Three reveals that the Cambodian public’s understanding of fundamental freedoms has remained relatively constant, as has the public’s knowledge of the legal framework that governs fundamental freedoms. Laws governing the freedom of assembly remain the most misunderstood. The Year Six Public Poll documents an increase in the percentage of respondents who feel free to exercise their fundamental freedoms. After declining for four years, the proportion of women respondents who reported feeling free to participate in political activities almost doubled from Year Five to Year Six.

3.1. The public’s understanding of fundamental freedoms has remained relatively constant

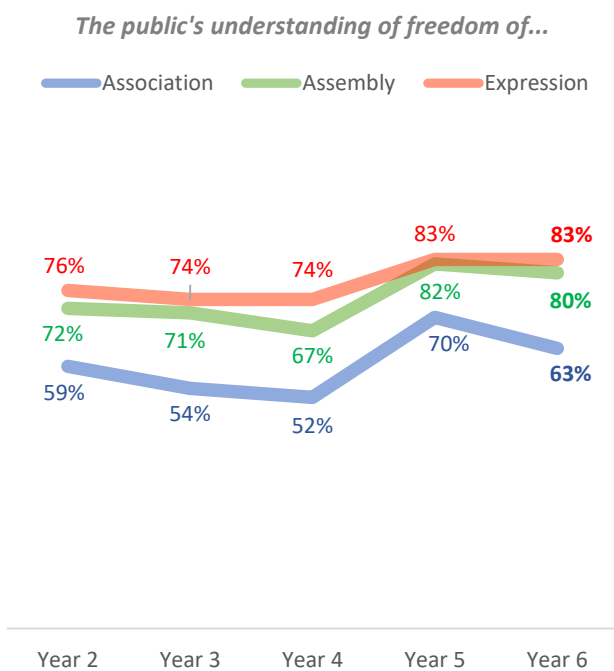


Figure 30: Percentage of the public who reported having some understanding of fundamental freedoms

In Year Six, the public’s understanding of all freedoms remained largely consistent with Year Five.¹²² As in previous years, freedom of association remains the least understood of the freedoms. In line with the trend observed in previous years, the percentage of respondents who answered they “clearly” knew what each freedom meant was very low: 4% for freedom of association, 8% for freedom of expression, and 11% for freedom of assembly.

These low percentages suggest that a large proportion of the Cambodian population might be unable to identify when violations of their fundamental freedoms occur, and are thus unequipped to stand up for their rights and hold perpetrators accountable.

¹²⁰ The data for Key Milestone Three was drawn from the FFMP’s Public Poll conducted in October 2016 (Year One), March 2018 (Year Two), March 2019 (Year Three), March 2020 (Year Four), December 2020 (Year Five) and November – December 2021 (Year Six).

¹²¹ Full results from the Year Six Public Poll are contained in Annex 3.

¹²² Figure 30 shows the proportion of respondents who reported knowing “clearly” or knowing “a little” about each fundamental freedom. This question was asked differently in Year One and thus cannot be determined.

3.2. The public’s knowledge of domestic laws governing fundamental freedoms could be improved

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.

3.2.1. Freedom of expression

The proportion of respondents who correctly answered each question in Year Six was virtually the same as last year, with only a small increase in the percentage of individuals who correctly answered that it is legal to discuss politics.¹²³

While the correct answer rates for all questions related to the freedom of expression was higher than in previous years, 28% of respondents either didn’t know that discussing politics is legal or answered the question incorrectly. Similarly, 43% of surveyed individuals either didn’t know that it is legal to criticize RGC policies or wrongly answered the question.

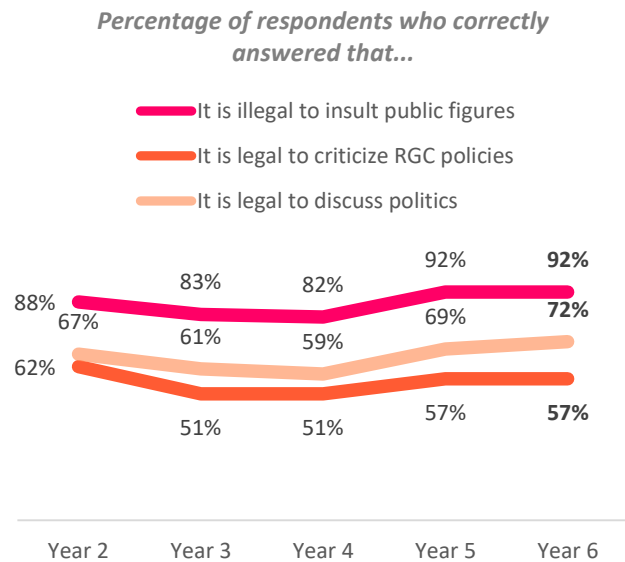


Figure 31: The public's understanding of the legal framework governing freedom of expression

These findings indicate that a large proportion of the Cambodian public believe that domestic law is more restrictive than it actually is, hampering their free expression on political issues.

3.2.2. Freedom of assembly

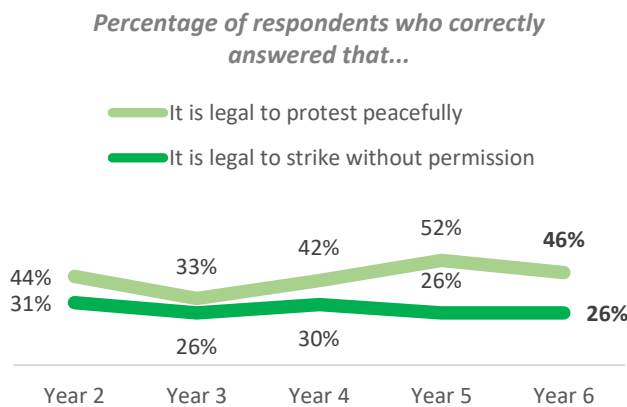


Figure 32: The public's understanding of the legal framework governing freedom of assembly

Since the FFMP’s inception, less than one third of respondents correctly answered that it is legal to strike without permission. As for the percentage of respondents who correctly answered that it is legal to protest peacefully, this has remained low, reaching more than 50% only once before dipping again.¹²⁴

The public’s low level of understanding of the laws governing the freedom of assembly could dissuade them from exercising this fundamental right.

¹²³ These questions were not asked in Year One.

¹²⁴ These questions were not asked in Year One.

In Year Six, 15% of people incorrectly answered that it is legal for authorities to use force to break up a peaceful assembly. Article 17 of the *Law on Peaceful Assembly* provides that authorities “shall not interfere with the conduct of the peaceful assembly”.

15% of respondents incorrectly reported that it is legal for authorities to use force to break up a peaceful assembly.

3.2.3. Freedom of association

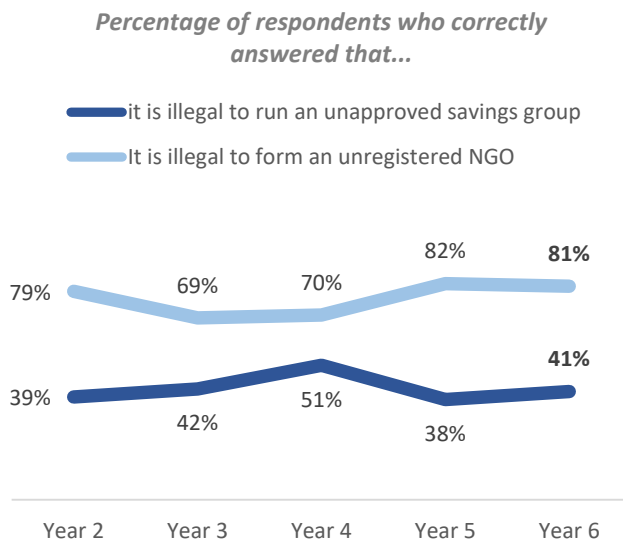


Figure 33: The public's understanding of the legal framework governing freedom of association

Under the *Law on Associations and Non-Governmental Organizations (LANGO)*, all associations – including saving groups¹²⁵ – must be registered with the Ministry of Interior to legally operate.¹²⁶ Results over the last five years seem to suggest that while most individuals are aware that this registration requirement applies to non-governmental organizations (NGOs), the proportion of individuals who knows it applies to savings groups is much lower.¹²⁷ It should, however, be noted that the registration requirement imposed on associations by the LANGO is not in line with international human rights law and standards on the freedom of association.

3.3. The majority of Cambodians feel increasingly free to exercise their legitimate freedoms

The Public Poll gauges how free individuals feel to exercise their freedoms by asking them how free they feel to undertake activities that fall under the exercise of the freedom of expression, freedom of assembly, and freedom of association.

3.3.1. Freedom of expression

In Year Six, Public Poll respondents were asked seven questions related to the freedom of expression: **1)** How free do you think you are in dressing up as you like? **2)** Do you feel free to speak in public? **3)** Do you feel free to speak on social media? **4)** Do you feel free to express your opinions to a newspaper? **5)** Do you feel free to express your opinions to a television media? **6)** Do you feel free to express your opinions to a radio station or show? **7)** How often do you not say what you want to say in public or online for fear of retaliation?

¹²⁵ A savings group is a community finance approach whereby community members collectively pool their money enabling them to make loans to villagers to pay for healthcare, education, farm tools or other urgent financial burdens.

¹²⁶ Article 9 of the LANGO bans unregistered NGOs or associations from conducting activities of any kind, Article 32 provides for criminal punishment in case of any violation of Article 9. As noted in the FFMP’s First Annual Report, this provision of the LANGO violates Article 22 of the ICCPR. See CCHR, ADHOC, SC and ICNL, “Fundamental Freedoms Monitoring Project: First Annual Report” (August 2017), <https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>.

¹²⁷ These questions were not asked in Year One.

46%

The total percentage of respondents who responded to the first six questions that they felt “very free” or “somewhat free”, and who answered the seventh question with “rarely” or “never” was 46%. Therefore, it can be inferred that less than one out of two persons in Cambodia feel free to exercise the freedom of expression.

Figure 34: Percentage of respondents who feel free to speak in public

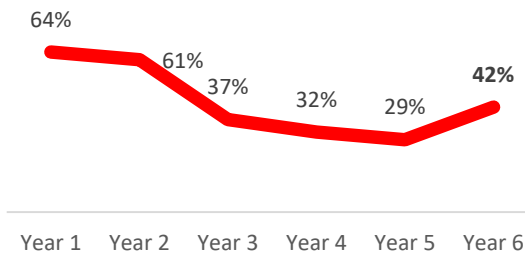
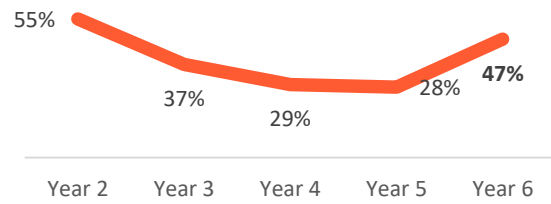
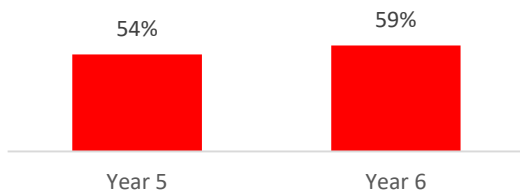


Figure 35: Percentage of respondents who feel free to speak on social media



After steadily declining over several years, both the proportion of respondents who indicated they feel free to speak in public (Figure 34) and the proportion of respondents who said they feel free to speak on social media (Figure 35) increased in Year Six.¹²⁸

Figure 36: Percentage of respondents who reported not saying what they want in public or online for fear of retaliation



While this increase is encouraging, it should be noted that the proportion of individuals who reported self-censoring for fear of retaliation increased from Year Five to Year Six and remains very high.¹²⁹ This could indicate that, while individuals feel freer to speak in public or on social media, they are increasingly cautious about what they say.

3.3.2. Freedom of assembly

In Year Six, Public Poll respondents were asked two questions related to the freedom of assembly: **1)** Do you feel free to gather peacefully? **2)** Do you feel free to peacefully strike and/or demonstrate against your employer?

36%

The total percentage of respondents who answered that they felt “very free” or “somewhat free” in response to these two questions was 36%. This suggests that just over a third of the Cambodian public feel free to exercise their freedom of assembly.

¹²⁸ Figure 34 and Figure 35 show the proportion of respondents who reported feeling “very free” or “somewhat free” to speak in public or on social media.

¹²⁹ Figure 36 shows the proportion of respondents who reported “always”, “regularly” or “sometimes” not saying what they want in public or online for fear of retaliation. This question was not asked in Year One, Year Two, Year Three and Year Four.

The percentage of respondents who reported that they felt free to peacefully assemble in Year Six increased compared to Year Five. This suggests that the public was not further deterred from peacefully assembling, even after mass arrests occurred in Year Five during protests calling for the release of Rong Chhun from prison.

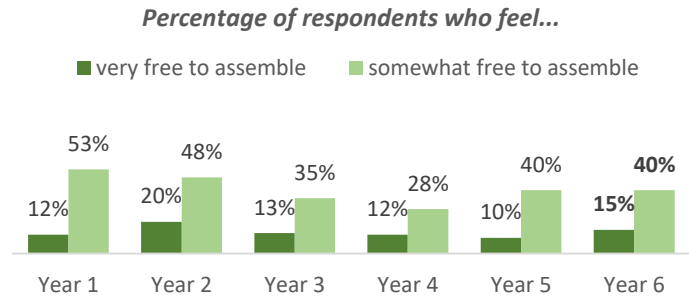
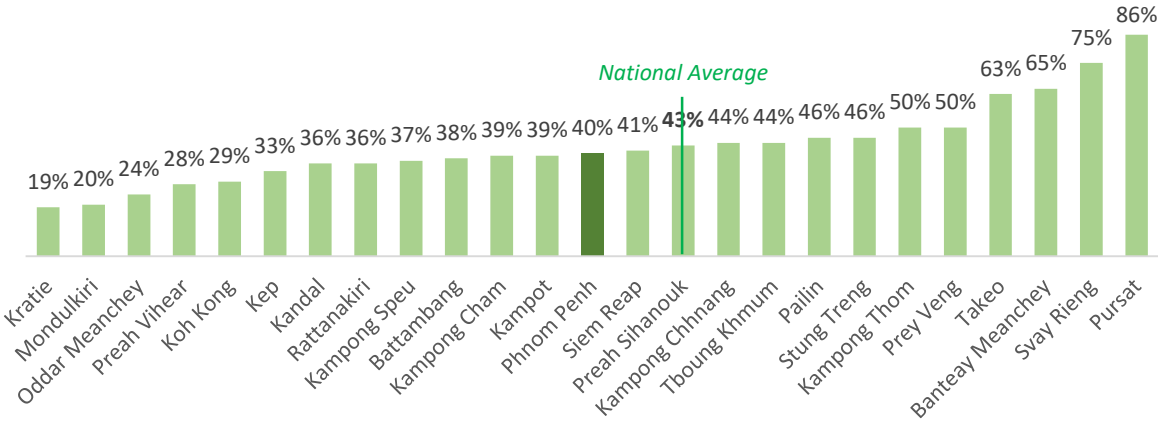


Figure 37: Percentage of respondents who feel free to peacefully gather

The percentage of respondents who felt “very free” to peacefully assemble, after steadily declining from Year Two to Year Five, increased in Year Six, reaching its second highest percentage since the FFMP began. While this uptick in the percentage of individuals who feel “very free” to peacefully assemble is encouraging, it is nevertheless concerning that only 15% of those polled feel this way.

Over the last five years, an average of 43% of individuals across all provinces reported feeling unfree to peacefully assemble.¹³⁰ In some provinces – such as Pursat, Svay Rieng, Banteay Meanchey and Takeo – a much higher percentage was recorded. In others – such as Kratie, Monduliri and Oddar Meanchey – that percentage was much lower.

Figure 38: Percentage of individuals who reported feeling unfree to peacefully assemble from Year Two to Year Six, disaggregated by province



In Phnom Penh, the proportion of individuals who reported not feeling free to peacefully assemble was a bit lower than the national average, at 40%, suggesting that the heavier police presence in the capital does not have a significant impact on individuals’ feeling of being unfree to assemble.

¹³⁰ Figure 38 shows the proportion of respondents who reported feeling “very unfree” and “somewhat unfree” to peacefully assemble.

3.2.3. Freedom of association

In Year Six, Public Poll respondents were asked six questions related to the freedom of association: **1)** Do you feel free to join a lawful group? **2)** Do you feel free to establish a group for a lawful purpose? **3)** If you are part of an association, do you feel free to leave the group? **4)** If you work for an employer, do you feel free to join a trade union? **5)** If you belong to a trade union, do you feel free to leave the union? **6)** Do you feel free to participate in political activities?

43%

The total percentage of respondents who answered that they felt “*very free*” or “*somewhat free*” to these six questions was 43%, suggesting a difficult environment for exercising the freedom of association.

Figure 39: Percentage of respondents who feel free to participate in political activities

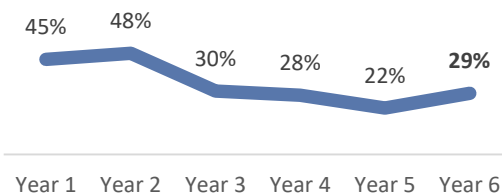
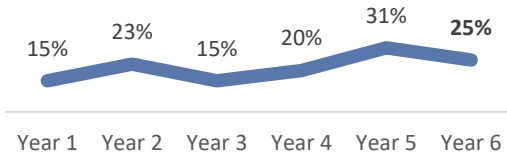
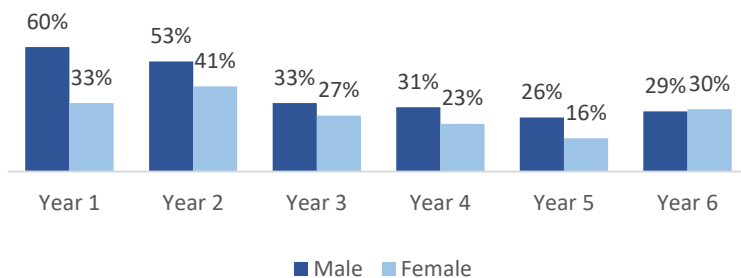


Figure 40: Percentage of respondents who feel very unfree to participate in political activities



For the first time in four years, the proportion of respondents who indicated that they feel free to participate in political activities increased (Figure 39).¹³¹ This increase coincides with the approach of election cycles and the consequent mobilizing of political parties. Year Six also witnessed a decrease in the percentage of respondents who answered they felt “*very unfree*” to participate in political activities, which has been relatively high over the years for a democratic society (Figure 40). Despite this decline, it remains the case that a quarter of the Cambodian public feels “*very unfree*” to participate in political activities, a high proportion in light of the upcoming commune elections in 2022 and national elections in 2023.

Figure 41: Percentage of respondents who feel free to participate in political activities, disaggregated by gender



After declining for four years, the proportion of women respondents who reported feeling free to participate in political activities almost doubled from Year Five to Year Six. This is notable given that the historically low rate of women's political participation has previously been attributed to traditional gender roles and

¹³¹ Figure 39 shows the proportion of respondents who reported feeling “*very free*” and “*somewhat free*” to participate in political activities.

cultural beliefs in Cambodian society. This increase could be attributable to preparations for the upcoming elections, which may be acting as a catalyst for women.

While no significant change in the public's understanding of fundamental freedoms was observed in Year Six, the very low percentage of respondents who answered they "*clearly*" knew what each freedom means suggests individuals are ill-equipped to stand up for their rights. Similarly, there is room for improvement regarding the public's knowledge of the legal framework governing fundamental freedoms which – in its current state – prevents the full exercise of fundamental freedoms. These findings indicate that there is a need to better educate the Cambodian public about fundamental freedoms and their legal limitations. Welcomingly, data from Key Milestone Three also suggests that the percentage of individuals who feel free to exercise their fundamental freedoms is increasing.

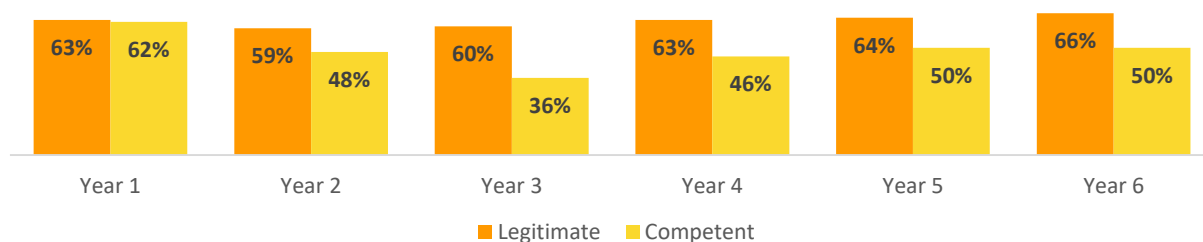
4. Key Milestone Four: Are CSOs and TUs recognized by, and able to work in partnership with, the RGC?¹³²

Key Milestone Four examines the extent to which the RGC and CSOs are able to work together, as meaningful stakeholders, in Cambodia’s development. The data for Key Milestone Four is drawn from the CSO/TU Leader Survey, an annual survey designed to capture the feelings and experiences of CSO/TU leaders with regards to their ability to exercise fundamental freedoms. In Year Six, there were 171 respondents to the CSO/TU Leader Survey.

Key findings: in line with the trend observed in previous years, the data from Key Milestone Four suggests that CSOs and TUs are still not seen as meaningful partners and stakeholders by the RGC. Collaboration between the RGC and CSOs/TUs continues to be infrequent. There is a lack of involvement of CSOs/TUs in decision and law-making processes, and few CSO/TU leaders are aware of calls for participation in RGC consultations, panels or committees. Awareness of and access to financing opportunities also remain low.

4.1. CSOs and TUs are not seen as fully capable partners by the RGC, resulting in limited collaboration

Figure 42: Percentage of CSO/TU leaders who feel recognized as legitimate / competent development partners



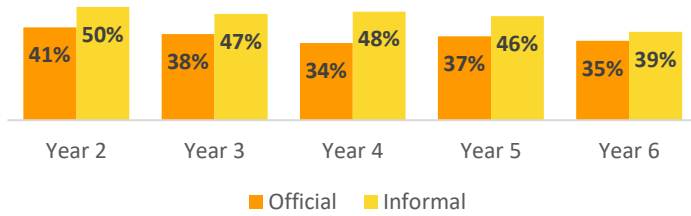
CSO and TU leaders have felt increasingly recognized as legitimate¹³³ and competent¹³⁴ development partners by the RGC. However, the percentage of CSO/TU leaders who believe their organization is recognized as competent by the RGC has consistently been lower than the percentage of CSO/TU leaders who believe that their organization is seen as legitimate by the RGC. These results seem to indicate that CSOs/TUs are still not seen as fully capable partners by the RGC.

¹³² The data for Key Milestone Four is drawn from the FFMP’s CSO/TU Leader Survey conducted in December 2016 (Year One), December 2017 (Year Two), January 2019 (Year Three), January 2020 (Year Four), September - October 2020 (Year Five), and September 2021 (Year Six).

¹³³ To be perceived as a legitimate development partner is to be recognized as a valid, official and lawful entity.

¹³⁴ To be perceived as a competent development partner is to be valued as having the relevant skills, knowledge and ability so as to be a beneficial development partner to the RGC

Figure 43: Percentage of CSO/TU leaders who report officially or informally collaborating with the RGC



This is exemplified by the low levels of collaboration – both official and informal – between the RGC and CSOs/TUs that the FFMP has recorded. Collaboration has never exceeded 50%.¹³⁵ These findings seem to suggest there are limited opportunities for collaboration between the RGC and CSOs/TUs, resulting in the skills, knowledge and expertise of civil society being under-utilized by the RGC.

This is especially true for TUs, as levels of collaboration were much lower for TU leaders than for CSO leaders in Year Six. This disparity is even more apparent when looking at levels of informal cooperation (Figure 44).¹³⁶

Figure 44: Percentage of CSO and TU leaders who report informally collaborating with the RGC

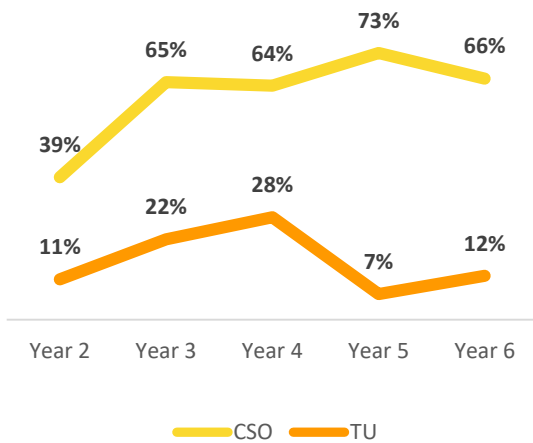
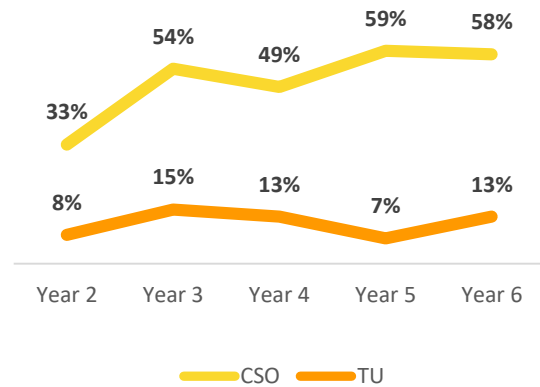


Figure 45: Percentage of CSO and TU leaders who report officially collaborating with the RGC



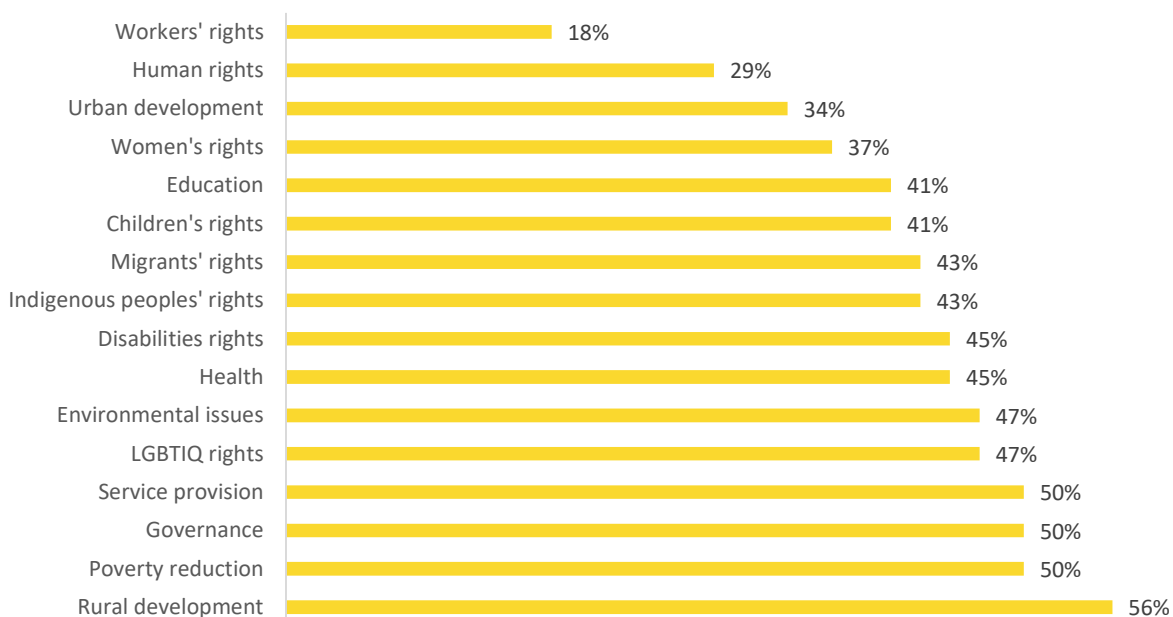
When looking at levels of official collaboration with the RGC over the last five years,¹³⁷ CSO leaders whose organizations’ core focus are workers’ rights reported the lowest official partnership levels with the RGC (18%), followed by CSO leaders working on human rights (29%). These results seem to suggest that collaboration between the RGC and CSOs working on topics deemed by the RGC to be sensitive are not encouraged.

¹³⁵ Figure 43 shows the proportion of CSO and TU leaders who reported “very often”, “often” or “sometimes” informally collaborating with the RGC in the past year. This question was not asked in the CSO/TU Leader Survey conducted in Year One.

¹³⁶ Figure 44 shows the proportion of CSO and TU leaders who reported “very often”, “often” or “sometimes” informally collaborating with the RGC in the past year, disaggregated by type of respondents. The percentages for Year 4 and Year 5 in this graph differ from the percentages mentioned in the FFMP’s Fourth and Fifth annual reports, due to a miscalculation. The FFMP has corrected this error.

¹³⁷ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

Figure 46: Percentage of CSO leaders who report having officially partnered with the Government authorities between Year Two and Year Six, disaggregated by CSO focus



4.2. CSO/TU leaders' expertise and input as key stakeholders are seldom or inadequately sought

In Year Six, 54% of respondents – the second highest percentage since the FFMP started – reported they have not engaged in law or decision-making processes with the RGC in the last year. These findings show that such processes are shifting away from a multistakeholder, inclusive process.

Figure 47: Percentage of CSO/TU leaders who report having "never" participated in law and decision-making processes with the RGC in the last year

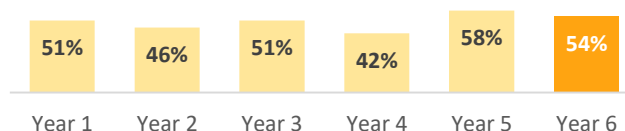
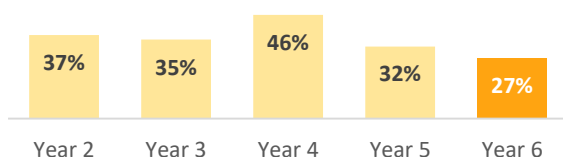


Figure 48: Percentage of CSO/TU leaders who report being aware of opportunities to participate in consultations, panels or committees



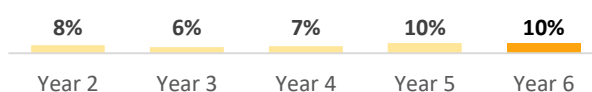
In Year Six, the FFMP recorded its lowest percentage of CSO/TU leaders who reported being aware of opportunities to participate in consultations, panels or committees,¹³⁸ exemplifying the need for the RGC to better advertize such opportunities. These opportunities allow for a variety of perspectives to complement the Government's, resulting in these consultations, panels or committees being of a more diverse composition and, thus, delivering more inclusive outcomes.

¹³⁸ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

4.3. Financing opportunities for CSOs/TUs are both under-publicized and difficult to access

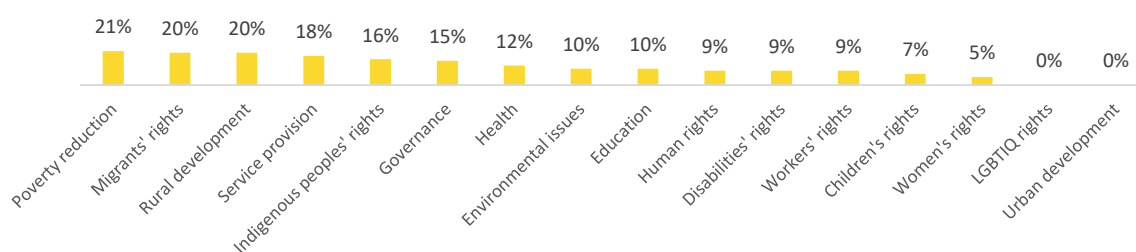
The percentage of CSO/TU leaders who have knowledge of funding opportunities from the RGC for which their association could have qualified remained the same from Year Five to Year Six.¹³⁹

Figure 49: Percentage of CSO/TU leaders who are aware of eligible financing opportunities from the RGC



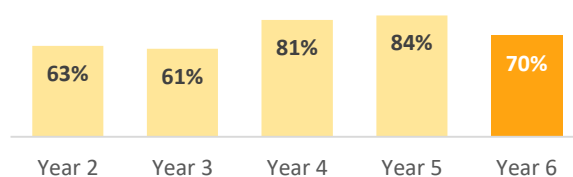
In Year Six, depending on their core focus, CSOs' level of awareness of such financing opportunities differed, but remained low overall. Leaders of CSOs active in specific fields – such as poverty reduction, migrant and refugee rights, and rural development – reported a higher awareness of financing opportunities for which their organization was eligible than leaders of other CSOs.

Figure 50: Percentage of CSO/TU leaders who are aware of eligible financing opportunities from the RGC in Year Six, disaggregated by CSO focus



These overall low levels of awareness illustrate the necessity for the RGC to increase the visibility of financing opportunities, as low levels of awareness suggest low trial rates and even lower success rates. This is reflected in the high percentage of CSO/TU leaders who have reported being unable to access RGC financing for capacity-building over the years.¹⁴⁰

Figure 51: Percentage of CSO/TU leaders who report being unable to access RGC financing for capacity building



The reasons behind CSOs' and TUs' inability to access such financing are unknown. CSOs and TUs need support to build their capacity; insufficient support to do so hinders their work and progress, which in turn prevents the benefits that a vibrant civil society offers.

Data from Key Milestone Four demonstrates a resistance by the RGC to recognize CSOs and TUs as trustworthy, skilled partners and stakeholders in Cambodia's development. Collaboration between the RGC and CSOs/TUs remains minimal, resulting in these organizations' expertise and knowledge

¹³⁹ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

¹⁴⁰ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

not being fully capitalized by the RGC. The lack of opportunities for CSO/TU involvement in RGC processes means that these processes are less inclusive and less diverse, which prevents the RGC from receiving potentially significant input. The RGC's continued reluctance to recognize civil society as an essential ingredient for sustainable and positive growth ultimately hampers Cambodia's development.

Conclusion

In Year Six, the space to exercise fundamental freedoms remained restricted and civic space continued to be curtailed. Despite the RGC's duty to respect, protect, and promote the freedoms of association, expression and assembly, the FFMP recorded more than 300 restrictions and violations of fundamental freedoms in every province.

The enactment of the *NIG Sub-Decree*, the *COVID-19 Law* and the *sang prakas (Monk prakas)* provide new constraints to the ability of Cambodians to exercise fundamental freedoms. These laws and regulations join an existing legal framework that restricts fundamental freedoms and does not fully comply with international human rights laws.

In Year Six, the freedom of association was the most restricted fundamental freedom. CSOs, TUs and political parties all suffered restrictions, by both the RGC and third parties, creating an environment inconducive to the exercise of freedom of association. This is reflected in the low percentage of the public, 43%, who reported feeling free to associate. While the freedom of assembly was largely protected in Year Six, only 55% of the public and 35% of CSO/TU leaders reported feeling free to exercise it. Authorities used disproportionate and unjustifiable force in 13% of assemblies, an increase from 11% in Year Five. As for the freedom of expression, its exercise online was increasingly monitored and stifled: 77% of all incidents involving the freedom of expression occurred online. Rates of self-censorship remained high; 59% of the public and 84% of CSO/TU leaders reported that they regularly self-censor.

The Cambodian public still lacks an in-depth understanding of what fundamental freedoms are, thus making them ill-equipped to stand up for and fully exercise their rights. Individuals continue to believe that laws governing fundamental freedoms are more restrictive than they really are, preventing them from being able to fully exercise their fundamental freedoms.

The FFMP also found that the RGC remains reluctant to recognize CSOs/TUs as trustworthy and meaningful partners, resulting in limited collaboration between RGC and CSOs/TUs. These groups' expertise and knowledge are therefore not being used to their full potential.

By offering a unique insight into the state of fundamental freedoms in Cambodia, the FFMP hopes to provide a foundation upon which informed, inclusive and genuine discussions can take place to bring domestic law in line with international law. The FFMP encourages constructive steps towards the creation of 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 pursuant to 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 sixth year of monitoring took place from 1 January – 31 December 2021. Results from monitoring were collated and reviewed on a quarterly basis: the First Quarter, 1 January – 31 March 2021; the Second Quarter, 1 April – 30 June 2021; the Third Quarter, 1 July – 30 September 2021; and the Fourth Quarter, 1 October – 31 December 2021.

The MTT is comprised of 152 individual indicators that correspond to the four Key Milestones (KMs).¹⁴¹

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

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

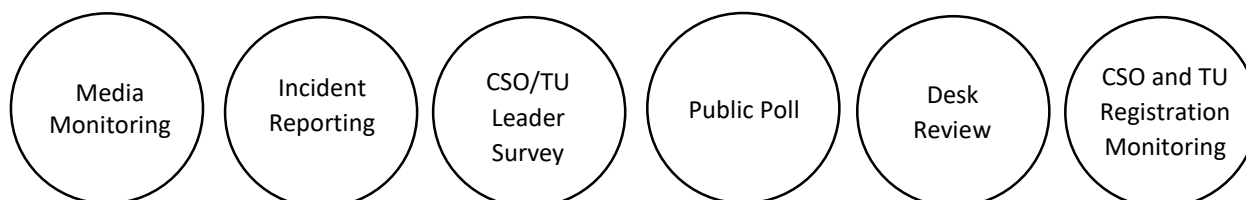
KM3: Individuals understand fundamental freedoms, and feel free to exercise them; and,

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 consistent application of key concepts and outlines a logic model, clearly articulating the elements of the four Key Milestones. The MTT also includes indicators and metrics that are 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.¹⁴²

Data Collection Methods

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



¹⁴¹ 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.

¹⁴² More information regarding the methodology of the MTT is available upon request.

Media Monitoring

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

Media Monitoring is undertaken daily. Major national Cambodian newspapers, and several other media sources, are reviewed to identify relevant stories.¹⁴³

Relevant articles are identified and reviewed by the Monitoring Team, who then enter key 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.

During Year Six, the Monitoring Team captured 351 incidents via Media Monitoring.

Incident Reporting

Incident Reports capture restrictions and violations of fundamental freedoms that are 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 itself, the location, the people involved, the type of association (if relevant) and the type of violation. Key information from the Incident Report Form is entered into an Incident Reporting Database, where it is analyzed by the Monitoring Team.

During Year Six, the Monitoring Team captured 103 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 with regards to their ability to exercise fundamental freedoms. CSO/TU leaders are selected at random to participate in the survey, using a sampling technique based on the records from major NGO coalitions and union confederations.

In Year Six, the CSO/TU Leader Survey was carried out from 1 – 30 September 2021. The survey was completed online with 171 respondents. The results of the survey were analyzed to identify trends in

¹⁴³ National media sources include: the Phnom Penh Post (Khmer & English), Khmer Times (Khmer & English), Radio Free Asia (Khmer & English), Radio France International, Dap News, Voice of Democracy (Khmer & English), Voice of America, VAYO, CNC News, Kohsantepheap, Rasmei Kampuchea Daily, Thmey Thmey, Kampuchea Thmey, Freshnews, Women's Media Center, Swift News Daily, TVFB, Kley Kley Sabay, Cambodia Express News, Camnews, CamboJA News, Cambonomist, Cambodianess, Angrut, 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.

the different characteristics of CSOs or TUs which participated 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 towards 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 congregate and randomly selected people to participate in the poll.

The Public Poll in Year Six was conducted from 1 November – 31 December 2021 across 25 provinces and surveyed 925 respondents. The results from the poll were analyzed to identify trends in the different characteristics of respondents, as well as in the MTT indicators.

Desk Review

The Desk Review is a legal analysis of relevant Laws, Prakas, Circulars, Directives, and other policies, reports and regulations that affect the exercise of fundamental freedoms. The Desk Review assesses the degree to which the Cambodian legal framework sufficiently guarantees fundamental freedoms, as required under international human rights law. As such, the Desk Review is concerned with the letter of the law, as opposed to its implementation.¹⁴⁴

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.¹⁴⁵

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 the extent to which 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 reflect the different registration requirements and process for associations and TUs.

In Year Six, the Monitoring Team recorded the experiences of three TUs as they attempted to register under the TUL. The FFMP did not record the experience of any association attempting to register under the LANGO in Year Six.

¹⁴⁴ See Annex 2.

¹⁴⁵ 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 Year Six of monitoring (1 January – 31 December 2021). Indicators rely on various 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 laws 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 Year Five that led to some recategorization of indicators, despite no laws relevant to that indicator changing.

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

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

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

	Highest Possible Rating
	Average Rating
	Lowest Possible Rating
	Unable to Rate

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

Key Milestone 1: The legal framework for the freedoms of association, assembly and expression meets international standards									
Element	Indicator/s	Data Source	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	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	3	3	3	3	3	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).¹⁴⁶ However, they apply only to Cambodian citizens, and not all within its jurisdiction, thus insufficiently protecting the fundamental freedoms of others living in Cambodia.¹⁴⁷ Furthermore, these constitutional guarantees were significantly weakened by the February 2018 constitutional amendments.¹⁴⁸ 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.¹⁴⁹ The 2020 amendments to the TUL do not significantly lessen its restriction to the freedom of association.¹⁵⁰ 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 Year Six, 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 sang prakas (Monk prakas), also passed in 2021, unduly restricts freedom of assembly.¹⁵¹</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	n/a	1	1	1	1	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.¹⁵² 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). There is also a lack of procedural safeguards in the registration process set out in the LANGO,¹⁵³ 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>

¹⁴⁶ 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).

¹⁴⁷ Sub-decree 148 on Special Economic Zones, extends rights to workers in the Special Economic Zone.

¹⁴⁸ 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>>.

¹⁴⁹ 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).

¹⁵⁰ 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.

¹⁵¹ See Key Milestone One.

¹⁵² 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>>.

¹⁵³ Under Article 8, the Ministry of Interior (Mol) may deny the request for registration of a domestic association or NGO if its “purpose and goals” would “endanger the security, stability and public order, or jeopardize national security, national unity, culture, traditions and customs of Cambodian national society”. The LANGO leaves the actual registration procedure to be determined by the Mol through administrative orders or Prakas.

									representatives in full freedom. ¹⁵⁴ Ultimately the TUL establishes an authorization procedure for TUs, requiring RGC approval for union registration in contravention of international human rights law. ¹⁵⁵
1.3: There is no limitations to the number of associations that can exist for similar purposes	Degree to which laws, regulations or policies limit associations from being established and registered for similar purposes	Desk Review of laws, regulations, and policies	5	5	5	5	5	5	Cambodia meets this element as there is no limit on the number of associations that may exist for similar purposes in the LANGO or other laws. Article 7 of the LANGO provides that the name, abbreviation, and logo of an association or NGO shall not be the same as an association or NGO already registered, nor the Red Cross, Red Crescent, or international institutions. This restriction appears reasonable and proportionate as long as it is used in a fair, transparent, and consistent manner.
1.4: Associations can freely form networks of organizations, coalitions, federations, or other types of unions	Degree to which laws, regulations or policies permit associations to form networks of organizations, coalitions, federations, or other types of unions	Desk Review of laws, regulations, and policies	3	3	3	3	3	3	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 which constitutes an unjustified barrier to the formation of such network. ¹⁵⁶
1.5: Registration for associations is voluntary	Degree to which laws, regulations or policies permit the voluntary registration of associations	Desk Review of laws, regulations, and policies	1	1	1	1	1	1	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). ¹⁵⁷ 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.
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	2	1	2	2	2	2	Cambodia does not meet this element. 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 Year Two, 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.
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	2	2	2	2	2	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. 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. ¹⁵⁸ However, international standards require that such reporting obligations are not arbitrary ¹⁵⁹ or burdensome. ¹⁶⁰ 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

¹⁵⁴ 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>>.

¹⁵⁵ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) Article 8.

¹⁵⁶ 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.

¹⁵⁷ 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>.

¹⁵⁸ 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>.

¹⁵⁹ Ibid.

¹⁶⁰ 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>>.

									reports to the Mol. ¹⁶¹ In Year Four 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.
1.8: Sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand	Degree to which sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand	Desk Review of laws, regulations, and policies	2	1.5	1.5	1.5	1	1	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. ¹⁶² 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 Year Four to remove the automatic dissolution of an association if its leaders or managers commit a serious misconduct or offense, ¹⁶³ 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, ¹⁶⁴ Counter-Terrorism Law, ¹⁶⁵ 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. ¹⁶⁶ 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”, ¹⁶⁷ and for “intentionally disobeying the measures laid down by the Royal Government”. ¹⁶⁸ 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. ¹⁶⁹ 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”.
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	2	2	2	2	2	Cambodia does not meet this element. There are some safeguards included in the LANGO, such as escalating penalties and a right of appeal in cases of deregistration, but overall safeguards are inadequate. The TUL contains no right of appeal to a court of law for administrative sanctions, although Prakas 251 of the Ministry of Labour and Vocational Training (MLVT) has created a limited right of administrative appeal to the MLVT when a warning letter is received or a fine imposed. For penalties contained in the Criminal Code, there is a right of appeal. The LPP contains limited safeguards for sanctions, even though the executive enjoys a high degree of discretion in imposing the penalties, which are broadly and vaguely defined.
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	4	4	4	4	4	Cambodia generally meets this element. Article 26 of the LANGO provides that a domestic association “may suspend its activities by providing a written notification to the Ministry of Interior” and by providing its final activity and financial reports. However, the vague provisions of Article 26(2) may create barriers to voluntary dissolution, as they require that a domestic association “shall, prior to its dissolution, clear its obligations in accordance with the procedures and

¹⁶¹ 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>>.

¹⁶² 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>>.

¹⁶³ See Article 29 of the TUL.

¹⁶⁴ See Article 107 of the Law On Telecommunications.

¹⁶⁵ See Articles 7, 76, 77 and 78 of the Counter-Terrorism Law.

¹⁶⁶ See Article 74 of the Law on the Election of Commune Councils.

¹⁶⁷ See Article 7 of the State of Emergency Law.

¹⁶⁸ See Article 8 of the State of Emergency Law.

¹⁶⁹ 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”.

									provisions in force". 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)).
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	1	1	1	1	1	Cambodia fails to meet this element. Dissolution of associations is possible under the Criminal Code, Counter-Terrorism Law, LANGO, LPP, and TUL. In each case, dissolution can be imposed as a purely punitive measure, not as a proportionate, last-resort response to a danger presented by the continued operation of the association. Specifically, measures of suspension or dissolution of a TU by the administrative authority constitute serious infringements of the principles of freedom of association. ¹⁷⁰
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	5	4	4	4	4	4	Cambodia generally meets this element. There is no law regulating Cambodian NGOs' engagement in economic activities. While this right is not protected, it is not prohibited either. The TUL however, prevents unions from running a business, except for those holding the Most Representative Status in the workplace.
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	4	4	4	4	4	Cambodia meets this element. There are no legal prohibitions on associations from receiving foreign funding. However, it is worth noting that Article 27 of the LANGO places additional, stringent reporting requirements on NGOs that seek and/or receive foreign funds. Additionally, Article 25 of the LANGO requires that domestic and foreign associations receiving support from donors must submit copies of the original documents sent to the donors to the Mol or the Ministry of Economy and Finance (MEF) and the Ministry of Foreign Affairs (MFA) respectively within 30 days of the date on which they were sent to the donors; they must also submit one copy of project documents and funding agreements with donors within 30 days of date when a new project or funding agreement is established. Given that most third-party funding for associations is likely to originate in foreign sources, this may in practice act as a barrier to receipt of foreign funding, particularly for smaller organizations. There is also risk that these provisions may be abused to harass associations that receive foreign support.
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	4	4	4	4	4	Cambodia meets this element. There are no legal prohibitions on receiving funding from private domestic sources. However, receipt of support from any donor, foreign or domestic, will trigger the LANGO's reporting requirements which, in practice, may act as a barrier, particularly for smaller organizations. Specifically, Article 25 of the LANGO requires that domestic and foreign associations receiving support from donors must submit copies of the original documents sent to the donors to the Mol or MEF and MFA respectively within thirty days of the date on which they were sent to the donors; they must also submit one copy of project documents and funding agreements.
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	2	2	2	2	2	Cambodia does not fully meet this element. The LANGO imposes heavy financial reporting obligations, including the provision of annual financial reports and detailed information on funding received from donors. 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.

¹⁷⁰ 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>.

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	3	2.5	2.5	2.5	2.5	2.5	Cambodia does not fully meet this element. The Constitution empowers citizens to challenge any violations of their constitutional rights. However, judicial review procedures are not clearly defined, making these guarantees less effective. The Law on the Organization and the Functioning of the Constitutional Council allows for citizens to challenge laws or decisions that constitute violations of their constitutional rights. However, this law was amended in February 2018 to remove the possibility for 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". ¹⁷¹
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	n/a	n/a	n/a	n/a	4	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. ¹⁷² 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". ¹⁷³ 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 to indicate of the reasons". ¹⁷⁴ 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. While the right to not associate may be implicit, domestic law should clearly state it to ensure its protection.
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	n/a	3	3	3	2.5	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". ¹⁷⁵ 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. ¹⁷⁶ 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. ¹⁷⁷ Similarly, the Labor Law also excludes a number of activities from the scope of its protection. ¹⁷⁸ 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. ¹⁷⁹ Legislative developments from Year Six 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 that are often used to

¹⁷¹ 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>.

¹⁷² "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.

¹⁷³ See Article 7 of the TUL.

¹⁷⁴ Article 13 of the LPP.

¹⁷⁵ Article 9 of the LPA.

¹⁷⁶ 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).

¹⁷⁷ Article 3 of the LPA.

¹⁷⁸ 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".

¹⁷⁹ Article 5(2) of the Law on the Management of the Nation in State of Emergency (2020).

									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.
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	n/a	3.5	4	4	3	3	Cambodia does not fully meet this element. The LPA, ¹⁸⁰ the Labour Law, ¹⁸¹ and the Election Laws contain prior notification procedures for assemblies, ¹⁸² 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. ¹⁸³ 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. ¹⁸⁴ 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. ¹⁸⁵ 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. ¹⁸⁶ 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. ¹⁸⁷ 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 Year Five, 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	n/a	2.5	3	3	2.5	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. ¹⁸⁸ 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. ¹⁸⁹ 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”. ¹⁹⁰ 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

¹⁸⁰ Articles 6, 7, 10, 14, 20 and 28 of the LPA.

¹⁸¹ Articles 324 and 327 of the Labour Law.

¹⁸² 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.

¹⁸³ 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>.

¹⁸⁴ 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>.

¹⁸⁵ Articles 6, 7, 10, 14, 20 and 28 of the LPA.

¹⁸⁶ Article 6 of the LPA.

¹⁸⁷ Article 7 of the LPA.

¹⁸⁸ 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.

¹⁸⁹ Section 3, Article 2-4-7 of the Implementation Guide.

¹⁹⁰ Section 3, Article 2-4-7 of the Implementation Guide.

									could be imposed, regardless of COVID-19 mitigation measures. ¹⁹¹ Further, the prohibition to take part in assemblies imposed on monks by the Monk prakas is neither proportionate nor in pursuit of a legitimate aim. With the introduction of these two legislative instruments, this score has been lowered to 2.
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	n/a	3.5	4	4	3	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 assembly. ¹⁹² 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 of which the notification letter was submitted. Failure to reply within this window “implies the competent municipal or provincial territorial authorities have approved”. ¹⁹³ Moreover, in cases stipulated in Article 9(2), if no agreement is reached, the Minister of Interior will provide the final decision in writing and at least 24 hours before the scheduled peaceful assembly. ¹⁹⁴ This decision is not open to appeal before an independent and impartial court as international standards stipulate. ¹⁹⁵ 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. ¹⁹⁶ 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	n/a	4	4	4	3	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), 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). ¹⁹⁷ The power to restrict and prohibit all assemblies, as granted under Article 5(2) of the State of Emergency Law, could operate as a blanket ban on all assemblies during a state of emergency. The wording of the law is so broad and insufficiently prescribed that it is foreseeable that any and all assemblies could be blanketly prohibited under Article 5(2). Similarly, Article 4 of the COVID-19 Law grants authorities “temporary” powers to prohibit assemblies that “may cause the spread of COVID-19” – seemingly allowing for absolute prohibitions – but fails to provide an expiration date to such powers. This could result in authorities prohibiting assemblies for as long as they arbitrarily deem COVID-19 to be a danger. ¹⁹⁸ This score has been lowered to 2,5.
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	n/a	5	5	5	5	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	Degree to which expedited appeals procedures are	Desk Review of laws,	n/a	3	3	3	2.5	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

¹⁹¹ See Key Milestone One.

¹⁹² See Articles 9 and 10 of the LPA.

¹⁹³ Article 10 of the LPA.

¹⁹⁴ Article 12 of the LPA.

¹⁹⁵ 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>.

¹⁹⁶ Article 4 of the COVID-19 Law.

¹⁹⁷ 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>.

¹⁹⁸ See Key Milestone One.

independent and impartial body is established for assembly restrictions	provided for in the legal framework	regulations, and policies							letter was submitted. ¹⁹⁹ Failure to reply within this window “implies the competent municipal or provincial territorial authorities have approved”. ²⁰⁰ Where there is clear information that the demonstration may cause danger or jeopardize safety or public order, the authorities must inform the organizers “immediately”, and have three days to meet with the assembly leaders to reach an agreement. If no agreement is reached, Article 12 provides that the Minister of Interior will communicate the final decision in writing at least 24 hours before the scheduled peaceful assembly. However, the Minister cannot be considered to be an “independent and impartial body”. The Minister of Interior – as a member of the executive branch – is not independent nor impartial. There is no possibility of further appeal to a court of law. Therefore, no independent or impartial appeals procedure is prescribed in law. On a re-evaluation of this point, this score has been lowered to 2.5. Further, no appeals procedure is provided for assembly restrictions under the State of Emergency Law or the COVID-19 Law and it is unclear if the normal appeals procedure under the LPA will apply or not. ²⁰¹
1.25: Organizers are not subject to criminal or administrative sanctions for failure to notify authorities	Degree to which the legal framework contains criminal and/or administrative sanctions for organizers failing to notify authorities of an assembly	Desk Review of laws, regulations, and policies	n/a	3	3	3	3	3	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. ²⁰² 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. ²⁰³ However, only a court can determine the legality or illegality of a strike. ²⁰⁴ 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). ²⁰⁵ While the fine is only a last recourse following several warnings, the amount of the fine constitutes a disproportionate restriction on workers’ right to freedom of association.
1.26: Police are obliged to facilitate peaceful assemblies	Degree to which policing laws, regulations and policies support peaceful assemblies	Desk Review of laws, regulations, and policies	n/a	5	5	5	5	5	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. ²⁰⁶ 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”. ²⁰⁷ In case of violence, the implementation guidelines state unequivocally that an assembly can only be dispersed when no other options exist; ²⁰⁸ it adds that the actions of the police must be proportional to the situation and only be used to the extent necessary. ²⁰⁹
1.27: Organizers of assemblies are not responsible for financial charges for the provision of public services	Degree to which the legal framework protects organizers from being financially responsible for the provision of public services during assemblies	Desk Review of laws, regulations, and policies	n/a	5	5	5	5	5	Cambodia meets this element. The LPA does not provide that assembly organizers are responsible for financial charges for the provision of public services.
1.28: Assembly organizers and participants are not responsible or liable for the unlawful conduct of others, or the maintenance of public order	Degree to which the legal framework enables organizers and participants to be held legally responsible for the unlawful conduct of others and/or the maintenance of public order	Desk Review of laws, regulations, and policies	n/a	4	4	4	4	4	Cambodia generally meets this element. Assembly organizers are not responsible or liable for property damage related to an event turned violent. In case a peaceful assembly turns violent, as referred to in Article 20(2) of the LPA, the assembly organizers shall receive a written warning. Articles 23 to 27 deal with a number of situations such as the carrying of weapons or dangerous substances, robbery, damage to private or public property, and violence resulting in injuries or death. In all cases, the law states clearly that the individual who commits the act is to be held responsible. It does not attribute liability to the organizers or participants for the actions of others.
1.29: State use of force is mandated only when indispensable to control the situation in a reasonable and	Degree to which the legal framework limits the State’s use of force to situations where it is indispensable to control the situation,	Desk Review of laws, regulations, and policies	n/a	4	4	4	4	4	Cambodia generally meets this element. If a peaceful assembly turns violent, competent authorities shall take proper measures to prevent and stop the demonstration immediately. ²¹⁰ 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

¹⁹⁹ Article 12 of the LPA.

²⁰⁰ Article 10 of the LPA.

²⁰¹ Article 5(2) of the Law on the Management of the Nation in State of Emergency (2020); Article 4 of the COVID-19 Law.

²⁰² Article 21 of the LPA; See also Section 3, Article 4-4-1 of the Implementation Guide.

²⁰³ Article 92 of the TUL.

²⁰⁴ Article 337 of the Labour Law.

²⁰⁵ Article 92 of the TUL.

²⁰⁶ Article 17 of the LPA.

²⁰⁷ Article 18 of the LPA.

²⁰⁸ Section 2, Article 3-6-4 of the Implementation Guide.

²⁰⁹ Section 2, Article 3-6-5 of the Implementation Guide.

²¹⁰ Articles 20(2) and 23-27 of the LPA.

proportional manner	in a reasonable and proportional manner								order. ²¹¹ Moreover, the law makes no provision for the use of force by the authorities, although it does not explicitly prohibit it.
1.30: A police and security force log recording communications and decision making is mandated by law or regulation	Degree to which a system for logging police and other security forces decisions is mandated under law or regulation	Desk Review of laws, regulations, and policies	n/a	2	2	2	2	2	Cambodia fails to meet this element. The LPA does not provide for such a communications record system, although Article 19 provides that “competent authorities designated to maintain security, safety and public order at venues of peaceful assembly shall wear proper uniforms and display name plates and identity codes on the front parts of their uniforms”, which promotes accountability and facilitates the identification of wrongdoers.
1.31 The legal framework in respect of strikes meets international standards	Degree to which the legal framework in respect of strikes meets international standards	Desk Review of laws, regulations, and policies	n/a	n/a	n/a	n/a	3	3	Cambodia does not fully meet the international human rights standards for strikes. The Constitution enshrines the right to strike at Article 37. Articles 41 and 42 go on to protect the right to assembly and the right to “participate in mass organizations”, both of which bolster the protection of the right to strike. However, the entirety of Chapter 3 of the Constitution only applies to “Khmer Citizens”, instead of all within Cambodia’s jurisdiction. Therefore, the Constitution’s protections of the right to strike are insufficient for non-citizens living in Cambodia, such as migrants and refugees. The right to strike is governed by Chapter 13 of the Labour Law, ²¹² 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”. ²¹³ 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. ²¹⁴ 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. ²¹⁵ “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”. ²¹⁶ 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. ²¹⁷ 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. ²¹⁸ 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	n/a	1	1	1	1	1	A significant number of Cambodian laws place restrictions upon the right to freedom of expression which do not comply with the three-part test from Article 19 of the ICCPR. Cambodia therefore fails to meet this element. ²¹⁹ 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

²¹¹ Article 3-6-5 of the Implementation Guide.

²¹² Article 319 of the Labour Law.

²¹³ Article 320 of the Labour Law.

²¹⁴ 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”.

²¹⁵ Ibid, paras. 800 and 801.

²¹⁶ Ibid, para. 803.

²¹⁷ International Labour Organization, Compilation of decisions of the Committee on Freedom of Association, (2018) para. 793.

²¹⁸ 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.

²¹⁹ 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”.

									19(3) of the ICCPR. ²²⁰ 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. Finally, punishments for the publication of prohibited content include the blocking of websites and the possibility of legal actions against individuals and legal entities. ²²¹ <u>These punishments are not the least restrictive means</u> necessary to achieve the aims of the Social Media Prakas. ²²² 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. ²²³
1.33: Defamation is decriminalized	Degree to which defamation is decriminalized	Desk Review of laws, regulations, and policies	n/a	2	2	2	1	1	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. ²²⁴ 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. ²²⁵ Further, in February 2018, the Criminal Code was amended to include Article 437-bis titled <i>Insulting the King</i> (also known as a <i>lèse-majesté</i> 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. ²²⁶ 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. ²²⁷ 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. ²²⁸ Article 71 imposes both

²²⁰ 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>.

²²¹ 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>.

²²² Ibid, 5-8.

²²³ See Key Milestone One.

²²⁴ 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>>.

²²⁵ 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>.

²²⁶ 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>>.

²²⁷ 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).

²²⁸ European Union, ‘Final Report, European Union Follow-up Mission to Cambodia’ (2015) <https://eeas.europa.eu/sites/eeas/files/efm_cambodia_2015_final_report_public.pdf>

									financial penalties and the deletion of candidacy. A review of this indicator was undertaken in Year Five, 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 Year Three 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	n/a	n/a	n/a	n/a	1	1	Cambodia fails to meet this element. There is currently no enacted law, regulation or policy prohibiting SLAPPs and no offense or penalty imposed for individuals or entities who file SLAPPs. Furthermore, the Criminal Code contains many vaguely prescribed offenses, including defamation, that do not comply with international human rights standards, and thus enable the regular use of SLAPPs in Cambodia.
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	n/a	1	1	1	1	1	Cambodian legislation does not meet this element. The Law on Telecommunications, promulgated in 2016, 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. ²²⁹ 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. ²³⁰ 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.
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	n/a	1	1	1	1	1	Cambodia fails to meet this element as the right to information is not protected by law. However, the government is currently working on a draft Law on Access to Information. ²³¹ 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”, ²³² impeding on the right to seek, receive and impart information during a state of emergency. It allows for the RGC to restrict verifiably true information – which could

²²⁹ 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>.

²³⁰ *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>>.

²³¹ 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>>.

²³² See Article 5(11) of the *State of Emergency Law*.

										discourage transparent reporting to the detriment of the population as a whole. Article 6 of the NIG Sub-Decree allows for the blocking and disconnecting of any online content that authorities consider to affect “safety, national revenue, social order, dignity, culture, traditions and customs”; this is likely to lead to the restriction of any content, including innocuous content, deemed to go against these aims. ²³³
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	n/a	3	3	3	3		1	Cambodia fails to fully meet this requirement. There are no legislative provisions explicitly granting the RGC the power to shut down the internet. However, the broad drafting of Article 7 of the Telecommunications Law could lead to it being used to arbitrarily shut down the internet. Article 7 of the Telecommunications Law states, “in the event of force majeure, the Ministry of Posts and Telecommunications or competent ministries or institutions may order relevant telecommunications operators to take necessary measures by relying on the Decision of the Royal Government”. Further competencies are afforded to the Ministry of Posts and Telecommunications (MPTC) under Article 24, which states, “telecommunications infrastructures and networks and supporting telecommunication infrastructures shall fall under the competence of the MPTC”. Under these provisions, the government appears to be granted control of the entire telecommunications industry including activity and infrastructure. The joint “specialized unit” established by the Social Media Prakas also has the power to shutdown Internet Service Providers without any judicial supervision to safeguard against arbitrary application. ²³⁴ The NIG Sub-Decree provides for the creation of an infrastructure that will centralize the RGC’s control over the internet. ²³⁵ There is a likelihood that the RGC could impose internet blackouts. ²³⁶
Key Milestone 2: The legal framework for the freedoms of association, assembly and expression are implemented and properly enforced										
Element	Indicator/s	Data Source	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	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	48%	23%	15%	14%	74%	87%	Media Monitoring recorded 15 RGC statements, 13 of which illustrated a misunderstanding or misrepresentation.	
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	n/a	n/a	n/a	n/a	0	1	Media Monitoring recorded one1 incident of authorities or third parties being held accountable for violations.	
	# of instances reported where authorities and third parties are held accountable for violations of domestic law related to FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	0	0	Incident Reporting did not record any incidents of authorities or third parties being held accountable for violations.	
2.3 Freedoms can be exercised without undue interference or retaliation	# of individuals reported in the media as being summonsed by authorities for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	199	66	Media Monitoring recorded 66 summonses.	
	# of individuals summonsed by authorities for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	16	6	Incident Reporting recorded six summonses.	
	# of individuals reported in the media as being questioned by authorities for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	115	137	Media Monitoring recorded 137 individuals questioned.	

²³³ See Key Milestone One.

²³⁴ Social Media Prakas, clause 4.

²³⁵ Article 1 of the NIG Sub-Decree.

²³⁶ See Key Milestone One.

	# of individuals questioned by authorities for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	2	26	<i>Incident Reporting recorded 26 individuals questioned</i>
	# of individuals reported in the media as being detained for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	114	119	<i>Media Monitoring recorded 119 individuals detained.</i>
	# of individuals detained for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	2	0	<i>Incident Reporting did not record any individual detained.</i>
	# of individuals reported in the media as being made by authorities to sign / thumbprint an agreement for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	54	58	<i>Media Monitoring recorded 58 individuals made to sign/thumbprint an agreement.</i>
	# of individuals made by authorities to sign / thumbprint an agreement for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	3	1	<i>Incident Reporting recorded one individual made to sign/thumbprint an agreement.</i>
	# of individuals or entities reported in the media as being charged with crime(s) for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	52	60	<i>Media Monitoring recorded 60 individuals charged.</i>
	# of individuals or entities charged with crime(s) for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	1	<i>Incident Reporting recorded one individual charged.</i>
	# of individuals reported in the media as being arrested for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	81	138	<i>Media Monitoring recorded 138 arrests.</i>
	# of individuals arrested for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	0	<i>Incident Reporting did not record any arrest.</i>
	# of individuals or entities reported in the media as being convicted of crime(s) for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	16	72	<i>Media Monitoring recorded 72 convictions.</i>
	# of individuals or entities convicted of crime(s) for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	0	<i>Incident Reporting did not record any conviction.</i>
	# of individuals or entities reported in the media as being subject to administrative sanctions for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	1	21	<i>Media Monitoring recorded 21 individuals or entities subject to administrative sanctions.</i>
	# of individuals or entities subject to administrative sanctions for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	0	1	<i>Incident Reporting recorded one individual or entity subject to administrative sanctions.</i>

Freedom of Association

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	202	33	33	3	1	1	Media Monitoring recorded one incident where the RGC protected freedom of association.
	# of reports in the media where the RGC violates FoA	Media Monitoring	n/a	n/a	n/a	n/a	61	70	Media Monitoring recorded 70 incidents where RGC institutions violated freedom of association.
	# of incidents reported where RGC institutions are violating FoA	Incident Reporting	114	122	101	48	43	50	Incident Reporting recorded 50 incidents where RGC institutions violated freedom of association.
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	n/a	1	1	n/a	2	3	The registration process of three TUs was evaluated in Year Six: all three were successfully registered.
2.6: Multiple associations may exist for similar purposes	# of registration applications denied due to multiple associations existing for similar purposes	Incident Reporting	0	1	0	0	0	0	Incident Reporting recorded no incidents where a registration application was denied due to multiple associations existing for a similar purpose.
		Monitoring of the Registration Process for Associations	n/a	0	0	0	0	0	The CSO/TU Registration Monitoring did not record any registration that was denied for this reason.
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	n/a	38%	44%	41%	26%	26%	See question 4.1 of the CSO/TU Leader Survey.
	# of incidents reported that include interference in attempts by associations to form networks, coalitions, federations, or other types of unions	Incident Reporting	0	14	0	3	2	1	Incident Reporting recorded one incident of interference in attempts by associations to form networks, coalitions, federations, or other types of unions.
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	n/a	n/a	n/a	n/a	n/a	n/a	This indicator will be tracked starting in Year Seven.
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	n/a	76%	74%	79%	75%	67%	See question 4.5 of the CSO/TU Leader Survey.
	# of incidents of RGC supervision of associations violating international standards reported in the media	Media Monitoring	188	184	43	104	56	43	Media Monitoring recorded 43 incidents of RGC supervision of an association that violated international standards.
	# of incidents of RGC supervision of associations violating international	Incident Reporting	n/a	n/a	n/a	n/a	35	36	Incident Reporting recorded 36 incidents of RGC supervision of an association that violated international standards.

	standards reported in incident reports								
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	3%	35%	36%	30%	26%	24%	See question 5.6 of the CSO/TU Leader Survey.
	% of individuals who report victimization due to their involvement in an association	Public Poll	n/a	14%	19%	25%	26%	22%	See question 3.4 of the Public Poll.
2.11: Associations are protected from third-party interference	% of association leaders who report third-party interference	CSO/TU Leader Survey	23%	25%	17%	14%	8%	16%	See question 4.7 of the CSO/TU Leader Survey.
	# of incidents of third-party interference in an association	Media Monitoring	24	35	10	15	14	25	Media Monitoring recorded 25 incidents where an association was interfered with by a third-party.
	# of incidents of third-party interference in an association	Incident Reporting	n/a	8	14	12	22	19	Incident Reporting recorded 19 incidents where an association leader reported third-party interference.
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	n/a	60%	58%	60%	60%	45%	See question 4.12 of the CSO/TU Leader Survey.
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	n/a	12	1	0	0	0	Media Monitoring did not record any incidents of sanctions being imposed on an association that were not implemented in accordance with Cambodian law.
	# of incidents reported that include sanctions that are not implemented in accordance with Cambodian law	Incident Reporting	n/a	3	0	0	0	0	Incident Reporting did not record any incidents of sanctions being imposed on an association that were not implemented in accordance with Cambodian law.
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	50%	42%	9%	32%	20%	83%	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.
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	0	0	0	0	1	1	Media Monitoring recorded one incident of involuntary dissolution of association.
	# of incidents reported of dissolutions which occur before legal avenues are exhausted and without clear and imminent danger present	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting did not record any incidents of involuntary dissolution of association.

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	4%	7%	3%	4%	0%	5%	See question 4.22 of the CSO/TU Leader Survey.
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	n/a	83%	72%	79%	80%	76%	See questions 4.24 and 4.26 of the CSO/TU Leader Survey. Domestic funding = 77%, Foreign funding = 75%.
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	n/a	60%	58%	60%	69%	54%	See question 4.15 of the CSO/TU Leader Survey.
	% of association leaders reporting that associations cannot meet financial reporting requirements	CSO/TU Leader Survey	62%	36%	16%	19%	25%	27%	See question 4.13 of the CSO/TU Leader Survey.
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	n/a	n/a	n/a	n/a	n/a	n/a	This indicator will be tracked starting in Year Seven.
	# of instances reported in the media where RGC statements or actions promote or protect the rights of marginalized groups	Media Monitoring	n/a	0	2	8	0	0	Media Monitoring did not record any incidents of the RGC promoting freedom of association or related rights of a marginalized group.
Freedom of Assembly									
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	19%	10%	4%	7%	7%	4%	See question 5.2 of the CSO/TU Leader Survey.
	# of incidents reported that identify a restriction on the freedom of assembly	Incident Reporting	n/a	45	57	5	10	15	Incident Reporting recorded eight incidents of the RGC restricting the freedom of assembly.
	% of assemblies' subject to undue interference reported in the media	Media Monitoring	n/a	6%	9%	10%	33%	26%	Media Monitoring recorded 38 assemblies subject to interference out of the 146 assemblies that occurred.
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	n/a	7	6	0	0	0	Media Monitoring did not record any incidents of assemblies being prohibited or having restrictions imposed due to a lack of prior authorization.
	# of incident reports of assemblies being restricted or prohibited in advance due to a	Incident Reporting	n/a	2	10	0	0	0	Incident Reporting did not record any incidents of assemblies being restricted or prohibited due to a lack of prior authorization.

	lack of prior authorization								
	# of reports in the media of assemblies which are interfered with due to a lack of prior authorization	Media Monitoring	n/a	6	16	0	4	2	Media Monitoring recorded two incidents of assemblies being interfered with due to a lack of prior authorization.
	# of incident reports of assemblies which are interfered with due to a lack of prior authorization	Incident Reporting	n/a	9	5	0	0	0	Incident Reporting did not record any incidents of assemblies being interfered with due to a lack of prior authorization.
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	n/a	3%	3%	2%	6%	2%	Media Monitoring recorded two prohibited assemblies out of a total of 125 planned assemblies.
	% of prohibitions reported in the media with a clear justification provided	Media Monitoring	n/a	2%	2%	25%	60%	0%	Media Monitoring did not record any prohibited assemblies where a clear justification was provided for the prohibition.
	% of prohibitions reported in the media that were a measure of last resort, necessary and proportionate	Media Monitoring	n/a	3%	0%	0%	20%	0%	Media Monitoring did not record any prohibited assemblies where the prohibition was a measure of last resort, necessary and proportionate.
	# of incident reports of prohibitions of planned assemblies	Incident Reporting	n/a	10	10	1	0	0	Incident Reporting did not record any prohibitions of a planned assembly.
	# of incident reports of prohibitions without a clear justification provided	Incident Reporting	n/a	9	5	1	0	0	Incident Reporting did not record any prohibitions of a planned assembly without a clear justification provided.
	# of incident reports of prohibitions that were not a measure of last resort, necessary and proportionate	Incident Reporting	n/a	10	2	1	0	0	Incident Reporting did not record any incidents of a prohibited assembly that was not a measure of last resort, necessary and proportionate.
	# of assembly prohibitions which occur as a measure of last resort, where necessary and proportionate to the aim pursued	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting did not record any incidents of prohibited assemblies that were a measure of last resort, necessary and proportionate to the aim pursued.
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	n/a	0%	0%	22%	67%	0	Media Monitoring did not record incidents of restrictions being imposed on an assembly.
	# of demonstrations reported where traffic flow was cited as a reason for restricting an assembly	Media Monitoring	n/a	4	8	1	0	0	Media Monitoring did not record any incidents where traffic flow was given as a reason for restricting an assembly.

	# of incidents reports where traffic flow was cited as a reason for restricting an assembly	Incident Reporting	n/a	1	8	0	0	0	Incident Reporting did not record any incidents where traffic flow was cited as a reason for restricting an assembly.
	# of demonstrations reported in the media that were restricted due another demonstration already taking place or being scheduled to take place	Media Monitoring	n/a	1	0	0	0	0	Media Monitoring did not record any incidents where an assembly was restricted due to other demonstrations taking place at the same time.
	# of incident reports where demonstrations were restricted due to another demonstration already taking place or being scheduled to take place	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting did not record any incidents where an assembly was restricted due to other demonstrations taking place at the same time.
	# of incidents reports where assemblies were restricted without timely and fulsome reasons being provided in writing	Incident Reporting	n/a	10	8	0	0	0	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.
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	n/a	10	13	3	15	9	Media Monitoring recorded nine incidents where an assembly was limited to a space, time or number of attendees that would limit its impact.
	# of incidents reports where assemblies were limited to designated spaces, times or number of attendees that muted their impact	Incident Reporting	n/a	3	2	0	2	6	Incident Reporting recorded six incidents where a demonstration was limited to a space, time or number of attendees that would limit its impact.
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	n/a	0%	0%	0%	0%	0%	Media Monitoring recorded 23 spontaneous assemblies, none of which were interfered with due to a lack of prior authorization.
	# of incidents reports of spontaneous assemblies that face restrictions or interference for lacking prior notification	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting recorded no spontaneous assemblies that faced restrictions or interference for lacking prior notification.
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	Media Monitoring	n/a	2	2	1	0	0	Media Monitoring recorded no incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.

	reported in the media								
	# of incident reports where assembly organizers face criminal or administrative sanctions for failing to notify authorities	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting recorded no incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.
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	n/a	18	11	5	1	2	Media Monitoring recorded two incidents where the RGC failed to protect peaceful assemblies.
	# of incidents reports that identify third-party interference in an assembly	Incident Reporting	n/a	0	1	0	0	0	Incident Reporting did not record any incidents of third-party interference in an assembly.
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	n/a	0	0	0	0	0	Incident Reporting did not record any incidents of assembly organizers being made financially responsible for the provision of public services.
	# of reports in the media where assembly organizers are made financially responsible for provision of public services	Media Monitoring	n/a	n/a	n/a	n/a	0	0	Media Monitoring did not record any incidents of assembly organizers being made financially responsible for the provision of public services.
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	n/a	0	0	0	0	0	Incident Reporting did not record any incidents of assembly organizers being made liable for the conduct of others.
	# of reports in the media where assembly organizers are made liable for the conduct of others	Media Monitoring	n/a	n/a	n/a	n/a	0	0	Media Monitoring did not record any incidents of assembly organizers being made liable for the conduct of others.
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	n/a	7	0	2	0	0	Media Monitoring recorded no incidents where state use of force at an assembly was used proportionately and justifiably.
	# of assemblies reported where the state actors use of force is disproportionate and/or exercised unjustifiably	Media Monitoring	n/a	2	2	7	12	17	Media Monitoring recorded 17 incidents where state use of force at an assembly was used disproportionately and/or unjustifiably.
	# of incidents reports of where the state actors use of force is disproportionate and/or exercised unjustifiably	Incident Reporting	n/a	0	0	0	2	5	Incident Reporting recorded five assemblies where state actors used force disproportionately and/or unjustifiably.

2.31: Monitors at assemblies can operate freely	# of assemblies reported where there was interference with monitors at assemblies	Media Monitoring	n/a	6	0	0	1	2	Media Monitoring recorded two incidents of assembly monitors being interfered with.
	# of incident reports where there was interference with monitors at assemblies	Incident Reporting	n/a	2	13	1	4	11	Incident Reporting recorded eleven incidents of assembly monitors being interfered with.
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	n/a	n/a	n/a	n/a	0	0%	Media Monitoring recorded five strikes, two of which were subject to restrictions. These restrictions were not legitimate and consistent with ILO jurisprudence.
Freedom of Expression									
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	8%	9%	4%	3%	2%	6%	See question 5.1 of the CSO/TU Leader Survey.
	# of incidents reported that identify a restriction of FoE	Incident Reporting	n/a	36	63	50	35	12	Incident Reporting recorded 12 incidents of the RGC restricting freedom of expression.
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	9%	17%	14%	17%	19%	24%	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 = 25% Social media = 22% TV = 24% Radio = 24%
	# of incidents reported that identify a restriction on the ability to impart information through any media	Incident Reporting	n/a	8	5	16	8	9	Incident Reporting recorded nine incidents where there was a restriction on the ability to impart information through any media.
2.35: Information is not arbitrarily censored	# reports of websites being blocked in Cambodia arbitrarily	Media Monitoring	n/a	1	15	0	3	3	Media Monitoring recorded three incidents of websites being blocked arbitrarily.
	# reports of websites being blocked in Cambodia arbitrarily	Incident Reporting	n/a	0	0	1	0	0	Incident Reporting did not record any incidents of a website being blocked arbitrarily.
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Media Monitoring	n/a	8	4	0	3	6	Media Monitoring recorded six incidents involving seven media outlets being shut down, sanctioned or suspended arbitrarily.
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting did not record any incidents of media outlets being shut down, sanctioned or suspended arbitrarily.
	# of reports of artistic works banned or restricted arbitrarily	Media Monitoring	n/a	5	5	3	7	2	Media Monitoring recorded two incidents of artistic works being banned or restricted arbitrarily.
	# of reports of artistic works banned or restricted arbitrarily	Incident Reporting	n/a	0	0	1	1	0	Incident Reporting did not record any incidents of artistic works being banned or restricted arbitrarily.

2.36: Surveillance of communications complies with the laws of Cambodia	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Media Monitoring	n/a	8	3	6	2	0	Media Monitoring did not record any incidents of surveillance activities undertaken without judicial oversight.
	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Incident Reporting	n/a	2	0	0	0	3	Incident Reporting recorded three incidents of surveillance activities undertaken without judicial oversight.
	# reports of private communications collected by Government being published	Media Monitoring	n/a	5	0	3	0	1	Media Monitoring recorded one incident of private communications collected by the RGC being published.
	# reports of private communications collected by Government being published	Incident Reporting	n/a	0	0	0	0	0	Incident Reporting did not record any incident of private communications collected by the RGC being published.
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	n/a	n/a	n/a	n/a	n/a	n/a	This indicator will be tracked starting in Year Seven.

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	Year1	Year 2	Year 3	Year 4	Year 5	Year 6	Notes
3.1: Individuals understand their rights to FoAA&E	% of individuals who report that they understand FoAA&E	Public Poll	41%	14%	11%	7%	7%	8%	Average of the scores recorded for each freedom individually.
	Freedom of Association	Public Poll	17%	12%	6%	4%	5%	4%	See Question 4.1 of the Public Poll.
	Freedom of Expression	Public Poll	56%	16%	13%	9%	7%	8%	See Question 4.3 of the Public Poll.
	Freedom of Assembly	Public Poll	49%	15%	13%	8%	8%	11%	See Question 4.5 of the Public Poll.
3.2: Individuals understand the legal limitations of their rights	% of individuals who can correctly identify the limitations to their rights	Public Poll	51%	60%	53%	58%	60%	60%	See Questions 4.9 to 4.18 of the Public Poll.
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	14%	14%	47%	45%	38%	44%	See question 5.16 of the Public Poll. The correct answers were: Court, Ministry or National Assembly, and police.
	% of individuals who feel that they can access a redress mechanism if their rights are violated	Public Poll	n/a	4%	4%	2%	2%	2%	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	5%	2%	3%	3%	3%	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	10%	8%	5%	4%	5%	6%	See Question 5.15 of the Public Poll.

Freedom of Association

3.6: Individuals understand the laws pertaining to FoA	% of individuals who report that they understand FoA under Cambodian law	Public Poll	55%	12%	6%	4%	5%	4%	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	14%	18%	13%	11%	11%	16%	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	n/a	n/a	n/a	n/a	15%	18%	See Questions 5.9 - 5.11 of the Public Poll. 5.9. Join = 16% 5.10. Establish = 14% 5.11. Leave = 25% ²³⁷
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	n/a	n/a	n/a	n/a	10%	6%	See Question 5.12 of the Public Poll. ²³⁸
3.10: Individuals understand their right to collectively bargain	% of individuals who report that they understand collective bargaining	Public Poll	6%	10%	7%	5%	4%	4%	See Question 4.7 of the Public Poll.
Freedom of Assembly									
3.11: Individuals feel free to assemble peacefully	% of individuals who report that they feel free to peacefully assemble	Public Poll	12%	20%	13%	12%	10%	15%	See Question 5.8 of the Public Poll.
3.12: Individuals feel free to strike	% of individuals who report that they feel free to strike	Public Poll	10%	5%	5%	6%	6%	4%	See Question 5.14 of the Public Poll. ²³⁹
Freedom of Expression									
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	11%	10%	6%	7%	4%	6%	See Questions 5.4 - 5.6 of the Public Poll. 5.4. Newspaper = 7% 5.5. TV = 5% 5.6. Radio = 7%
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	13%	6%	4%	4%	3%	5%	See Question 5.2 of the Public Poll.
	% of individuals who report that they feel free to speak openly about all subjects on social media	Public Poll	n/a	n/a	n/a	n/a	4%	6%	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	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	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	63%	48%	36%	46%	50%	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	62%	59%	60%	63%	64%	66%	See Question 6.1 of the CSO/TU Leader Survey.

²³⁷ Results for question 5.11 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

²³⁸ Results for question 5.12 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

²³⁹ Results for question 5.14 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

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	69%	41%	38%	34%	37%	35%	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	n/a	25%	0%	6%	5%	9%	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	n/a	19%	8%	9%	8%	21%	See Question 6.10 of the CSO/TU Leader Survey.
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	6%	37%	21%	24%	29%	27%	See Question 6.7 of the CSO/TU Leader Survey.
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	0%	1%	1%	0%	0%	1%	See Question 6.8 of the CSO/TU Leader Survey.
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	n/a	n/a	n/a	n/a	n/a	n/a	This indicator will be tracked starting in Year Seven.
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	n/a	n/a	n/a	n/a	n/a	n/a	This indicator will be tracked starting in Year Seven.

Annex 3 – 2021 Public Poll Questions and Results

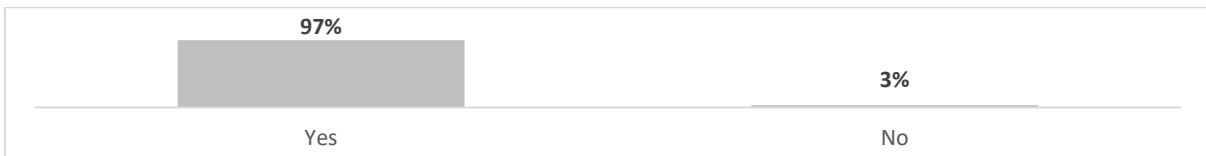
This Annex presents the questions and results of the Public Poll, which was conducted from 1 November – 31 December 2021 across 25 provinces and surveyed 925 respondents. The FFMP Monitoring Team used “convenience sampling” to collect data, visiting locations with pedestrian traffic, such as marketplaces, 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. It was used by the FFMP Monitoring Team to record administrative details such as: date, location, interviewer, etc.

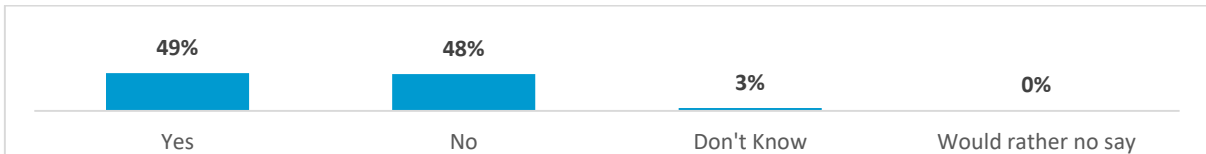
Section 2: Consent

2.1: Do you agree to participate in this poll? (n=925)

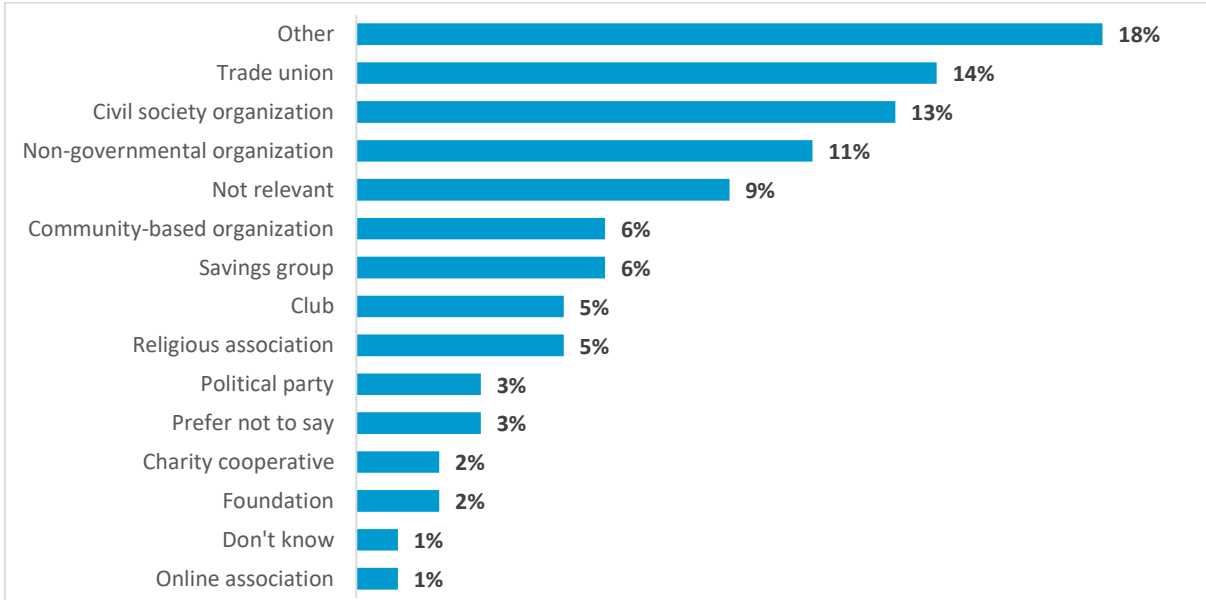


Section 3: Association Membership

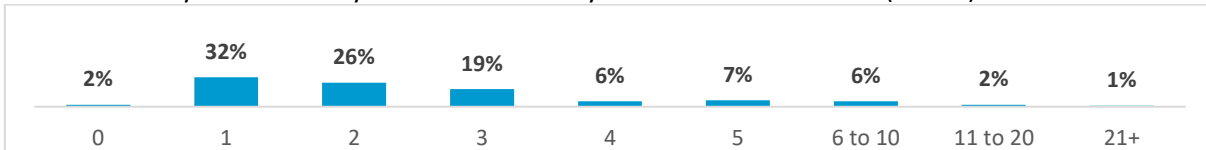
3.1: In the last year have you been involved in any associations? (n=896)



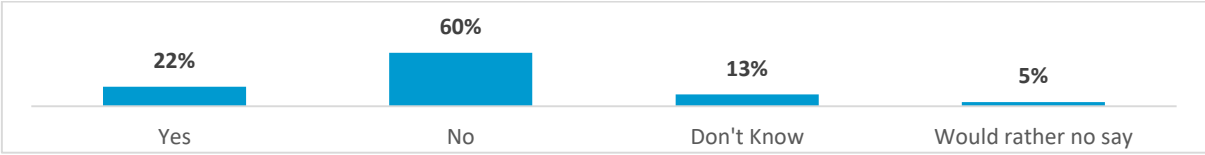
3.2: What type of association(s) are you currently a member of? (n=531 - multiple answers allowed)



3.3: In the last year how many associations have you been involved with? (n=429)



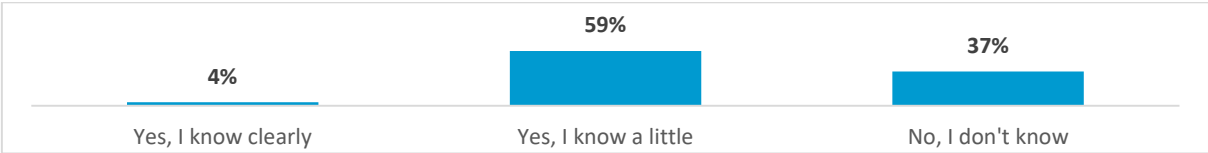
3.4: In the last year have you ever been targeted or victimized because of your involvement with an association? (n=432)



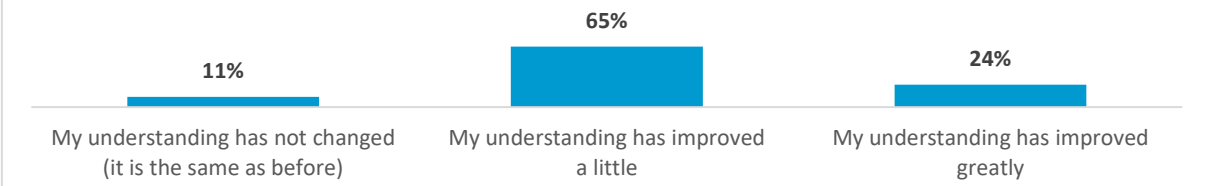
Section 4: Understanding Fundamental Freedoms

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, “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.

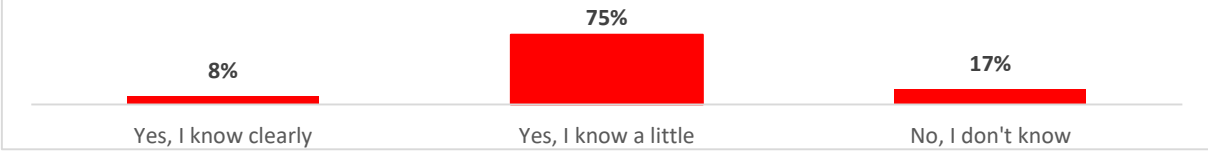
4.1: Do you know what freedom of association means? (n=896)



4.2: How has your understanding of this freedom improved? (n=896)



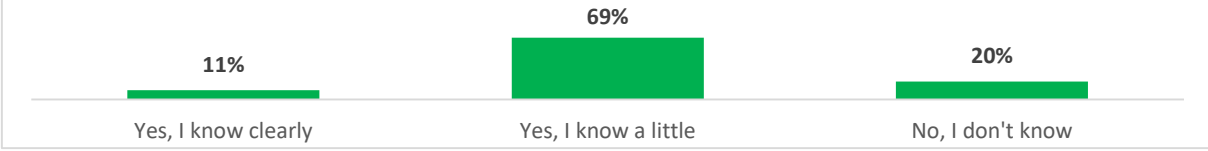
4.3: Do you know what freedom of expression means? (n=896)



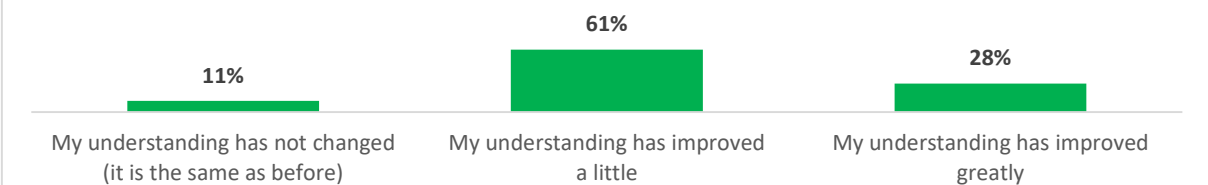
4.4: How has your understanding of this freedom improved? (n=896)



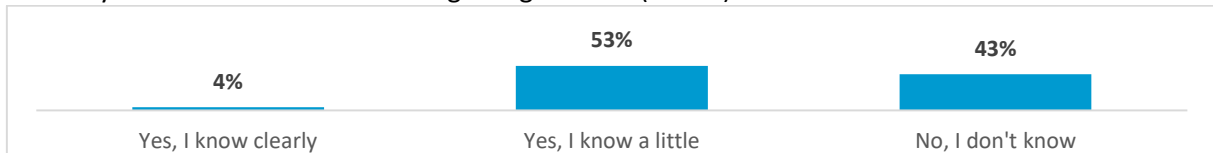
4.5: Do you know what freedom of assembly means? (n=896)



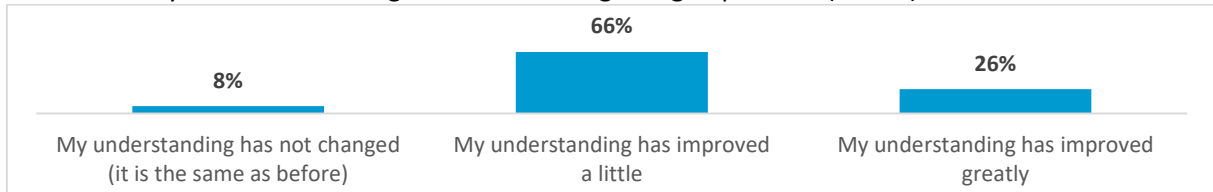
4.6: How has your understanding of this freedom improved? (n=896)



4.7: Do you know what collective bargaining means? (n=896)

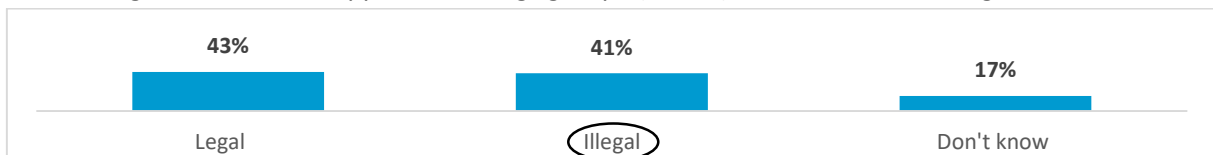


4.8: How has your understanding of collective bargaining improved? (n=896)

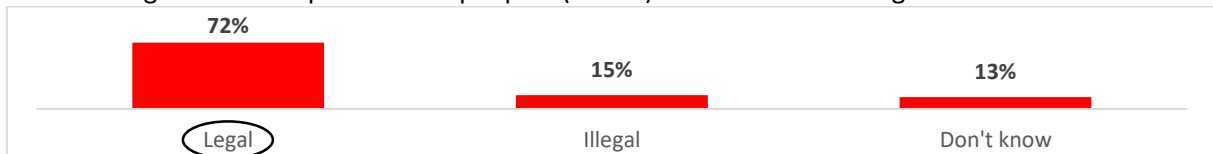


For questions 4.9 – 4.18, respondents were asked to identify whether an activity was legal or illegal under Cambodian Law. This enables the FFMP to gauge the public's understanding of domestic law in relation to fundamental freedoms. Correct answers are encircled.

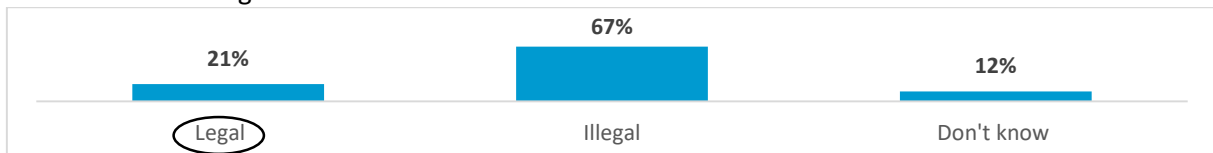
4.9: Is it legal to form an unapproved savings group? (n=896) Correct answer = illegal.



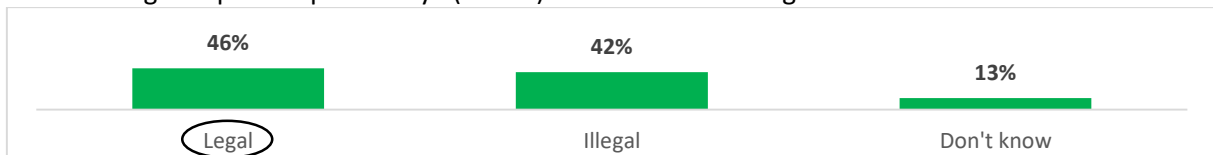
4.10: Is it legal to discuss politics with people? (n=896) Correct answer = legal.



4.11: Is it legal for an association to carry out activities without notifying the authorities? (n=896) Correct answer = legal.



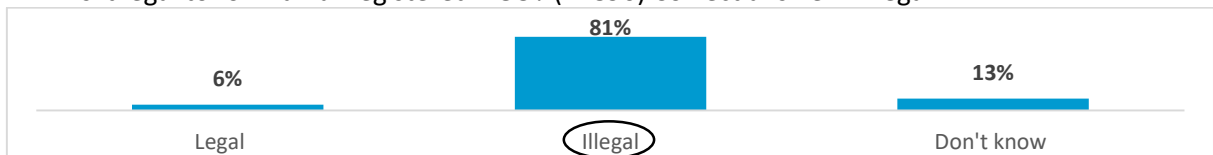
4.12: Is it legal to protest peacefully? (n=896) Correct answer = legal.



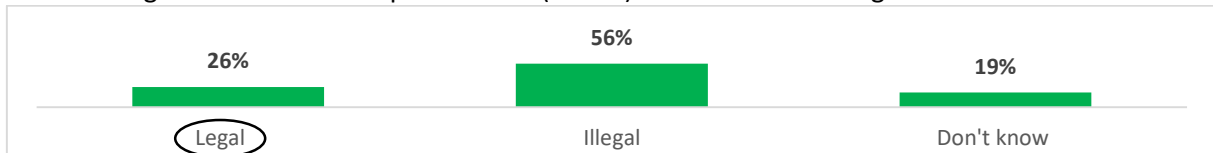
4.13: Is it legal to speak at a commune council meeting? (n=896) Correct answer = legal.



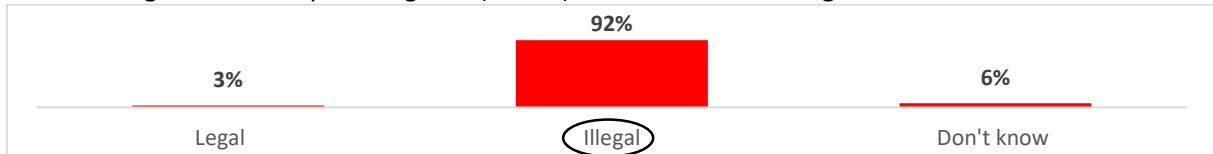
4.14: Is it legal to form an unregistered NGO? (n=896) Correct answer = illegal.



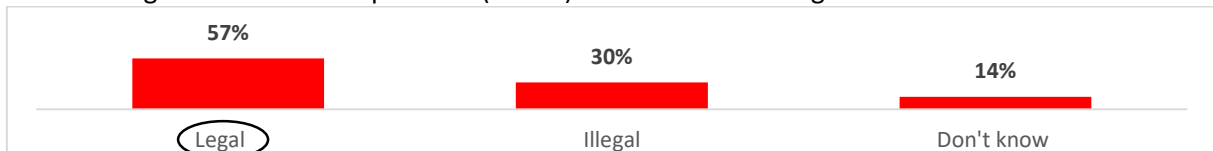
4.15: Is it legal to strike without permission? (n=896) Correct answer = legal.



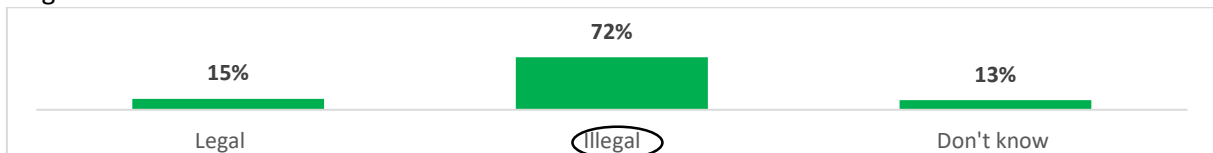
4.16: Is it legal to insult a public figure? (n=896) Correct answer = illegal.



4.17: Is it legal to criticize RGC policies? (n=896) Correct answer = legal.

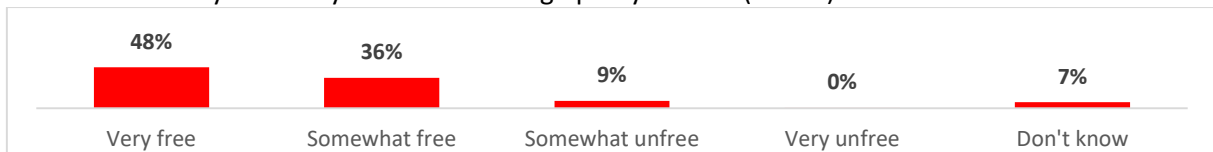


4.18: Is it legal for the State to use force to break up peaceful assemblies? (n=896) Correct answer = illegal.

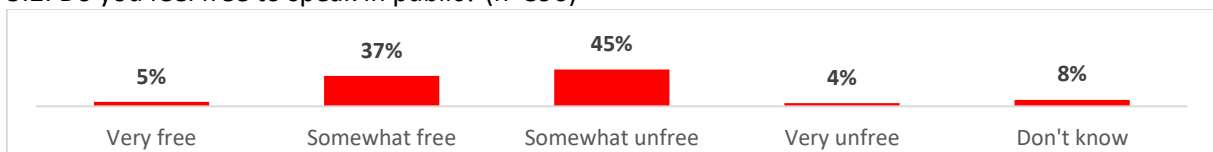


Section 5: Exercising Fundamental Freedoms

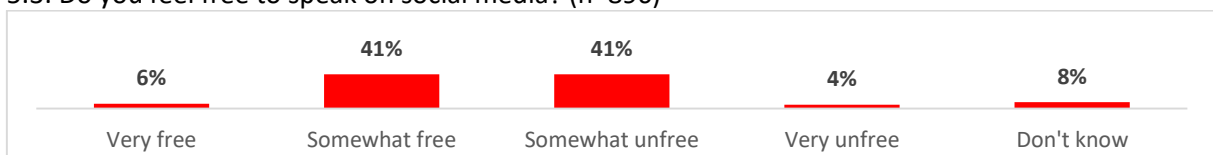
5. 1 How free do you think you are in dressing up as you like? (n=896)



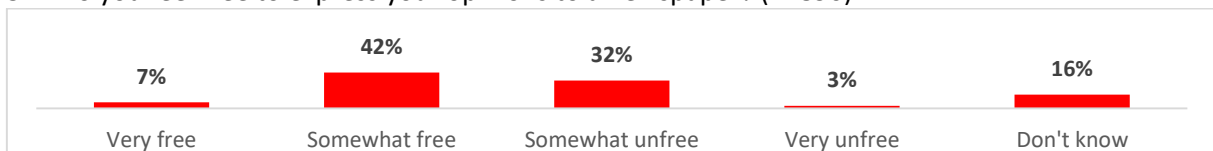
5.2: Do you feel free to speak in public? (n=896)



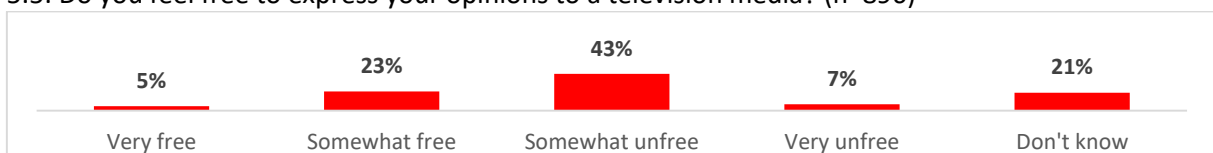
5.3: Do you feel free to speak on social media? (n=896)



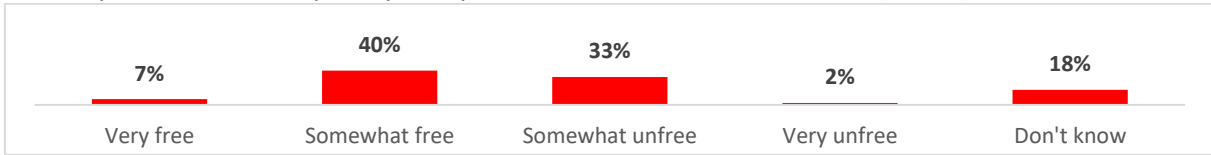
5.4: Do you feel free to express your opinions to a newspaper? (n=896)



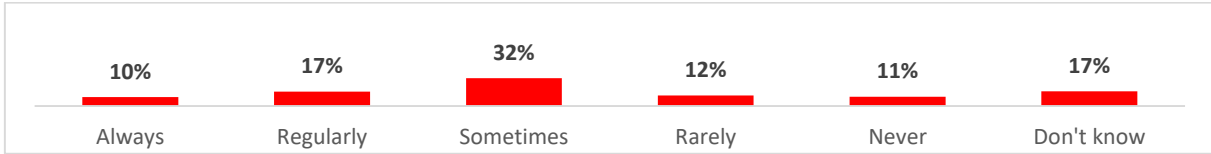
5.5: Do you feel free to express your opinions to a television media? (n=896)



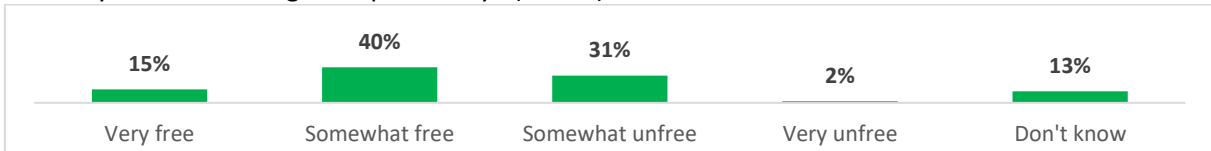
5.6: Do you feel free to express your opinions to a radio station or show? (n=896)



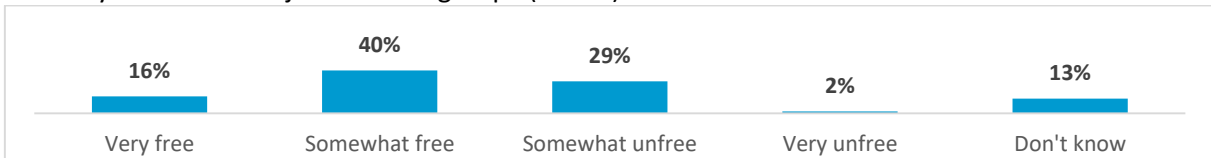
5.7: How often do you not say what you want to say in public or online for fear of retaliation? (n=896)



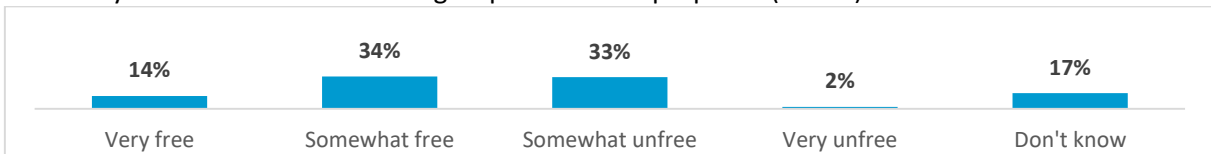
5.8: Do you feel free to gather peacefully? (n=896)



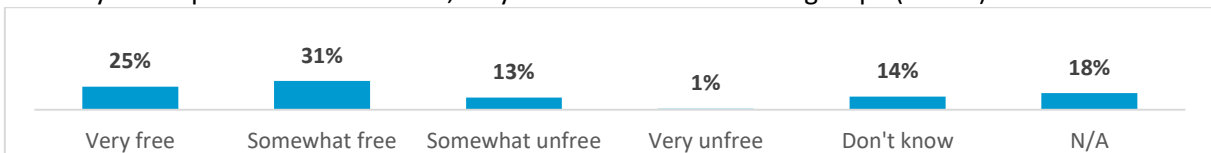
5.9: Do you feel free to join a lawful group? (n=896)



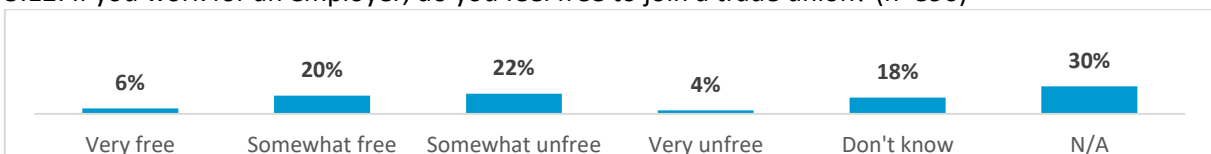
5.10: Do you feel free to establish a group for a lawful purpose? (n=896)



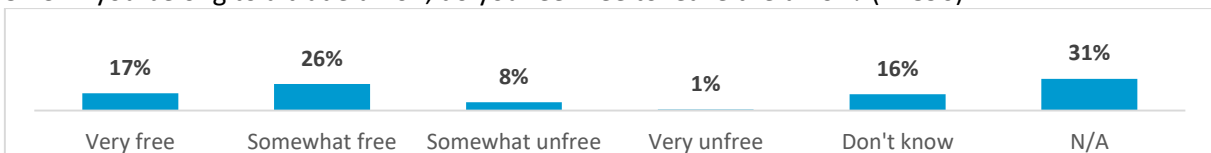
5.11: If you are part of an association, do you feel free to leave the group? (n=896)²⁴⁰



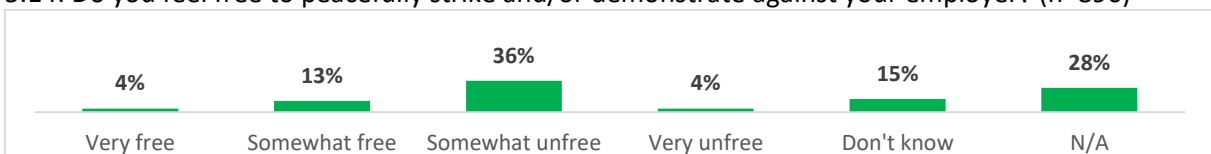
5.12: If you work for an employer, do you feel free to join a trade union? (n=896)²⁴¹



5.13: If you belong to a trade union, do you feel free to leave the union? (n=896)²⁴²



5.14: Do you feel free to peacefully strike and/or demonstrate against your employer? (n=896)²⁴³



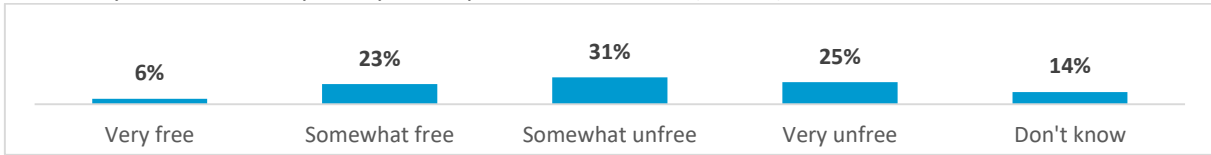
²⁴⁰ Results for question 5.11 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

²⁴¹ Results for question 5.12 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

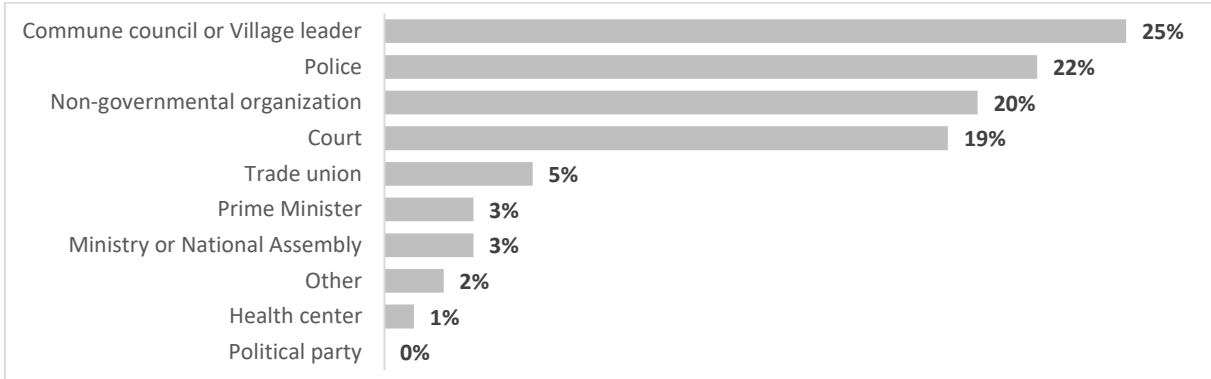
²⁴² Results for question 5.13 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

²⁴³ Results for question 5.14 may have been influenced by the inclusion of an 'N/A' option for the first time in Year 6.

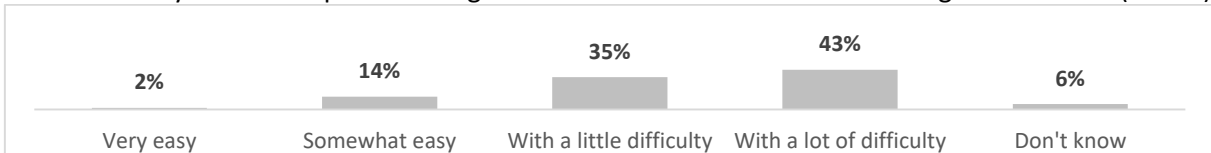
5.15: Do you feel free to participate in political activities? (n=896)



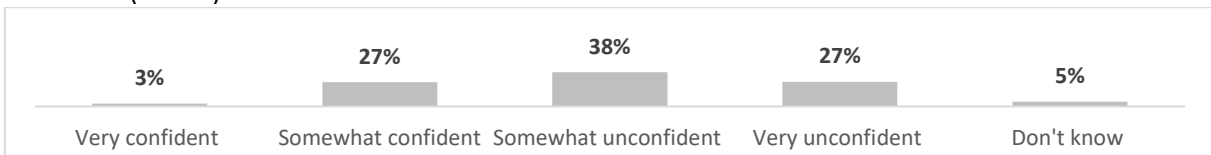
5.16: Where can you complain about a human rights violation? (n=2,235 – multiple answers allowed)



5.17: How easy is it to complain to the government or courts about a human rights violation? (n=896)

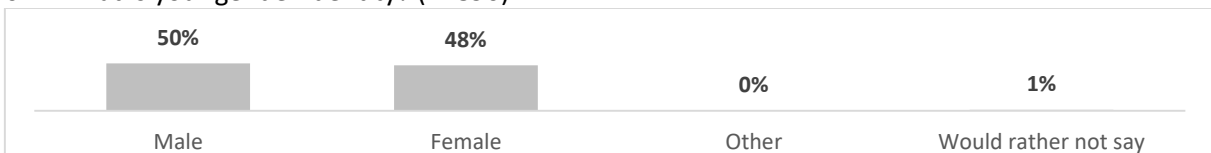


5.18: Are you confident that the government or courts would provide redress for a human rights violation? (n=896)

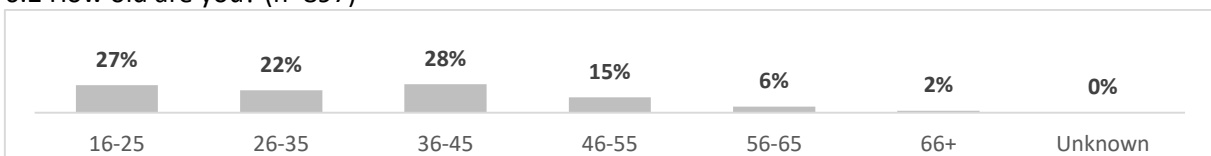


Section 6. Demographic Information

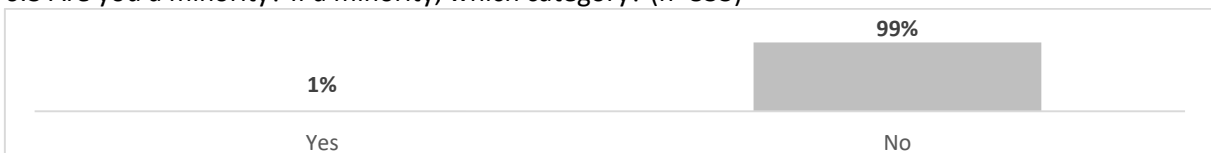
6.1: What is your gender identity? (n=896)



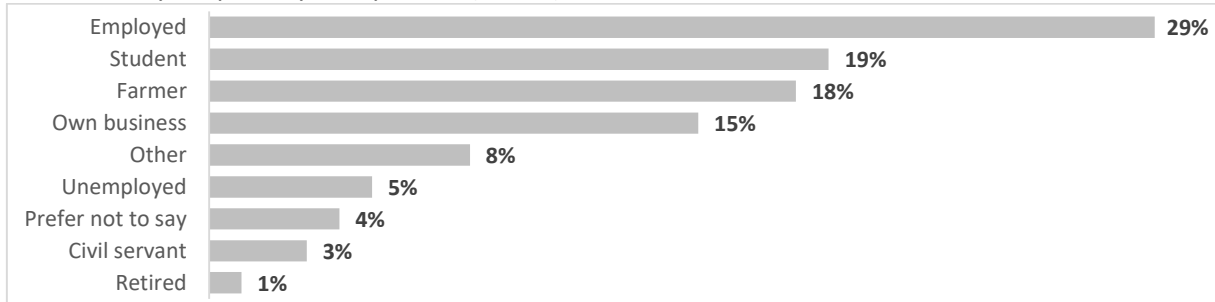
6.2 How old are you? (n=897)



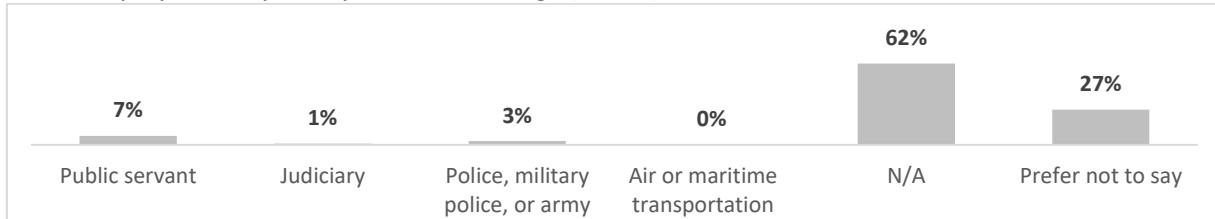
6.3 Are you a minority? If a minority, which category? (n=833)



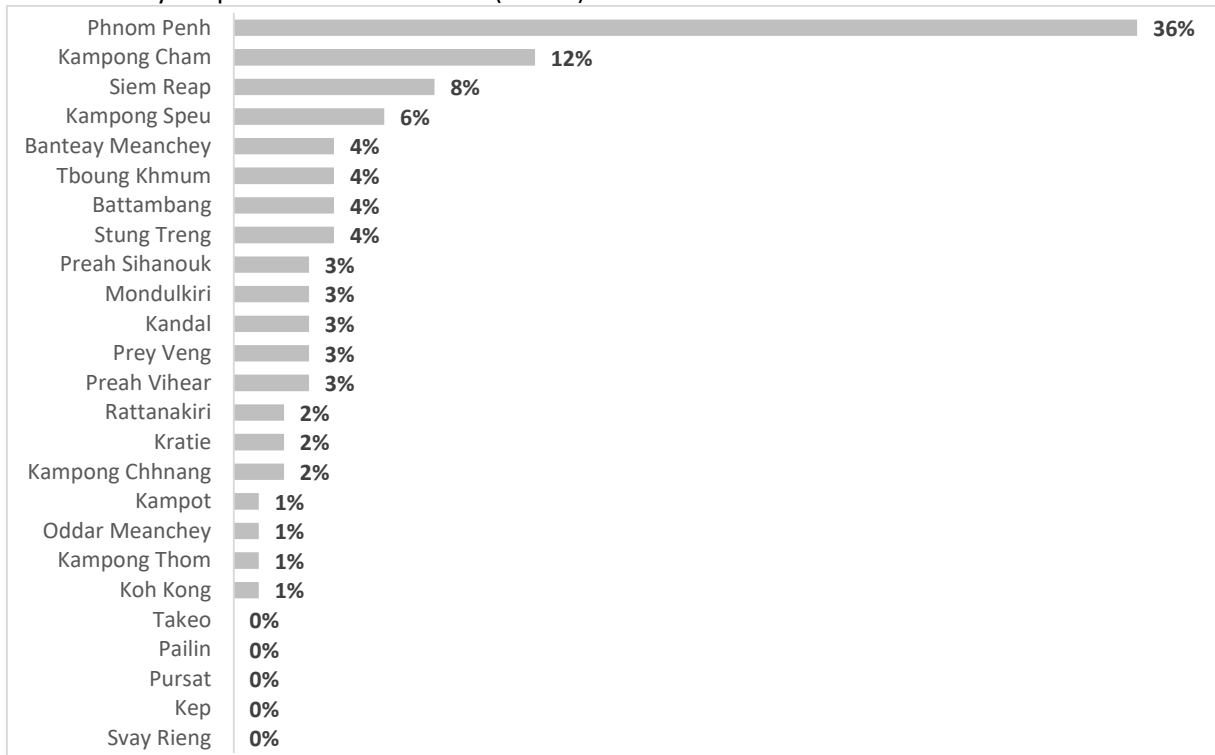
6.4: What is your primary occupation? (n=896)



6.5: If employed, are you any of the following? (n=868)



6.6: What is your province of residence? (n=896)



Annex 4 – 2021 CSO/TU Leader Survey Questions and Results

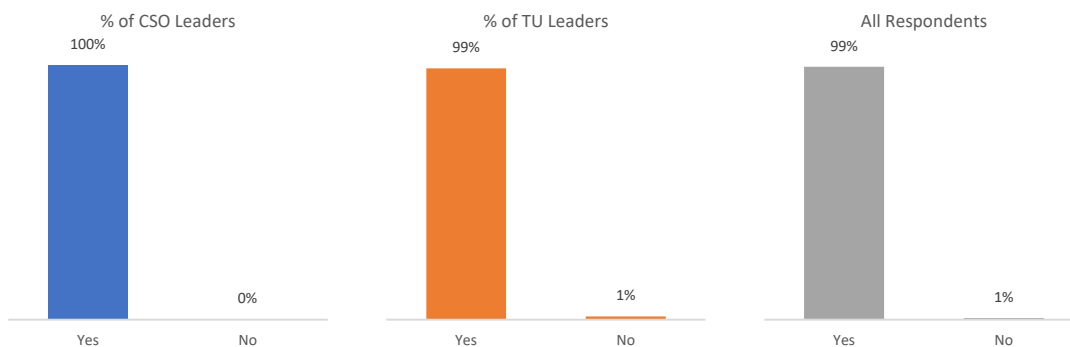
This Annex presents the questions and results of the 2021 CSO/TU Leader Survey, conducted 1-30 September 2021 using an online survey. Participants were invited to participate by email, from lists of CSO and TU leaders. In total, 171 CSO and TU leaders completed the survey; this included 87 CSO leaders (62 domestic/Cambodian CSOs and 25 international NGOs) and 84 TU leaders.

Section 1: Administrative Details

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

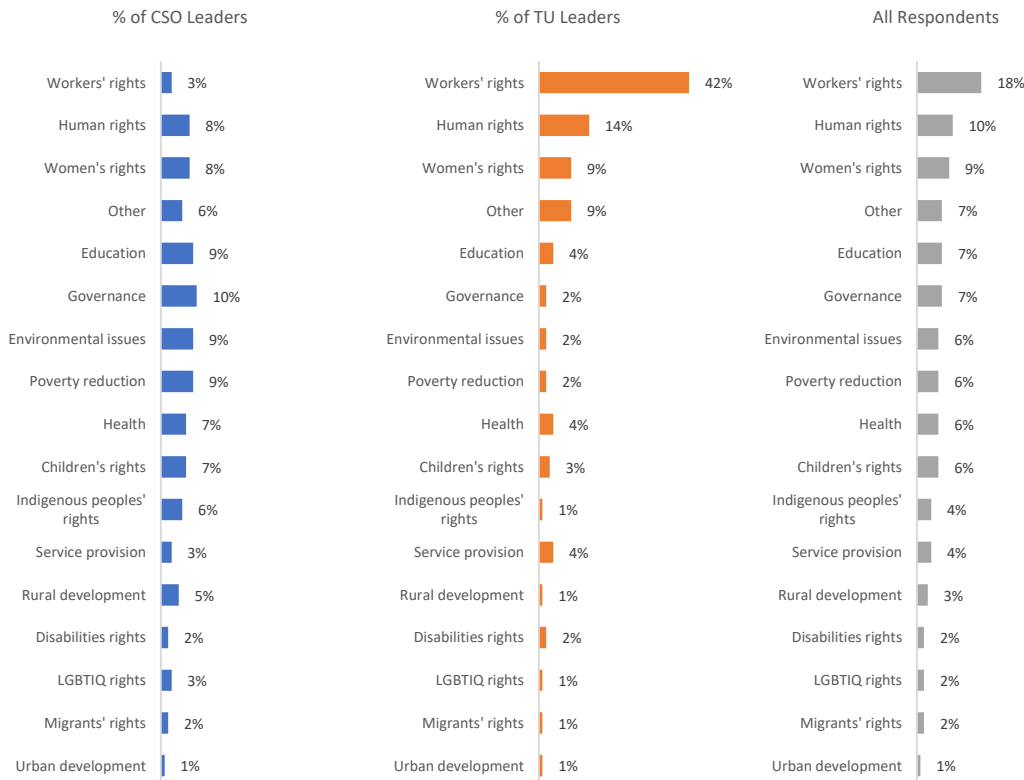
Section 2: Consent

2.1: Do you consent to participate in this survey? (n=171)



Section 3: CSO Profile

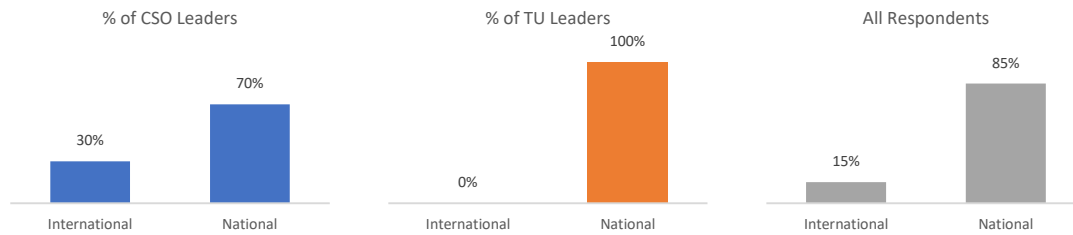
3.1: What is the main focus of your CSO? (n=495 – multiple answers allowed)



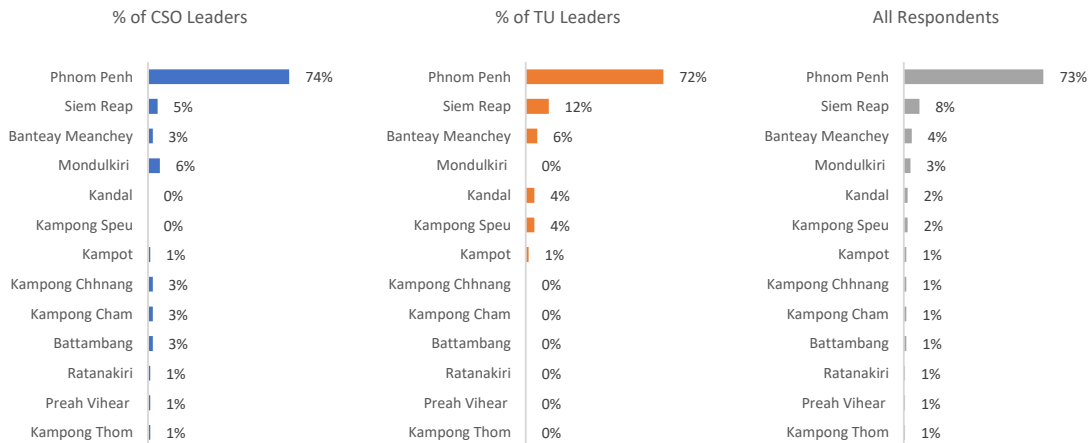
3.2: Please describe in one sentence the main purpose or mission of your CSO:

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

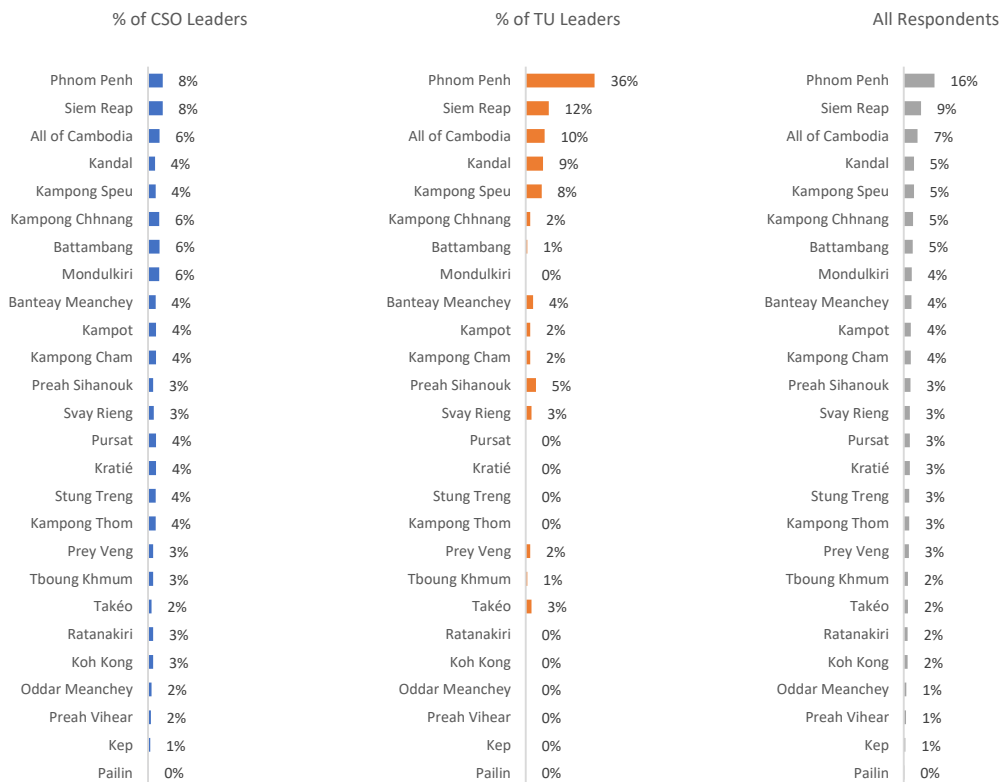
3.3: Is your organization a TU or a CSO? If it is a CSO, is it an international or national organization? (n=170)



3.4: Where is your CSO's Cambodian head office? (n=147)

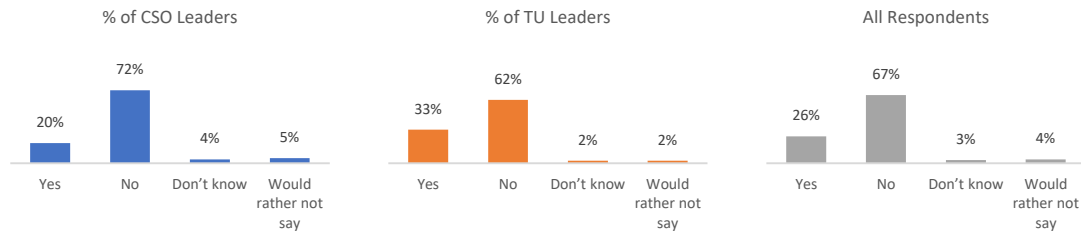


3.5: In which provinces of Cambodia does your CSO carry out its work? (n=459 – multiple answers allowed)

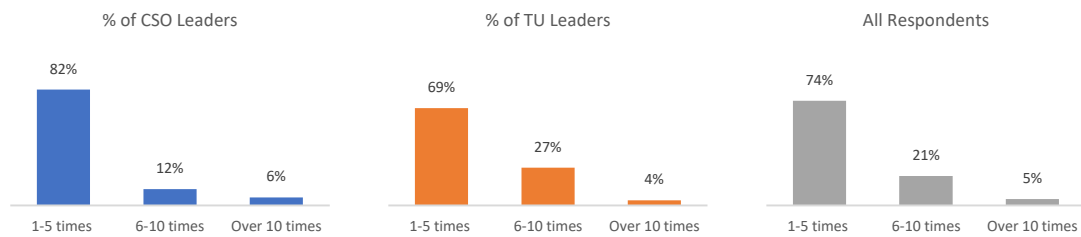


Section 4: Operations of the CSO

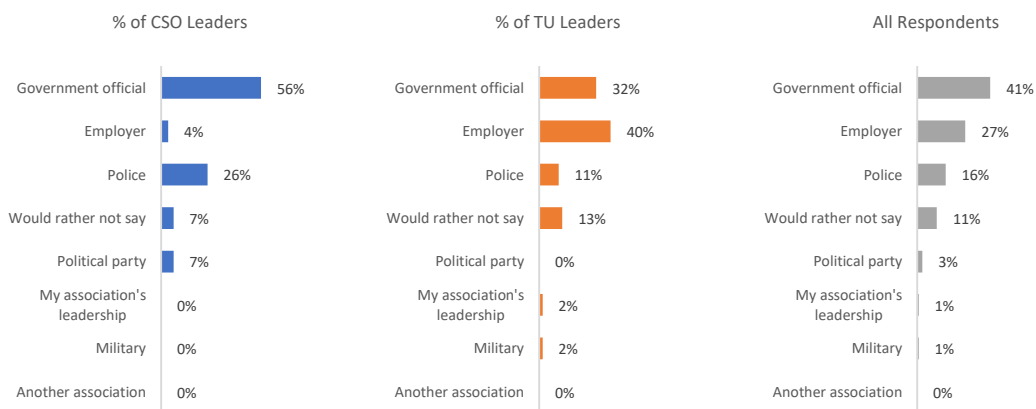
4.1: In the last year, has your CSO faced restrictions or threats in forming networks, coalitions, federations, or other types of alliances with others? (n=163)



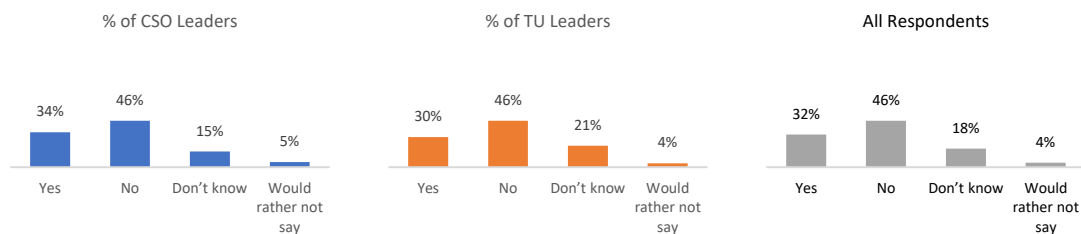
4.2: How many times has your CSO been restricted in forming networks, coalitions, federations, or other types of alliances with others? (n=43)



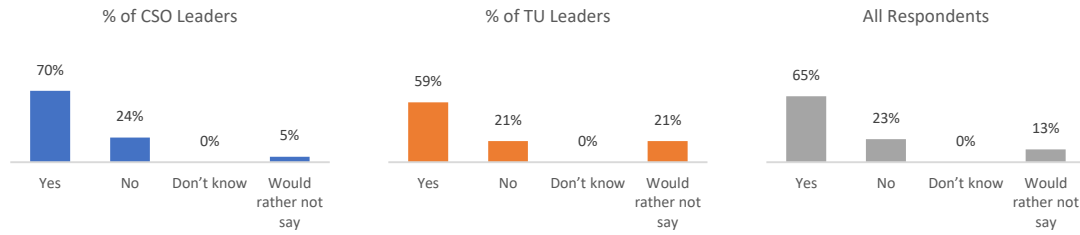
4.3: Who restricted your CSO from forming networks, coalitions, federations, or other types of alliances with others? (n=80 – multiple answers allowed)



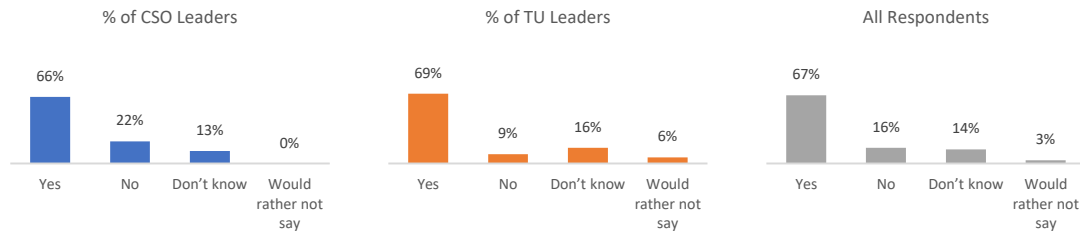
4.4: In the last year, has a government official ever undertaken monitoring or surveillance of your CSO or its activities? (n=160)



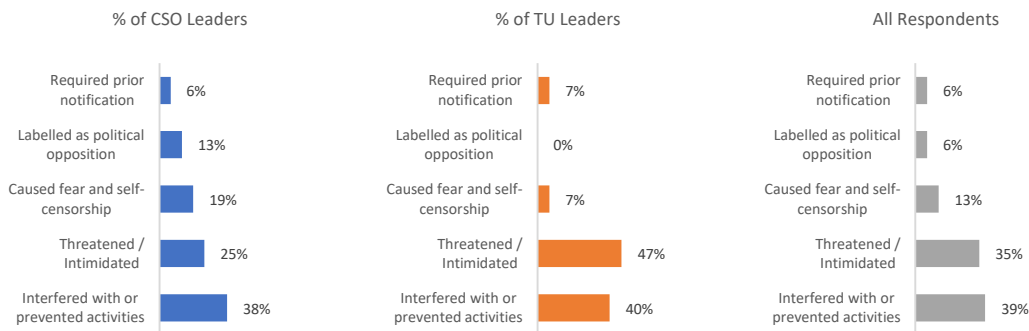
4.4.1: In the last year, has your organization done anything to increase your organization’s security and/or to prevent Government surveillance? (n=71)



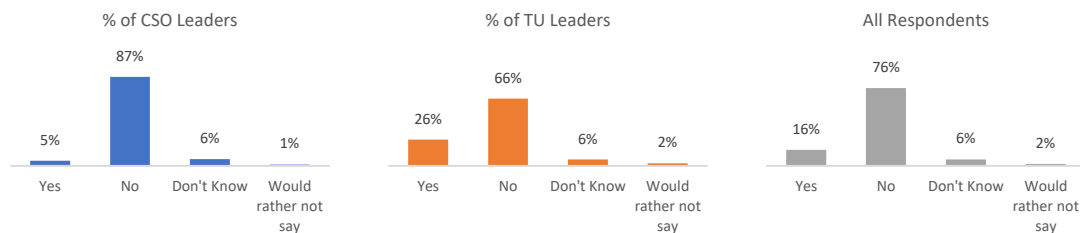
4.5: Did you feel this monitoring was ever excessive or did it interfere with your CSO’s activities? (n=64)



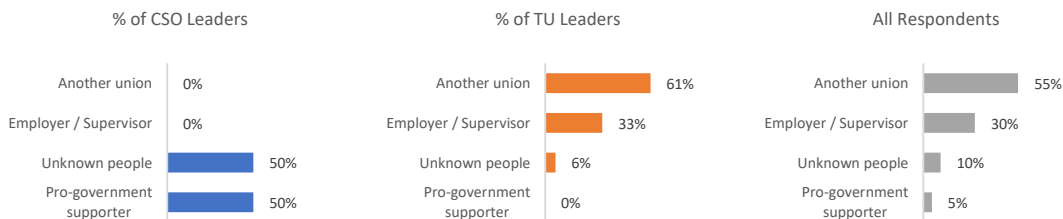
4.6: Why did you feel that this oversight was excessive or how did it interfere with your CSO’s activities? (n=31 – multiple answers allowed)



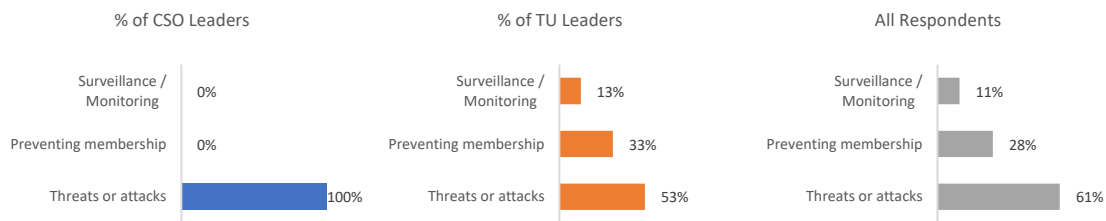
4.7: In the last year, has your CSO or its activities ever been interfered with by a third party? (n=161)



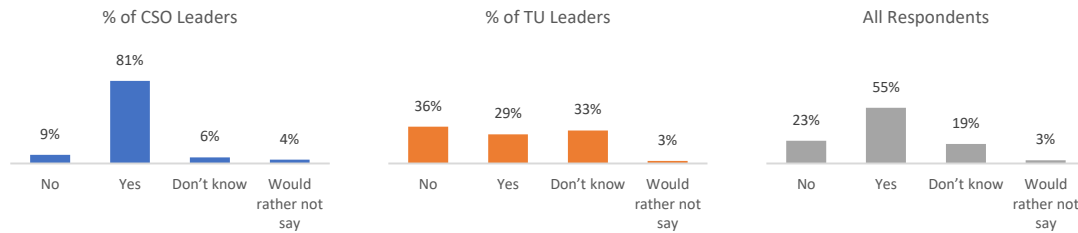
4.8: What type of third party interfered with your CSO or its activities? (n=19)



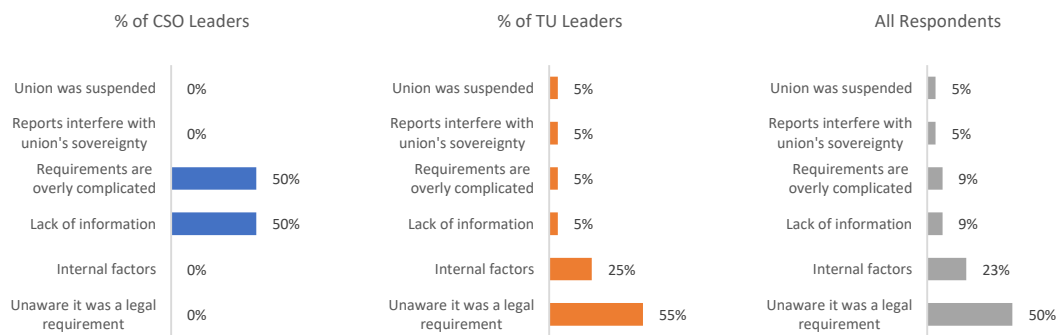
4.9: How did the third party interfere with your CSO or its activities? (n=18)



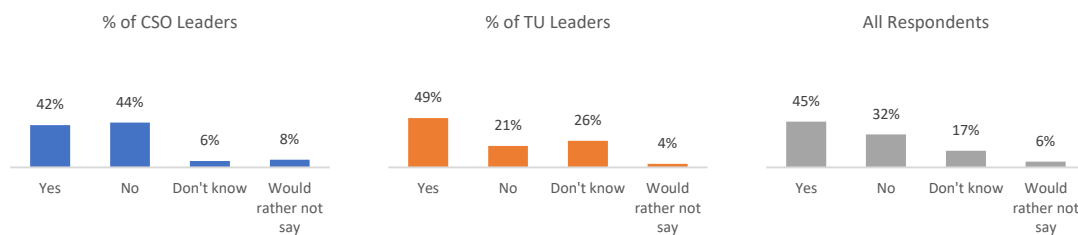
4.10: In the last year, has your CSO been able to meet the non-financial reporting requirements of the Government? (n=160)



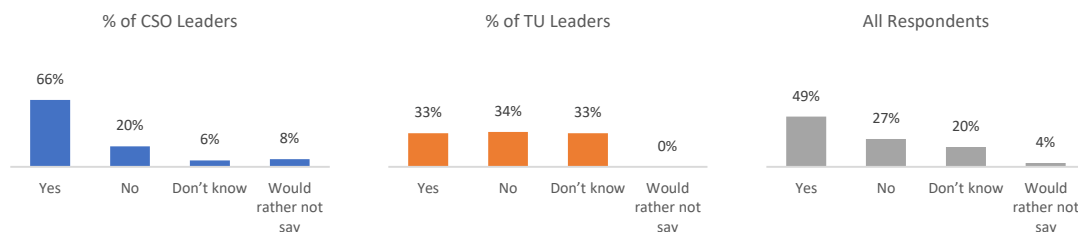
4.11: Why was your CSO unable to meet the Government's non-financial reporting requirements? (n=22)



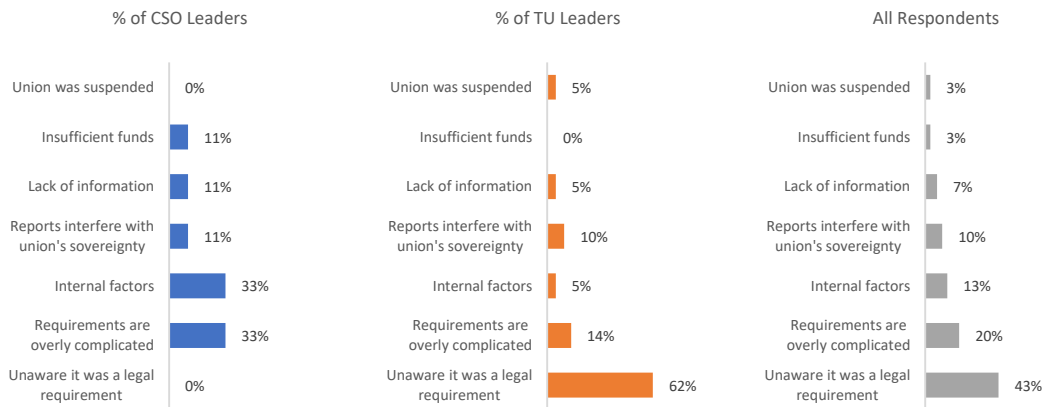
4.12: Did you feel that the non-financial reporting requirements of the Government were excessive or burdensome? (n=157)



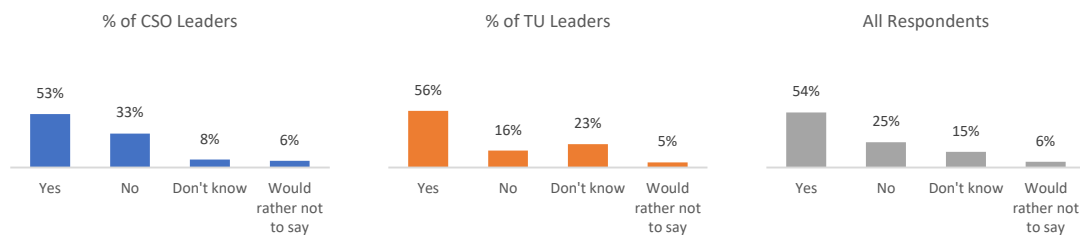
4.13: In the last year, has your CSO been able to complete financial reports in accordance with Government requirements? (n=158)



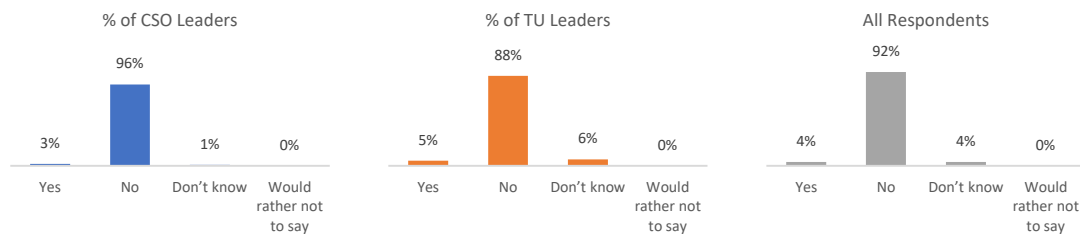
4.14: Why was your CSO unable to complete financial reports in accordance with Government requirements? (n=30)



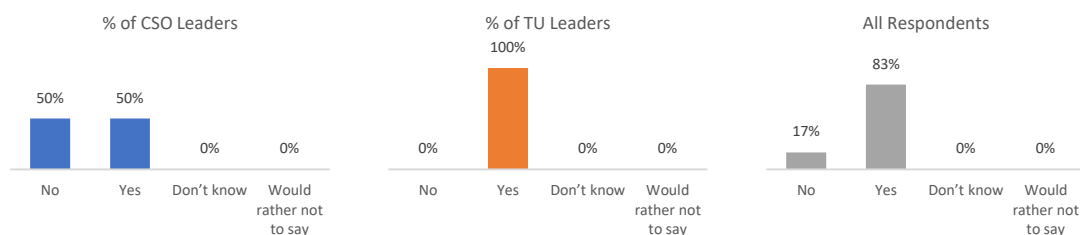
4.15: Did you feel that the financial reporting requirements of the Government were excessive or burdensome? (n=157)



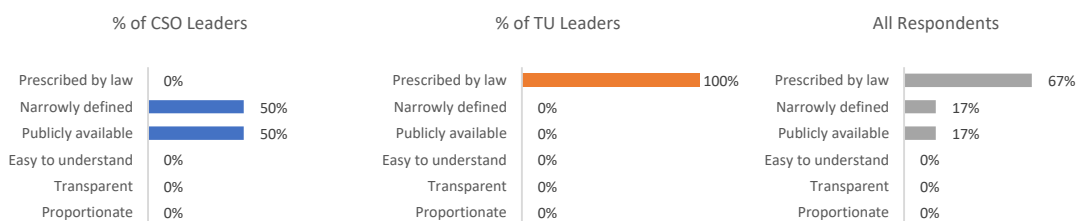
4.16: In the last year, has your CSO been sanctioned by the Government? (n=157)



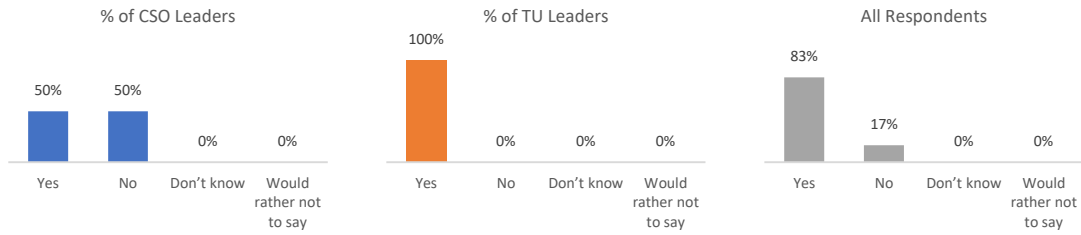
4.17: Were you provided with a reason for the sanction(s)? (n=6)



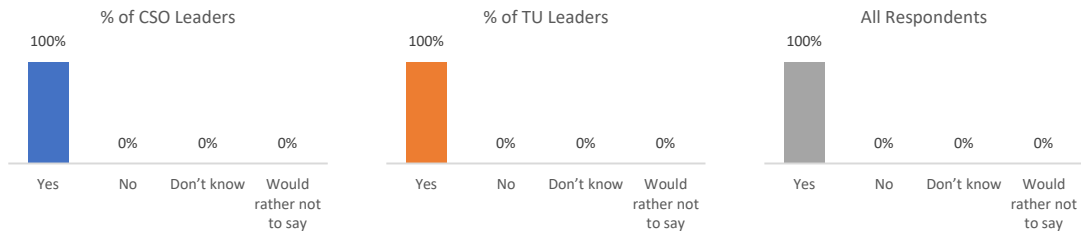
4.18: Please describe if these sanctions met the following standards: (n=6)



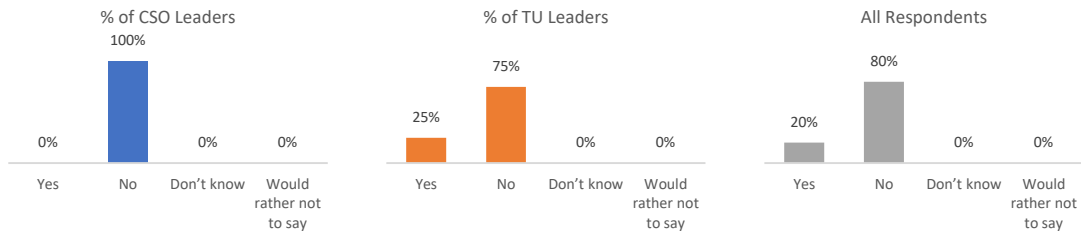
4.19: Before the sanctions were issued, did you have the opportunity to appeal or challenge the sanction? (n=6)



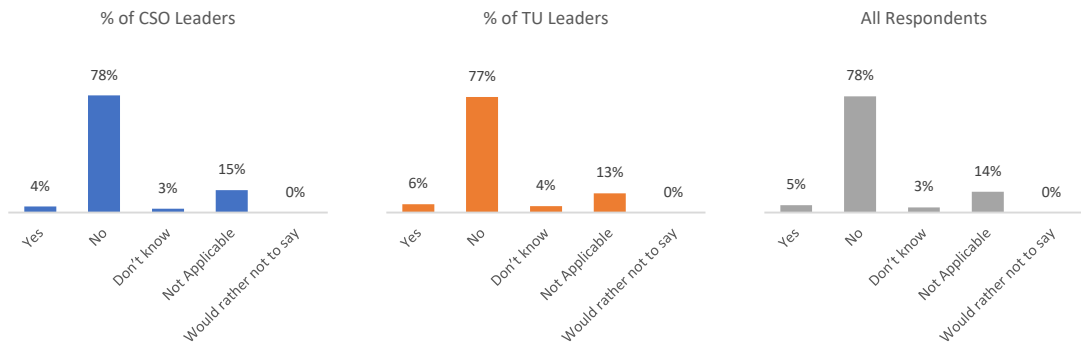
4.20: Did you appeal or challenge the sanction? (n=5)



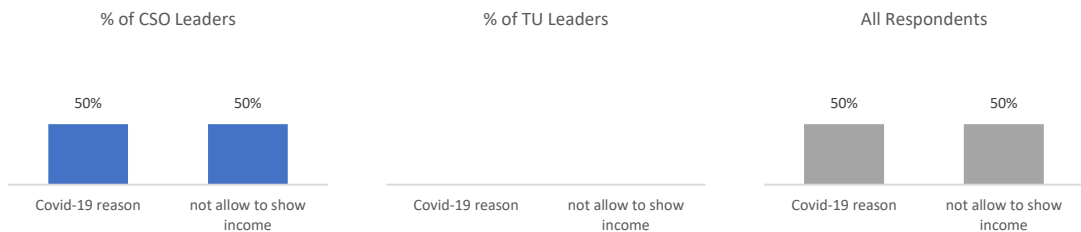
4.21: Did you feel that the appeal process was independent? (n=5)



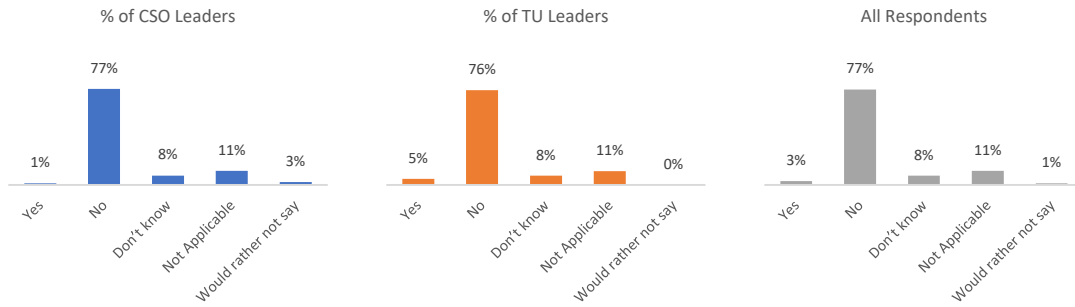
4.22: In the last year, has your CSO been denied the right to undertake income generation activities? (n=143)



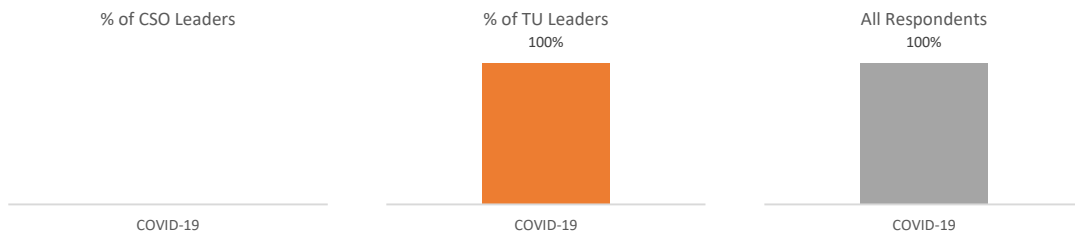
4.23: Why was your CSO denied the right to undertake income generation activities? (n=2)



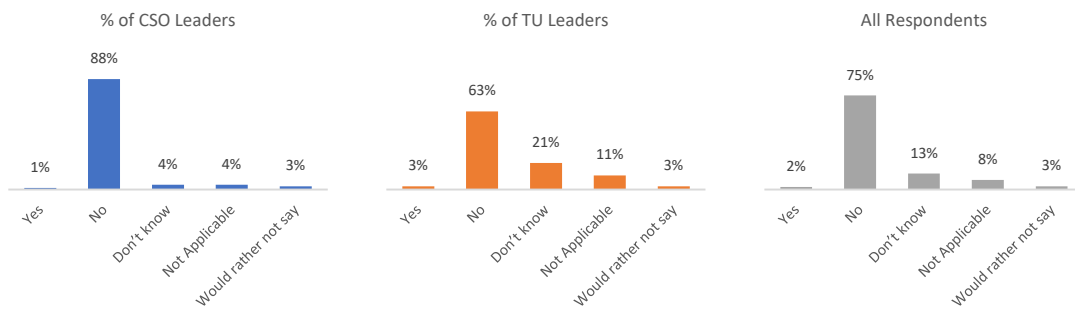
4.24: In the last year, has your CSO faced Government restrictions in receiving funding from domestic sources? (n=159)



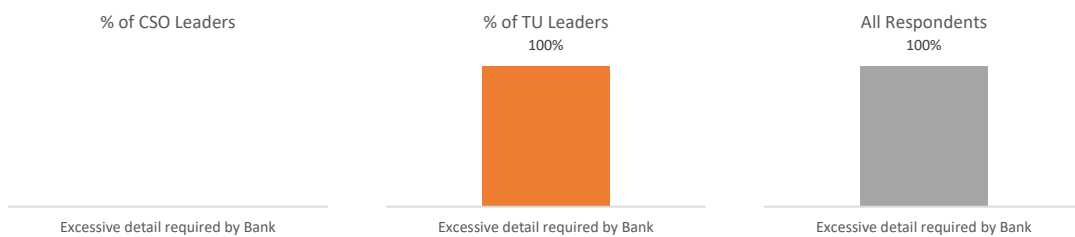
4.25: Why was your CSO restricted in receiving funding from domestic sources? (n=1)



4.26: In the last year, has your CSO faced Government restrictions in receiving funding from foreign sources? (n=158)

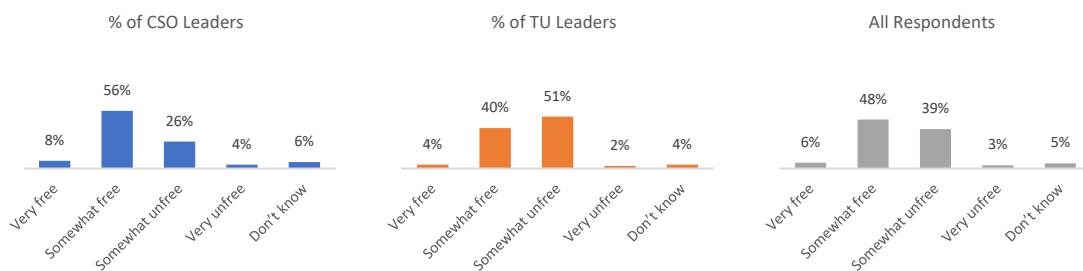


4.27: Why was your CSO restricted in receiving foreign funding? (n=1)

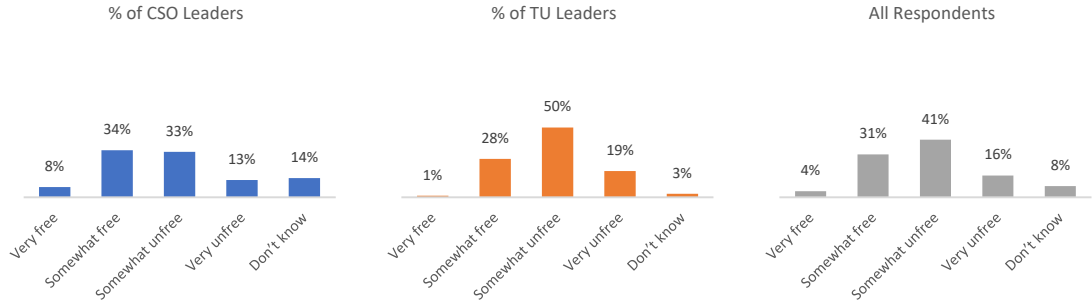


Section 5: Ability to Exercise Freedoms

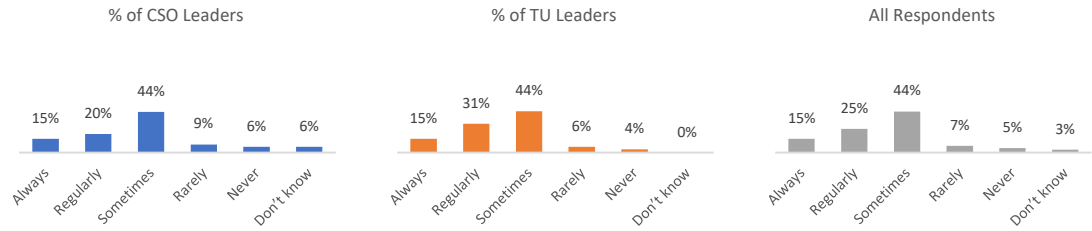
5.1: In the last year, how freely have you and your CSO been able to exercise the freedom of expression? (n=161)



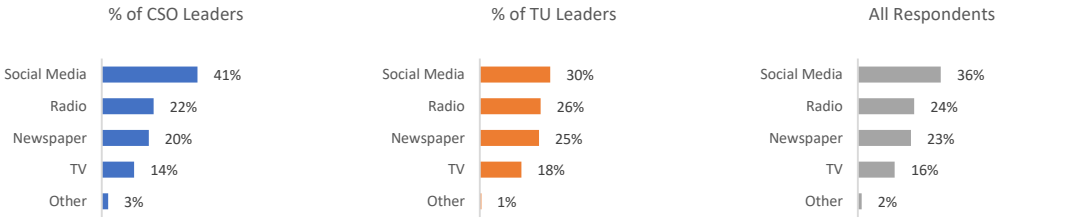
5.2: In the last year, how freely have you and your CSO been able to exercise the freedom to peaceful assembly? (n=160)



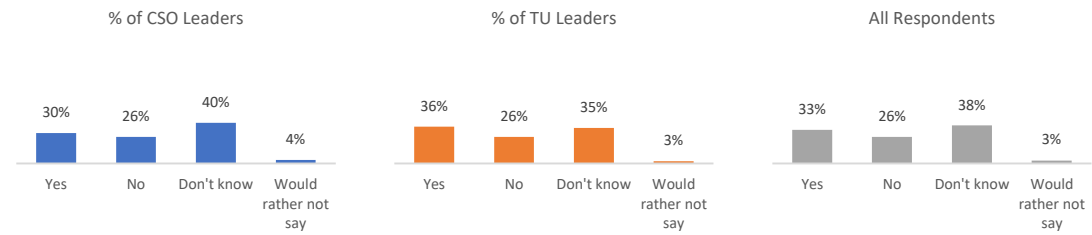
5.3: In the last year, how often have you been worried when expressing yourself publicly to the point that you did not say what you wanted to? (n=161)



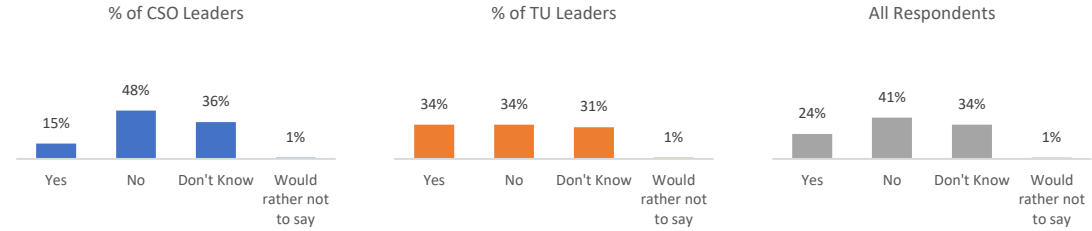
5.4: In the last year, have you or your CSO ever felt unsafe to share information through the following means? (n=290 – multiple answers allowed)



5.5: In the last year, did you feel that your CSO's communication (via email, telephone, social media, etc.) were monitored by the Government authorities? (n=160)

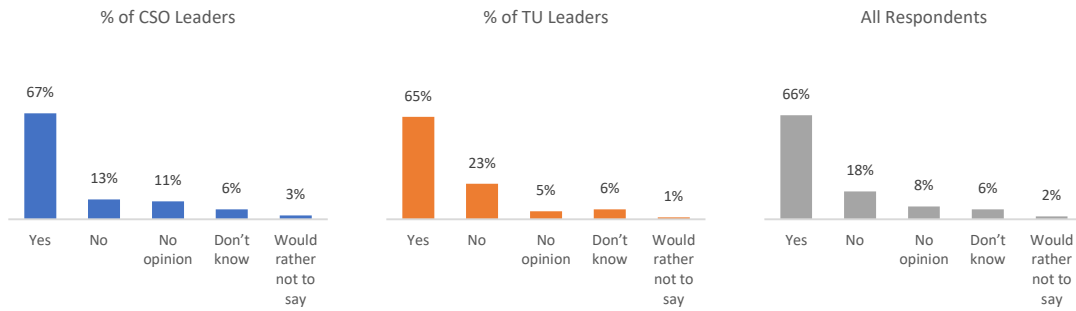


5.6: In the past year, have you been targeted by the Government due to involvement in your CSO? (n=160)

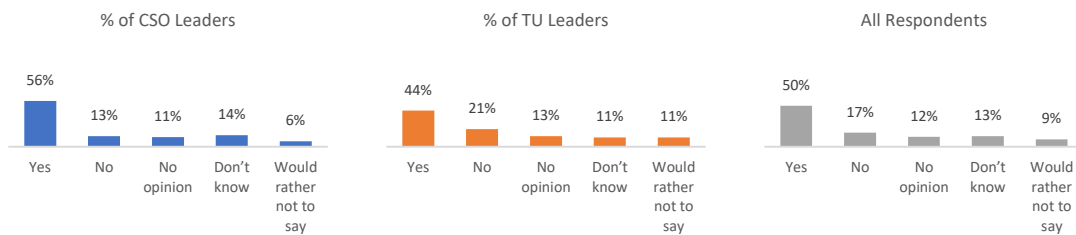


Section 6: CSO and TU Partnership with the Government

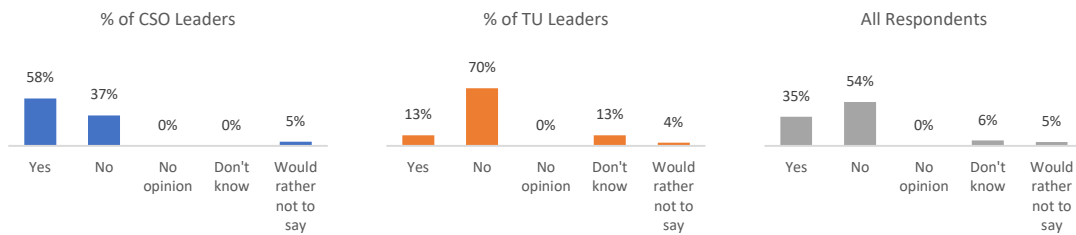
6.1: Do you believe that your CSO is recognized as a legitimate development partner by the Government? (n=159)



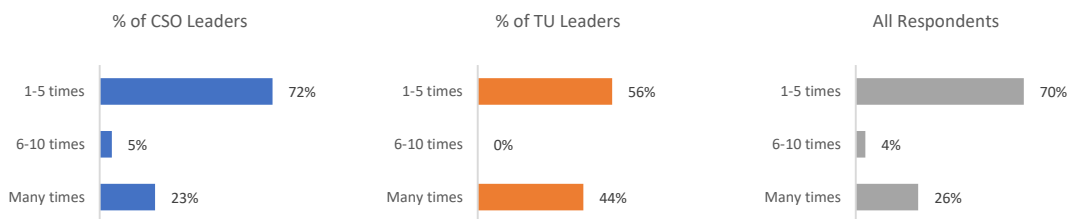
6.2: Do you believe that your CSO is recognized as a competent development partner by the Government? (n=159)



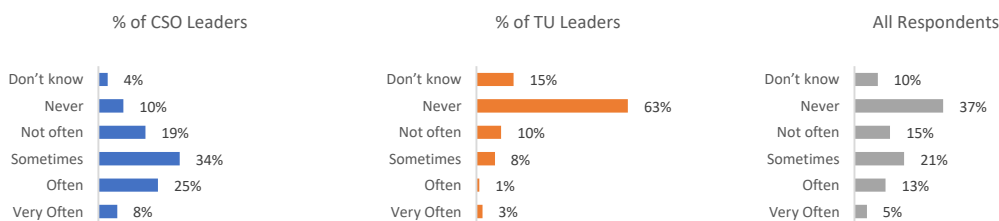
6.3: In the last year, has your CSO partnered with Government authorities for an official collaboration or project? (n=155)



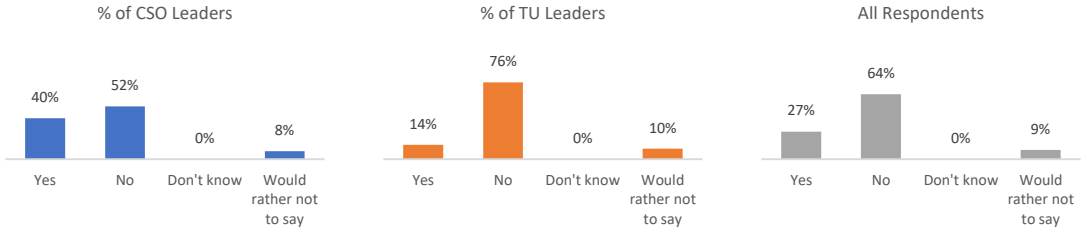
6.4: How many times has your CSO partnered with Government authorities for an official collaboration or project? (n=53)



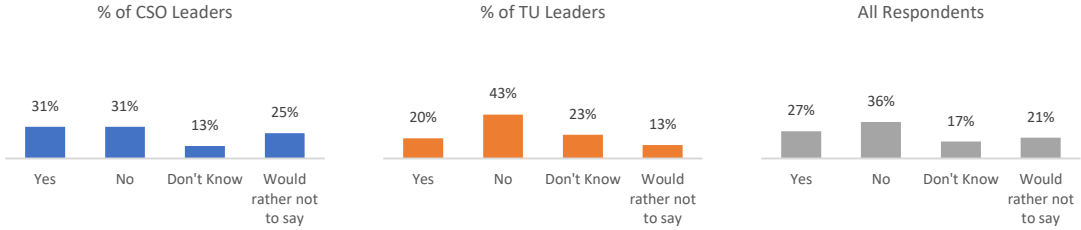
6.5: In the last year, how often has your CSO informally partnered or collaborated with Government authorities? (n=155)



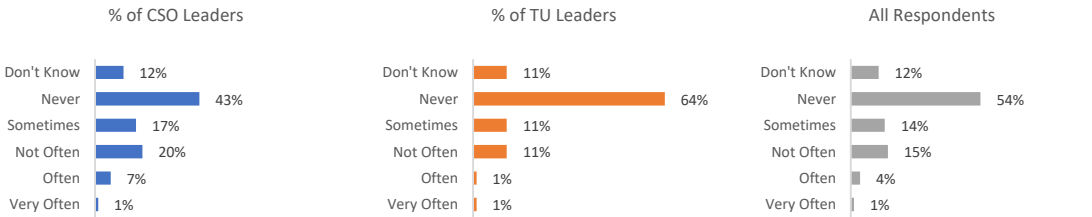
6.6: In the last year, were you aware of any opportunities to participate in Government consultations, panels and/or committees? (n=155)



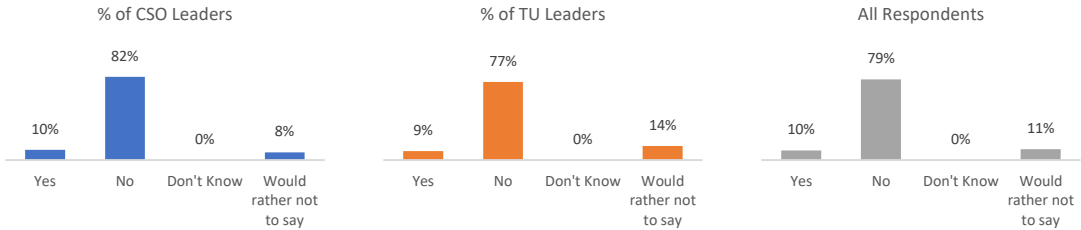
6.7: Do you believe that these calls for participation were explicit, open, and transparent? (n=78)



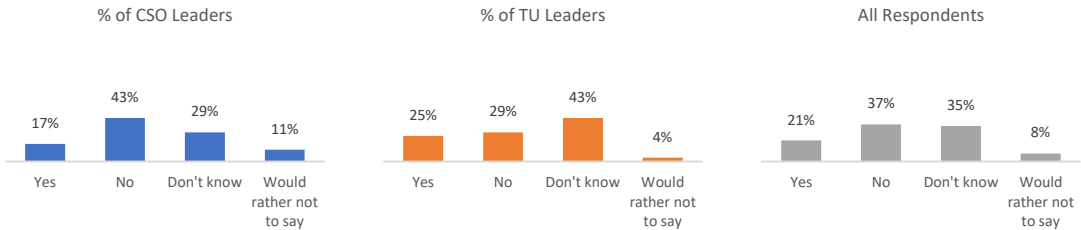
6.8: In the last year, how often has your CSO been an active participant in decision- and law-making processes with the Government? (n=156)



6.9: In the last year, were you aware of any financing or funding opportunities from the Government that your CSO was eligible for? (n=156)



6.10: Do you believe that these Government financing or funding opportunities were explicit, open, and transparent? (n=63)



6.11: Was your CSO able to access Government financing for capacity building? (n=66)

