

Cambodia Fundamental Freedom Monitor

Fifth Annual Report

April –
December
2020



The Fundamental Freedoms Monitoring Project



មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា
Cambodian Center for Human Rights



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Executive Summary

The Fundamental Freedoms Monitoring Project (FFMP)¹ monitors the state of the freedoms of association, expression, and assembly in Cambodia. The FFMP provides an objective and systematic overview of how these fundamental freedoms are exercised throughout Cambodia.

Color Key for this report	
	Freedom of association issue
	Freedom of expression issue
	Freedom of assembly issue
	Related to all freedoms

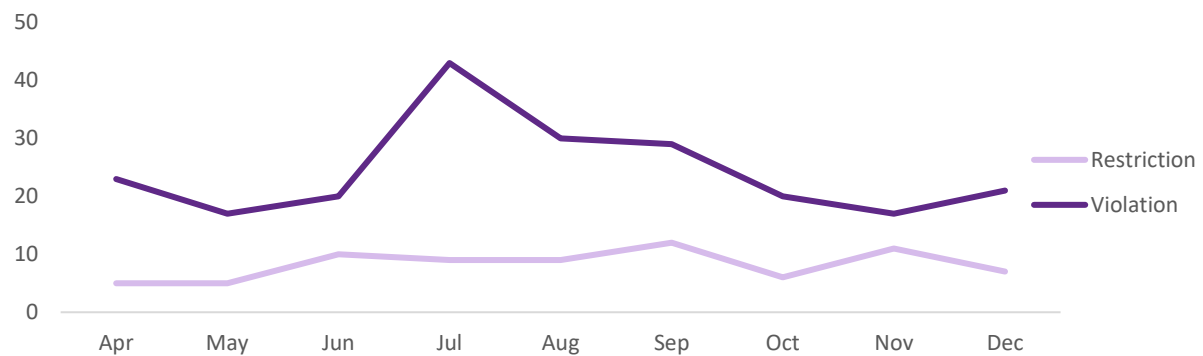
Between 1 April – 31 December 2020 (Year Five) the FFMP noted nine key trends:

- (1) The space to exercise fundamental freedoms is restricted;
- (2) Criminal sanctions are imposed for exercising fundamental freedoms;
- (3) People feel less free to exercise the freedom of association, particularly political association, than in previous years;
- (4) The implementation of prior notification requirements continues to limit the rights of people to freely associate;
- (5) People feel less free to exercise the freedom of expression, particularly online, and often self-censor;
- (6) People feel less free to exercise the freedom of assembly than in previous years;
- (7) There has been a rise in the use of force by the Royal Government of Cambodia (RGC) at assemblies, particularly towards female protesters;
- (8) Interference with assembly monitors has increased; and
- (9) Restrictions to fundamental freedoms occur in almost every province but are concentrated in Phnom Penh.

These trends are outlined below.

Key Finding 1: The space to exercise fundamental freedoms is restricted

Figure 1: Incidents of restrictions and violations of fundamental freedoms by month



In Year Five, the FFMP recorded a total of 384 incidents related to the exercise of fundamental freedoms. July witnessed a peak in violations of fundamental freedoms:

- A surge in arrests of activists following the arrest of Rong Chhun, the President of the Cambodian Confederation of Unions;²

¹ A joint initiative of the Cambodian Center for Human Rights (CCHR), the Cambodian Human Rights and Development Association (ADHOC), and the Solidarity Center (SC), in cooperation with the International Center for Not-For-Profit Law (ICNL).

² CCHR, 'Crackdown of Arrests' (September 2020)

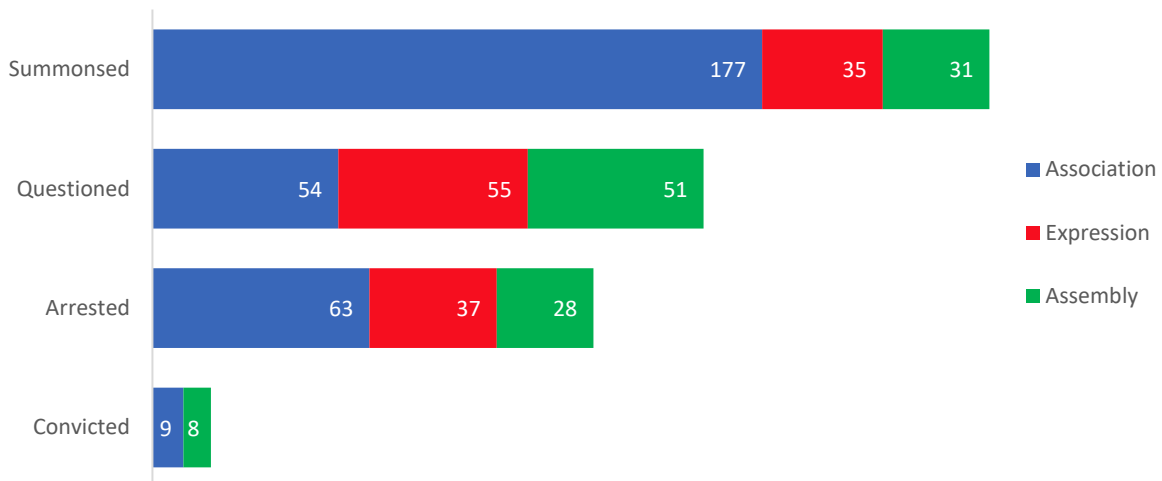
https://cchrcambodia.org/index_old.php?url=media/media.php&p=newsletter_detail.php&nsid=149&id=5.

- A high frequency of protests calling for Rong Chhun’s release that were interfered with by the RGC; and
- 11 incidents of non-governmental organization (NGO) training sessions monitored or shut down by the RGC.

Key Finding 2: Criminal sanctions are imposed for the exercise of fundamental freedoms

In Year Five, 215 people were summonsed, 117 questioned, 85 arrested, 53 charged, and 17 convicted for exercising their fundamental freedoms.

Figure 2: Number of people criminally sanctioned for exercising their fundamental freedoms³



Key Finding 3: People feel less free to exercise the freedom of association, particularly political association, than in previous years

Figure 3: Public Poll respondents report victimization due to their involvement in an association

In Year Five, 26% of Public Poll respondents reported being victimized or targeted due to their involvement in an association. The same percentage—26%—of CSO/TU Leader Survey respondents also reported being victimized or targeted by the RGC due to their involvement with their association. This suggests an increasingly difficult environment for exercising the freedom of association.

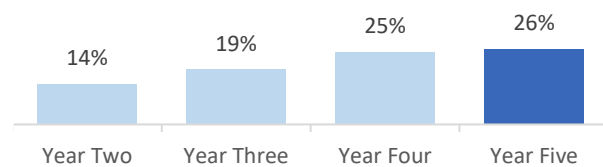
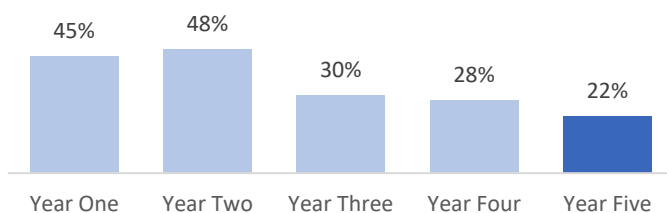


Figure 4: Percentage of Public Poll respondents who feel free to participate in political activities



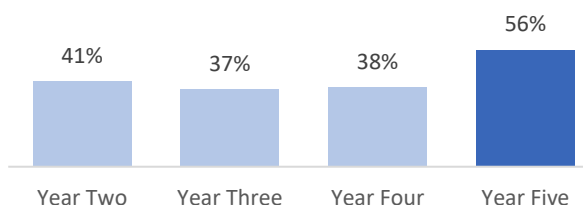
Year Five also recorded the lowest number of respondents who reported feeling free to participate politically since the start of the FFMP.

³ The total plotted value exceeds the total number of individuals summonsed, questioned, arrested, and convicted, as some individuals were subject to criminal sanctions in response to their exercise of multiple freedoms concurrently.

Key Finding 4: The implementation of prior notification requirements continues to limit the rights of associations

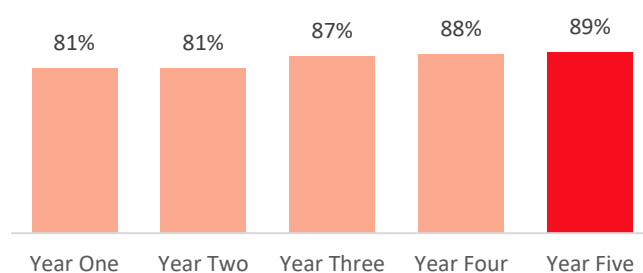
Figure 5: Percentage of Public Poll respondents who believe it is illegal for an association to carry out activities without notifying RGC authorities

More than half of Public Poll respondents incorrectly believe that it is illegal for an association to undertake activities without notifying the authorities. Despite the repeal of the 2017 prior notification regime for NGO activities,⁴ RGC officials imposed a prior authorization⁵ requirement for association events on 17 occasions in Year Five.⁶ In seven of these incidents the activity was stopped as prior authorization had not been obtained. This is an increase from the 16 incidents recorded in Year Four where prior authorization or notification was imposed.



Key Finding 5: People feel less free to exercise the freedom of expression, particularly online, and often self-censor

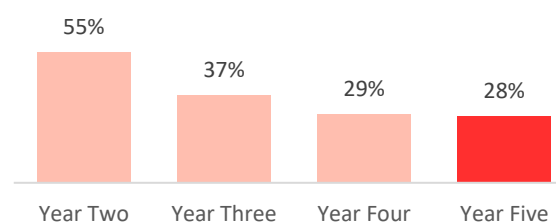
Figure 6: CSO/TU leaders who self-censor while speaking in public



The levels of self-censorship in Cambodia are high - 89% of CSO/TU leaders reported self-censoring in Year Five, and 63% of Public Poll respondents reported exercising self-censorship at some point in the last year. These high levels of self-censorship appear to be illustrative of the increasingly closed space for free speech in Cambodia.

Figure 7: Percentage of Public Poll respondents who feel free to speak openly on social media

The percentage of the public who feel free to exercise freedom of expression on social media is decreasing, with only 28% in Year Five. In the CSO/TU Leader Survey this year, 79% of respondents reported feeling unsafe to impart information through social media. This data directly corresponds with the RGC's crackdown on online expression. 57 of the 108 restrictions or violations of the freedom of expression that occurred in Year Five occurred online; almost all (46) occurred on Facebook.



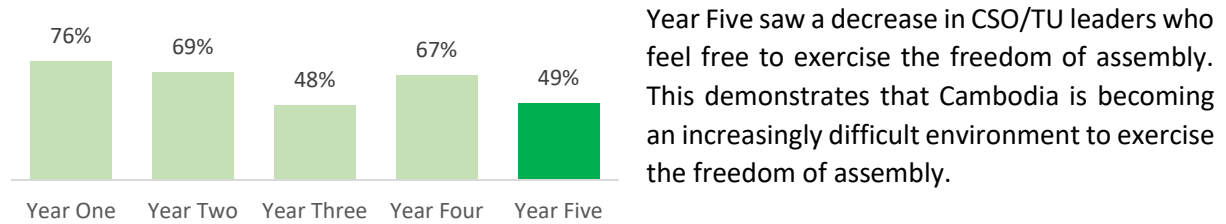
⁴ CCHR, ADHOC, SC and ICNL, 'Cambodia Fundamental Freedoms Monitor: Third Annual Report' (September 2019), Key Milestone One, Section B.1.1.

⁵ Prior to its repeal, notification to the authorities three days before conducting an activity was mandated in law, however this was often implemented as a requirement to obtain prior authorization instead of notification.

⁶ See for example, Soth Sokbrathna, 'Koh Kong authority banned cycling' (VOD, 3 June 2020) <<https://vodkmer.news/2020/06/03/koh-kong-authorities-have-banned-youth-cycling-campaign-to-ask-the-govt-to-protect-koh-kong-krav/>>.

Key Finding 6: People feel less free to exercise the freedom of assembly than in previous years

Figure 8: CSO/TU leaders who reported feeling free to exercise the freedom of assembly



Key Finding 7: There has been a rise in unlawful state force at assemblies, particularly towards female protesters

Figure 9: Percentage of assemblies subjected to use of unlawful force increased

There was a surge in the use of unlawful force at assemblies in Year Five, with 11% of assemblies experiencing unlawful violence perpetrated by the RGC. Protests organized by the ‘Friday women’—wives and other relatives of arrested CNRP members—were frequently forcefully broken up by authorities.

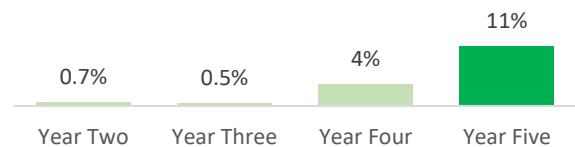
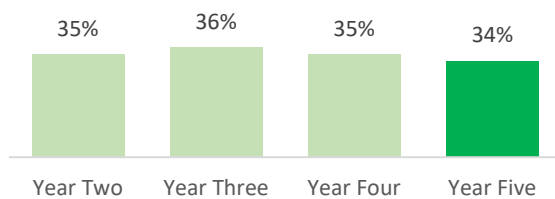


Figure 10: Percentage of respondents who believe it is illegal to protest peacefully

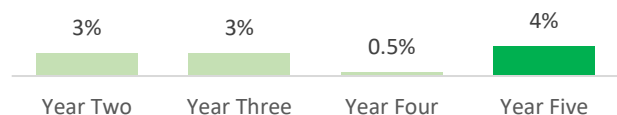


In Year Five over one-third of Public Poll respondents incorrectly answered that it is illegal to protest peacefully, showing a consistent lack of understanding of this crucial aspect of the right to freedom of assembly. This decrease in understanding could be attributable to the increase in RGC retaliation for those exercising this freedom.

Key Finding 8: Interference with assembly monitors has increased

Figure 11: Percentage of assemblies where assembly monitors experience interference

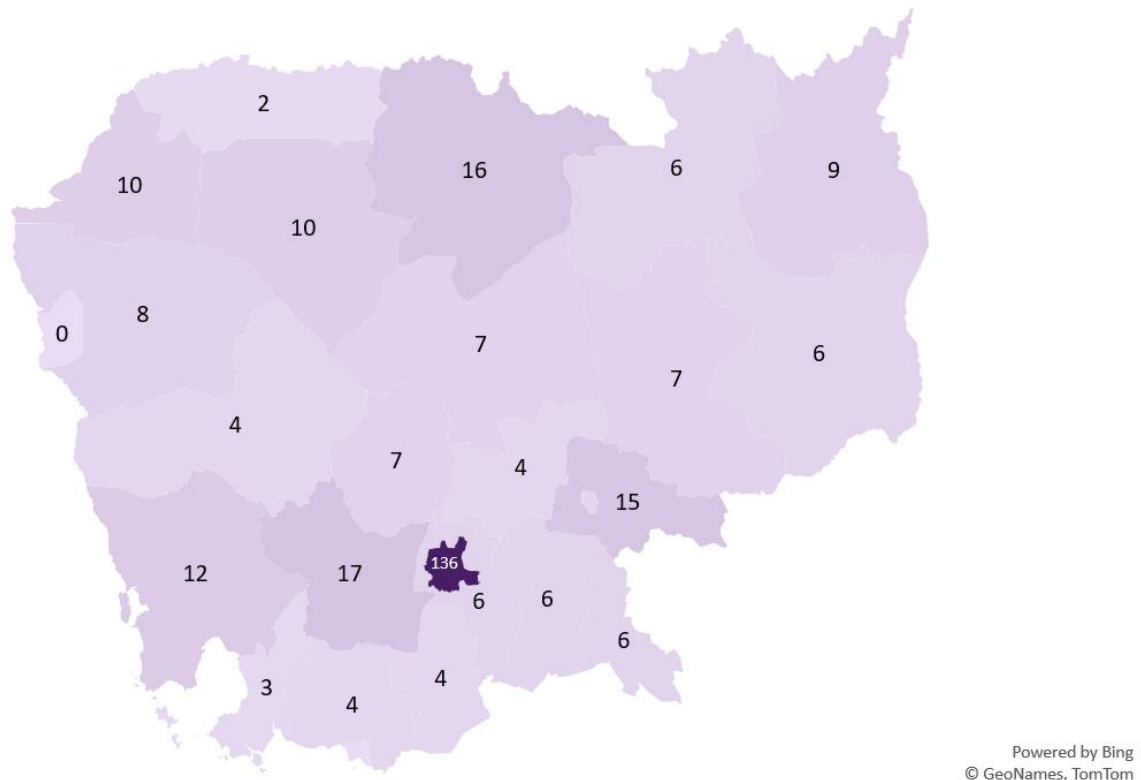
The FFMP recorded five incidents of the RGC authorities interfering with neutral assembly monitors, including one case of sexual harassment.



Key Finding 9: Restrictions of fundamental freedoms occur in almost every province, but are concentrated in Phnom Penh

Year Five has seen a reversal in the decreasing trend of incidents that occur in the Capital. In Year Two the average number of restrictions and violations in Phnom Penh each month was 24. In Year Three it was 20.5 and in Year Four it dropped to 13.75. In Year Five this monthly average rose to 15.1. The monthly average also increased in Kampong Speu, Preah Vihear, and Tboung Khmum.⁷

Figure 12: Location of incidents recording a restriction or violation of fundamental freedoms



⁷ Because Year Five only contains nine months, the FFMP uses monthly averages to compare Figure 12 data to data from previous years.

Timeline of important and illustrative events

<p>24 April 2020 –Thai Srey Neang, an online seller, was convicted of pornography for wearing ‘sexy clothing’ on a Facebook video.</p>	<p>Apr</p>	<p>29 April 2020 – The <i>Law on the Management of the Nation in State of Emergency</i> was promulgated.</p>
<p>13 May 2020 – Sok Odom, the owner of Rithisen radio station, was arrested for his comments about a land dispute protest involving military officials in Kampong Chhnang Province during a radio broadcast. He was later convicted of incitement to commit a felony on 22 December 2020 and sentenced to 20 months in prison and a fine of 20 million riels.</p>	<p>May</p>	
<p>4 June 2020 – Thai activist, Wanchalearm Satsaksit, was abducted by unknown armed men in Phnom Penh. The RGC was criticised for taking no meaningful actions to investigate the abduction.</p>	<p>Jun</p>	<p>19 June 2020 – The Phnom Penh Municipal Court convicted Kong Raiya on the charges of incitement and committing a second misdemeanor, for a Facebook post he made in July 2019, advertising for sale t-shirts featuring the image and quotes of murdered political analyst Dr. Kem Ley. He was sentenced to two years’ imprisonment, which was suspended due to time already served in pre-trial detention.</p>
<p>31 July 2020 – Rong Chhun, the President of the Cambodian Confederation of Unions, was arrested and charged with incitement for legitimately exercising his right to freedom of expression on the topic of the Cambodia-Vietnam border.</p>	<p>Jul</p>	
	<p>Aug</p>	<p>14 August 2020 – Soung Sophorn, President of the Khmer Win Party, was arrested for allegedly distorting information related to border issues.</p>
<p>28 September 2020 – Four journalists were attacked in Tboung Khmum by assailants known to be timber traders. Prior to the attack the journalists had reported an incident of illegal logging to the military police.</p>	<p>Sep</p>	<p>6 and 7 September 2020 – The Vice President of the Khmer Student Intelligent League Association, Mean Prommony, and three Khmer Thavarak activists, Venerable Koet Saray, Tha Lavy and So Metta were arrested and charged with incitement for either their role in the planning of, or their participation in, a peaceful assembly at Freedom Park calling for the release of Rong Chhun.</p>
<p>23 October 2020 – On Paris Peace Agreement Day a protest in front of the Chinese Embassy was violently dispersed by authorities injuring some protesters. Assembly monitors were threatened, and journalists had their equipment confiscated. Three protesters, Lim Sam, Yoy Srey Mom and Ton Nimol, were forcefully arrested, charged with incitement, and detained in Prey Sar prison.</p>	<p>Oct</p>	<p>5 October 2020 – Sovann Rithy, director of TVFB, was convicted of incitement to commit a felony for a Facebook post in which he accurately quoted a comment made by the Prime Minister on COVID-19. He was sentenced to 18 months imprisonment with the remainder suspended.</p>
	<p>Nov</p>	<p>26 November and 29 December 2020 – Mass trials for former CNRP officials and activists charged with plotting and incitement were held at the Phnom Penh Municipal Court.</p>
<p>11 November 2020 – Ros Sokhet, Director of Khmer Nation newspaper, was convicted of incitement to commit a felony by the Phnom Penh Municipal Court for his Facebook posts critical of social issues. He was sentenced to 18 months imprisonment.</p>	<p>Dec</p>	
	<p>Dec</p>	<p>22 December 2020 – Two rappers, Kea Sokun, 22 years old, and Long Puthera, 17 years old, were convicted of incitement for their songs on social issues, corruption and Cambodia’s borders.</p>

1. 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)⁸—in Cambodia. The FFMP tracks the exercise of fundamental freedoms by utilizing its Monitoring and Tracking Tool (MTT). This report covers the fifth year of monitoring (Year Five) which began on 1 April 2020 and ended on 31 December 2020.⁹

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 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 Royal Government of Cambodia (RGC).

In Year Five, the FFMP utilized six data collection methods to measure the KMs: Incident Reports;¹⁰ Media Monitoring;¹¹ a desk review of relevant laws (Desk Review);¹² a Trade Union Registration Evaluation Tool;¹³ a Public Poll;¹⁴ and a survey of CSO and TU leaders (CSO/TU Leader Survey).¹⁵ This report presents an analysis of key findings and trends based on the data collected in Year Five.

⁸ 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.

⁹ Year Five covers nine months, from April – December 2020 in order to align the FFMP to calendar years. Thus, Year Five consists of three quarters.

¹⁰ Incident Reports are collected through a form developed to capture restrictions of freedom of association and related rights against individuals or associations.

¹¹ Media Monitoring is carried out daily by CCHR. It focuses on newspaper coverage of freedom of association and related rights and is governed by a set of Media Monitoring Guidelines which are based upon the MTT.

¹² 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.

¹³ Trade Union Registration Evaluation Tool records the experiences of TU representatives as they attempt to register their unions under the *Law on Trade Unions*.

¹⁴ The Public Poll aims to gauge the general public’s sentiment towards the fundamental freedoms. The Public Poll for Year Five was conducted in Khmer between 3 November and 31 December 2020.

¹⁵ 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. The CSO/TU Leader Survey for Year Five was conducted between 7 September and 31 October 2020.

2. 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.¹⁶

Key Findings: During Year Five, one new primary law (*kram*) was promulgated that impacts the exercise of fundamental freedoms - the *Law on the Management of the Nation in State of Emergency*.

The FFMP recorded no other primary laws, decrees, sub-decrees or circulars enacted in Year Five that impact fundamental freedoms.¹⁷ However, there was one other notable legislative development - the Ministry of Information announced that it will not proceed with its drafting of the *Fake News Law*. This is a positive development for fundamental freedoms in Cambodia, so long as this decision is not reversed in the future.

Year Five also saw four drafts of new proposed legislation. A draft of the new *Law on Public Order* was leaked in June 2020; a revised draft of the *Law on Cybercrime* was leaked in August 2020; an updated draft of the *Law on Access to Information* was released in April 2020; and a draft *Sub-Decree on Establishment of the National Internet Gateway* was leaked in July 2020.¹⁸ The FFMP will monitor these legislative developments and will conduct a full analysis of any promulgated or enacted law or regulations affecting fundamental freedoms.

2.1 The *Law on the Management of the Nation in State of Emergency* provides broad and unfettered powers to unduly restrict fundamental freedoms during a state of emergency

The *Law on the Management of the Nation in State of Emergency* (the *State of Emergency Law*) was enacted on 29 April 2020. It contains several provisions that restrict human rights in contravention of the Constitution of the Kingdom of Cambodia (the Constitution) and international law.

Countries may introduce legislation that governs a State during a state of emergency. Indeed, many States have already enacted such legislation. However, these state of emergency laws must comply with relevant legal standards. International human rights law prescribes that such legislation may

¹⁶ The findings in Key Milestone One are primarily based on the Desk Review of Relevant Laws (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 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 United Nations Charter, the Universal Declaration on Human Rights (the UDHR), 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 ICCPR), the International Covenant on Economic, Social and Cultural Rights (the ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (the CEDAW), and the Convention on the Rights of the Child (the CRC). In addition to these treaties, the FFMP also uses international standards as interpreted by the United Nations (UN) Human Rights Committee, and by UN Special Rapporteurs.

¹⁷ In Year Five two Royal Decrees were issued clarifying the function of the Council of Jurists and defining the titles of Excellencies and Lok Chumteavs. A *Prakas* was also passed establishing the Preah Sihanouk Court of Appeal, and the *Law on the Management of Integrated Resorts and Commercial Gambling* was promulgated. The FFMP reviewed all these legal norms and determined they do not directly affect fundamental freedoms.

¹⁸ This Sub-Decree was subsequently adopted on 16 February 2021. It will be analyzed in the FFMP's Year Six report.

permit *temporary* derogation from *some* human rights in circumstances of public emergencies. These permissible derogations are, however, subject to strict legal conditions to ensure human rights are adequately protected. The *State of Emergency Law* does not comply with these conditions.

Article 4 of the International Covenant on Civil and Political Rights (ICCPR) codifies the specific rules a State must follow in order to legally derogate from their human rights obligations during a state of emergency.¹⁹ Derogations from human rights obligations must be: (1) designed to be temporary,²⁰ (2) only applicable in the exceptional case of a “*grave threat to the survival and security of a nation*”, and (3) must adhere to the principal of proportionality and not exceed what is strictly necessary to the “*exigencies of the situation*”.²¹ This third requirement for derogating from human rights obligations has been interpreted by the Human Rights Committee to mean that the measures taken must be the least intrusive means to achieve the purported aim.²² In other words, human rights should be impacted as minimally as possible. In addition to these three main principles, any measures taken by States to address national emergencies must not discriminate solely on the ground of race, color, sex, language, religion or social origin, and cannot arbitrarily or unjustifiably distinguish between people. Finally, derogations cannot be inconsistent with other international obligations or domestic laws.

Taken as a whole, Article 4 of the ICCPR obligates the RGC to ensure that each provision of the *State of Emergency Law* meets the above conditions. The *State of Emergency Law* does not comply with these conditions because it is not temporary, can be invoked in non-states of emergency, and provides the RGC with broad powers that are likely to restrict fundamental freedoms.

Article 3

The *State of Emergency Law* fails to comply with the requirement that human rights derogations be temporary in nature. Article 3 of the Law allows for a state of emergency to be declared for a maximum period of three months but permits extension “*under the same conditions*”.²³ This vague terminology is not defined or explained. Article 3 makes no mention of either the period of such an extension or the number of extensions that can be made; Article 3 essentially permits the RGC to extend a state of emergency indefinitely. This raises the risk that extensions will be granted when not required by the exigencies of the situation. The Law does not include any safeguards to ensure that extensions of a state of emergency declaration are subject to appropriate scrutiny and are necessary and proportionate to the severity of the public emergency.

Article 4

The *State of Emergency Law* does not satisfy the requirement of the ICCPR that derogation from human rights protections is to occur only if there is a “*grave threat to the survival and security of a nation*”. Article 4 of the *State of Emergency Law* prescribes that a state of emergency can be invoked in times of “*war or invasion from a foreign country, the emergent danger of public health caused by a pandemic disease*” or where there is “*severe chaos to national security and social order or severe calamity which threatens or causes danger to the nation*”. “*Severe chaos*” and “*severe calamity*” are vague, undefined terms, which could open the door for arbitrary application

¹⁹ See also, UN Human Rights Committee, CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency, 31 August 2001, CCPR/C/21/Rev.1/Add.11.

²⁰ *Ibid.*, para. 2: “*Measures derogating from the provisions of the Covenant must be of an exceptional and temporary nature*”.

²¹ Authoritatively interpreting the ICCPR in General Comment Number 29, the UN Human Rights Committee developed upon this point requiring states to tailor the “*duration, geographic coverage and material scope*” of a state of emergency to the “*exigencies of the situation*”. *Ibid.*, para. 4.

²² UN Human Rights Committee, CCPR General Comment No. 27: Article 12: Freedom of Movement, 2 November 1999, CCPR/C/21/Rev.1/Add.9, para. 14: “*Restrictive measures must conform to the principle of proportionality ... they must be the least intrusive instrument amongst those which might achieve the desired result*”.

²³ “*the period [of the state of emergency] can be extended with the same conditions*”.

of the *State of Emergency Law*. The wording of Article 4 provides for a state of emergency to be declared in situations that are non-emergencies or that do not threaten the security or survival of the nation.

Article 5

The *State of Emergency Law* introduces 12 measures that the RGC can implement during a state of emergency. These measures, prescribed by Article 5, are excessively broad and not limited to what is strictly necessary for the circumstances of the particular emergency.²⁴ The broad measures contained within Article 5 are not guaranteed to be proportionate to the severity of the situation. As a result, the *State of Emergency Law* undermines the freedoms of assembly,²⁵ association,²⁶ and expression.²⁷

2.1.1. The *State of Emergency Law* restricts freedom of peaceful assembly

Article 5(2)

Article 5(2) permits the RGC to “*prohibit or restrict the right of meeting and grouping people*”, granting the power to ban or limit citizens from gathering. This is essentially an unfettered restriction on the freedom of peaceful assembly, which violates international law.

The legality of Article 5(2) must be assessed against the ICCPR’s regular standards of permissible restrictions to the freedom of association, as the Human Rights Committee determined that Article 21 of the ICCPR sufficiently covers when the freedom of peaceful assembly may be restricted in emergencies. Thus, derogation of this right under Article 4 of the ICCPR is never necessary.²⁸ Therefore, any restriction to the right to peaceful assembly must comply with Article 21’s three-part test. According to that test, a restriction to the freedom of assembly is permissible only if the restriction is: “(a) imposed in conformity with the law; (b) in pursuit of a legitimate aim; and (c) necessary in a democratic society”.²⁹ Article 5(2) does not pass the third prong of Article 21’s three-part test.

Article 5(2) operates as a blanket ban on all assemblies. International human rights standards hold that blanket bans on peaceful assemblies do not comply with international law because such bans

²⁴ The third requirement of Article 4 of the ICCPR necessitates that measures derogating from human rights standards must adhere to the principal of proportionality and not exceed what is strictly necessary to the “*exigencies of the situation*”.

²⁵ The right to freedom of peaceful assembly, recognized by Article 21 of the ICCPR, includes the right to participate in all intentional and temporary peaceful gatherings in a private or public space for a specific purpose, including: assemblies, inside meetings, protests, strikes, sit-ins, demonstrations, and other temporary gatherings for a specific purpose. UN Human Rights Council, First Thematic 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. 24. The right to freedom of assembly is also protected in domestic law through Article 42 of the Constitution, in addition to the right to strike and to organize peaceful demonstrations protected in Article 37.

²⁶ The right to freedom of association is protected through Article 22 of the ICCPR. It includes the right of individuals to form, join, and participate in groups to pursue common interests. These can include CSOs, TUs, political parties or corporations. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), Article 22. The right to freedom of association is also protected in domestic law through Article 42 of the Constitution.

²⁷ The right to freedom of expression is enshrined in Article 19(2) of the ICCPR, “*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice*”. The freedom of expression constitutes an essential foundation of a democratic society. UN Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34, para. 2, <<https://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>>. Article 41 of the Constitution solidifies the rights to freedom of expression, information, publication and press in domestic law.

²⁸ UN Human Rights Committee, CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency, 31 August 2001, CCPR/C/21/Rev.1/Add.11, para. 5.

²⁹ ICCPR, Article 21.

preclude the consideration of the specific circumstances of each assembly, and would therefore be intrinsically disproportionate and discriminatory (as they impact all citizens seeking to exercise their right to freedom of peaceful assembly).³⁰ Blanket bans are not permissible under international law because they prohibit all assemblies around a certain theme or event, or during a specified time period. International law requires that authorities make a determination to restrict peaceful assemblies based on the individual, specific circumstances of a given assembly.³¹

2.1.2. The *State of Emergency Law* restricts freedom of association

Article 5(2) Article 5(2) also threatens the right to freedom of association. Allowing the RGC to “*prohibit or restrict the right of meeting and grouping people*” affects the freedom of association as well as the freedom of assembly. Even though the *State of Emergency Law* does not define “*meeting and grouping people*”, a reasonable interpretation is that the RGC can prohibit people from gathering in one place as part of a meeting or a group activity. Freedom of association, unlike freedom of assembly is a derogable right,³² and therefore must be analyzed by the test outlined in Article 4 of the ICCPR.

Article 5(2) fails to meet the third element of the test from Article 4 of the ICCPR because it exceeds the exigencies of the situation.³³ The powers under Article 5(2) are extensive, permitting both restrictions to and full prohibitions of any meetings or gatherings of people. Article 5(2) does not limit its scope to circumstances that are strictly necessary for the particular emergency, as the third element of the test requires. Not expressly including these limits on the derogating power risks the application of Article 5(2) beyond what is necessary or proportionate to the specific emergency.

Article 5(3) Article 5(3) also likely violates Article 4 of the ICCPR because it provides blanket powers to the RGC to “*ban or restrict work or business activities*”. Without language limiting these powers to be exercised only when necessary, and only to the extent required by the specific emergency situation, Article 5(3) impermissibly restricts the freedom of association.

The powers to ban and restrict business activities are not qualified or limited. The RGC has complete discretion to determine the type of business activities to be restricted, without uniformity across different business sectors. This article could be used to prohibit the work of a civil society organization or trade union when to do so is neither necessary nor in the interest of promoting welfare. Forcing businesses and other organizations engaging in work to close should only be done when strictly necessary for the particular emergency.

This Article could also be used to infringe upon the right to work of media outlets and journalists and could result in the full-scale closure of media houses. As such, this article could restrict the freedom of expression in addition to the freedom of association.

³⁰ 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>.

³¹ *Ibid.*

³² ICCPR, Article 4.

³³ *Ibid.*

Articles 7,
8 and 9

Freedom of association is also threatened under Articles 7, 8 and 9 of the *State of Emergency Law* because these articles create penalties for organizations and businesses that are disproportionate to any harm caused, in violation of the proportionality requirement under Article 4 of the ICCPR.

Article 7 imposes criminal liability for “*intentionally obstructing or hindering the operation of an emergency response*”. Article 8 imposes criminal liability for “*intentionally disobeying the measures laid down by the Royal Government*”. When read in conjunction with Article 9, which states that “*legal entities*” can be held criminally liable for violations of the law, the *State of Emergency Law* threatens the unimpeded operations of all associations. A civil society organization or other business could, for example, face massive fines of up to one billion riels for obstruction as per Article 7, or 500 million riels for disobeying measures imposed under this *State of Emergency Law* as per Article 8, and could also be subject 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.³⁴

Every civil society organization, media house, business and other private entity faces closure for disobeying or obstructing measures taken during a state of emergency, even if those measures do not comply with international standards. Actions by governments against associations must be proportionate.³⁵ The dissolution or closure of a business, organization or other legal entity is likely not proportionate to any alleged harm stemming from obstructing or disobeying state of emergency measures.

2.1.3. The *State of Emergency Law* restricts freedom of expression

The right to freedom of expression is impeded by Articles 5(11) and 5(3) of the *State of Emergency Law*. While freedom of expression is a derogable right, for the derogation to be lawful it must meet the requirements of Article 4 of the ICCPR.

Article 5(11)

Article 5(11) raises two main concerns for the freedom of expression. First, it restricts the right to information; and second, it prohibits broad, vague categories of speech. Article 5(11) likely does not satisfy the proportionality requirement of Article 4 of the ICCPR, as its restrictions are overly broad and go beyond what is strictly necessary to reduce harmful speech during a state of emergency.

³⁴ 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’, 21 May 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*”.

³⁵ See, UN General Assembly, A/59/401, ‘Report of the Special Representative of the Secretary-General on human rights defenders, Hina Jilani, in accordance with General Assembly resolution 58/178’, 1 October 2004, 23; and UN Human Rights Council, A/HRC/23/39, ‘Report of UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai’, 24 April 2013, para. 38.

Article 5(11) gives the RGC power to “*prohibit or restrict news sharing or media*”, impeding on the right to seek, receive and impart information.³⁶ Article 5(11) allows for the RGC to restrict verifiably true information, which could discourage transparent reporting to the detriment of the population as a whole. Ensuring the circulation of verifiable information to the public during a time of emergency is paramount to keeping the population informed and safe.

Article 5(11) empowers the RGC to prohibit any speech or expression that could “*cause people panic or chaos or bring damage to the national security*”, or that 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 for lawful derogations to human rights as required by Article 4 of the ICCPR.

The *State of Emergency Law* poses a threat to the exercise of fundamental freedoms. The Law permits the RGC to restrict the freedoms of assembly, association and expression without limit and does not contain the requisite human rights protections. The extensive powers granted by the Law could be utilized to restrict civil society, the media and other organizations. The promulgation of this law, which occurred without public consultation, highlights an insufficient prioritization of protecting human rights during a state of emergency.

The conclusion drawn from the legislative developments in Year Five is that the Cambodian legal framework continues to not fully comply with international human rights law and standards regarding fundamental freedoms. Despite the existence of several laws that do not meet international human rights standards,³⁷ the RGC has not amended any of these laws. Rather, the RGC seems more focused on drafting and passing new legislation, which is likely to further restrict the exercise of fundamental freedoms.

³⁶ ICCPR Article 19(2), “*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice*”.

³⁷ CCHR, ‘Protecting Fundamental Freedoms: A Desk Review of Domestic Legislation and its Compliance with International Law’ (December 2019)
<https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=140&id=5>.

3. Key Milestone Two: Is the legal framework for fundamental freedoms implemented and properly enforced?³⁸

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

Key Findings: In Year Five the FFMP recorded the highest levels of self-censorship by the public. It also saw the use of the offense of incitement to harass activists, journalists, and human rights defenders, and recorded 85 arrests for the exercise of fundamental freedoms. The FFMP witnessed an increase in the use of unlawful force at assemblies, and the silencing of speech related to COVID-19.

Figure 13: Incidents where fundamental freedoms were protected, restricted and violated³⁹

In Year Five, the FFMP recorded a total of 384 incidents related to the exercise of fundamental freedoms. 292 incidents were recorded through Media Monitoring, and an additional 92 were recorded through the FFMP's Incident Reports. 90 (23%) of these incidents demonstrated a protection of fundamental freedoms,⁴⁰ while 74 (19%) included at least one restriction and 220 (57%) included at least one violation of fundamental freedoms.

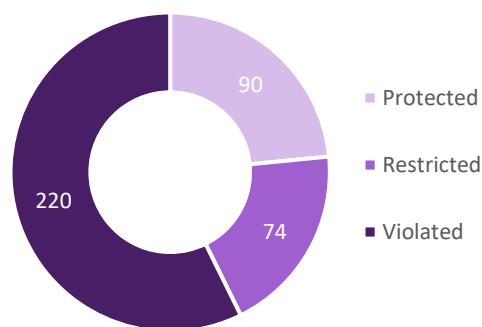
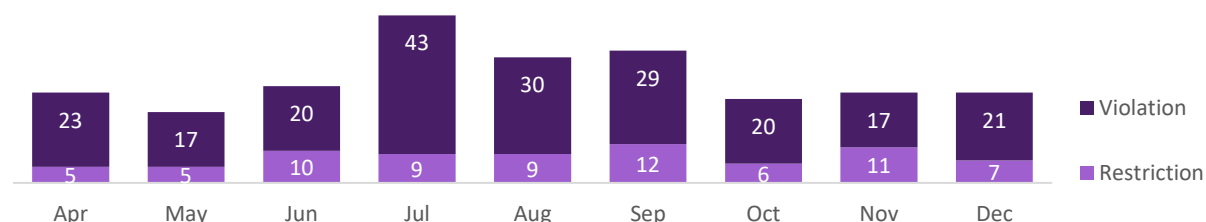


Figure 14: Incidents of restrictions or violations by month



July, August and September 2020 saw a surge in violations of fundamental freedoms attributable to a crackdown on activists. Following the arrest of Rong Chhun, the President of the Cambodian Confederation of Unions, supporters took to the streets to protest his arrest. In response, the RGC used force to shut down assemblies, banned future protests and arrested protesters.⁴¹ In addition, the FFMP recorded 19 non-governmental organization (NGO) training sessions disrupted by the RGC

³⁸ The findings in Key Milestone Two are based on Media Monitoring, Incident Reports, a CSO/TU Leader Survey conducted in October 2020, a Public Poll conducted in December 2020, and a Trade Union Registration Evaluation Tool. These data collection methods are presented in Annex 1.

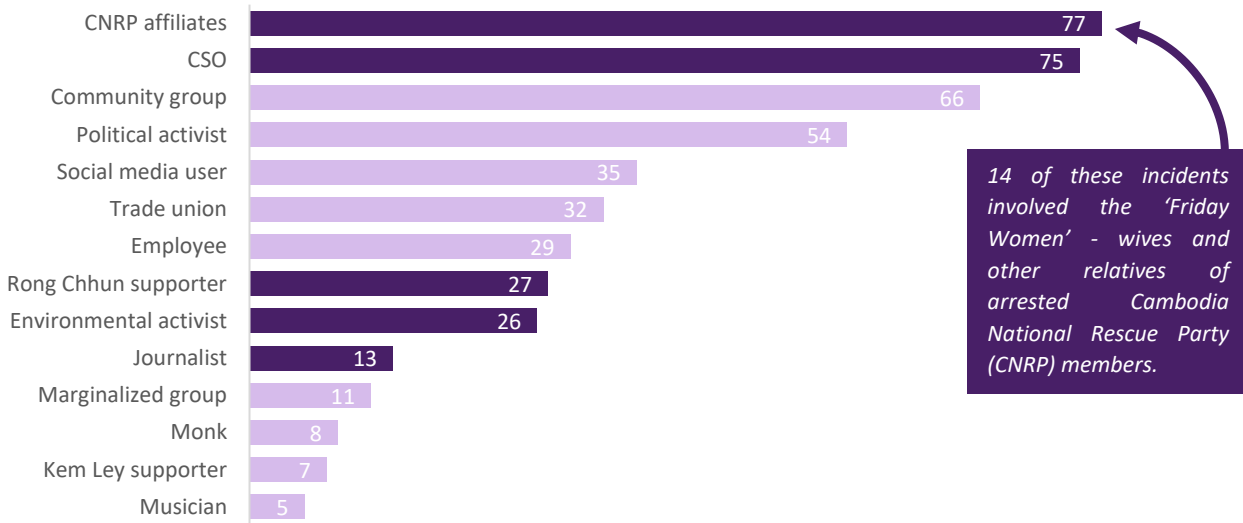
³⁹ The difference between a restriction and a violation of a right is that a restriction can be legally permissible under certain circumstances, while a violation *prima facie* contravenes international legal standards.

⁴⁰ An example of a protection was the Ministry of Interior's acceptance of the registration of the new 'Lover Environment and Society Association'. Long Kimarita, 'NGO formed to protect natural resources and raise awareness' (*Phnom Penh Post*, 15 July 2020) <<https://www.phnompenhpost.com/national/ngo-formed-protect-natural-resources-and-raise-awareness>>.

⁴¹ CCHR, 'Crackdown of Arrests' (September 2020) <https://cchrcambodia.org/index_old.php?url=media/media.php&p=newsletter_detail.php&nsid=149&id=5>.

during this three-month period.⁴²

Figure 15: Groups who are victims of fundamental freedom restrictions and violations⁴³



CNRP affiliates⁴⁴ were the victims in 20% of all incidents of restrictions or violations of fundamental freedoms recorded in Year Five. CSOs had their fundamental freedoms restricted or violated 75 times. Two CSOs were frequent victims of restrictions and violations—Khmer Thavrak and Mother Nature Group—accounting for 24% (or 18) of these 75 incidents.⁴⁵ Year Five saw an increase in restrictions and violations by the RGC that impeded the rights of environmental activists and journalists.

Figure 16: Number of individuals subject to criminal sanctions for exercising fundamental freedoms

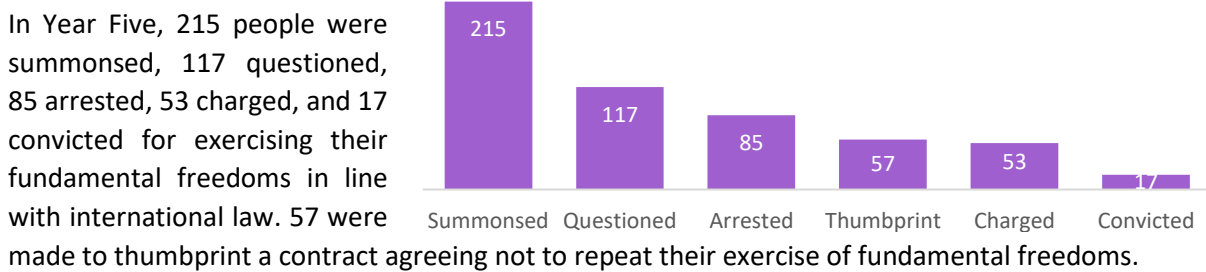


Figure 17: Criminal charges used in Year Five⁴⁶



⁴² Incident Reports IRAD152 - IRAD166, IRAD169, IRAD170, IRAD172, and IRCC270.

⁴³ The total figure plotted is greater than the total number of incidents as some victims fall into multiple categories.

⁴⁴ CNRP affiliates is used to refer to former party members and officials, as well as those believed by the RGC to be current or former supporters of the CNRP, and their relatives.

⁴⁵ Khmer Thavrak is a group of youth activists who advocate on social rights, and Mother Nature Group is a youth-led environmentalist group.

⁴⁶ The total figure plotted (59) is greater than the total number of individuals charged (53) as some individuals were given multiple charges under different articles of the Criminal Code.

3.1 Freedom of Association

3.1.1. Over two-thirds of restrictions to the freedom of association violate international human rights law

The FFMP recorded 151 restrictions to the freedom of association in Year Five. 69% (or 104) of these restrictions did not satisfy the requirements of Article 22 of the ICCPR and thus also amounted to violations of the freedom of association.

3.1.2. Association members are increasingly victimized, arrested and violently attacked

Figure 18: 65 association members were arrested in Year Five

Throughout Year Five, arrests of association members occurred frequently and with increasing regularity. 45 of those arrested were CNRP affiliates, nine belonged to Khmer Thavrak, and three were members of the Mother Nature group.⁴⁷

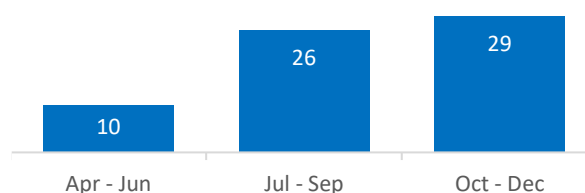
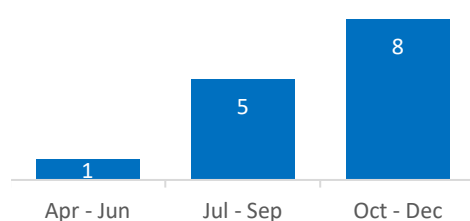


Figure 19: Incidents of physical violence against association members

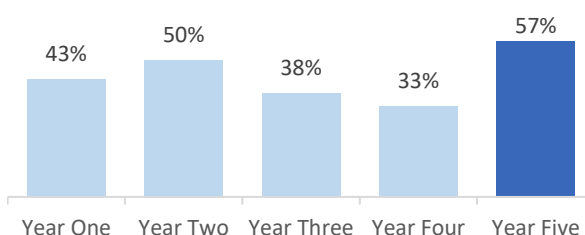


In Year Five, 14 incidents of physical violence against association members were recorded. This includes violent attacks by unknown assailants that have gone unresolved by the police,⁴⁹ and alleged beatings during police questioning.⁵⁰ Notably, in nine of these incidents the victims were CNRP affiliates.

On 11 May 2020, a former CNRP supporter, Ms. Ieng Marina (also known as Srey Meas) was struck on the head by an unknown male wearing a helmet and mask in front of her house in Phnom Penh's Tuol Kork district. The attack occurred shortly after Ms. Meas posted a video on Facebook criticizing Cambodia's leadership. Ms. Meas said that she did not report the attack to the authorities for fear that she would be arrested.⁴⁸

Figure 20: Public Poll respondents who are involved in an association

Year Five saw an increase in the number of Public Poll respondents who were a member of, or otherwise involved with, an association. The types of associations most frequently reported were: TU (21%), community-based organization (15%), NGO (9%), and savings group (6%).



⁴⁷ CCHR, 'Crackdown of Arrests' (September 2020)

<https://cchrcambodia.org/index_old.php?url=media/media.php&p=newsletter_detail.php&nsid=149&id=5>.

⁴⁸ RFA, 'CNRP supporter, Ieng Marina, nicknamed Srey Meas, was assaulted' (RFA, 11 May 2020)

<<https://www.rfa.org/khmer/news/politics/female-supporter-of-cnrp-attacked-in-phnom-penh-05112020193657.html>>.

⁴⁹ Cheath Chamnan and Sek Bandeth, 'Kong Raiya attacked by unknown men' (RFA, 20 December 2020)

<<https://www.rfa.org/khmer/news/human-rights/kung-raiya-assaulted-on-the-road-in-phnompenh-12202020045429.html>>.

⁵⁰ Sek Bandeth, 'Wife of CNRP official confirmed about violence on her husband before trial' (RFA, 3 November 2020)

<<https://www.rfa.org/khmer/news/law/wife-of-jailed-cnrp-member-in-tbong-khmum-accused-police-of-using-violence-on-her-husband-in-custody-11032020050321.html>>.

Figure 21: Public Poll respondents report victimization due to their involvement in an association⁵¹



The Public Poll data for Year Five illustrates a continued increase in the victimization of association members. 26% of respondents reported being victimized or targeted due to their involvement in an association, suggesting an increasingly difficult environment for exercising the freedom of association.

3.1.3. Dismissal of 236 TU members

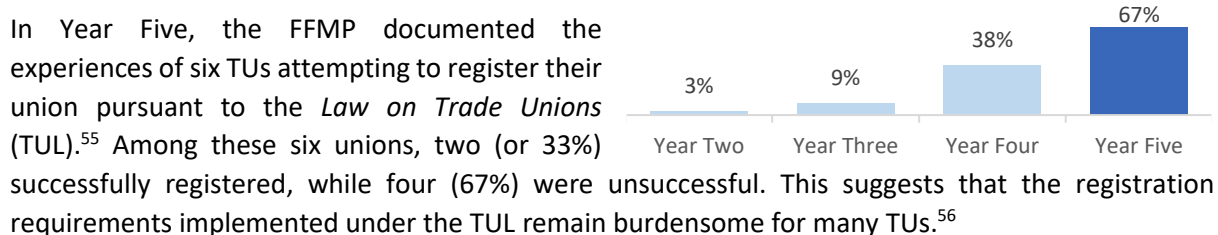
In Year Five, the FFMP recorded 236 TU members who believed that they were dismissed or suspended from their employment because of their activity in a TU. The FFMP cannot verify whether the dismissal was based on their unionism, but TU members report that their dismissal was a direct punishment for their union activities. If so, these cases represent breaches of the right to freedom of association by the employers.

In one representative example, Chhorn Samphors was fired from Jacka Shoes Company, her employer of six years, without prior notification or the provision of legitimate reasons. Her dismissal came a few weeks after she had joined a union as a representative and participated in union activities to help workers obtain benefits during COVID-19. She believes that her dismissal was in response to her union activities.⁵²

In two cases, large numbers of staff were dismissed because of the COVID-19 pandemic and the resulting downturn in economic activity. These large-scale terminations appear to have disproportionately targeted TU members. The Cambodia International Airport terminated the contracts of 161 employees, citing the COVID-19 pandemic; 114 (or 71%) of whom were members of the Independent Trade Union of Phnom Penh International Airport. This mass dismissal of TU members prevented the TU from reaching the 'Most Representative Status' (MRS).⁵³ Siem Reap Airport dismissed 121 staff, citing COVID-19 as a justification; 90 (or 74%) of whom were members of the Tourism Union for Siem Reap Airport.⁵⁴

3.1.4. The registration process for TUs is overly burdensome

Figure 22: The percentage of TU registration applications that are rejected has increased



In Year Five, the FFMP documented the experiences of six TUs attempting to register their union pursuant to the *Law on Trade Unions* (TUL).⁵⁵ Among these six unions, two (or 33%) successfully registered, while four (67%) were unsuccessful. This suggests that the registration requirements implemented under the TUL remain burdensome for many TUs.⁵⁶

⁵¹ This question was not asked in the Public Poll conducted in Year One.

⁵² Tin Sakiriya, 'JACKA SHOES factory owner fired after joining union' (*RFA*, 10 May 2020) <<https://www.rfa.org/khmer/news/social-economy/jacka-shoes-factory-workers-fired-after-joining-union-05102020200725.html>>.

⁵³ Incident Report IRSC069.

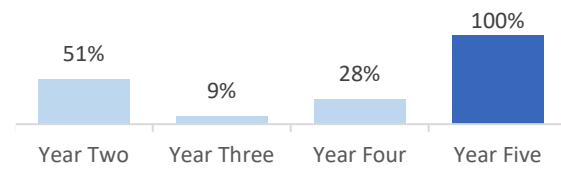
⁵⁴ Incident Report IRSC070.

⁵⁵ The low number of recorded TUs who attempted to register in Year Five could be a consequence of the COVID-19 pandemic which halted many workplaces across Cambodia.

⁵⁶ CCHR, ADHOC, SC and ICNL, 'Fundamental Freedoms Monitoring Project: First Annual Report' (August 2017), 4.

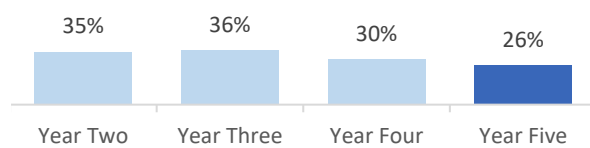
Figure 23: The percentage of TU registration applications that experienced delays

Notably, all six TU registration attempts experienced delays by the authorities. While delays have been experienced in each year of the FFMP, the TUs monitored in Year Five experienced the highest percentage of delays. Delays to registration leave TUs vulnerable and impact their ability to exercise their other fundamental rights. Union activities, such as negotiation and representing members in disputes, are considered illegal for an unregistered TU.⁵⁷ Registered union status affords greater protection for TUs and delaying registration applications thus hinders freedom of association.



3.1.5. CSO interference and surveillance

Figure 24: CSO/TU leaders who report being targeted by the RGC



Over one-quarter of CSO/TU Leader Survey respondents reported being targeted by the RGC due to their involvement with their association.

Figure 25: CSO/TU leaders who report facing restrictions or threats for associating

The CSO/TU Leader Survey recorded a decrease in the number of associations reporting restrictions or threats for exercising freedom of association. However, over a quarter of respondents still reported such interference.

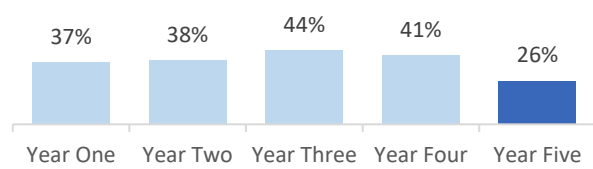
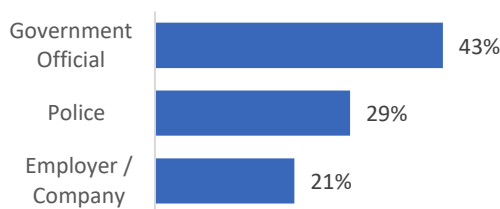


Figure 26: Source of restrictions and threats against associating, as reported by CSO/TU leaders

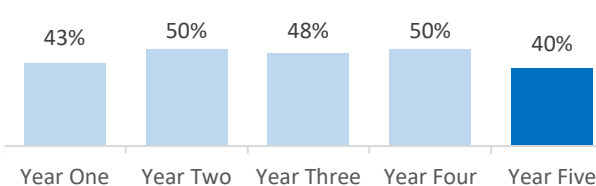


CSO/TU Leader Survey respondents identified that restrictions on associations primarily came from Government officials, police, and employers or companies. The FFMP also recorded an example of such interference through its Incident Reports, highlighted below.

Four Informal Democracy Economic Association (IDEA) members were interfered with on 3 September 2020 while recruiting new association members at O'Russey market in Phnom Penh. Local authorities forbade them from forming an association in the area and threatened to confiscate their tuk-tuks, causing the group to disperse.⁵⁸

Figure 27: CSO/TU leaders who report monitoring or surveillance of their organization by the RGC

In Year Five, 40% of CSO/TU Leader Survey respondents reported that they had experienced monitoring or surveillance by the RGC. Three-quarters (75%) of these respondents stated that the monitoring or surveillance was excessive.

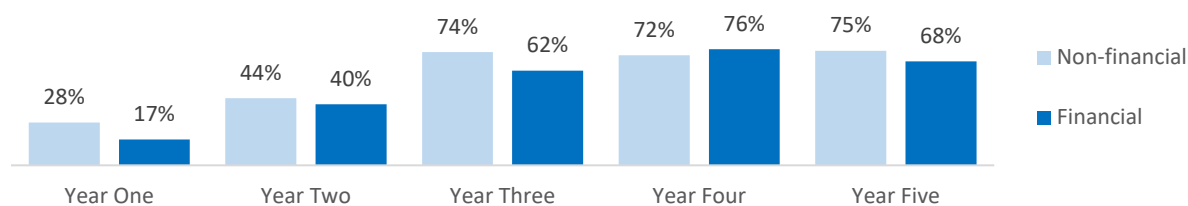


⁵⁷ Articles 13 and 14 of the TUL.

⁵⁸ Incident Report IRCC284.

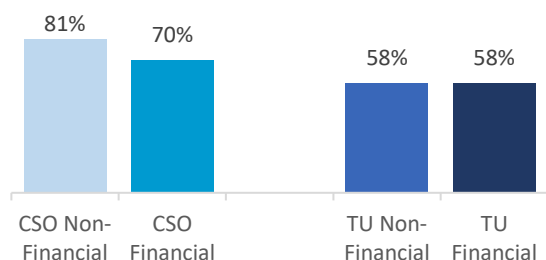
3.1.6. Excessive reporting requirements restrict the freedom of association

Figure 28: CSO/TU leaders who were able to meet RGC reporting requirements



In Year Five, more CSO and TU leaders reported being able to complete non-financial reports than in previous years. However, there was a decrease in successful financial reporting.

Figure 29: Leaders who were able to meet reporting requirements disaggregated by CSO and TU



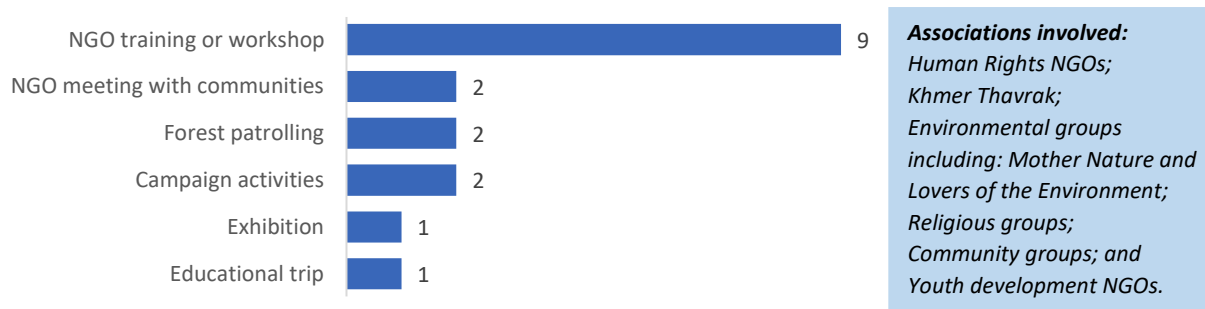
In Year Five, more CSO leaders than TU leaders reported the ability to comply with both financial and non-financial reporting requirements. Despite the amendment of the TUL at the beginning of 2020, its mandatory reporting requirements are still a barrier to legal compliance for many TUs.

In August 2020, the Ministry of Interior (MoI) deleted the Cambodian Wildlife Forest Fisheries Protection and Conservation Organization from its register. While no reason was given for the deregistration, it occurred after the organization's 90-day suspension for failure to comply with the financial reporting requirements of Articles 10 and 25 of the Law on Associations and Non-Governmental Organizations (LANGO).⁵⁹ This was the only case of CSO deregistration recorded by the FFMP in Year Five.

3.1.7. Prior authorization is imposed for association events

Despite the repeal of the three-day prior notification requirement for all CSO activities by the MoI in November 2018, the FFMP has recorded incidents where prior notification and prior authorization are still imposed for CSOs.⁶⁰ On 17 occasions in Year Five, RGC officials imposed a prior authorization requirement for association events,⁶¹ in seven of these incidents the activity was stopped as prior authorization had not been obtained. Such requirement of prior authorization is a concerning violation of freedom of association without a legal basis.

Figure 30: Types of association events where prior authorization was imposed



⁵⁹ Fresh News, 'Ministry of Interior decides to delete the name of the Cambodian Wildlife Fisheries Protection and Conservation' (*Fresh News*, 14 August 2020) <<http://freshnewsasia.com/index.php/en/localnews/168226-2020-08-14-05-56-14.html>>.

⁶⁰ Prior to its repeal, notification to the authorities three days before conducting an activity was mandated in law, however this was often implemented as a requirement to obtain prior authorization instead of notification.

⁶¹ See for example, Soth Sokbrathna, 'Koh Kong authority banned cycling' (*VOD*, 3 June 2020) <<https://vodkmer.news/2020/06/03/koh-kong-authorities-have-banned-youth-cycling-campaign-to-ask-the-govt-to-protect-koh-kong-krav/>>.

3.2 Freedom of Expression

3.2.1. Freedom of expression is consistently stifled, leading to an increase in self-censorship

In Year Five, the FFMP recorded 108 restrictions to the freedom of expression by the RGC; 68 (or 63%) of these incidents also violated international human rights law. Such consistent RGC encroachment on free speech has cultivated an atmosphere of self-censorship.

Figure 31: CSO/TU leaders who self-censor while speaking in public⁶²



Figure 32: CSO/TU leaders who report feeling free to exercise their right to freedom of expression

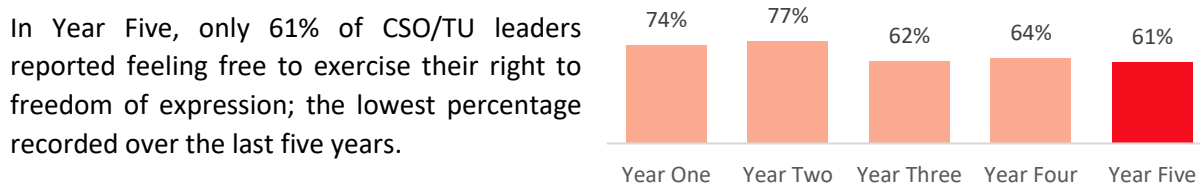
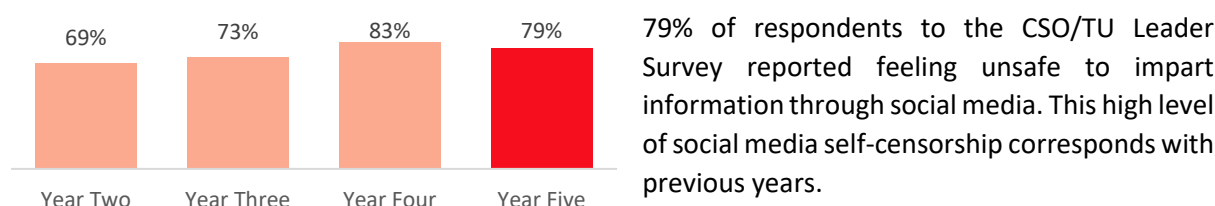


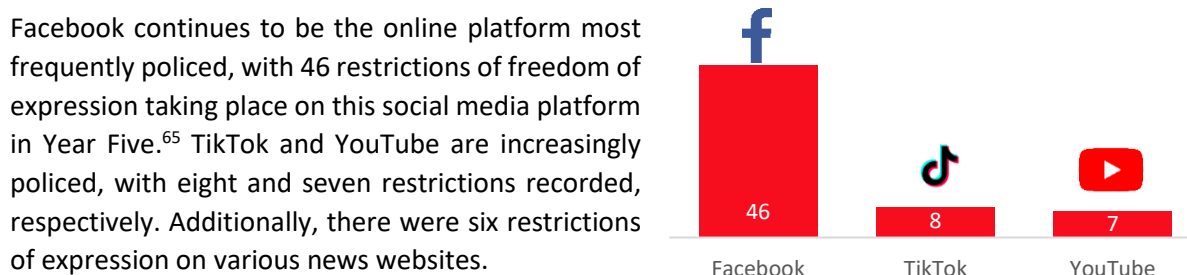
Figure 33: CSO/TU leaders who report feeling unsafe to impart information through social media⁶³



3.2.2. Online expression is increasingly restricted and violated

Of the 108 restrictions or violations of the freedom of expression that occurred in Year Five, 53% (or 57) of them occurred online.

Figure 34: Online platforms of expression restrictions⁶⁴



⁶² The data presented in this graph includes the proportion of CSO/TU leaders who reported “always”, “regularly”, and “sometimes” feeling it necessary to censor themselves while speaking in public.

⁶³ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

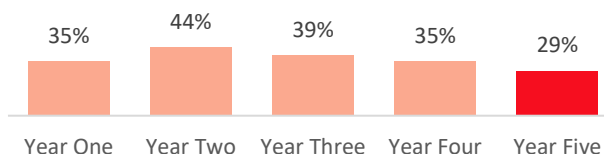
⁶⁴ Some violations occurred on multiple platforms so the plotted total (61) is greater than the number of restrictions and violations (57).

⁶⁵ Facebook is also likely the most used social media platform in Cambodia. However, the FFMP does not track overall usage of social media platforms.

3.2.3. Communications of CSOs and TUs are routinely monitored

Figure 35: CSO/TU leaders who believe that their organization's communications have been monitored by the RGC in the last year

29% of CSO/TU Leader Survey respondents reported believing that their organization had been the subject of monitoring by the RGC.



3.2.4. Journalists harassed and convicted, and media outlets shut down

Year Five has seen frequent incidents impacting the fundamental freedoms of journalists and the media. Journalists have received threats from the Prime Minister,⁶⁹ had their equipment confiscated,⁷⁰ and been subjected to violence.⁷¹ Year Five also saw the arrest, charge and conviction of three journalists: Sovann Rithy, Ros Sokhet, and Sok Oudom. Additionally, three media outlets had their licenses revoked: *TVFB*, *Rithisen*, and *CKV TV Online*.

In April 2020, Sovann Rithy, director of online news outlet TVFB, was arrested for incitement to commit a felony, and TVFB's media license was revoked and its website blocked by the Ministry of Information.⁶⁶ Rithy allegedly incited others to commit a felony by quoting, on Facebook, the Prime Minister's statement that moto drivers should sell their motorbikes to combat financial difficulties during COVID-19. The Phnom Penh Municipal court convicted Rithy on 5 October 2020 and sentenced him to 18 months imprisonment.

On 11 November 2020, the Phnom Penh Municipal Court convicted journalist and publisher of the Khmer Nation newspaper, Ros Sokhet, with incitement to commit a felony for Facebook posts criticizing RGC officials. One such post criticized the Prime Minister for not offering solutions for people struggling to pay off their debts amid the COVID-19 crisis. Sokhet was sentenced to 18 months in prison and given a fine of 2 million riels. He has been in detention since his arrest on 25 June 2020.⁶⁷

On 22 December 2020, the Kampong Chhnang Provincial Court convicted Sok Oudom, the owner of Rithisen radio station, with incitement to commit a felony for his comments during a radio broadcast about a land dispute protest involving military officials in Kampong Chhnang Province. He was sentenced to 20 months in prison and given a fine of 20 million riels. Rithisen's radio and news website's licenses were revoked, and its website was blocked.⁶⁸

3.2.5. *Lèse-majesté* used to silence freedom of expression

The offense of insulting the King, *lèse-majesté*, was added into Article 437-bis of the Criminal Code of Cambodia in 2018. It was widely criticised for breaching freedom of expression and imposing disproportionate penalties for legitimate free speech. The FFMP recorded three new charges brought against individuals under Article 437-bis.

⁶⁶ Soun Narin, 'Online Journalist Convicted and Given Suspended Sentence for Quoting Hun Sen' (VOA, 5 October 2020) <<https://www.voacambodia.com/a/online-journalist-convicted-and-given-suspended-sentence-for-quoting-hun-sen/5609194.html>>.

⁶⁷ Sun Narin, 'Cambodia Convicts Journalist for Criticizing Hun Sen' (VOA, 16 November 2020) <<https://www.voanews.com/press-freedom/cambodia-convicts-journalist-criticizing-hun-sen>>.

⁶⁸ Cheath Chamnan, 'Kampong Chhnang court sentenced Sok Oudom' (RFA, 22 December 2020) <<https://www.rfa.org/khmer/news/human-rights/sok-oudom-sentenced-20-months-in-prison-12222020111736.html>>.

⁶⁹ Khy Sovuthy, 'Government alleges misconduct among journalists, greenlights legal action' (Cambodia, 8 December 2020) <<https://cambojanews.com/government-alleges-misconduct-among-journalists-greenlights-legal-action/>>.


⁷⁰ Tran Techseng, 'Rights monitors, journalists threatened over taking photos at rally' (VOD, 26 October 2020) <<https://vodenglish.news/rights-monitors-journalists-threatened-over-taking-photos-at-rally/>>.

⁷¹ Khuon Narim, 'Journalists attacked after reporting forestry crime' (Cambodia, 30 September 2020) <<https://cambojanews.com/journalists-attacked-after-reporting-forestry-crime/>>.


Kong Bunheang and Hang Seng, both former-CNRP members, were arrested on 17 and 18 October 2020, respectively, and charged with insulting the King for comments they made during a private phone call with one another. They were subsequently convicted in March 2021 and each sentenced to three years in prison, with two years suspended.⁷² This case also raises concerns regarding surveillance of private communications.⁷³


On 28 December 2020, Sam Rainsy was charged (for the third time) with insulting the King for a Facebook post.⁷⁴

3.2.6. Artistic works banned or restricted arbitrarily, and two artists convicted

In Year Five, artistic expression was banned or restricted in eight incidents. One media production company was required to delete their song “*What is bad about Prey Veng people?*” from Facebook and YouTube.⁷⁵ A second song was banned by the Ministry of Culture and Fine Arts (MCFA) for sexually explicit lyrics.⁷⁶ The Khmer Writers Association called on the MCFA to take down five music videos on social media for allegedly degrading women.⁷⁷ Additionally, two rappers were convicted for posting songs about social issues: 

On 22 December 2020, rappers Long Putheara and Kea Sokun were convicted of incitement to commit a felony for posting songs on YouTube about social issues, corruption and the Cambodian border. Sokun was sentenced to 18 months in prison and Putheara was sentenced to five months after apologizing for his lyrics.⁷⁸

 One individual was convicted of incitement to commit a felony after selling t-shirts featuring the image and quotes of murdered political activist Kem Ley.⁷⁹ Five individuals were called in for questioning after wearing t-shirts with the slogans “*thank you peace*” and “*we must respect Article 2 of the Constitution*”. The t-shirts were confiscated and the individuals were made to sign a contract promising not to wear such t-shirts again.⁸⁰ Another individual was arrested and charged with incitement for the distribution of these previously confiscated t-shirts.⁸¹

One photo exhibition protesting the development of Koh Kong Krao island was shut down by police,⁸² while organizers of a second cancelled their exhibition following threats by the RGC. 

⁷² Ouch Sony, ‘Two Ex-CNRP Members Sentenced for Insulting King in Private Call’ (VOD, 3 March 2021) <<https://vodenglish.news/two-ex-cnrp-members-sentenced-for-insulting-king-in-private-call/>>.

⁷³ Article 97 of the *Law on Telecommunications* allows for surveillance of private communication without judicial oversight. This case evidences the concerns about this law being misused by the RGC to silence dissenting voices, coming to fruition.

⁷⁴ Vorn Dara, ‘Rainsy faces up to five years in prison for insulting King’ (*Phnom Penh Post*, 29 December 2020) <<https://www.phnompenhpost.com/national/rainsy-faces-five-years-prison-insulting-king>>.

⁷⁵ Pech Sotheary, ‘Songwriter remorseful for causing discontent over composition’ (*Khmer Times*, 7 July 2020) <<https://www.khmertimeskh.com/742066/songwriter-remorseful-for-causing-discontent-over-composition/>>.

⁷⁶ Va Sonyka, ‘Ministry bans Khmer song with sexually explicit lyrics’ (*Khmer Times*, 11 June 2020) <<https://www.khmertimeskh.com/50732618/ministry-bans-khmer-song-with-sexually-explicit-lyrics/>>.

⁷⁷ Srey Kumneth, ‘Association seeks action against inappropriate music video contents’ (*Khmer Times*, 3 April 2020) <<https://www.khmertimeskh.com/50708996/association-seeks-action-against-inappropriate-music-video-contents/>>.

⁷⁸ Mech Dara, ‘Siem Reap provincial court sentenced two rappers’ (VOD, 22 December 2020) <<https://vodkhmer.news/2020/12/22/siamreap-provincial-court-sentence-two-youths-who-sing-rap-in-prison/>>.

⁷⁹ Khan Leakena, ‘Court sentence Raiya for 2 years in prison’ (VOD, 19 June 2020) <<https://vodkhmer.news/2020/06/19/royal-acedmy-official-says-garment-sector-needs-to-be/>>.

⁸⁰ Veau Someth, ‘Tbong Khmum provincial authorities releases 5 opposition activists after signing contract to stop wearing t-shirts’ (RFA, 12 October 2020) <<https://www.rfa.org/khmer/news/politics/tbong-khmum-police-releases-five-people-after-questioning-about-wearing-t-shirt-with-slogan-10122020232001.html>>.

⁸¹ Mech Dara, ‘Wives in Distress as Two Ex-CNRP Officials Brought In by Police’ (VOD, 22 October 2020) <<https://vodenglish.news/wives-in-distress-as-two-ex-cnrp-officials-brought-in-by-police/>>.

⁸² So Chivy, ‘Police prevent Mother Nature youth from photo exhibition’ (RFA, 22 June 2020) <<https://www.rfa.org/khmer/news/environment/PP-authority-ban-group-of-youth-06222020133330.html>>.

⁸³ Incident Report IRCC274.

3.3 Freedom of Assembly

3.3.1. Assemblies are frequently impeded, resulting in individuals not feeling free to assemble

Figure 36: Successful and unsuccessful assemblies

Of the 129 assemblies that were monitored by the FFMP in Year Five, 83 were unimpeded, while 48 (37%) experienced undue interference or had restrictions imposed upon them. A further two planned assemblies had restrictions imposed on them in advance, and an additional ten assemblies were prohibited from taking place by authorities.

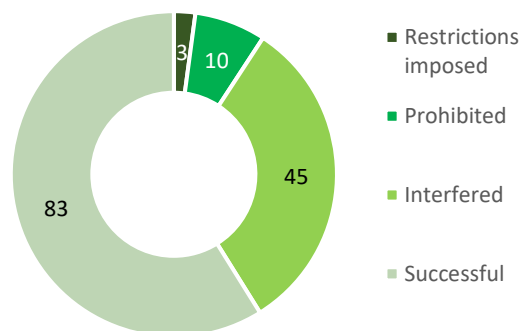
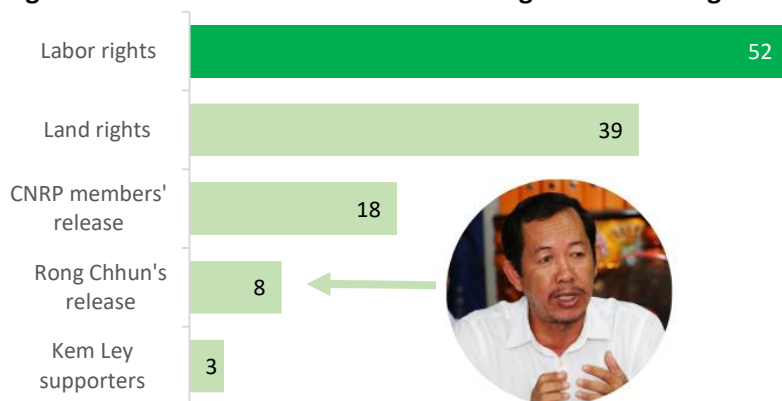


Figure 37: Most assemblies call for labor rights and land rights



40% of the assemblies held were to advocate for labor rights. This year, labor rights overtook land rights as the most cited reason for an assembly. 44 of these labor rights assemblies were related to COVID-19 (see Section 3.4.2.).

Case Study: Rong Chhun protests

Rong Chhun, the president of the Cambodian Confederation of Unions, was arrested on 31 July 2020 and charged with incitement to commit a felony for expressing his opinions on the topic of the Cambodia-Vietnam border.⁸⁴ Following his arrest, large numbers of people protested his arrest and called for his release. Assemblies calling for Chhun's release became a trend in Year Five; the FFMP recorded eight such assemblies. In August, the Ministry of Justice (MOJ) issued a press release⁸⁵ imposing a blanket ban on assemblies related to Rong Chhun, stating that gathering in front of the Court to demand the release of Rong Chhun was illegal and a crime under Article 522 of the Cambodian Criminal Code.⁸⁶ Misapplying this criminal offense to the exercise of freedom of assembly shows a fundamental misunderstanding of this fundamental freedom by the MOJ. The freedom of assembly is intended to enable citizens to hold governments accountable to their obligations, and this extends to the judicial branch. The right to freedom of assembly can be restricted in narrow and strictly prescribed circumstances. However, the MOJ's blanket prohibition fails to meet these standards. The legal argument used by the MOJ could be interpreted as effectively prohibiting all future assemblies in front of any Court calling for the release of any accused person.

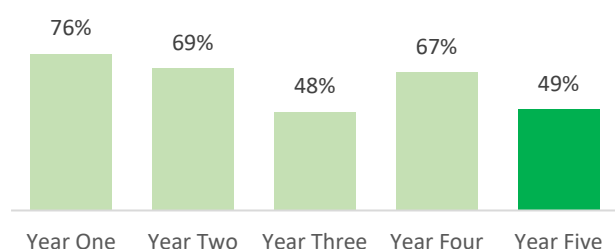
⁸⁴ CCHR, 'Crackdown of Arrests' (September 2020)

<https://cchrcambodia.org/index_old.php?url=media/media.php&p=newsletter_detail.php&nsid=149&id=5>.

⁸⁵ Ministry of Justice, Press Release (3 August 2020) <<https://opendevelopmentcambodia.net/announcements/press-release-ministry-of-justice-calls-on-protesters-requesting-the-ministry-to-drop-the-charge-against-rong-chhun-to-stop-action-immediately-before-authorities-take-legal-action/>>.

⁸⁶ Article 522: "Publication of commentaries intended to unlawfully coerce judicial authorities" prohibits commentaries that are intended to "put pressure on the court ... in order to influence its judicial decision" and carries a prison term of up to six months.

Figure 38: CSO/TU leaders who reported feeling free to exercise the freedom of assembly

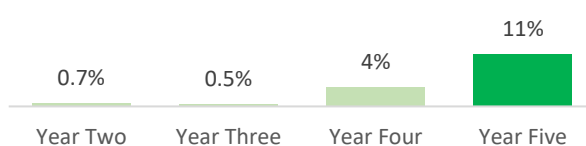


Results from the CSO/TU Leader Survey appear to show that Cambodia is an increasingly difficult environment for freedom of assembly. Only 49% of CSO/TU leaders feel “very free” or “somewhat free” to exercise the freedom of assembly.

3.3.2. Authorities are increasingly using unlawful force to disperse assemblies, in particular those led by women

Figure 39: Percentage of assemblies subjected to use of unlawful force increased⁸⁷

In Year Five, the use of unlawful state force at assemblies increased to almost three-times that of Year Four, with 14 instances recorded. All uses of state force in Year Five were disproportionate and unjustifiable. Types of force included:



- Authorities forcibly dispersing a protest;⁸⁸
- Protesters thrown to the ground by district security guards;⁸⁹
- Clashes between protestors and the authorities;⁹⁰
- Protesters dragged away from the court by security;⁹¹ and
- Forcible arrest of protesters.⁹²



Of the 14 assemblies where the RGC used force against peaceful protestors, six (43%) were organized by the Friday Women.⁹³ While the rate of state violence at an assembly sits at 11% overall, for assemblies organized by the Friday Women it is 43%.

⁸⁷ This data was not recorded in Year One.

⁸⁸ Khan Leakhena, 'Phnom Penh Municipal Authority Blocks Citizens' Gathering in Front of Phnom Penh Municipal Court' (VOD, 13 August 2020) <<https://vodkmer.news/2020/08/13/investigate-judges-question-rong-chhun/>>.

⁸⁹ Joshua Lipes, 'Cambodian Opposition Activist's Wife Hospitalized After Authorities Disperse Protest' (RFA, 4 September 2020) <<https://www.rfa.org/english/news/cambodia/wife-09042020135412.html>>.

⁹⁰ Khan Leakhena, 'Police banned protesters from marching' (VOD, 21 September 2020) <<https://vodkmer.news/2020/09/21/people-from-some-province-protest-at-ministry-of-land/>>.

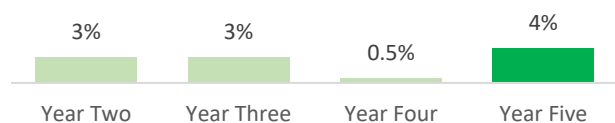
⁹¹ Sun Narith, 'Families of Detained Opposition Activists Continue Protest and Dragged Out by Security Forces' (VOA, 31 July 2020) <<https://khmer.voanews.com/a/family-members-of-jailed-opposition-activists-continue-protest-facing-dragging-again/5525031.html>>.

⁹² Ven Someth, 'Court detained 3 arrested' (RFA, 25 October 2020) <<https://www.rfa.org/khmer/news/law/PP-court-detained-3-activists-10252020120713.html>>.

⁹³ 'Friday Women' is the term the family members of detained CNRP activists gave themselves. The Friday Women have been protesting for their relatives' release in front of the Phnom Penh Municipal Court almost every Friday since 19 June 2020. The protests, comprised mostly of female protesters, have been heavily monitored and security forces have frequently interfered with these peaceful assemblies.

3.3.3. Assembly monitors are interfered with

Figure 40: Percentage of assemblies where assembly monitors experience interference⁹⁴



In Year Five, the FFMP recorded five incidents where assembly monitors were interfered with by RGC authorities. In four of these incidents the assembly monitors were Cambodian Center for Human Rights (CCHR) staff.⁹⁵

On 1 June 2020, Hun Vannak, former Mother Nature Group member, was detained by authorities while monitoring a protest at Poipet international border checkpoint where security forces were deployed. He was an independent observer. Vannak was questioned for more than four hours and forced to delete all the pictures and videos he had taken of the protest.⁹⁶

While monitoring a protest in front of the Chinese Embassy on Paris Peace Agreements Day, 23 October 2020, CCHR assembly monitors were threatened by authorities that they would have their phones confiscated if they continued to film the scene. The monitors were subsequently chased away by the authorities.⁹⁷

⁹⁴ This data was not recorded in Year One.

⁹⁵ Some allegations of sexual harassment of assembly monitors came to light after Year Five ended. The FFMP will continue to monitor this closely and such allegations will be included in upcoming reports.

⁹⁶ Kann Vicheika, 'Rights Activist Hun Vannak Detained While Documenting Poipet Protest' (RFA, 1 June 2020) <<https://www.voacambodia.com/a/5444153.html>>.

⁹⁷ Incident Report IRCC289.

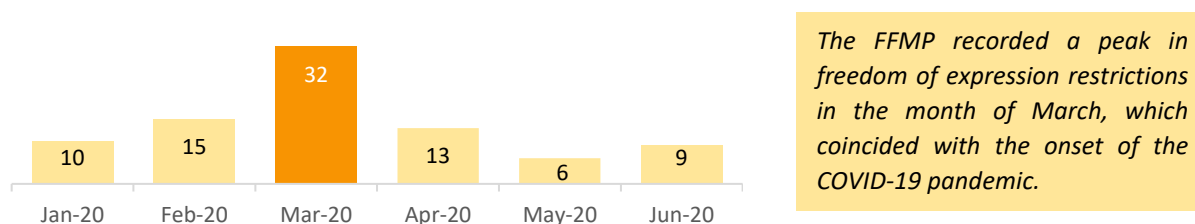
3.4 Impacts of COVID-19 on Fundamental Freedoms

The FFMP has monitored various restrictions and violations of fundamental freedoms suspected of being attributable to the COVID-19 pandemic or the RGC's response to the pandemic.

3.4.1. Information and opinions about COVID-19 are suppressed

The FFMP recorded 15 incidents where freedom of expression about COVID-19 was restricted or violated. For example, criminal charges were brought for criticism of the Prime Minister's response to the pandemic;⁹⁸ individuals were detained by authorities for petitioning for banks and microfinance institutions to suspend loan repayments during the COVID-19 crisis;⁹⁹ the authorities deleted pictures and videos of protests at the Poipet land border with Thailand;¹⁰⁰ and individuals were questioned for voicing their concerns about the pandemic.¹⁰¹

Figure 41: Freedom of expression restrictions in 2020 by month



Individuals were also accused of spreading 'fake news' about the pandemic. The FFMP witnessed a rise in rhetoric regarding 'fake news' at the end of Year Four. Between January and March 2020, the RGC made 19 'fake news' accusations related to COVID-19 expression, leading to the arrest or detention of 19 individuals.¹⁰² This continued into Year Five, where there were four further arrests for alleged 'fake news' regarding the pandemic, three of which took place in April 2020.



3.4.2. The COVID-19 pandemic led to many assemblies, mostly by factory workers



In Year Five, 34% of all assemblies recorded by the FFMP (or 44 assemblies) related to COVID-19.¹⁰³ Multiple factories either closed or suspended operations due to the economic impact of the pandemic. As a result, the FFMP witnessed many factory workers exercising their right to peaceful assembly, including to demand missing payments.¹⁰⁴ Workers from the entertainment sector also mobilized to call for Government assistance during the pandemic.

⁹⁸ Buth Reaksmeay Konglea 'Man charged over criticism on PM's pandemic response' (*Khmer Times*, 16 April 2020) <<https://www.khmertimeskh.com/50713595/man-charged-over-criticism-on-pms-pandemic-response/>>.

⁹⁹ Khy Sovuthy, 'Six detained for protesting microfinance repayments' (*Cambodia*, 14 May 2020) <https://cambodianews.com/six-detained-for-protesting-microfinance-repayments/?fbclid=IwAR3QmVrT5WcTJpDe_p9b2MeTr31fsoWXGZ9VUOIKBFMy9pw7JyrBq2kWcpE>.

¹⁰⁰ Kann Vicheika, 'Rights Activist Hun Vannak Detained While Documenting Poipet Protest' (*VOA*, 1 June 2020) <<https://www.voacambodia.com/a/5444153.html>>.

¹⁰¹ Oun Pheap, 'Svay Rieng Provincial Police sends sick opposition activist to court' (*RFA*, 6 April 2020) <<https://www.rfa.org/khmer/news/politics/Svay-Rieng-police-send-an-opposition-activist-to-court-to-question-about-covid-19-concern-04062020095945.html>>.

¹⁰² CCHR, ADHOC, SC and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fourth Annual Report' (July 2020), 28 <<https://chrcambodia.org/ffmp/report4>>.

¹⁰³ This figure includes both assemblies confirmed as being due to COVID-19 and those suspected of being due to COVID-19.

¹⁰⁴ See for example, Sen David, 'About 1,600 workers demand April's wages' (*Khmer Times*, 14 May 2020) <<https://www.khmertimeskh.com/722896/about-1600-workers-demand-aprils-wages/>>.

Four such protests took place in Year Five. For example, on 25 June 2020, over 100 union representatives and service workers from the entertainment sector submitted a petition to the Prime Minister's Cabinet, the Ministry of Labour and Vocational Training and the Ministry of Women's Affairs requesting support and intervention for the difficulties they faced during COVID-19.¹⁰⁵

3.4.3. COVID-19 was given as justification to prohibit or restrict assemblies

Seven assemblies were restricted or prohibited under the justification of public health due to the COVID-19 pandemic. In three of these instances, the restriction to the freedom of assembly was not necessary or proportionate to the aim of protecting public health, thus amounting to violations of the freedom of assembly. Five of the seven impeded assemblies were scheduled to take place on International Human Rights Day, Paris Peace Agreements Day, World Indigenous Peoples' Day, the anniversary of Kem Ley's death and Khmer New Year.

Actions by the RGC continue to violate the freedoms of association, expression, and assembly. Year Five data shows that the authorities continue to disregard fundamental freedoms, multiple assemblies were subjected to unlawful state use of force, and 17 individuals were convicted for exercising their fundamental freedoms. The FFMP also recorded the highest rates of self-censorship to date. The COVID-19 pandemic has highlighted the RGC's lack of consideration or prioritization of human rights and fundamental freedoms. Restrictions and violations of the freedom of expression increased in response to the pandemic, highlighting that the rights of individuals have been neglected in favor of broader public health initiatives without due consideration for fundamental freedoms.

¹⁰⁵ Khan Leakena, 'Women working on entertainment and service seek support from government the same garment workers' (VOD, 25 June 2020) <<https://vodkhmer.news/2020/06/25/women-in-entertainment-seek-support-from-govt-as-garment-workers/>>.

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

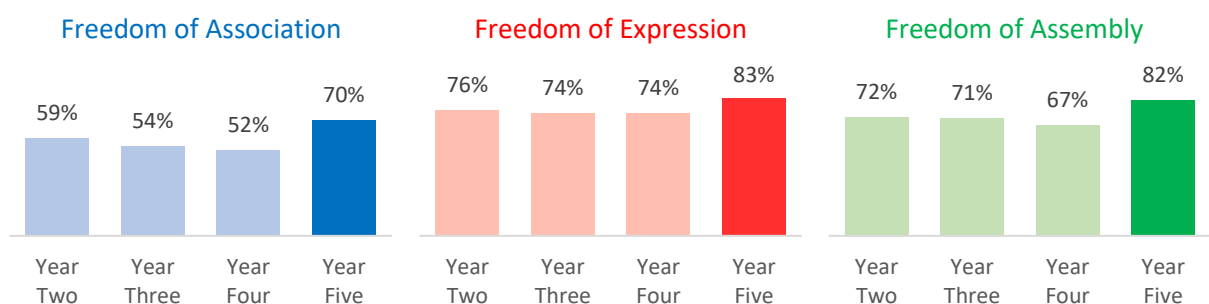
Key Milestone Three assesses the extent to which individuals in Cambodia understand their rights to freedom of association, expression and assembly, and the extent to which they feel free to exercise these rights.¹⁰⁶ The data for Key Milestone Three was gathered via a Public Poll of 790 Cambodians across 25 provinces from November – December 2021.¹⁰⁷ Convenience sampling was used to administer the poll. Due to the health risk posed by the COVID-19 pandemic and a surge in local transmission of COVID-19 in Cambodia over November and December 2021, the FFMP was only able to survey 790 people, a decrease from the FFMP’s target of 1,000 responses. This sample size of 790 is sufficient to allow for annual comparisons.

Key Findings: The Year Five Public Poll documents an increase in the number of individuals who feel confident that they understand the fundamental freedoms of association, expression and assembly. Despite this increased understanding, the poll shows that the public still do not feel free to exercise these freedoms fully. The Public Poll also shows that while knowledge of the domestic legal framework governing fundamental freedoms is improving in most areas, it is decreasing in the following areas: the right to be a part of an informal group, the right for associations to conduct activities without prior notification, the right to criticize RGC policies, and the right to strike.

4.1 The public’s understanding of fundamental freedoms has increased

It is essential for people to understand what fundamental freedoms are in order to fully exercise them and to identify unlawful restrictions to them. To gauge the public’s understanding of fundamental freedoms, the Public Poll asks “Do you know what freedom of ___ means?” Those individuals who responded “Yes I know clearly” or “Yes I know a little” were recorded as having *some* understanding. Conversely, those who responded “No I don’t know” were recorded as not having an understanding. Year Five shows a significant increase in understanding for each freedom, reversing the decreasing trend of previous years. An informed population is crucial to achieving a society that respects, protects and fulfils fundamental freedoms.

Figure 42: Percentage of the public who report having *some* understanding of fundamental freedoms¹⁰⁸



While respondents possessing *some* understanding has increased, the percentage of individuals who responded “Yes I know clearly” for each freedom remains minimal, not exceeding 8%. The freedom

¹⁰⁶ The data for Key Milestone Three is 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) and December 2021 (Year Five).

¹⁰⁷ Full results from the Year Five Public Poll are contained in Annex 3.

¹⁰⁸ This data cannot be determined for Year One as the formulation of the question was changed in Year Two.

of association continues to be the least understood of the fundamental freedoms, with only 5% of respondents reporting to *clearly* understand this freedom.

4.2 The public’s level of understanding of domestic laws governing fundamental freedoms has decreased in some areas

The Public Poll examines the level of understanding regarding domestic laws governing fundamental freedoms by asking whether respondents believe a certain action is legal or illegal. Responses from the Year Five Public Poll show that domestic laws are increasingly misunderstood in the following four areas: (1) the right to run a savings group¹⁰⁹ (Figure 43), (2) the right for associations to conduct activities without prior notification (Figure 44), (3) the right to criticize RGC policies (Figure 46), and (4) the right to strike (Figure 47). An understanding of the law is essential to enable the public to make informed decisions and to avoid citizens unknowingly acting contrary to the law.

4.2.1. Freedom of Association

Figure 43: Percentage of respondents who believe it is illegal to run an unapproved savings group¹¹⁰

Under the LANGO, all associations—including savings groups—must be registered with the Mol. Therefore, even though savings groups are popular throughout Cambodia, such groups are illegal if not registered with the Mol.¹¹¹ Results from Year Five show a sharp decrease in the number of respondents who are aware that unregistered savings groups are in violation of the LANGO.

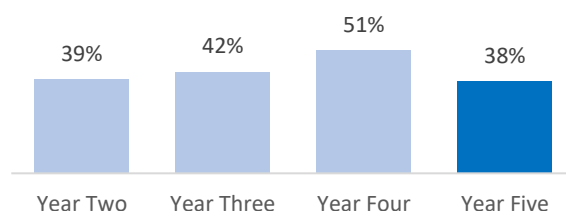
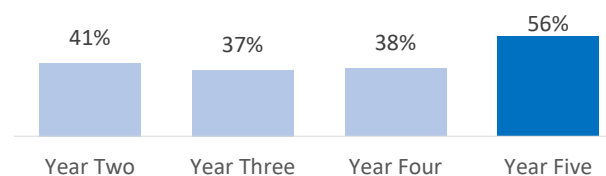


Figure 44: Percentage of respondents who believe it is illegal for an association to carry out activities without notifying RGC authorities¹¹²



More than half of respondents incorrectly answered that it is illegal for an association to undertake activities without notifying the authorities. This misunderstanding could be in part attributable to the 2017 prior notification regime for NGO activities¹¹³ which has been repealed but is still frequently imposed and cited by the authorities.¹¹⁴ In addition, 2020 witnessed a surge in arrests of activists belonging to an association, which may also explain why a majority of the public mistakenly believes that associations need prior permission from authorities before conducting activities.¹¹⁵

regime for NGO activities¹¹³ which has been repealed but is still frequently imposed and cited by the authorities.¹¹⁴ In addition, 2020 witnessed a surge in arrests of activists belonging to an association, which may also explain why a majority of the public mistakenly believes that associations need prior permission from authorities before conducting activities.¹¹⁵

¹⁰⁹ 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.

¹¹⁰ This question was not asked in the Public Poll conducted in Year One.

¹¹¹ 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).

¹¹² This question was not asked in the Public Poll conducted in Year One.

¹¹³ CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Third Annual Report’ (September 2019), Key Milestone One, Section B.1.1.

¹¹⁴ See for example, Khuon Narim, ‘Demonstration for conservation of Koh Kong island shut down’ (*Cambodia*, 22 June 2020) <<https://cambojanews.com/demonstration-for-conservation-of-koh-kong-island-shut-down/>>.

¹¹⁵ See Key Milestone Two, Section 3.1.2.

4.2.2. Freedom of Expression

Figure 45: Percentage of respondents who believe it is illegal to insult a public figure¹¹⁶

Year Five saw a 10% increase in respondents who correctly identified that under domestic law it is illegal to insult a public figure.¹¹⁷ While this is an improved understanding of the legal limitations to the freedom of expression that exist in Cambodia, it should be noted that the criminalization of insulting public figures does not comply with international standards on freedom of expression.¹¹⁸

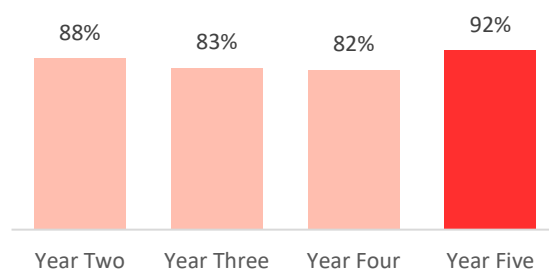
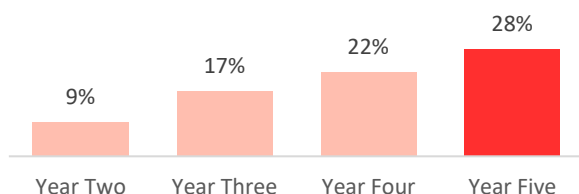


Figure 46: Percentage of respondents who believe it is illegal to criticize RGC policies¹¹⁹

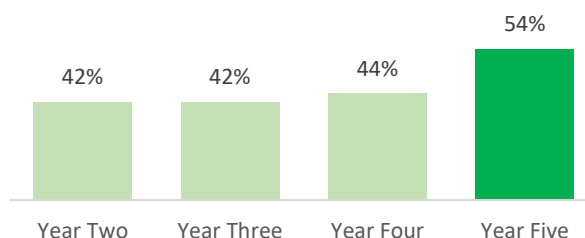


28% of respondents incorrectly answered that it is illegal to criticize RGC policies, indicating that the domestic legal framework for freedom of expression is more restrictive than it actually is. This could in turn stifle free expression due to mistaken fears of acting illegally.

4.2.3. Freedom of Assembly

Figure 47: Percentage of respondents who believe it is illegal to strike without permission of an employer or the authorities¹²⁰

54% of respondents, representing a 10% increase since Year Four, incorrectly answered that workers need permission from their employer or the RGC before striking. The ability to strike to demand better working conditions or payment is an essential aspect of the freedom of assembly, the exercise of which is not conditional upon the permission of an employer or the authorities.¹²¹ Year Five data shows the highest levels of misunderstanding yet recorded by the FFMP for this question, indicating that a majority of the public believe domestic law regarding the right to strike is more restrictive than it is. This incorrect belief could discourage workers from exercising their right to strike.



¹¹⁶ This question was not asked in the Public Poll conducted in Year One.

¹¹⁷ Article 502 of the Cambodian Criminal Code imposes the offense of 'Insult' towards a public official.

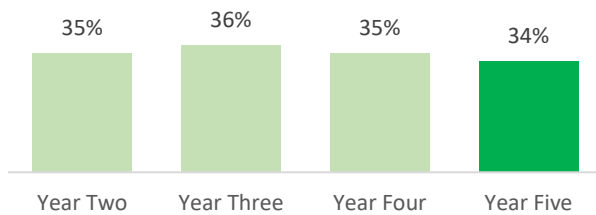
¹¹⁸ UN Human Rights Committee, CCPR General Comment No. 34: Article 19 (Freedoms of opinion and expression), 12 September 2011, para. 38, "the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties".

¹¹⁹ This question was not asked in the Public Poll conducted in Year One.

¹²⁰ This question was not asked in the Public Poll conducted in Year One.

¹²¹ While prior **permission** is not a legal requirement for a strike, under Article 324 of the *Labour Law* (1997) prior **notification** must be given to the enterprise or establishment, in addition to the Ministry of Labour and Vocational Training, at least seven days prior to the planned strike.

Figure 48: Percentage of respondents who believe it is illegal to protest peacefully¹²²



Over the last four years the percentage of respondents who incorrectly believe it is illegal to protest peacefully has remained consistent. It is concerning that over one-third of respondents consistently display a lack of understanding of this crucial aspect of the right to freedom of assembly.

4.3 The majority of Cambodians do not feel free to fully exercise their fundamental freedoms

The Public Poll examines how free or unfree respondents feel to conduct activities that are guaranteed to them via their fundamental freedoms. Overall, Year Five indicates that the public do not feel sufficiently free to exercise their fundamental freedoms, in particular the freedom of expression.

4.3.1. Freedom of Association

Figure 49: Percentage of respondents who feel free to participate in political activities¹²³

Year Five recorded the lowest number of respondents who feel free to participate politically since the start of the FFMP. This decreasing trend coincides with a renewed crackdown against the former-opposition party, the CNRP, and the continued persecution of individuals who question the RGC and its policies.

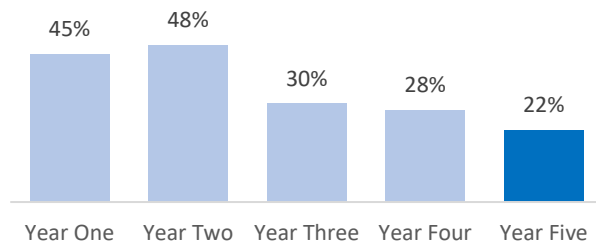
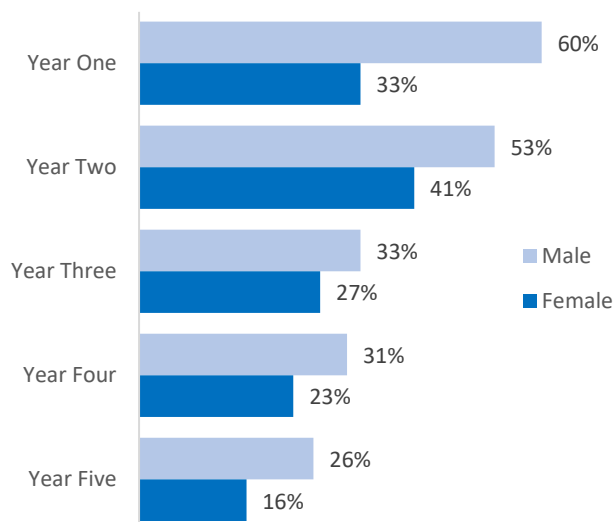


Figure 50: Less women report feeling free to participate in political activities than men¹²⁴



In line with the trend observed in previous years, data for Year Five reveals that less women than men feel free to participate in political activities. This could be attributable to cultural beliefs and traditions that entrench ‘traditional’ gender roles in Cambodia, impeding the ability of some women to engage in politics. The disparity between male and female respondents has been consistent over the last five years, but the gender gap in Year Five has increased in comparison to Year Four.

¹²² This question was not asked in the Public Poll conducted in Year One.

¹²³ The figure for individuals who feel free to participate in political activities was calculated by adding the number of respondents who reported they felt “very free” and “somewhat free”.

¹²⁴ One respondent did not identify as either male or female and is not included in this graph.

Figure 51: Percentage of respondents who feel free to join a lawful group¹²⁵

In Year Five there was an 11% increase in the number of respondents who reported feeling free to join a lawful group. This reversed a decreasing trend seen in previous years. Additionally, when asked how free they felt to *establish* a group for a lawful purpose, 52%, also reported feeling free to do so. While these are positive developments, many respondents still do not feel free to join or establish a lawful group, which illustrates that they are not able to fully exercise their right to freedom of association.

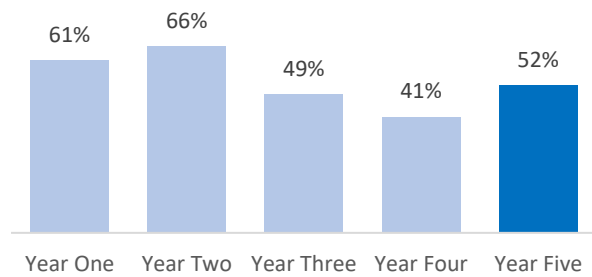


Figure 52: Percentage of respondents who feel free or unfree to join a TU¹²⁶



Almost half of all employed respondents do not feel free to join a TU. The right to unionize is a key element of the freedom of association.¹²⁷

4.3.2. Freedom of Expression

Figure 53: Percentage of respondents who feel free to exercise their freedom of expression through different mediums

In Year Five, low numbers of respondents felt confident expressing themselves through different media. People were more confident communicating via radio (35%), and least confident communicating via TV (20%).

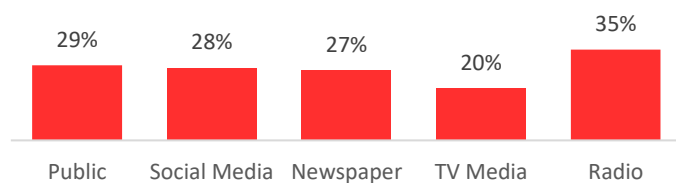
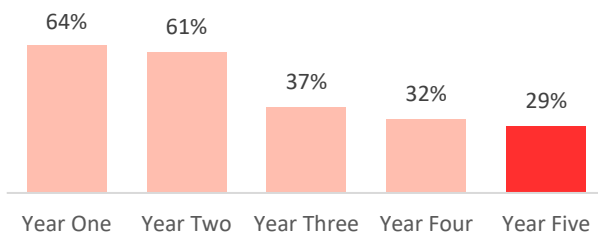


Figure 54: Percentage of respondents who feel free to speak openly in public¹²⁸



Year Five recorded a further decline in the percentage of respondents who feel free to exercise their freedom of expression in public. Since the start of the FFMP, this figure has decreased by more than half.

¹²⁵ This question was asked differently in Year One “How free do you feel you are able to join a group with other people for a shared purpose?”. This figure was calculated by adding the number of respondents who reported they felt “very free” and “somewhat free”.

¹²⁶ This question was not asked in previous years but was new to the Public Poll in Year Five. This figure was calculated by adding the number of respondents who reported they felt “very free” and “somewhat free” and by adding the number of respondents who reported they felt “very unfree” and “somewhat unfree”.

¹²⁷ The right to unionize is guaranteed by Article 266 of the *Labour Law*, and Article 5 of the *Law on Trade Unions* to all workers excluding self-employed, informal/domestic sector employees, judges, personnel serving in air and maritime transportation, public servants, personnel of the police or the armed forces, and teachers.

¹²⁸ This figure was calculated by adding the number of respondents who reported they felt “very free” and “somewhat free”.

Figure 55: Percentage of respondents who feel free to speak openly on social media¹²⁹

Less than one-third of respondents feel free to exercise their freedom of expression on social media. This likely reflects the crackdown on digital expression witnessed in recent years, and it suggests a heightened awareness by the public of the increased retaliation by the RGC for social media posts critical of the RGC and its policies.¹³⁰

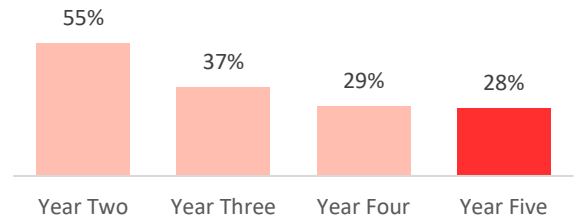
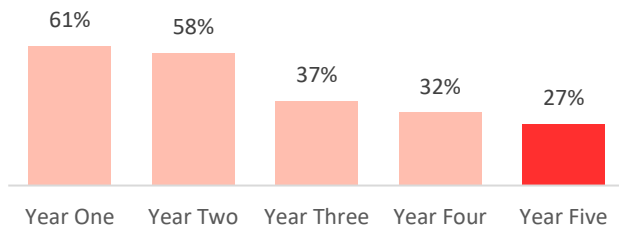


Figure 56: Respondents who feel free to speak to the media¹³¹



In Year Five, only 27% of respondents reported feeling free to speak to the media. The decreasing proportion of citizens who feel free to speak to the media is likely to impede the ability of media outlets to accurately share information with the population.

4.3.3. Freedom of Assembly

Figure 57: Percentage of respondents who feel free to gather peacefully¹³²

Half of the respondents in Year Five reported feeling free to gather peacefully—a 10% increase since Year Four—but notably lower than Years One and Two.

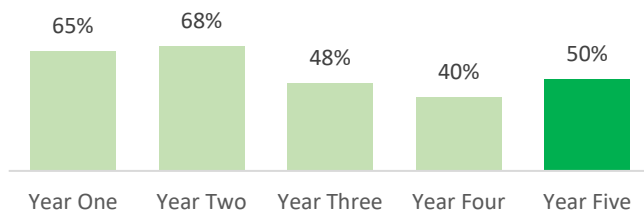


Figure 58: Less women report feeling free to gather peacefully than men¹³³



6% more men than women reported feeling free to gather peacefully. This disparity could be explained by the frequent use of state force at protests led by women witnessed in Year Five,¹³⁴ which could discourage other women from exercising their right to freedom of peaceful assembly.

¹²⁹ This question was not asked in the Public Poll conducted in Year One. This figure was calculated by adding the number of respondents who reported they felt “very unfree” and “somewhat unfree”.

¹³⁰ See Key Milestone Two, Section 3.2.2.

¹³¹ This question was asked differently in Year One: “How free do you feel to safely report information to a newspaper, television, social media and/or radio?” and in Years Two, Three and Four: “Do you feel free to speak to the media?”. Results for Year Five were calculated by adding the number of respondents who reported they felt “very unfree” and “somewhat unfree” to at least one of the questions: “Do you feel free to express your opinions to a newspaper?”, “Do you feel free to express your opinions to a television media?” or “Do you feel free to express your opinions to a radio station or show?”.

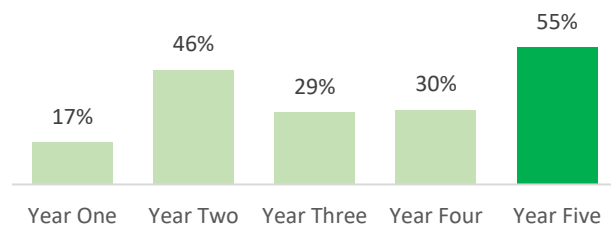
¹³² This figure was calculated by adding the number of respondents who reported they felt “very free” and “somewhat free”.

¹³³ One respondent did not identify as either male or female and is not included in this graph.

¹³⁴ See Key Milestone Two, Section 3.3.2.

Figure 59: Percentage of respondents who feel free to strike or demonstrate against their employer¹³⁵

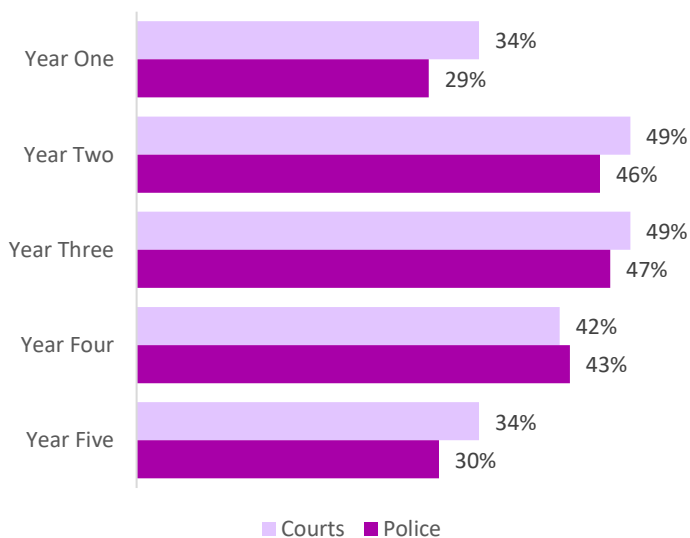
Year Five recorded the highest percentage of respondents who feel free to strike against their employer since the start of the FFMP. 2020 brought financial hardship on many employers due to the partial withdrawal of the European Union’s preferential trade agreement and the economic impact of the COVID-19 pandemic. As a result, Year Five witnessed mass employee terminations, unpaid wages and subsequent strikes. The large number of strikes reported in the media could explain the spike in respondents who now feel free to exercise this right, either as more respondents themselves have taken part in strike action, or because strikes have been very visible in the media.



4.4 Limited confidence in redress for human rights violations

It is important for the promotion and protection of fundamental freedoms that citizens feel confident in their ability to access redress mechanisms or other remedies if their rights are violated. In Cambodia, there is a low level of confidence that governmental and judicial systems can provide adequate redress for human rights violations.

Figure 60: Percentage of respondents who report being able to complain about a human rights violation to the Courts and the Police

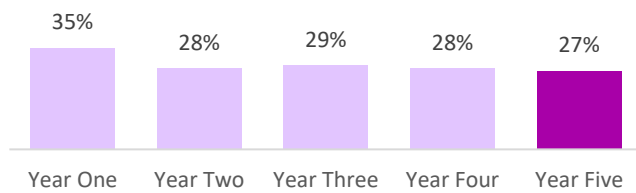


Year Five saw a decline in public confidence in reporting human rights violations to the relevant RGC authorities. Levels of confidence are the lowest since Year One, with only 30% of respondents answering that they believe it is possible to complain to the Police about a human rights violation, and only 34% believing it is possible to complain to a Court.

¹³⁵ This figure was calculated by adding the number of respondents who reported they felt “very free” and “somewhat free”.

Figure 61: Percentage of respondents who feel confident that the RGC or the Courts would provide redress for a human rights violation¹³⁶

Only 27% of respondents in Year Five felt confident that the RGC or the Courts would provide redress for a human rights violation. This figure is consistent with previous years and illustrates a continuing lack of trust in government redress mechanisms.



The data from Key Milestone Three highlights that the public believes the domestic law on fundamental freedoms is more restrictive than it is in actuality. The Year Five Public Poll demonstrates a continued decline in the number of Cambodians who feel free to exercise the freedom of expression and undertake political activities, and it recorded a new lowest level of public confidence in the RGC and the Courts to provide redress for human rights violations. Furthermore, the data indicates that there is a gender disparity between men and women who feel free to exercise the right to freedom of peaceful assembly, casting doubt on the universality of this freedom in practice in Cambodia.

¹³⁶ The figure for individuals who feel ‘confident’ was calculated by adding the number of respondents who reported feeling “very confident” and “somewhat confident”.

5. Key Milestone Four: Are CSOs and TUs recognized by, and can work in partnership with, the RGC?¹³⁷

Key Milestone Four examines the extent to which the RGC views and treats CSOs (including NGOs, TUs and community-based organizations, amongst others) as meaningful stakeholders in Cambodian society. In Year Five there were 178 respondents to the CSO/TU Leader Survey.

Figure 62: Number of CSO/TU Leader Survey respondents

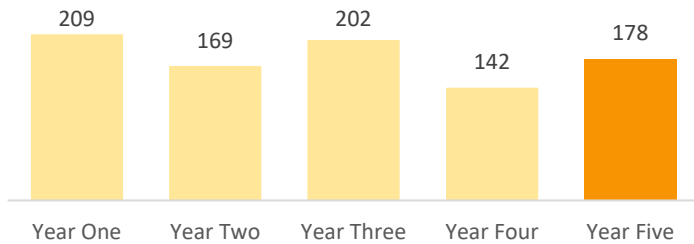
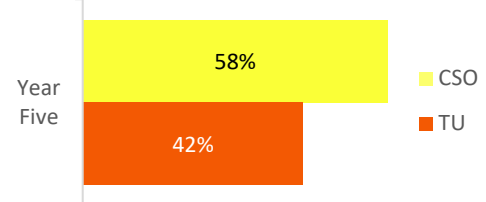


Figure 63: Percentage of CSO/TU respondents in Year Five



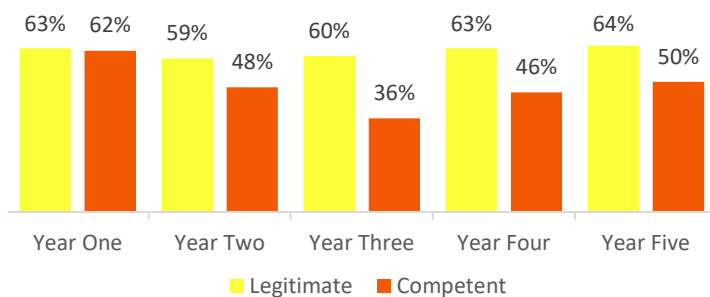
Key Findings: The data from Key Milestone Four highlights that while CSOs/TUs feel increasingly recognized as legitimate and competent development partners by the RGC, their potential as key stakeholders in Cambodian society is not being fully utilized. Collaborations and partnerships between CSOs/TUs and the RGC remain limited, with significantly less opportunities for collaboration available to TUs than CSOs. Access to funding for the purpose of capacity building is at an all-time low.

5.1 CSO/TU leaders feel partly recognized by the RGC as legitimate and competent, with more respondents feeling recognized as legitimate than competent

CSOs/TUs have a vital role to play in Cambodia’s development, which will not be achieved to its fullest potential without strong partnerships and close collaboration between CSOs/TUs and the RGC. For a productive and mutually beneficial relationship to exist between CSOs/TUs and the RGC, it is crucial that CSOs/TUs are seen as legitimate and competent partners.

Figure 64: Percentage of CSO/TU leaders who feel recognized as legitimate or competent development partners

Following the trend observed in previous years, most CSO/TU leaders (64%) felt that their organization was seen as *legitimate*¹³⁸ by the RGC. A smaller percentage (50%) also considered their organization to be recognized as *competent*¹³⁹ by the RGC.



The fluctuation regarding the competency of CSOs/TUs could be due to the 2018 General Elections which occurred during Year Three. As documented in the Year Three Annual Report, civic space was restricted before the elections, and then seemed to expand slightly after polling closed.¹⁴⁰ These

¹³⁷ 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) and October 2020 (Year Five).

¹³⁸ To be perceived as a legitimate development partner is to be recognized as a valid, official and lawful entity.

¹³⁹ 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.

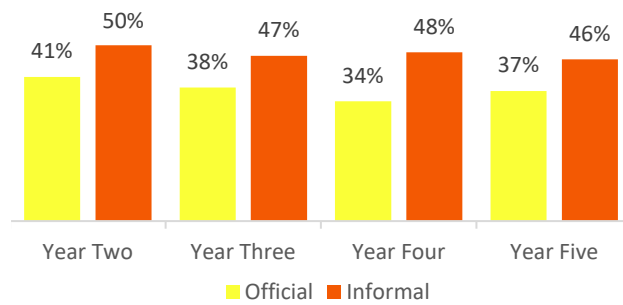
¹⁴⁰ CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Third Annual Report’ (July 2019).

results indicate that CSOs/TUs are not seen as fully trustworthy and capable development partners by the RGC.

5.2 Levels of collaboration with the RGC have increased for CSOs, but declined for TUs; informal collaboration remains more frequent than official collaboration

Collaborative efforts between the RGC and CSOs/TUs, whether official or informal, ensure that all partners' expertise, networks and know-how are harnessed for the benefit of all stakeholders.

Figure 65: CSO/TU leaders who report officially or informally collaborating with the RGC¹⁴¹



FFMP data over the last four years suggests that opportunities for both official and informal collaboration between CSOs/TUs and the RGC are limited. CSOs/TUs are key development partners whose expertise and knowledge should be frequently utilized by the RGC.

Figure 66: TU leaders report less official collaboration with the RGC than CSO leaders

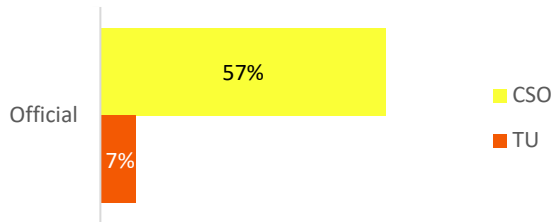
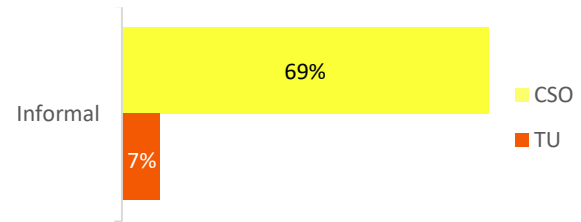


Figure 67: TU leaders report less informal collaboration with the RGC than CSO leaders¹⁴²



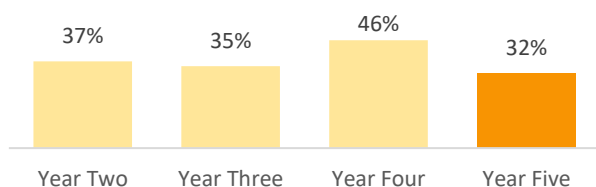
While levels of both official and informal collaboration have increased for CSOs in Year Five, collaboration levels for TUs have shrunk to just 7%. As with previous years, the data illustrates a disparity between RGC partnerships with CSOs and RGC partnerships with TUs.

5.3 Awareness by CSO/TU leaders of opportunities to participate in RGC consultations, panels and/or committees has decreased; TU leaders' awareness is especially low

The knowledge and diversity that CSOs/TUs can bring to governmental consultations, panels and/or committees allows for various perspectives and ideas to be taken into consideration. This is likely to result in a heightened sensitivity to various stakeholders' interests and concerns, and ultimately, in more inclusive decisions from these consultations, panels and/or committees.

Figure 68: Decreasing awareness by CSO/TU leaders of opportunities to participate in RGC consultations, panels and/or committees¹⁴³

In Year Five, less than one-third of CSO/TU Leader Survey respondents reported being aware of opportunities to participate in RGC



¹⁴¹ The data presented in this graph includes the proportion of CSO/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.

¹⁴² The data presented in this graph includes the proportion of CSO/TU leaders who reported "very often", "often" or "sometimes" collaborating with the RGC in the past year.

¹⁴³ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

panels, consultations and/or committees, representing a sharp decrease from Year Four, and the lowest percentage recorded by the FFMP.

Figure 69: Awareness of opportunities to participate in RGC consultations, panels and/or committees is much lower for TUs than CSOs

Only 46% of CSO leaders answered that they were aware of opportunities to participate in RGC consultations panels and/or committees. Comparatively, just 7% of TU leaders answered the same. This illustrates a systemic inequality between CSOs and TUs, and their opportunities to participate with the RGC.

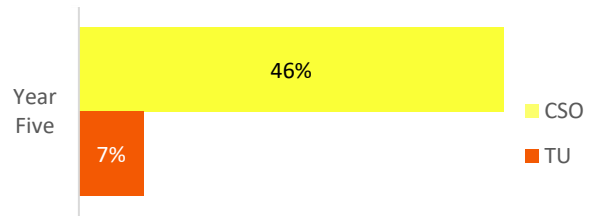
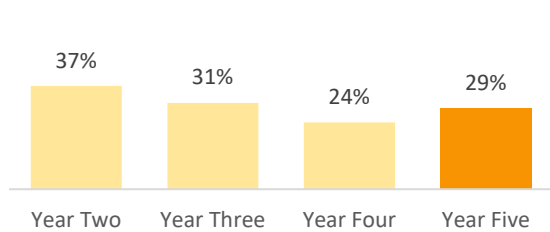


Figure 70: Few CSO/TU leaders consider RGC participation opportunities to be explicit, open and transparent¹⁴⁴



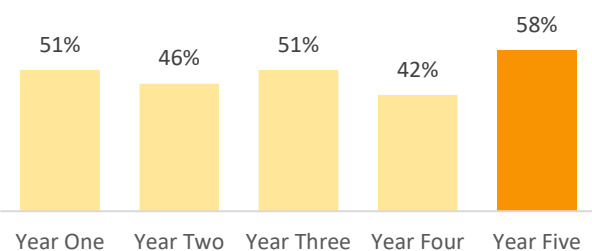
29% of respondents to the CSO/TU Leader Survey consider calls for participation opportunities with the RGC to be sufficiently explicit, open and transparent, a small improvement from Year Four. However, 41% believe the inverse to be true, suggesting that the RGC could strengthen their procedures.

5.4 CSO/TU leaders increasingly lack involvement in decision and law-making processes with the RGC

Processes that value and include inputs from a diverse range of stakeholders ensure that policies and legislative developments—which ultimately affect the population as a whole—are as comprehensive and inclusive as possible.

Figure 71: Increase in CSO/TU leaders who report having “never” participated in law and decision-making processes with the RGC

In Year Five, 58% of respondents reported that they had not engaged in law and decision-making processes with the RGC in the last year. This marks a sharp increase from Year Four. This trend is concerning as CSOs/TUs are relevant stakeholders, often with significant expertise, whose consultation and input should be sought in legislative and decision-making processes.



5.5 Awareness by CSO/TU leaders of financing opportunities from the RGC remains low, with a significant difference between CSOs and TUs

A lack of funding inhibits the ability of CSOs/TUs to carry-out their missions and help their constituents. As meaningful partners in Cambodia’s development, the RGC, like all governments, should aim to prioritize the long-term health and funding of CSOs/TUs.

¹⁴⁴ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

Figure 72: Few CSO/TU leaders are aware of eligible financing opportunities from the RGC¹⁴⁵

The percentage of CSO/TU leaders who reported being aware of funding opportunities from the RGC for which their association is eligible remains low.

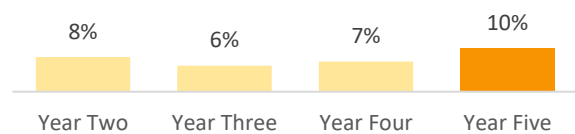
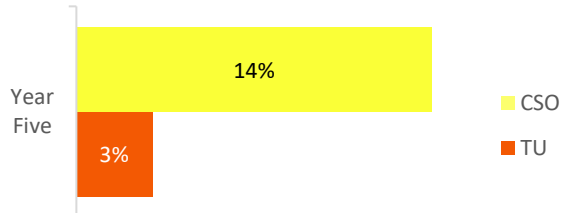


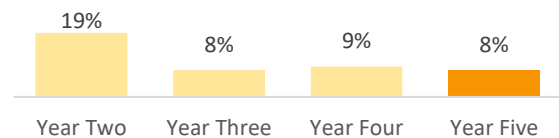
Figure 73: TU leaders are less aware than CSO leaders of financing or funding opportunities from the RGC



14% of CSO leaders reported that they were aware of eligible financing or funding opportunities from the RGC, while only 3% of TU leaders reported the same. This illustrates the need for the RGC to increase visibility of such opportunities to TUs.

Figure 74: Few CSO/TU leaders believe financing opportunities from the RGC are explicit, open and transparent¹⁴⁶

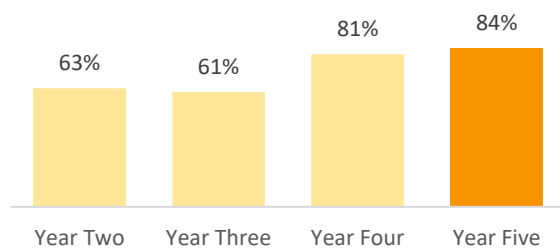
For the third year in a row, the number of respondents who perceive RGC financing opportunities as explicit, open and transparent remains very low, at just 8%.



5.6 The percentage of CSOs/TUs who were unable to access RGC financing for capacity building is the highest it has ever been

Capacity building is crucial for CSOs/TUs to improve their performance and adapt. Strong, capable and effective CSOs/TUs are key to Cambodia’s sustainable development.

Figure 75: Number of CSO/TU leaders who report being unable to access RGC financing for capacity building¹⁴⁷



84% of CSO/TU leaders reported that they were unable to access RGC financing for the purpose of capacity building, an increase from the previous three years of reporting. Limiting opportunities for capacity building could severely hinder the positive development of CSOs/TUs and hamper efforts to achieve an enabling environment for civil society.

Data from the FFMP shows that CSOs/TUs are still not likely seen as meaningful development partners by the RGC. Opportunities for CSOs/TUs to participate in government consultations and decision-making processes are limited. This lack of collaboration between CSOs/TUs and the RGC means that there is untapped potential. Cambodia’s development is the responsibility of all sectors of society; the unique and invaluable perspective that CSOs/TUs can bring to decision-making processes ought to be harnessed. The benefits of collaboration between the RGC and civil society would be reaped by all, ensuring the responsible and sustainable development of Cambodia.

¹⁴⁵ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

¹⁴⁶ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

¹⁴⁷ This question was not asked in the CSO/TU Leader Survey conducted in Year One.

Conclusion

Five years of the FFMP has documented a worsening environment for the exercise of fundamental freedoms in Cambodia. This annual report highlights recorded restrictions to fundamental freedoms. Restrictions to the exercise of fundamental freedoms occurred in almost every province of Cambodia.

Cambodia's domestic legal framework on fundamental freedoms remains repressive and, in many instances, does not comply with international human rights law. New legislation, such as the *State of Emergency Law*, poses a further threat to these freedoms and demonstrates the RGC's failure to prioritize human rights and fundamental freedoms.

Actions by the RGC continue to undermine the exercise of fundamental freedoms. The Cambodian Criminal Code is utilized arbitrarily to arrest and imprison human rights defenders, journalists and activists. The LANGO and the TUL continue to restrict the freedom of association by imposing burdensome registration requirements. Actions that exceed the limits of permissible restrictions to fundamental freedoms continue to be commonplace. The RGC utilizes laws, not to protect fundamental freedoms, but rather to curtail civic space and quash dissent.

In Year Five of the FFMP, the freedom of association was most frequently restricted and violated, with 188 restrictions and violations recorded. This coincided with a 6% decline in the percentage of the public who feel free to participate in political activities. The FFMP recorded 108 restrictions or violations to the freedom of expression in Year Five, 53% of which were interferences with online expression. The FFMP also recorded the highest levels of self-censorship in Year Five. While the freedom of assembly was the least restricted freedom, it was restricted or violated almost twice as often in Year Five than in Year Four, showing a decline in the environment for freedom of peaceful assembly. Unlawful state force was used in 11% of assemblies recorded.

While awareness and basic comprehension of the freedoms of association, expression and assembly have increased amongst the public in Year Five, a tiny minority of the public possesses an in-depth understanding of fundamental freedoms. Individuals continue to misunderstand what constitutes a lawful or unlawful exercise of fundamental freedoms and believe that laws governing fundamental freedoms are more restrictive than they actually are. As a result, individuals are less likely to be able to fully exercise fundamental rights, deterring public participation and civic activity.

By providing insight into the exercise of fundamental freedoms, the FFMP hopes to inform positive legislative developments that will bring domestic law in-line with international law, standards and best practices, allowing all segments of Cambodian society to exercise fundamental freedoms. The exercise of fundamental freedoms is paramount to a healthy democracy, as is a vibrant civil society. The FFMP provides a foundation upon which to achieve these goals.

Annex 1 – Methodology and Data Collection

This Annex presents the methodology and data collection tools used by the Fundamental Freedoms Monitoring Project (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 - including trade unions and informal workers' associations.

The fifth year of monitoring (Year Five) took place from 1 April – 31 December 2020. Results from monitoring were collated and reviewed on a quarterly basis: the First Quarter, 1 April – 30 June 2020; the Second Quarter, 1 July – 30 September 2020; and the Third Quarter, 1 October – 31 December 2020. Year Five consists of three quarters, covering nine months, in order to align the FFMP to calendar years.

The MTT is comprised of 152 individual indicators that correspond to the four Key Milestones (KMs).¹⁴⁸

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 Royal Government of Cambodia (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 details the 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.¹⁴⁹

An evaluation of the MTT took place at the end of Year Four. On the basis of the evaluation the MTT was revised and updated ahead of Year Five.

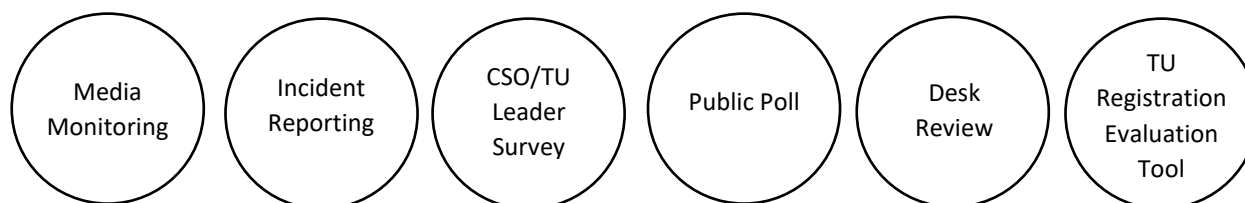
¹⁴⁸ For the full Methodology, see, CCHR, ADHOC, SC and ICNL, 'Cambodia Fundamental Freedoms Monitor: Third Annual Report' (July 2019) Annex 1

https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=130&id=5.

¹⁴⁹ More information regarding the methodology of the MTT is available upon request.

Data Collection Methods

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



Media Monitoring

Media Monitoring focuses on news coverage of 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.¹⁵⁰

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 Five, the Monitoring Team captured 292 incidents through Media Monitoring.

Incident Reporting

Incident Reports capture restrictions and violations of fundamental freedoms that are not covered in the media. Incident Reports 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 Five, the Monitoring Team captured 92 unique incidents via Incident Reports.

¹⁵⁰ Media sources include: the Phnom Penh Post (Khmer and English), Khmer Times, Radio Free Asia, Radio France International, Dap News, Voice of Democracy (Khmer and English), Voice of America, VAYO, Kohsantepheap, Reaksmei News Daily, Thmey Thmey, Kampuchea Thmey, Freshnews, Deum Tnot News, Women's Media Center, Preinokor, Swift News Daily, TVFB, Kley Kley Sabay, CEN, Camnews, Cambojanews, Cambonomist, Cambodianess, Angrut, Khmernas, Newsroom Cambodia, Khmer Tomorrow, Khmer Reports and Norkorwat News Daily. A key limitation of this approach is that with the decreasing number of independent media outlets, reporting may be biased.

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 non-governmental organization (NGO) coalitions and union confederations.

In Year Five the CSO/TU Leader Survey was carried out from 7 September – 31 October 2020. The survey was completed online and through face-to-face interviews with 178 respondents. The results of the survey were analyzed to identify trends in 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 Five was conducted between 3 November and 31 December 2020 across 25 provinces and surveyed 790 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 of Laws

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.¹⁵¹

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.¹⁵²

Trade Union Registration Evaluation Tool

The mandatory registration process required under the *Law on Trade Unions* (TUL), presents an opportunity for the RGC to arbitrarily deny the rights of TUs. Monitoring the efficiency and effectiveness of the registration processes provides crucial insight into how well the right to form a TU is protected and exercised.

The Monitoring Team captures this data through a 'mystery shopper' exercise whereby select TUs evaluate their experiences registering under the TUL, using an evaluation form designed by the Monitoring Team. The form tracks interactions with government officials as TUs navigate the registration process. In Year Five, the Evaluation Tool recorded the experiences of six TUs as they attempted to register under the TUL.

¹⁵¹ See Annex 2.

¹⁵² 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 Five of monitoring (1 April – 31 December 2020). Indicators rely on various different data sources, as identified in Annex 1.

Desk Review of Laws and Regulations: On completing an analysis of each relevant law or regulation, staff assigned a rating, based on a five-point scale that scored Cambodia’s legal framework against international human rights law and standards (1=lowest rating possible, 3=average rating, 5=highest rating possible). The Monitoring Team assessed each of these indicators as impartially and objectively as possible, based only on the laws and regulations that are available. Where laws or regulations are not available, the indicator is deemed immeasurable. A new analysis was undertaken for all indicators in 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 ‘Mystery Shopper’ Evaluation of the Registration Process for Associations: The survey, poll and ‘Mystery Shopper’ 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 MTT took place at the end of Year Four which led to some revisions of indicators, including the addition of 11 new indicators. New indicators have been marked as such and 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	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	<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).¹⁵³ However, they apply only to Cambodian citizens, and not all within its jurisdiction, thus insufficiently protecting the fundamental freedoms of others living in Cambodia.¹⁵⁴ Furthermore, these constitutional guarantees were significantly weakened by the February 2018 constitutional amendments.¹⁵⁵ 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.¹⁵⁶ The 2020 amendments to the TUL do not significantly lessen its restriction to the freedom of association.¹⁵⁷ 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”. In Year Five, the Law on the Management of the Nation in State of Emergency (the State of Emergency Law) was introduced with the ability to severely curtail the rights to freedom of association, assembly and expression during a state of emergency.¹⁵⁸</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	<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.¹⁵⁹ 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 NGO. There is also a lack of procedural safeguards in the registration process set out in the LANGO,¹⁶⁰ including an absence of clearly set out grounds for rejection of a registration request, thereby leaving the door open for arbitrary rejection. Despite 2020 amendments to the TUL that removed two restrictive requirements for union leaders, the TUL continues to contain onerous requirements for registration of TUs. Specifically, Article 20 restricts the ability of unions to carry out their activities, namely through the requirements that leaders are 18 or over and make a declaration of a residential address, both of which are inconsistent with international best practices and non-compliant with the right of workers to elect their representatives in full freedom.¹⁶¹ Ultimately the TUL establishes an authorization procedure for TUs, requiring RGC</i>

¹⁵³ 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).

¹⁵⁴ Sub-decree 148 on Special Economic Zones, extends rights to workers in the Special Economic Zone.

¹⁵⁵ 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>>.

¹⁵⁶ 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).

¹⁵⁷ 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.

¹⁵⁸ See Key Milestone One.

¹⁵⁹ 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>>.

¹⁶⁰ 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.

¹⁶¹ 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>>.

								approval for union registration in contravention of international human rights law. ¹⁶²
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	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	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. ¹⁶³
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	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). ¹⁶⁴ 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	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 (Mol) 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 Mol directive in November 2018. The scope of the 2018 directive appears limited to civil society groups who have registered with the Mol, 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	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. ¹⁶⁵ However, international standards require that such reporting obligations are not arbitrary ¹⁶⁶ or burdensome. ¹⁶⁷ 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

¹⁶² International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) Article 8.

¹⁶³ 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.

¹⁶⁴ CCHR wrote to the Mol seeking clarification on this matter on 21 August 2015, and received a response on 22 September 2015. Encouragingly, the response letter from the Mol indicated that the LANGO should not apply to small CBOs; however, there is still significant scope for local authorities and officials to misapply the law due to the vague wording of the LANGO. See CCHR, 'Letter from CCHR to Samdech Kralahom Sar Kheng' (21 August 2015) <https://cchrcambodia.org/index_old.php?title=CCHR-Open-Letter-Seeks-Clarification-Regarding-Application-of-the-LANGO-to-CBOs-and-Informal-Groups&url=media/media.php&p=press_detail.php&pid=569&id=5>.

¹⁶⁵ 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>.

¹⁶⁶ *Ibid.*

¹⁶⁷ 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>>.

								CSOs or TUs to submit frequent financial and activity reports to the Mol. ¹⁶⁸ 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. ¹⁶⁹
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	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. ¹⁷⁰ 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 “politically 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, ¹⁷¹ 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, ¹⁷² Counter-Terrorism Law, ¹⁷³ 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. ¹⁷⁴ The new 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”, ¹⁷⁵ and for “intentionally disobeying the measures laid down by the Royal Government”. ¹⁷⁶ Penalties under the law include massive fines of up to one billion riles 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. ¹⁷⁷
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	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.

¹⁶⁸ 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>>.

¹⁶⁹ See CCHR, ADHOC, SC and ICNL, ‘Cambodia Fundamental Freedoms Monitor: Fourth Annual Report’ (July 2020), Key Milestone One

<<https://chrcambodia.org/ffmp/report4>>.

¹⁷⁰ 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>>.

¹⁷¹ See Article 29 of the TUL.

¹⁷² See Article 107 of the Law On Telecommunications.

¹⁷³ See Articles 7, 76, 77 and 78 of the Counter-Terrorism Law.

¹⁷⁴ See Article 74 of the Law on the Election of Commune Councils.

¹⁷⁵ See Article 7 of the State of Emergency Law.

¹⁷⁶ See Article 8 of the State of Emergency Law.

¹⁷⁷ 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’ (21 May 2012) para. 75 <https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf> “The suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient”.

1.10: 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	Cambodia generally meets this element. Article 26 of the LANGO provides that a domestic association “may suspend its activities by providing a written notification to the Ministry of Interior” and by providing its final activity and financial reports. However, the vague provisions of Article 26(2) may create barriers to voluntary dissolution, as they require that a domestic association “shall, prior to its dissolution, clear its obligations in accordance with the procedures and provisions in force”. 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	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. ¹⁷⁸
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	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	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	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	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 MLVT 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

¹⁷⁸ 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>.

								requirements under LANGO and the TUL, ¹⁷⁹ evidencing that the requirements imposed under these laws are burdensome. The Anti-Corruption Law also provides an obligation to declare assets and liabilities to the Anti-Corruption Unit. Finally, the reporting requirements set forth in the Declaration on the Implementation Guidelines on Tax Obligations of Associations and NGOs also amount to an overly burdensome reporting requirement, which likely impermissibly restricts the freedom of association.
1.16: Mechanisms for redress for violations of FoA are in place	Degree to which redress systems for violations of FoA are guaranteed by laws, regulations and policies	Desk Review of laws, regulations, and policies	3	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”. ¹⁸⁰
1.17 (NEW): 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	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. ¹⁸¹ The TUL requires the individual to submit a signed or thumb-printed letter to their union and their employer to exercise the right to withdrawal. The TUL further stresses that “no one shall interfere with a worker’s rights to join or to leave a union”. ¹⁸² 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”. ¹⁸³ 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	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”. ¹⁸⁴ 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. ¹⁸⁵ Additionally, the extremely narrow scope of the

¹⁷⁹ See Key Milestone Two.

¹⁸⁰ 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>.

¹⁸¹ “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.

¹⁸² See Article 7 of the TUL.

¹⁸³ Article 13 of the LPP.

¹⁸⁴ Article 9 of the LPA.

¹⁸⁵ 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).

								law, which excludes election campaign rallies, or assemblies related to a labor dispute for instance, goes against the establishment of the above-mentioned presumption. ¹⁸⁶ Similarly, the Labour Law also excludes a number of activities from the scope of its protection. ¹⁸⁷ The State of Emergency Law, promulgated in Year Five, 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. ¹⁸⁸ For this reason, the score has been lowered to 2.5 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	Cambodia does not fully meet this element. The LPA, ¹⁸⁹ the Labour Law, ¹⁹⁰ and the Election Laws contain prior notification procedures for assemblies, ¹⁹¹ 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. ¹⁹² 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. ¹⁹³ 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. ¹⁹⁴ 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. ¹⁹⁵ 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. ¹⁹⁶ 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	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. ¹⁹⁷ 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. ¹⁹⁸ This section of the Implementation Guide also notes that if the authorities believe that there is

¹⁸⁶ Article 3 of the LPA.

¹⁸⁷ 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”.

¹⁸⁸ Article 5(2) of the *Law on the Management of the Nation in State of Emergency (2020)*.

¹⁸⁹ Articles 6, 7, 10, 14, 20 and 28 of the LPA.

¹⁹⁰ Articles 324 and 327 of the *Labour Law*.

¹⁹¹ 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*.

¹⁹² OSCE-ODIHR and Venice Commission, ‘Guidelines on Freedom of Peaceful Assembly’ (2nd ed, 2010), para. 115

¹⁹³ <<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>.

¹⁹⁴ 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>.

¹⁹⁵ Articles 6, 7, 10, 14, 20 and 28 of the LPA.

¹⁹⁶ Article 6 of the LPA.

¹⁹⁷ Article 7 of the LPA.

¹⁹⁸ 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.

¹⁹⁹ Section 3, Article 2-4-7 of the Implementation Guide.

								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”. ¹⁹⁹ 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. With the introduction of the State of Emergency Law, this score has been lowered to 2.5.
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	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. ²⁰⁰ 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”. ²⁰¹ Moreover, in cases stipulated in Article 9(2), if no agreement is reached, the Minister of Interior will provide the final decision in writing at least 24 hours before the scheduled peaceful assembly. ²⁰² This decision is not open to appeal before an independent and impartial court as international standards stipulate. ²⁰³ 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. This score has been lowered to 3 to reflect the failure to require reasoning during a state of emergency.
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	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). ²⁰⁴ 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). ²⁰⁵ This score has been lowered to 3.
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	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

¹⁹⁹ Section 3, Article 2-4-7 of the Implementation Guide.

²⁰⁰ See Articles 9 and 10 of the LPA.

²⁰¹ Article 10 of the LPA.

²⁰² Article 12 of the LPA.

²⁰³ 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>.

²⁰⁴ 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>.

²⁰⁵ See Key Milestone One.

								Implementation Guide makes it clear that authorities should “use their best efforts” to assure that all groups wanting to demonstrate are able to do so and that, “to the extent possible”, they are able to do so in the manner, time and location they requested.
1.24: An expedited appeal procedure before an independent and impartial body is established for assembly restrictions	Degree to which expedited appeals procedures are provided for in the legal framework	Desk Review of laws, regulations, and policies	n/a	3	3	3	2.5	Cambodia does not meet this element. Under the LPA, authorities must respond to an assembly notification letter within a maximum period of three working days starting from the date of which the notification letter was submitted. ²⁰⁶ Failure to reply within this window “implies the competent municipal or provincial territorial authorities have approved”. ²⁰⁷ 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, as of Year Five, during a state of emergency no appeals procedure is provided for assembly restrictions, it is unclear if the normal appeals procedure under the LPA will apply or not. ²⁰⁸
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	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. ²⁰⁹ 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. ²¹⁰ However, only a court can determine the legality or illegality of a strike. ²¹¹ 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). ²¹² 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	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. ²¹³ 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”. ²¹⁴ In case of violence, the Implementation Guide states unequivocally that an assembly can only be dispersed when no other options exist; ²¹⁵ it adds that the actions of the police must be proportional to the situation and only be used to the extent necessary. ²¹⁶
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	Cambodia meets this element. The LPA does not provide that assembly organizers are responsible for financial charges for the provision of public services.

²⁰⁶ Article 12 of the LPA.

²⁰⁷ Article 10 of the LPA.

²⁰⁸ Article 5(2) of the *Law on the Management of the Nation in State of Emergency (2020)*.

²⁰⁹ Article 21 of the LPA; See also Section 3, Article 4-4-1 of the Implementation Guide.

²¹⁰ Article 92 of the TUL.

²¹¹ Article 337 of the *Labour Law*.

²¹² Article 92 of the TUL.

²¹³ Article 17 of the LPA.

²¹⁴ Article 18 of the LPA.

²¹⁵ Section 2, Article 3-6-4 of the Implementation Guide.

²¹⁶ Section 2, Article 3-6-5 of the Implementation Guide.

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	<i>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.</i>
1.29: State use of force is mandated only when indispensable to control the situation in a reasonable and proportional manner	Degree to which the legal framework limits the State's use of force to situations where it is indispensable to control the situation, in a reasonable and proportional manner	Desk Review of laws, regulations, and policies	n/a	4	4	4	4	<i>Cambodia generally meets this element. If a peaceful assembly turns violent, competent authorities shall take proper measures to prevent and stop the demonstration immediately.²¹⁷ Articles 23-27 of the LPA set out how authorities should respond if a demonstration turns violent or demonstrators commit crimes. Responses range from confiscating weapons, to taking a person into custody, to application of the Criminal Code. Any intervention by the police must be proportionate to the situation, and be only used to the extent necessary to promptly restore order.²¹⁸ Moreover, the law makes no provision for the use of force by the authorities, although it does not explicitly prohibit it.</i>
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	<i>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.</i>
1.31 (NEW): 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	<i>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,²¹⁹ 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".²²⁰ 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.²²¹ 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.²²² 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'.²²³ 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.²²⁴ 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</i>

²¹⁷ Articles 20(2) and 23-27 of the LPA.

²¹⁸ Article 3-6-5 of the Implementation Guide.

²¹⁹ Article 319 of the *Labour Law*.

²²⁰ Article 320 of the *Labour Law*.

²²¹ ILO, 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".

²²² *Ibid.*, paras. 800 and 801.

²²³ *Ibid.*, para. 803.

²²⁴ ILO, Compilation of decisions of the Committee on Freedom of Association, (2018) para. 793.

								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. ²²⁵ 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 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	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. ²²⁶ In particular, the Criminal Code (specifically the criminal offenses of defamation, insult, incitement, and lèse-majesté), the LANGO, the LEMNA, the Telecommunications law, the Education Law, the Code of Conduct for the Media, the Law on Minimum Wage, the Press Law, and the 2018 Amendments to the Constitution, contain provisions which do not comply with the three-part test set out in Article 19(3) of the ICCPR. ²²⁷ 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. ²²⁸ These punishments are not the least restrictive means necessary to achieve the aims of the Social Media Prakas. ²²⁹ 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. ²³⁰
1.33: Defamation is decriminalized	Degree to which defamation is decriminalized	Desk Review of laws, regulations, and policies	n/a	2	2	2	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. ²³¹ 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. ²³² Further, in February 2018, the Criminal Code was amended to include Article 437-bis titled Insulting the King (also known as a lèse-

²²⁵ ILO, 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.

²²⁶ 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”.

²²⁷ 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>.

²²⁸ 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>.

²²⁹ *Ibid.*, 5-8.

²³⁰ See Key Milestone One.

²³¹ UN Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, 12 September 2011, UN Doc. CCRP/C/GC/34, para. 47, <<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>><<https://bit.ly/1xmySgV>>.

²³² 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>.

								<p>majesté offense). This offense contradicts international human rights law, which unequivocally states that public figures must withstand a higher level of criticism, and the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties.²³³ Violating this Article results in disproportionate penalties, namely one to five years imprisonment and a fine of between two and ten 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.²³⁴ 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.²³⁵ Article 71 imposes both 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.</p>
1.34 (NEW): Legal protections against Strategic Litigation Against Public Participation (SLAPP) lawsuits	Degree to which the legal framework protects against SLAPP lawsuits	Desk Review of laws, regulations, and policies	n/a	n/a	n/a	n/a	1	<p>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.</p>
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	<p>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 provision 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.²³⁶ 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.²³⁷</p>

²³³ UN Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, 12 September 2011, UN Doc. CCPR/C/GC/34, para. 38 <<https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>><<https://bit.ly/1xmySgV>>.

²³⁴ 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).

²³⁵ 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>.

²³⁶ 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>.

²³⁷ 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>>.

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	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. ²³⁸ 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”, ²³⁹ impeding on the right to seek, receive and impart information during a state of emergency. It allows for the RGC to restrict verifiably true information which could discourage transparent reporting to the detriment of the population as a whole.
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	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. ²⁴⁰
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	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%	Media Monitoring recorded 23 RGC statements, 17 of which illustrated a misunderstanding or misrepresentation.
2.2 (NEW): 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	Media Monitoring did not record any incidents of authorities or third parties being held accountable for violations.

²³⁸ 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/>>. The draft *Access to Information Law* is available at: <<https://www.phnompenhpost.com/Assets/doc/Doc-Jan-31-2018-15-30-en.pdf>>.

²³⁹ See Article 5(11) of the *State of Emergency Law*.

²⁴⁰ *Social Media Prakas*, clause 4.

	# 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	<i>Incident Reporting did not record any incidents of authorities or third parties being held accountable for violations.</i>
2.3 (NEW): 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	<i>Media Monitoring recorded 199 summonses.</i>
	# of individuals summonsed by authorities for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	16	<i>Incident Reporting recorded 16 summonses.</i>
	# of individuals reported in the media as being questioned by authorities for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	115	<i>Media Monitoring recorded 115 individuals questioned.</i>
	# of individuals questioned by authorities for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	2	<i>Incident Reporting recorded two 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	<i>Media Monitoring recorded 114 individuals detained.</i>
	# of individuals detained for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	2	<i>Incident Reporting recorded two individuals detained.</i>
	# of individuals reported in the media as being made by authorities to sign / thumbprint an agreement for exercise of FoAA&E	Media Monitoring	n/a	n/a	n/a	n/a	54	<i>Media Monitoring recorded 54 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	<i>Incident Reporting recorded three individuals 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	<i>Media Monitoring recorded 52 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	<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	<i>Media Monitoring recorded 81 arrests.</i>
	# of individuals arrested for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	<i>Incident Reporting recorded one 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	Media Monitoring recorded 16 convictions.
	# of individuals or entities convicted of crime(s) for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	1	Incident Reporting recorded one conviction.
	# 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	Media Monitoring recorded one individual or entity subject to administrative sanctions.
	# of individuals or entities subject to administrative sanctions for exercise of FoAA&E	Incident Reporting	n/a	n/a	n/a	n/a	0	Incident Reporting did not record any individuals or entities subject to administrative sanctions.
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	Media Monitoring recorded one statement by the authorities that displayed a proper understanding of freedom of association.
	# of reports in the media where the RGC violates FoA	Media Monitoring	n/a	n/a	n/a	n/a	61	Media Monitoring recorded 61 incidents where RGC institutions violated freedom of association.
	# of incidents reported where RGC institutions are violating FoA	Incident Reporting	114	122	101	48	43	Incident Reporting recorded 43 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	Two new associations were successfully registered in Year Five, one NGO and one political party.
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	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	The 'Mystery Shopper' Evaluation Tool did not record any registrations that were 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%	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	Incident Reporting recorded two incidents of interference in attempts by associations to form networks, coalitions, federations, or other types of unions.
2.8 (NEW): 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	This indicator will be tracked starting in Year Six.
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%	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	Media Monitoring recorded 56 incidents of RGC supervision of an association that violated international standards.
	# of incidents of RGC supervision of associations violating international standards reported in incident reports	Incident Reporting	n/a	n/a	n/a	n/a	35	Incident Reporting recorded 35 incidents of RGC supervision of an association that violated international standards.
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%	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%	See question 3.3 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%	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	Media Monitoring recorded 14 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	Incident Reporting recorded 22 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%	See question 4.12 of the CSO/TU Leader Survey.
2.13: Sanctions for associations are implemented in	# of incidents reported that include sanctions that are not implemented in	Media Monitoring	n/a	12	1	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.

accordance with Cambodian law	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%		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		Media Monitoring recorded one incident of involuntary dissolution of an 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 dissolution that occurred before legal avenues were exhausted and without clear and imminent danger present.
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%		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%		See questions 4.24 and 4.26 of the CSO/TU Leader Survey. Domestic funding = 81%, Foreign funding = 79%.
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%		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%		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		This indicator will be tracked starting in Year Six.
	# 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		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%	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	Incident Reporting recorded ten 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%	Media Monitoring recorded 40 assemblies subject to RGC interference out of the 120 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	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 lack of prior authorization	Incident Reporting	n/a	2	10	0	0	Incident Reporting did not record any incidents of assemblies being restricted or prohibited due to a lack of prior authorization.
	# of reports in the media of assemblies which are interfered with due to a lack of prior authorization	Media Monitoring	n/a	6	16	0	4	Media Monitoring recorded four 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	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%	Media Monitoring recorded seven prohibited assemblies out of a total of 126 planned assemblies.
	% of prohibitions reported in the media with a clear justification provided	Media Monitoring	n/a	2%	2%	25%	60%	Media Monitoring recorded six prohibited assemblies where a clear justification was provided for the prohibition, out of ten total prohibited assemblies.
	% of prohibitions reported in the media that were a measure of last resort, necessary and proportionate	Media Monitoring	n/a	3%	0%	0%	20%	Media Monitoring recorded two out of ten 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	Incident Reporting did not record any prohibitions of a planned assembly.
	# of incident reports of prohibitions without a clear	Incident Reporting	n/a	9	5	1	0	Incident Reporting did not record any prohibitions of a planned assembly without a clear justification provided.

	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	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	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%	Media Monitoring recorded three incidents of restrictions being imposed on an assembly; in two of these incidents legitimate reasons were given in good time for the restrictions.
	# of demonstrations reported where traffic flow was cited as a reason for restricting an assembly	Media Monitoring	n/a	4	8	1	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	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	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	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	Incident Reporting did not record any incidents where restrictions were imposed on an assembly and legitimate reasons were 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	Media Monitoring	n/a	10	13	3	15	Media Monitoring recorded 15 incidents where an assembly was limited to a space or time that would limit its impact.

	muted their 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	Incident Reporting recorded two incidents where a demonstration was limited to a designated space, time or number of attendees that muted 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%	Media Monitoring recorded three 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	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 reported in the media	Media Monitoring	n/a	2	2	1	0	Media Monitoring recorded no incidents where assembly organizers faced criminal or administrative sanctions for failure to notify the authorities.
	# of incident reports where assembly organizers face criminal or administrative sanctions for failing to notify authorities	Incident Reporting	n/a	0	0	0	0	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	Media Monitoring recorded one incident 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	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	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 made financially responsible for provision of public services	Media Monitoring	n/a	n/a	n/a	n/a	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	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	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	Media Monitoring did not record any 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	Media Monitoring recorded 12 incidents where state use of force at an assembly was used disproportionately 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	Incident Reporting recorded two 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	Media Monitoring recorded one incident 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	Incident Reporting recorded four incidents of an assembly where there was interference with assembly monitors.
2.32 (NEW): 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%	Media Monitoring did not record any strikes that were subject to restrictions.
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%	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	Incident Reporting recorded 35 incidents of restrictions to 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%	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 = 20% Social media = 19% TV = 17% Radio = 19%

	# of incidents reported that identify a restriction on the ability to impart information through any media	Incident Reporting	n/a	8	5	16	8	<i>Incident Reporting recorded eight incidents where there was a restriction on the ability to impart information through any media.</i>
2.35: Information is not arbitrarily censored	# reports of websites being blocked in Cambodia arbitrarily	Media Monitoring	n/a	1	15	0	3	<i>Media Monitoring recorded three incidents of websites being blocked arbitrarily.</i>
	# reports of websites being blocked in Cambodia arbitrarily	Incident Reporting	n/a	0	0	1	0	<i>Incident Reporting did not record any incidents of a website being blocked in Cambodia arbitrarily.</i>
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Media Monitoring	n/a	8	4	0	3	<i>Media Monitoring recorded three incidents of media outlets being shut down, sanctioned or suspended arbitrarily.</i>
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Incident Reporting	n/a	0	0	0	0	<i>Incident Reporting did not record any incidents of media outlets being shut down, sanctioned or suspended arbitrarily.</i>
	# of reports of artistic works banned or restricted arbitrarily	Media Monitoring	n/a	5	5	3	7	<i>Media Monitoring recorded seven incidents of artistic works being banned or restricted arbitrarily.</i>
	# of reports of artistic works banned or restricted arbitrarily	Incident Reporting	n/a	0	0	1	1	<i>Incident Reporting recorded one incident of an artistic work being banned or restricted arbitrarily.</i>
2.36: Surveillance of communications complies with the laws of Cambodia	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Media Monitoring	n/a	8	3	6	2	<i>Media Monitoring recorded two incidents of a surveillance activity being undertaken without judicial oversight.</i>
	# reports of surveillance activities undertaken without judicial oversight (electronic, other)	Incident Reporting	n/a	2	0	0	0	<i>Incident Reporting did not record any incidents of surveillance activities undertaken without judicial oversight.</i>
	# reports of private communications collected by Government being published	Media Monitoring	n/a	5	0	3	0	<i>Media Monitoring did not record any incidents of publication of a private communication collected by the RGC.</i>
	# reports of private communications collected by Government being published	Incident Reporting	n/a	0	0	0	0	<i>Incident Reporting did not record any incidents of private communications collected by the RGC being published.</i>
2.37: Access to non-classified and non-sensitive information held by the Government is not restricted	% of CSO and TU leaders who have been denied access to non-classified and/or non-sensitive Government information	CSO/TU Leader Survey	n/a	n/a	n/a	n/a	n/a	<i>This indicator will be tracked starting in Year Six.</i>

Key Milestone 3: Individuals know and understand the freedoms of association, assembly and expression, and feel free to exercise them								
Element	Indicator/s	Data Source	Year1	Year 2	Year 3	Year 4	Year 5	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%	Average of the scores recorded for each freedom individually.
	Freedom of Association	Public Poll	17%	12%	6%	4%	5%	See Question 4.1 of the Public Poll.
	Freedom of Expression	Public Poll	56%	16%	13%	9%	7%	See Question 4.3 of the Public Poll.
	Freedom of Assembly	Public Poll	49%	15%	13%	8%	8%	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%	See Questions 4.9 to 4.17 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%	See Question 5.15 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%	See Question 5.16 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%	See Question 5.17 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%	See Question 5.14 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%	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%	See Question 5.8 of the Public Poll.
3.8 (NEW): 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%	See Questions 5.8 - 5.10 of the Public Poll. Join = 11% Establish = 11% Leave = 28%
3.9 (NEW): 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%	See Question 5.11 of the Public Poll.
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%	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%	See Question 5.7 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%	See Question 5.13 of the Public Poll.
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%	See Questions 5.3 - 5.5 of the Public Poll. Newspaper = 5% TV = 3% Radio = 3%
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%	See Question 5.1 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%	See Question 5.2 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	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%	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%	See Question 6.1 of the CSO/TU Leader Survey.
4.2: RGC institutions are open to partnerships with CSOs and TUs that aim to improve the work or services of the institution	% of CSO and TU leaders who report partnering with RGC institutions	CSO/TU Leader Survey	69%	41%	38%	34%	37%	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%	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%	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%	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%	<i>See Question 6.8 of the CSO/TU Leader Survey.</i>
4.7 (NEW): 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	<i>This indicator will be tracked starting in Year Six.</i>
4.8 (NEW): 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	<i>This indicator will be tracked starting in Year Six.</i>

Annex 3 – Public Poll 2020 Questions and Results

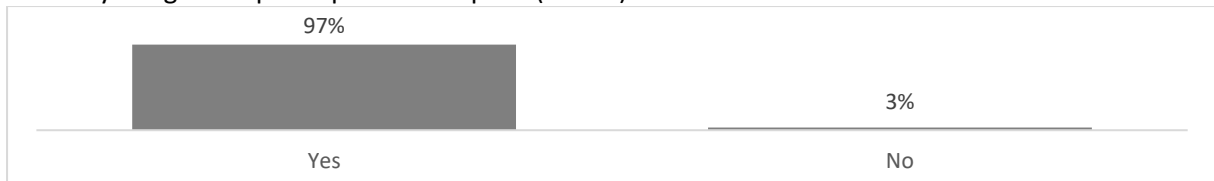
This Annex presents the questions and results of the Public Poll, which was conducted from 3 November – 31 December 2020 across 25 provinces, and surveyed 790 respondents.²⁴¹ The FFMP Monitoring Team used “convenience sampling” to collect data, visiting locations with pedestrian traffic, such as marketplaces, public parks and pagodas, and questioning members of the public at random.

Section 1: Administrative Details

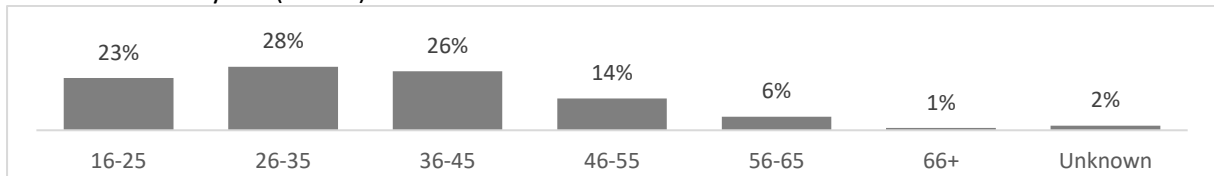
Section 1 did not contain any questions for the public. It was used by the FFMP Monitoring Team to record administrative details such as: date, location, interviewer, etc.

Section 2: Consent

2.1: Do you agree to participate in this poll? (n=790)

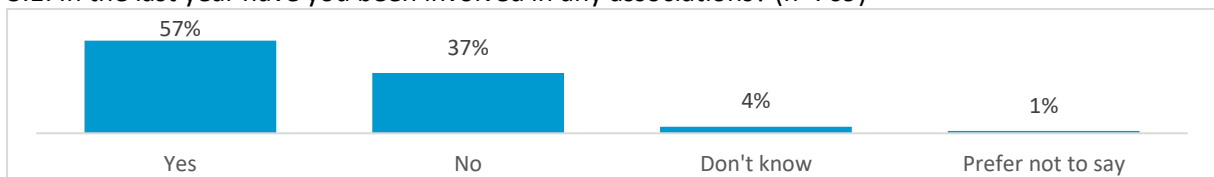


2.2: How old are you? (n=769)

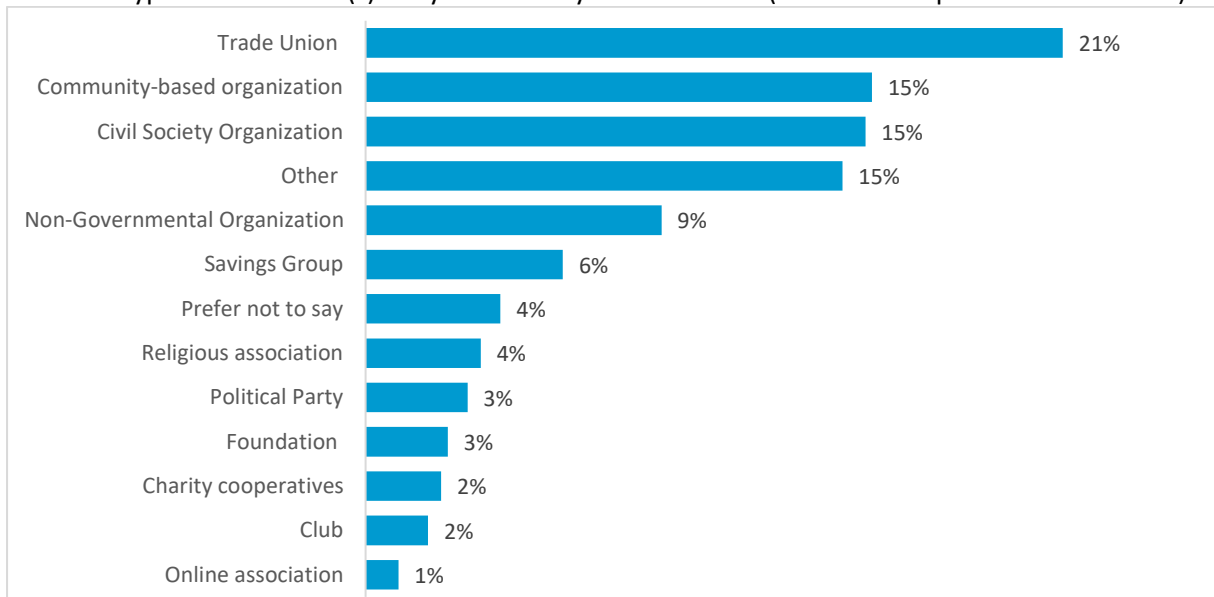


Section 3: Association Membership

3.1: In the last year have you been involved in any associations? (n=769)

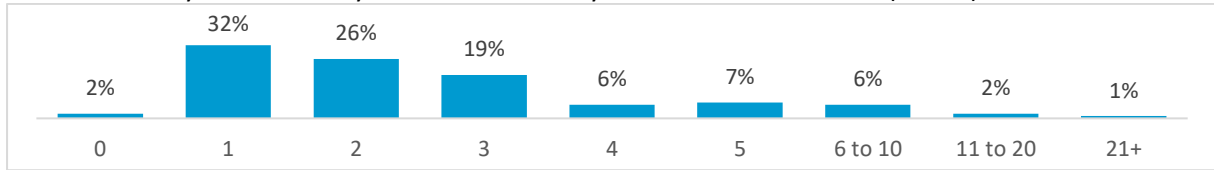


3.2 What type of association(s) are you currently a member of? (n=480 - multiple answers allowed)

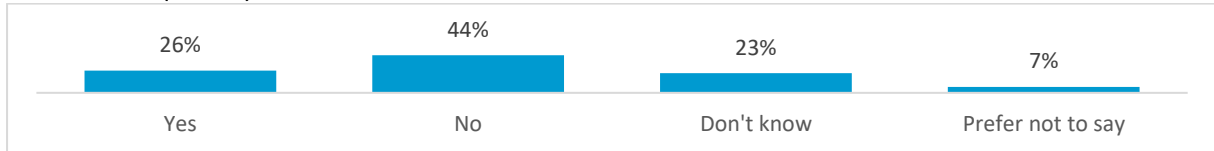


²⁴¹ Due to a surge in local transmission of COVID-19 in Cambodia over November and December 2020, the FFMP delayed the poll for the safety of staff and the wider community. This resulted in a lower number of respondents than previous years.

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



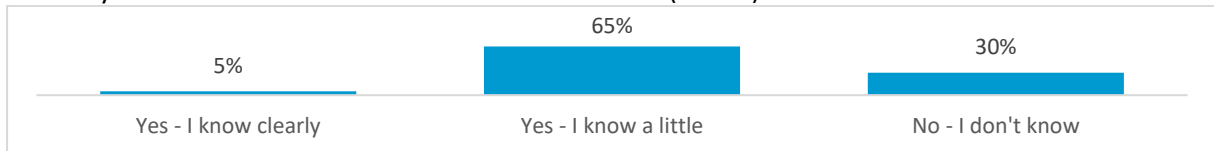
3.4 In the last year have you ever been targeted or victimized because of your involvement with an association? (n=441)



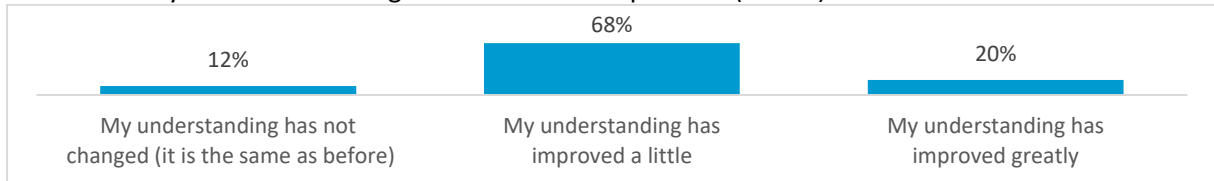
Section 4: Understanding Fundamental Freedoms

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=769)



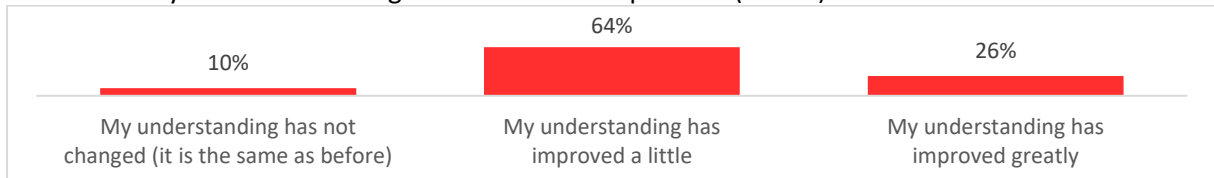
4.2: How has your understanding of this freedom improved? (n=769)



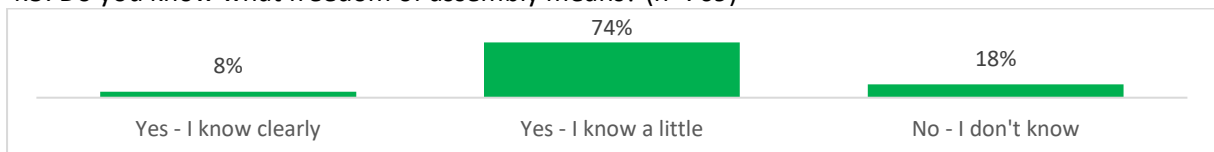
4.3: Do you know what freedom of expression means? (n=769)



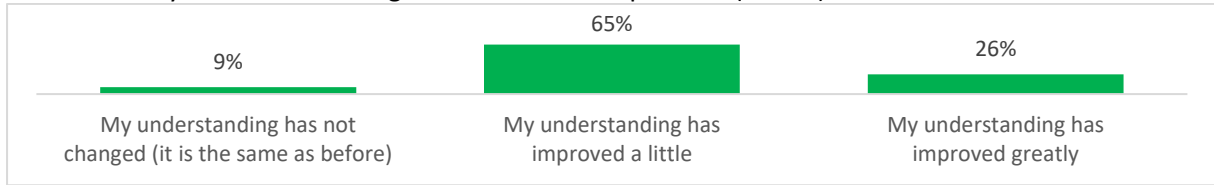
4.4: How has your understanding of this freedom improved? (n=769)



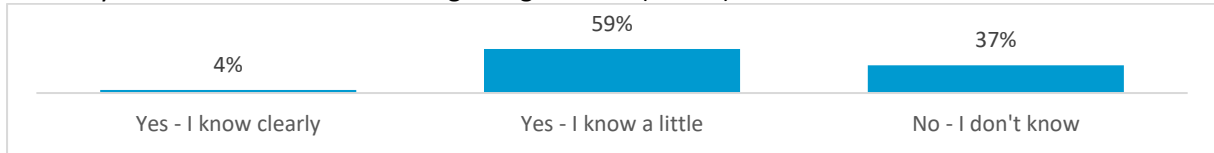
4.5: Do you know what freedom of assembly means? (n=769)



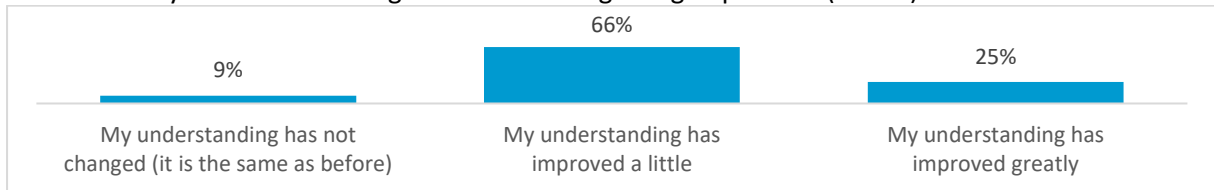
4.6: How has your understanding of this freedom improved? (n=769)



4.7: Do you know what collective bargaining means? (n=769)

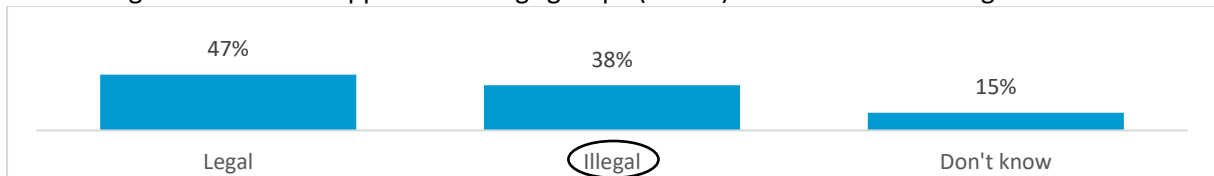


4.8: How has your understanding of collective bargaining improved? (n=769)

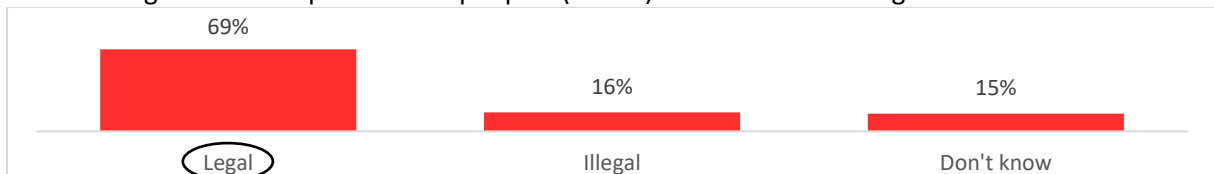


For questions 4.9 – 4.17, respondents were asked to identify whether an activity was legal or illegal under Cambodian Law. This enables the FFMP to gauge the public's understanding of domestic law in relation to fundamental freedoms. Correct answers are circled.

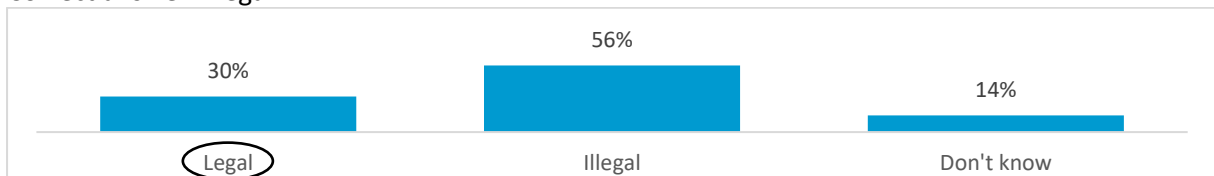
4.9: Is it legal to form an unapproved savings group? (n=769) Correct answer = illegal.



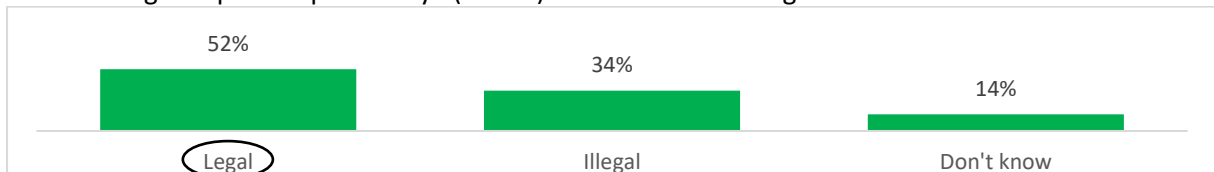
4.10: Is it legal to discuss politics with people? (n=769) Correct answer = legal.



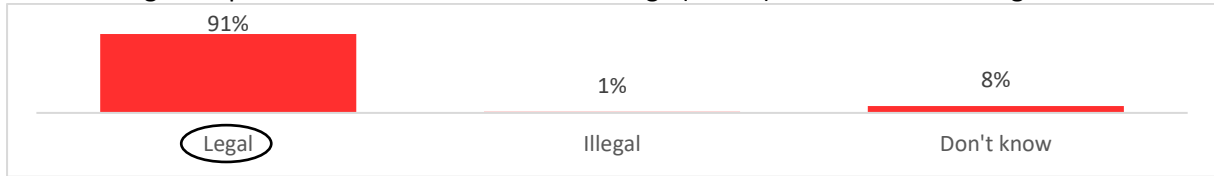
4.11: Is it legal for an association to carry out activities without notifying the authorities? (n=769) Correct answer = legal.



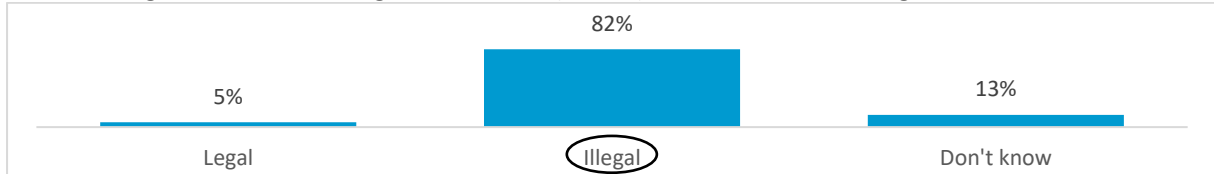
4.12: Is it legal to protest peacefully? (n=769) Correct answer = legal.



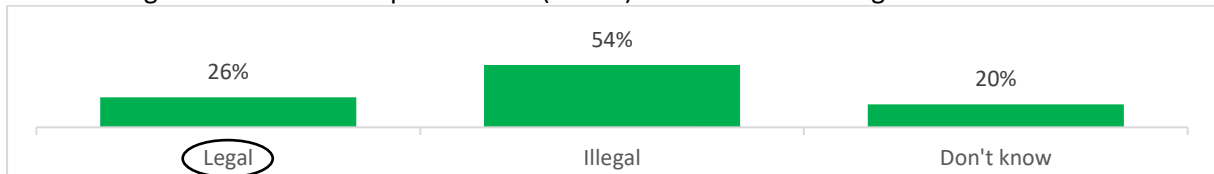
4.13: Is it legal to speak at a commune council meeting? (n=769) Correct answer = legal.



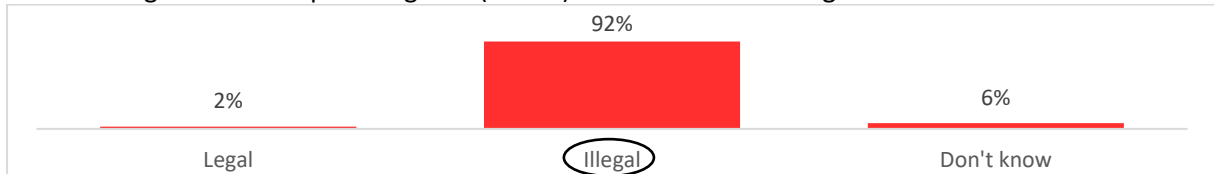
4.14: Is it legal to form an unregistered NGO? (n=769) Correct answer = illegal.



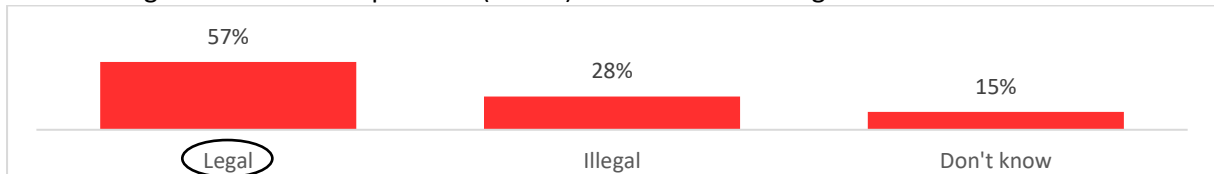
4.15: Is it legal to strike without permission? (n=769) Correct answer = legal.²⁴²



4.16: Is it legal to insult a public figure? (n=769) Correct answer = illegal.

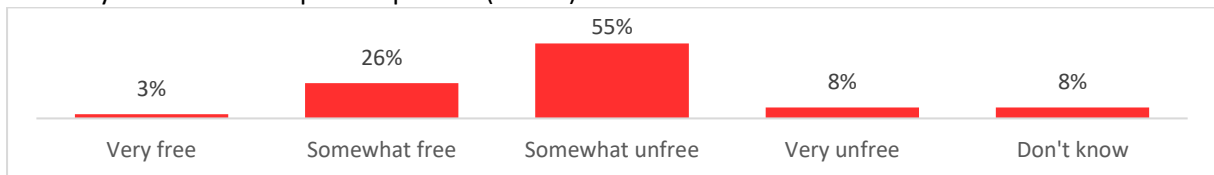


4.17: Is it legal to criticize RGC policies? (n=769) Correct answer = legal.

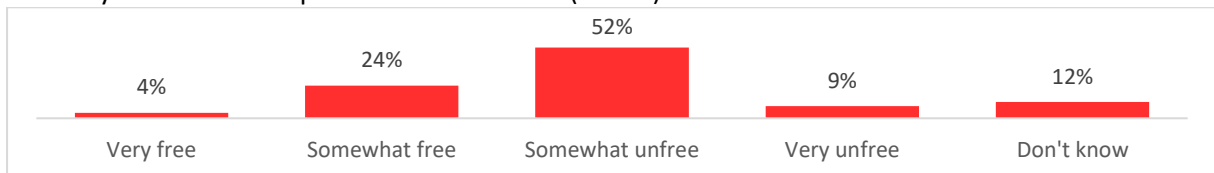


Section 5: Exercising Fundamental Freedoms

5.1: Do you feel free to speak in public? (n=769)

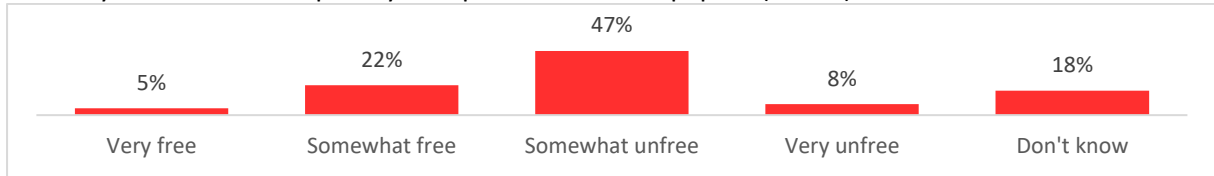


5.2: Do you feel free to speak on social media? (n=769)

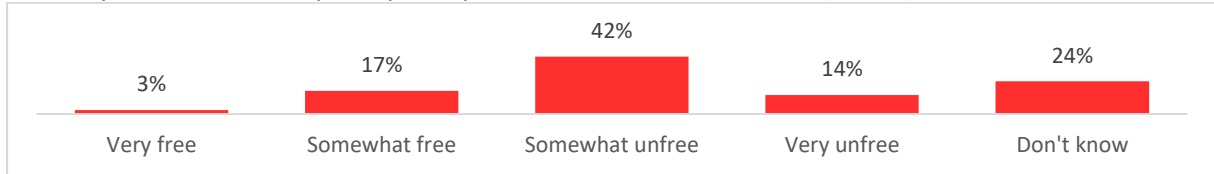


²⁴² While domestic law does not require prior permission for a strike, *the Labour Law* (1997) does impose a prior notification requirement of seven days. The distinction between prior permission and prior notification was not made when asking this question in the Public Poll.

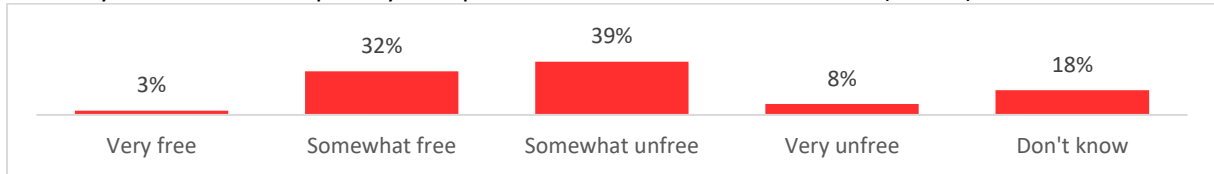
5.3: Do you feel free to express your opinions to a newspaper? (n=769)



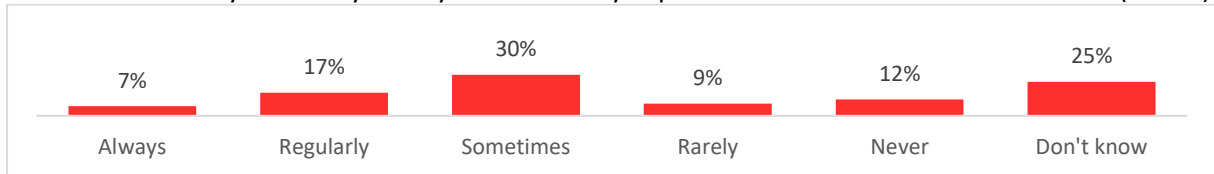
5.4: Do you feel free to express your opinions to a television media? (n=769)



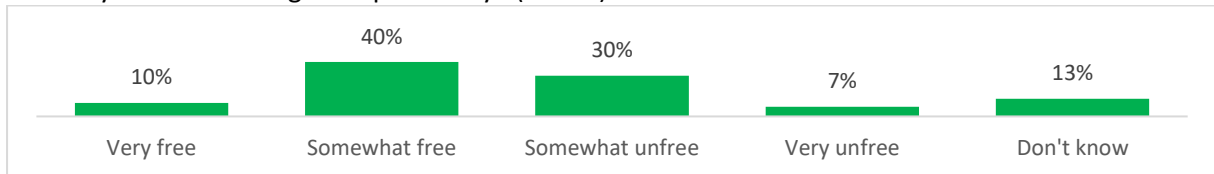
5.5: Do you feel free to express your opinions to a radio station or show? (n=769)



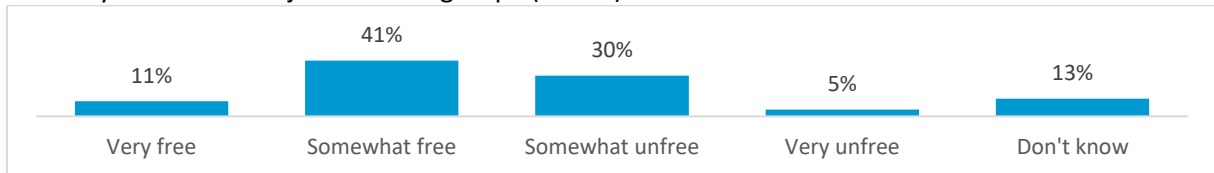
5.6: How often do you not say what you want to say in public or online for fear of retaliation? (n=769)



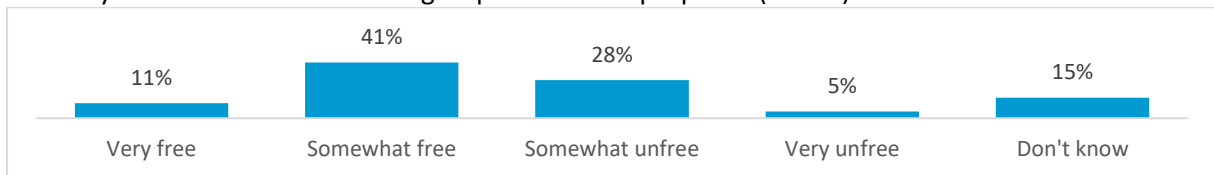
5.7: Do you feel free to gather peacefully? (n=769)



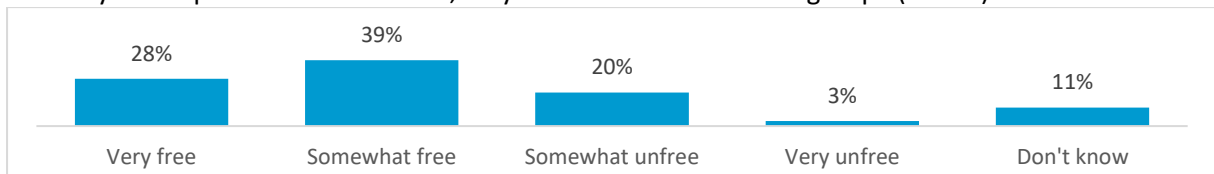
5.8: Do you feel free to join a lawful group? (n=769)



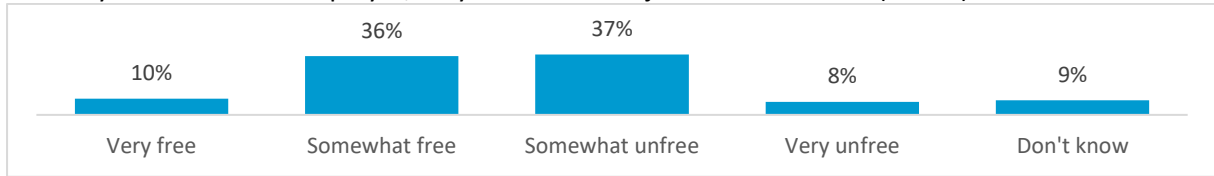
5.9: Do you feel free to establish a group for a lawful purpose? (n=769)



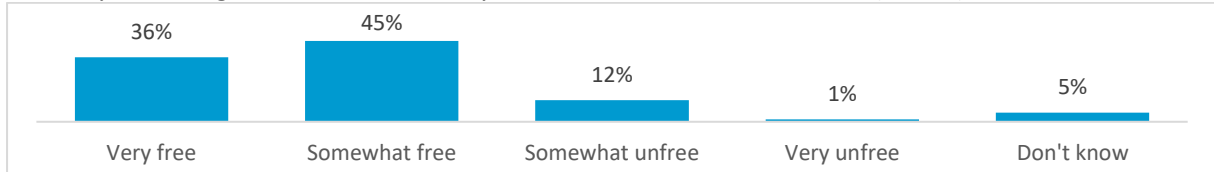
5.10: If you are part of an association, do you feel free to leave the group? (n=424)



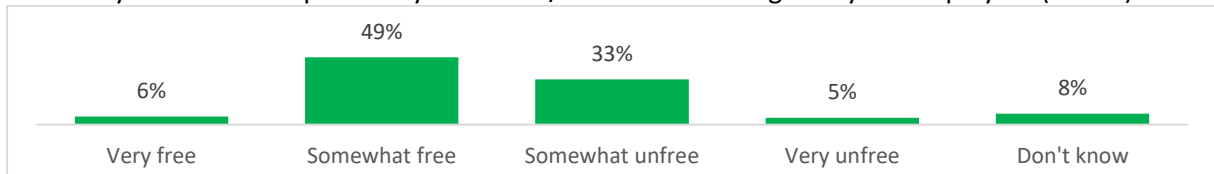
5.11: If you work for an employer, do you feel free to join a trade union? (n=207)



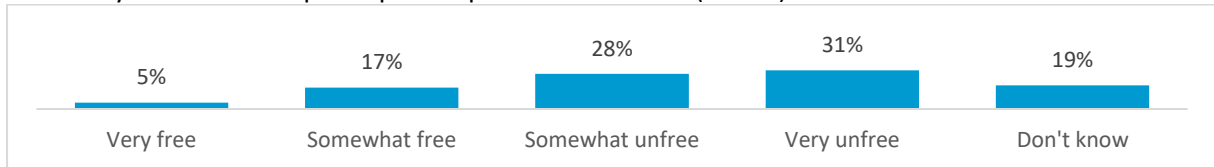
5.12: If you belong to a trade union, do you feel free to leave the union? (n=201)



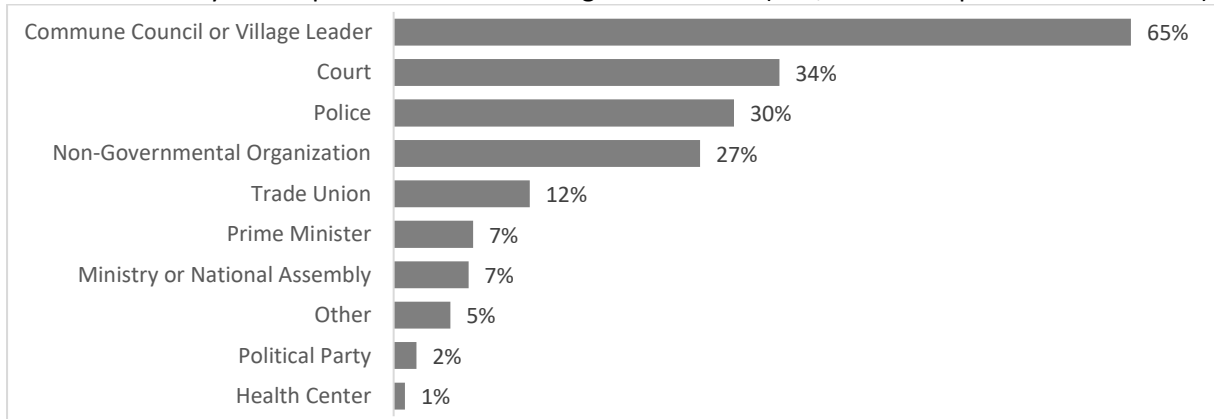
5.13: Do you feel free to peacefully strike and/or demonstrate against your employer? (n=208)



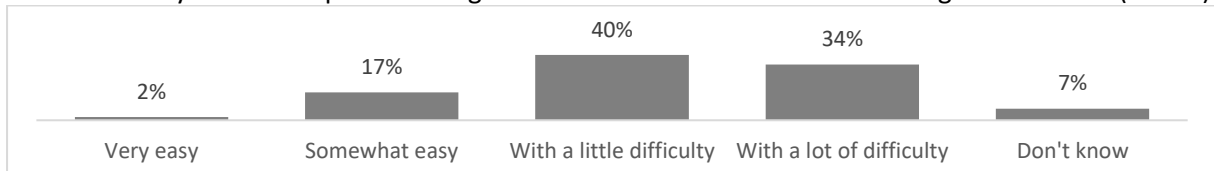
5.14: Do you feel free to participate in political activities? (n=735)



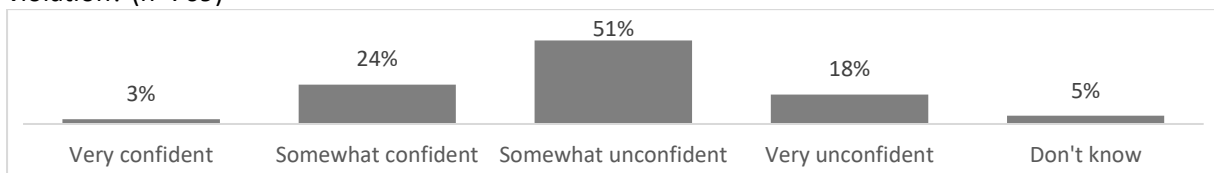
5.15: Where can you complain about a human rights violation? (n=1,458 – multiple answers allowed)



5.16: How easy is it to complain to the government or courts about a human rights violation? (n=769)

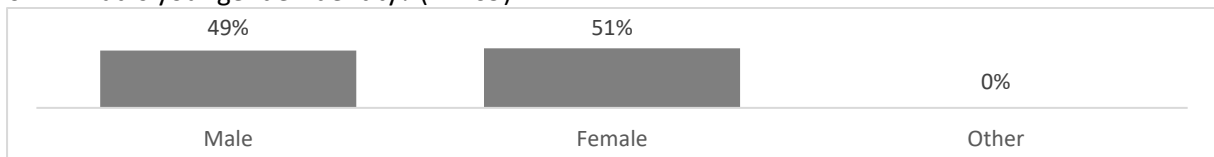


5.17: Are you confident that the government or courts would provide redress for a human rights violation? (n=769)

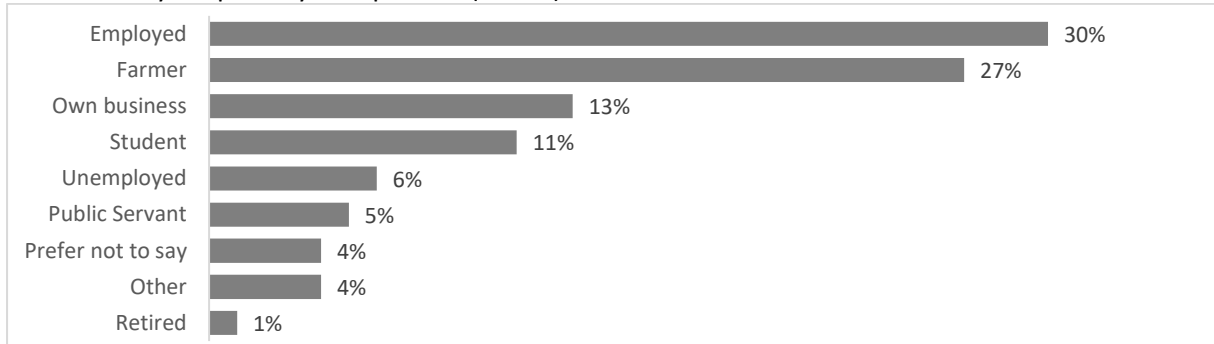


Section 6: Demographic Information

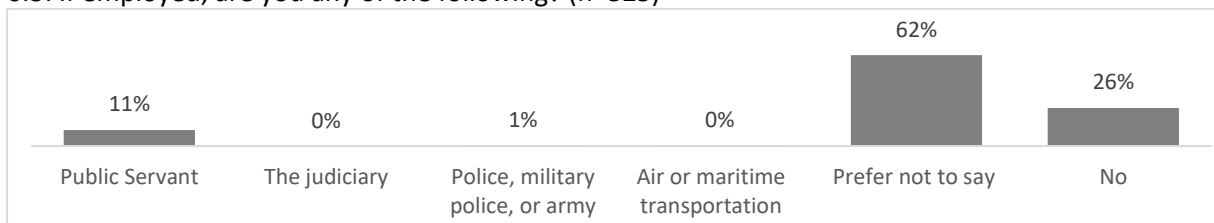
6.1: What is your gender identity? (n=769)



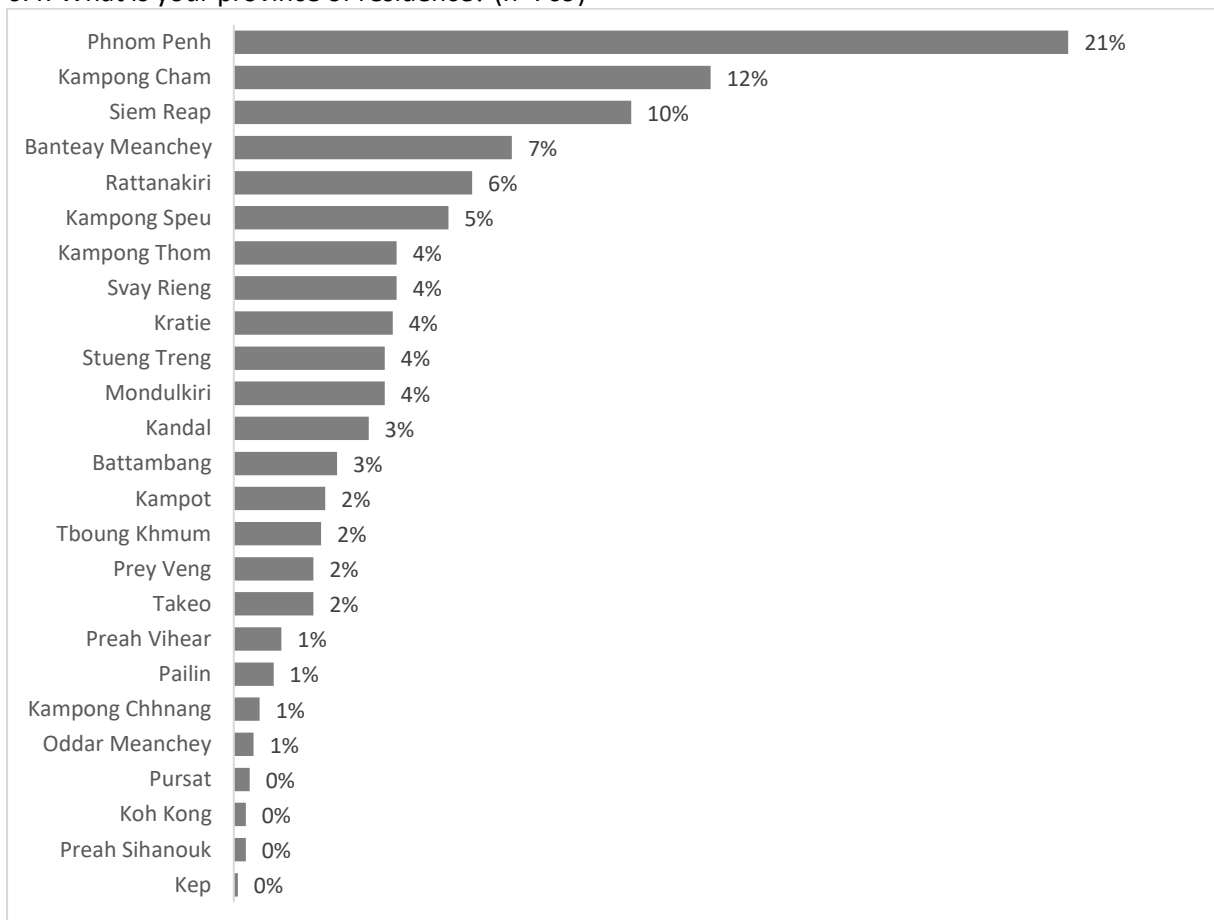
6.2: What is your primary occupation? (n=769)



6.3: If employed, are you any of the following? (n=325)



6.4: What is your province of residence? (n=769)



Annex 4 – CSO/TU Leader Survey Questions and Results

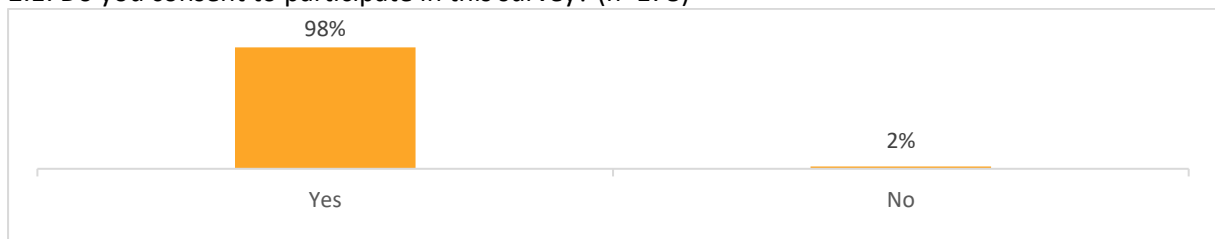
This Annex presents the questions and results of the CSO/TU Leader Survey. The survey captured the opinions of 178 CSO and TU leaders. The 178 individuals surveyed consisted of 104 CSO leaders (79 domestic/Cambodian CSOs and 25 international NGOs) and 74 TU leaders. The organizations originate from 17 provinces. The survey was carried out between 7 September and 31 October 2020, via online submission and face-to-face interviews.

Section 1: Administrative Details

Section 1 did not contain any results. Rather, it was used by the FFMP Monitoring Team to record administrative details such as: date, location, etc.

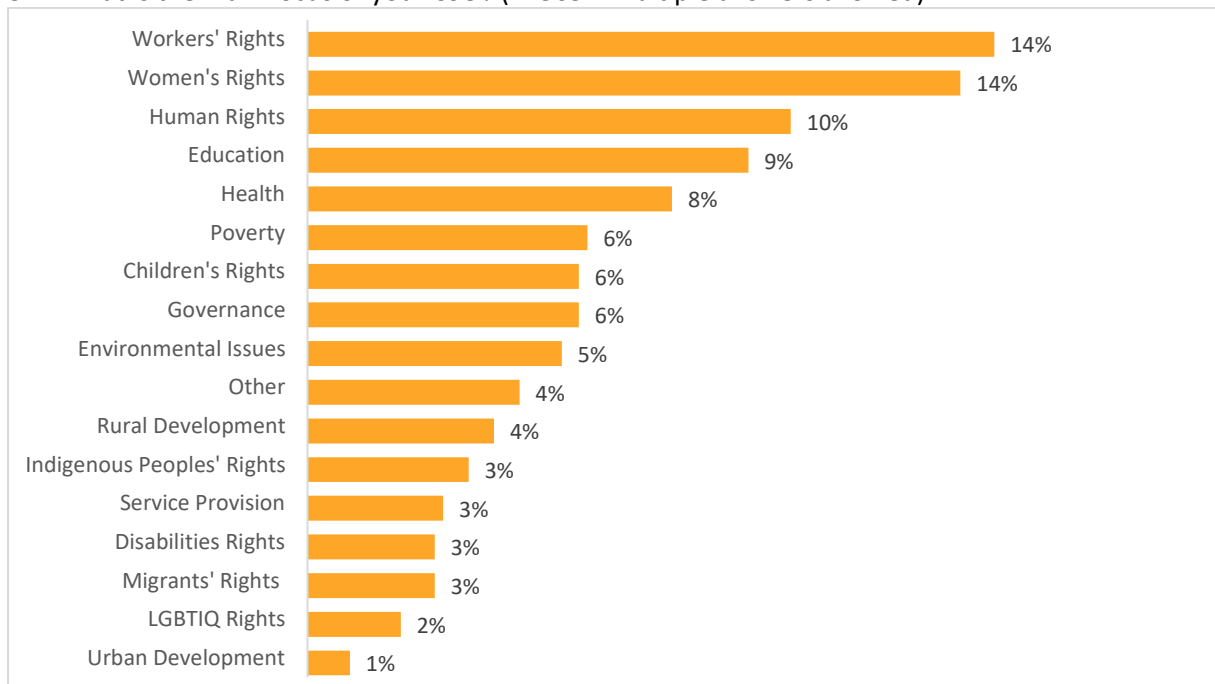
Section 2: Consent

2.1: Do you consent to participate in this survey? (n=178)



Section 3: CSO Profile

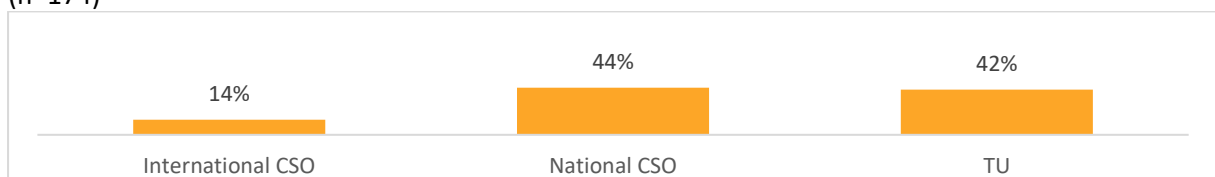
3.1: What is the main focus of your CSO? (n=565 – multiple answers allowed)



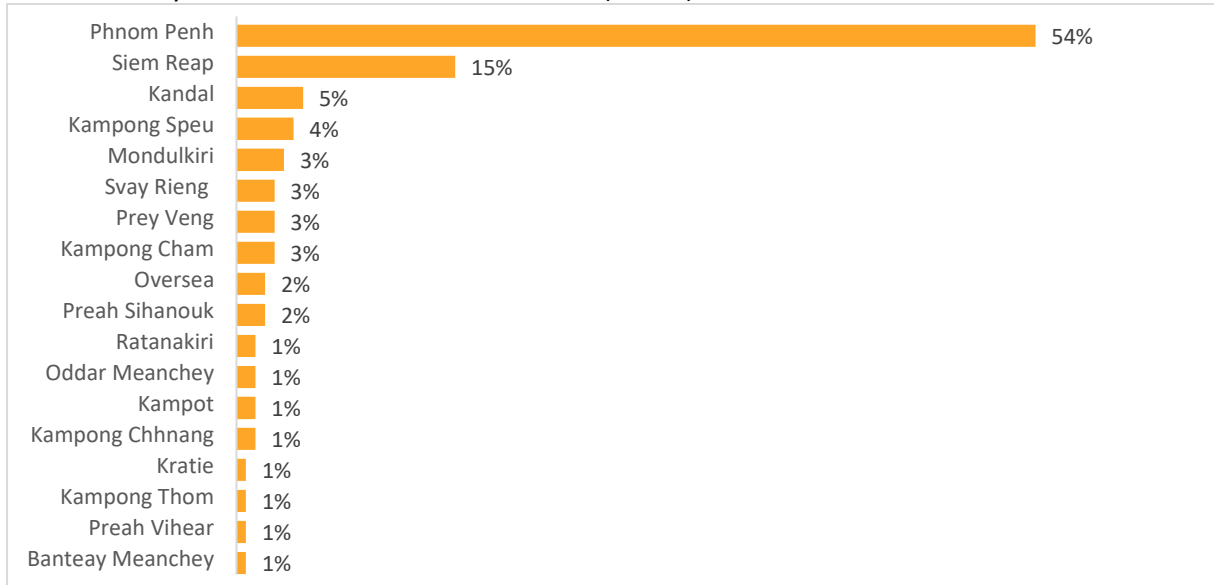
3.2: Please describe in one sentence the main purpose or mission of your CSO.

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

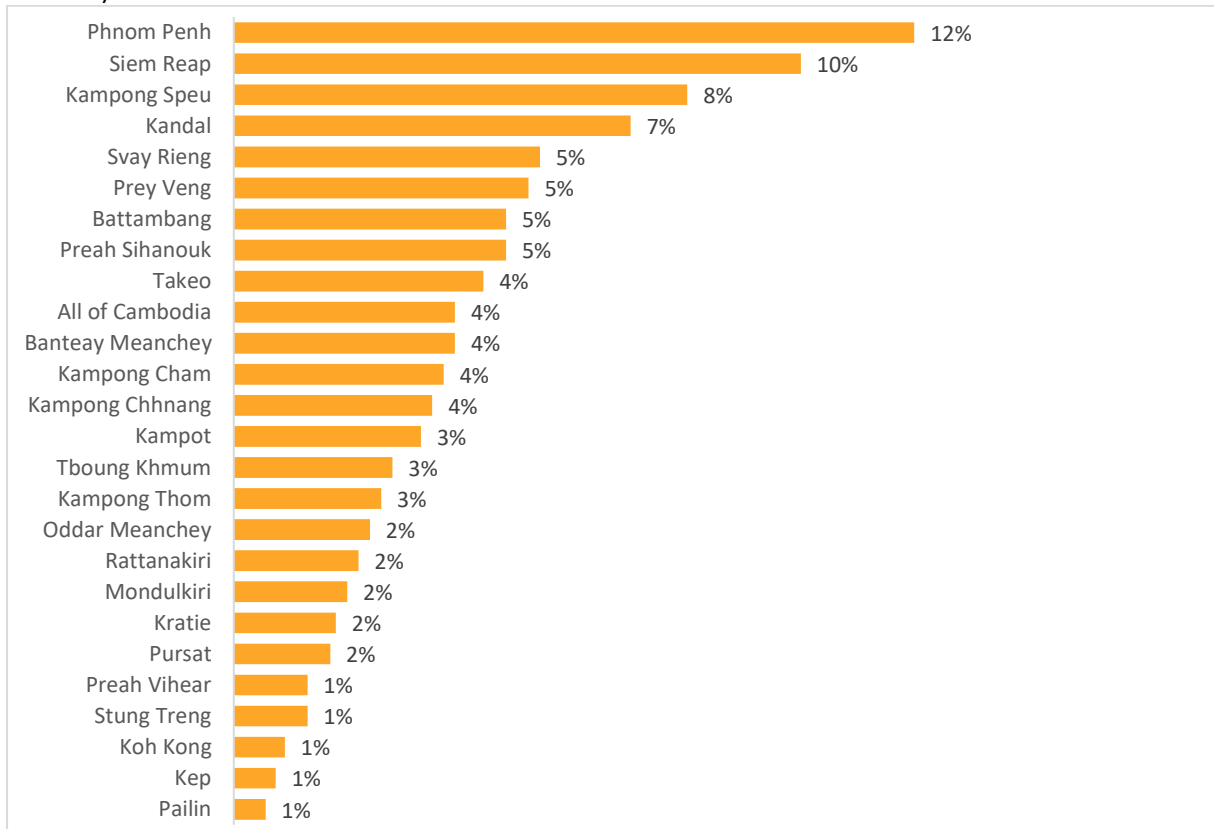
3.3: Is your organization a TU or a CSO? If it is a CSO, is it an international or national organization? (n=174)



3.4: Where is your CSO's Cambodian head office? (n=155)

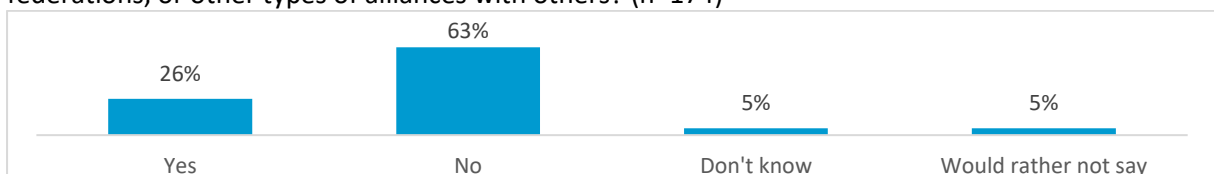


3.5: In which provinces of Cambodia does your CSO carry out its work? (n=538 – multiple answers allowed)

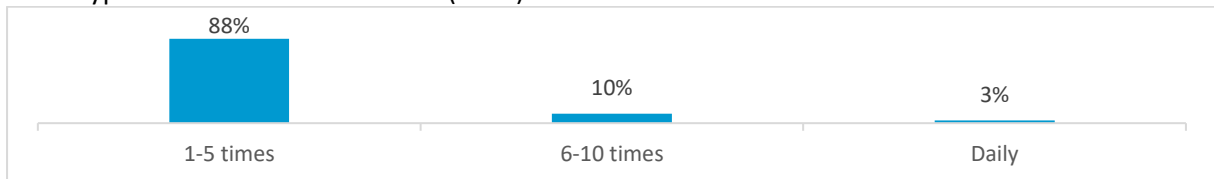


Section 4: Operations of the CSO

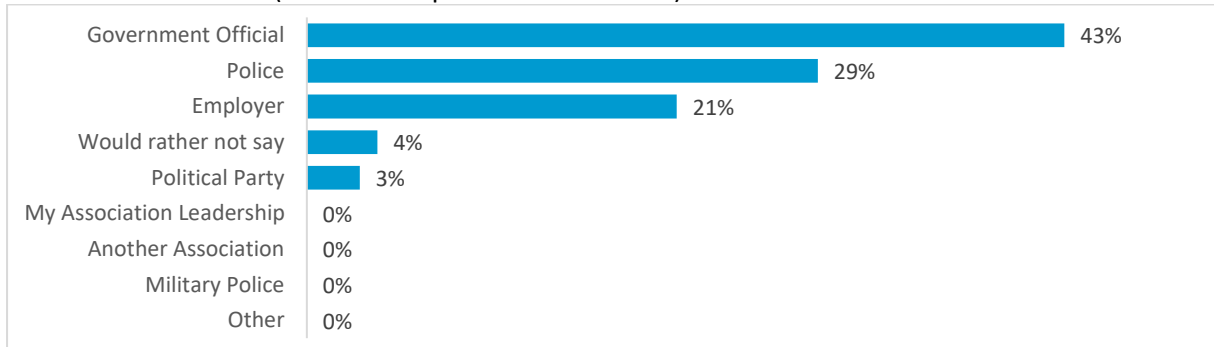
4.1: In the last year, has your CSO faced restrictions or threats in forming networks, coalitions, federations, or other types of alliances with others? (n=174)



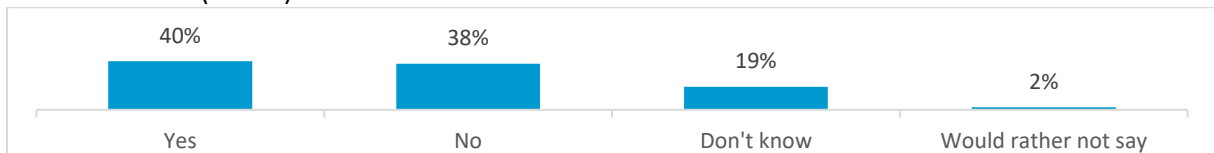
4.2: How many times has your CSO been restricted in forming networks, coalitions, federations, or other types of alliances with others? (n=40)



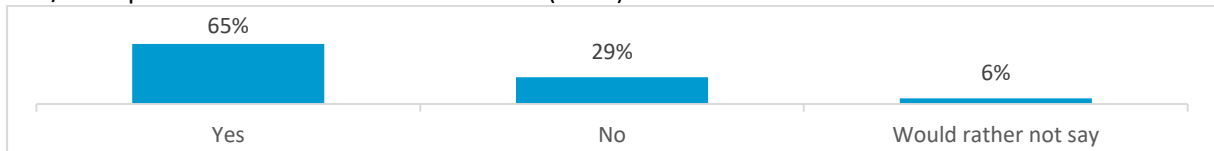
4.3: Who restricted your CSO from forming networks, coalitions, federations, or other types of alliances with others? (n=72 – multiple answers allowed)



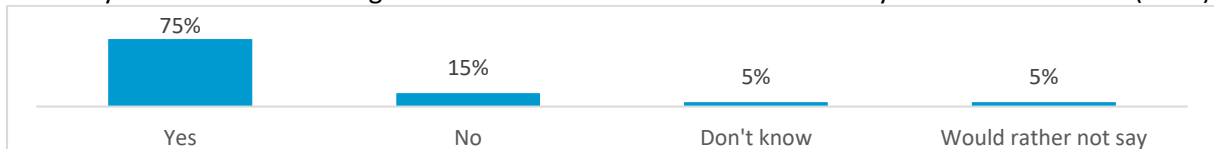
4.4: In the last year, has a Government official ever undertaken monitoring or surveillance of your CSO or its activities? (n=167)



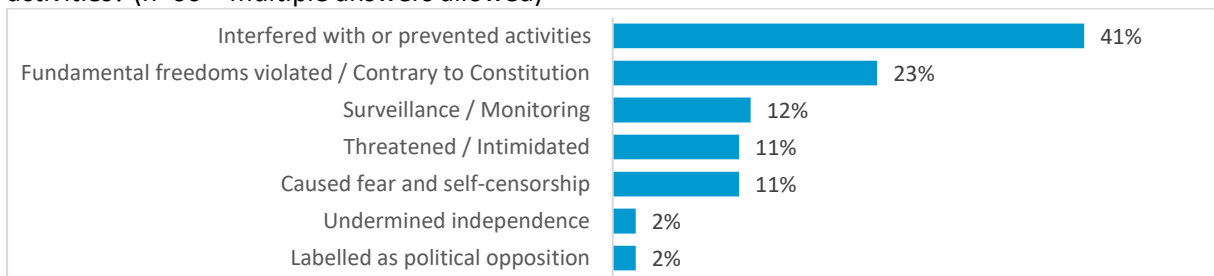
4.4.1: In the last year, has your organization done anything to increase your organization's security and/or to prevent Government surveillance? (n=72)



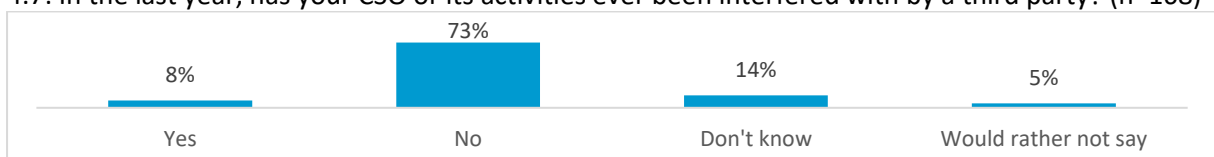
4.5: Did you feel this monitoring was ever excessive or did it interfere with your CSO's activities? (n=75)



4.6: Why did you feel that this oversight was excessive or how did it interfere with your CSO's activities? (n=66 – multiple answers allowed)



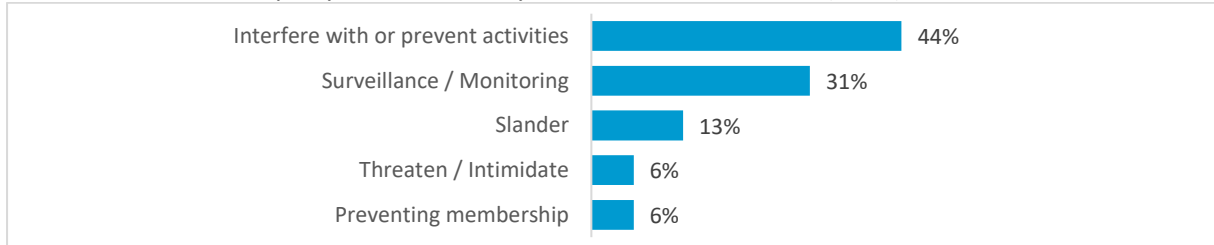
4.7: In the last year, has your CSO or its activities ever been interfered with by a third party? (n=168)



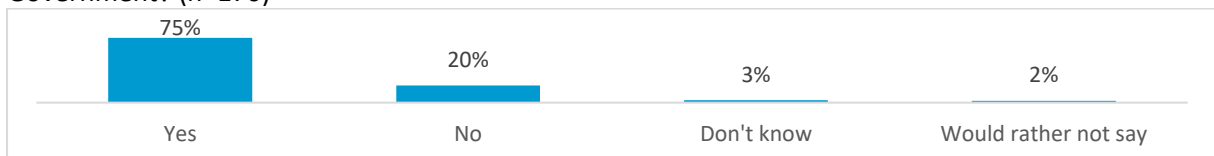
4.8: What type of third party interfered with your CSO or its activities? (n=8)



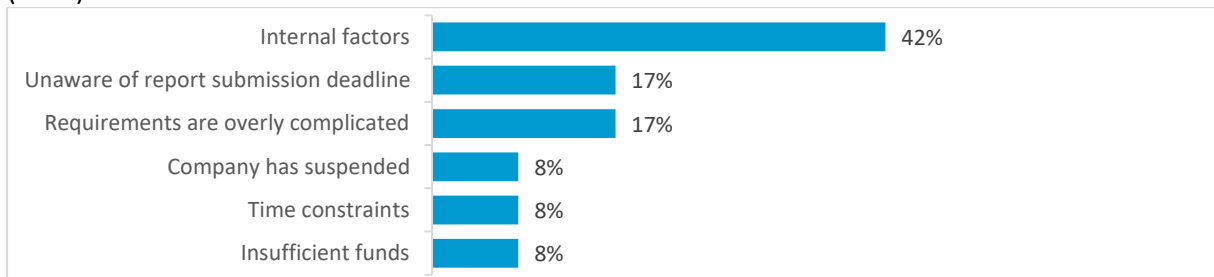
4.9: How did the third party interfere with your CSO or its activities? (n=16)



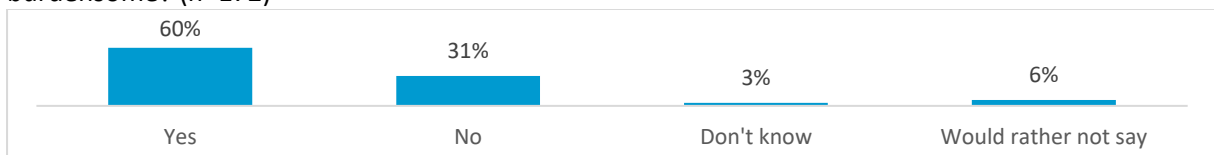
4.10: In the last year, has your CSO been able to meet the non-financial reporting requirements of the Government? (n=170)



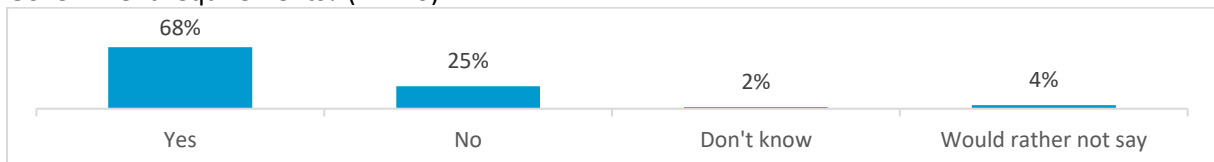
4.11: Why was your CSO unable to meet the Government's non-financial reporting requirements? (n=12)



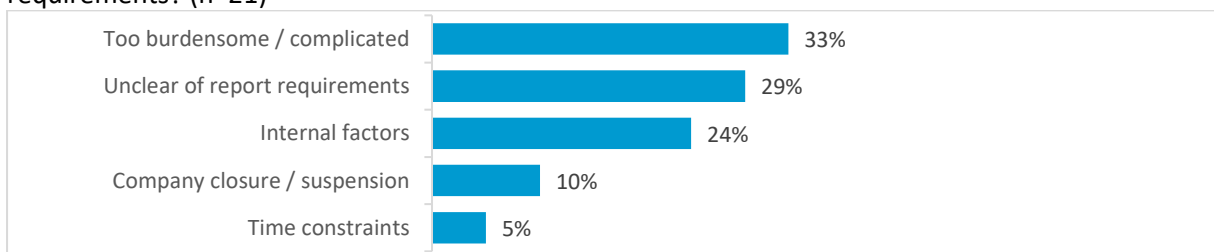
4.12: Did you feel that the non-financial reporting requirements of the Government were excessive or burdensome? (n=172)



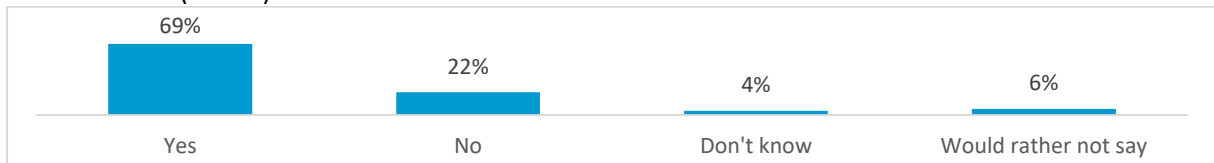
4.13: In the last year, has your CSO been able to complete financial reports in accordance with Government requirements? (n=170)



4.14: Why was your CSO unable to complete financial reports in accordance with Government requirements? (n=21)



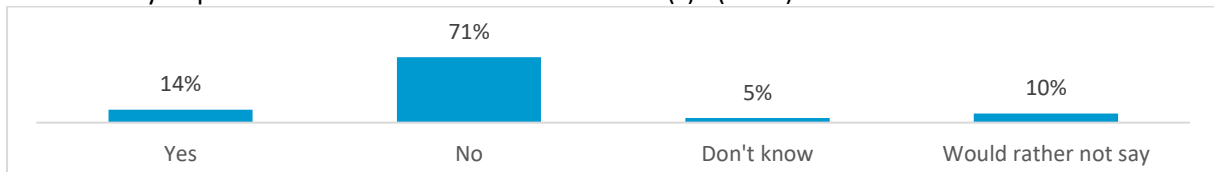
4.15: Did you feel that the financial reporting requirements of the Government were excessive or burdensome? (n=171)



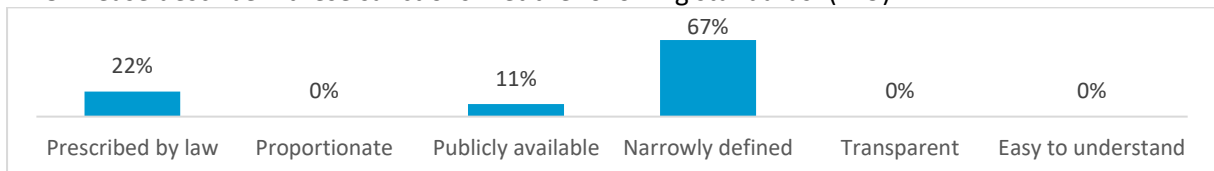
4.16: In the last year, has your CSO been sanctioned by the Government? (n=170)



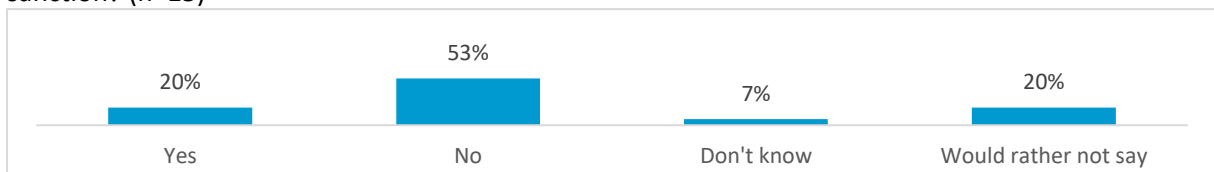
4.17: Were you provided with a reason for the sanction(s)? (n=21)



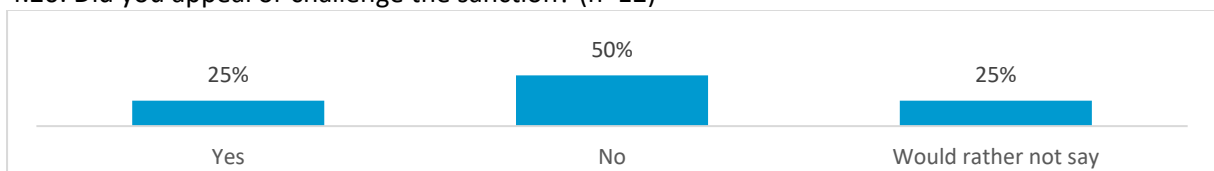
4.18: Please describe if these sanctions met the following standards: (n=9)



4.19: Before the sanctions were issued, did you have the opportunity to appeal or challenge the sanction? (n=15)



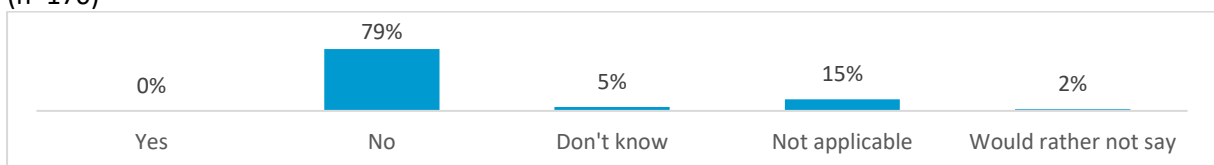
4.20: Did you appeal or challenge the sanction? (n=12)



4.21: Did you feel that the appeal process was independent? (n=13)



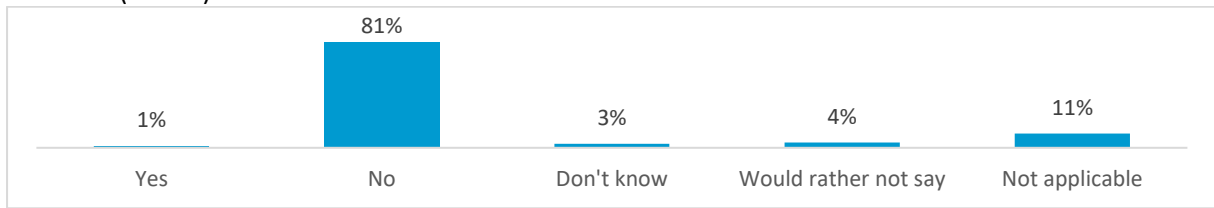
4.22: In the last year, has your CSO been denied the right to undertake income generation activities? (n=170)



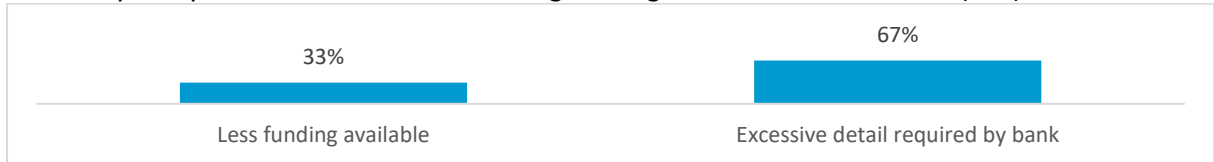
4.23: Why was your CSO denied the right to undertake income generation activities? (n=0)

No response

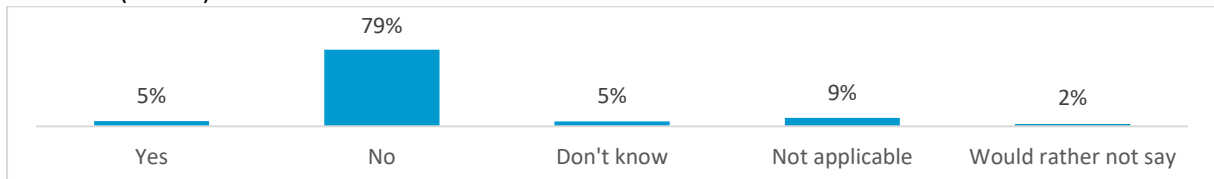
4.24: In the last year, has your CSO faced Government restrictions in receiving funding from domestic sources? (n=170)



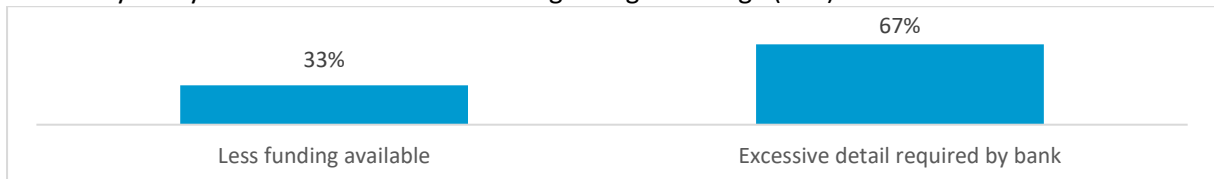
4.25: Why was your CSO restricted in receiving funding from domestic sources? (n=3)



4.26: In the last year, has your CSO faced Government restrictions in receiving funding from foreign sources? (n=164)

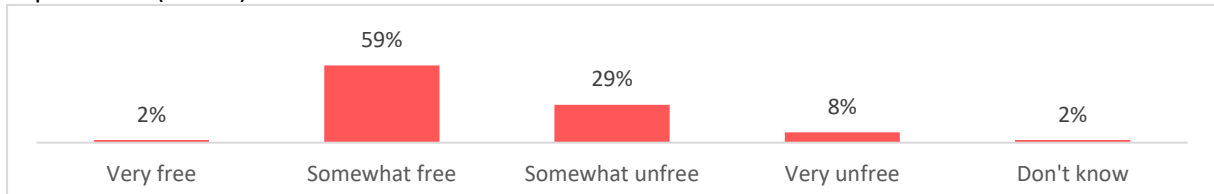


4.27: Why was your CSO restricted in receiving foreign funding? (n=6)

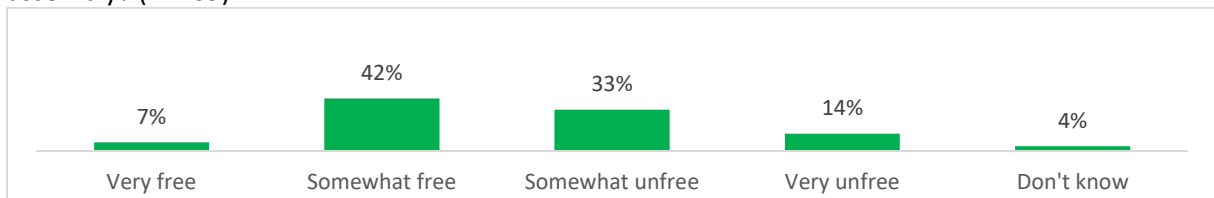


Section 5: Ability to Exercise Freedoms

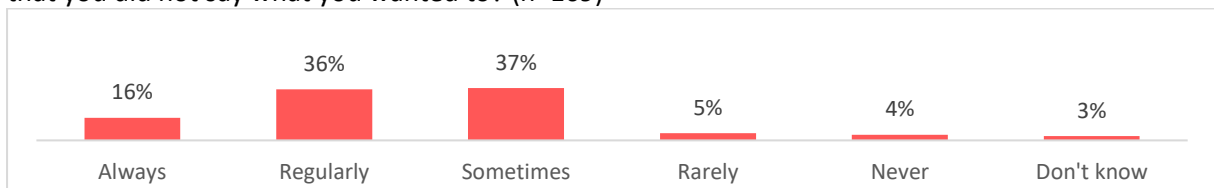
5.1: In the last year, how freely have you and your CSO been able to exercise the freedom of expression? (n=169)



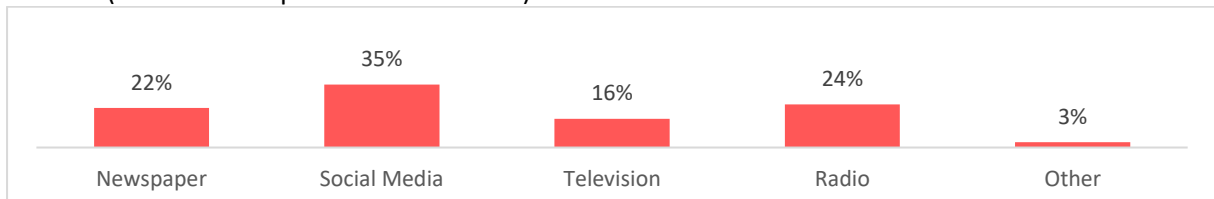
5.2: In the last year, how freely have you and your CSO been able to exercise the freedom to peaceful assembly? (n=169)



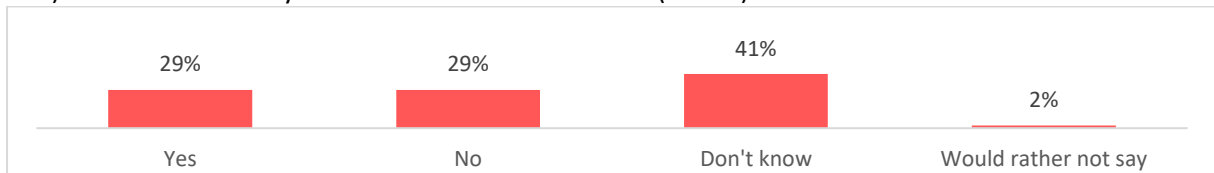
5.3: In the last year, how often have you been worried when expressing yourself publicly to the point that you did not say what you wanted to? (n=169)



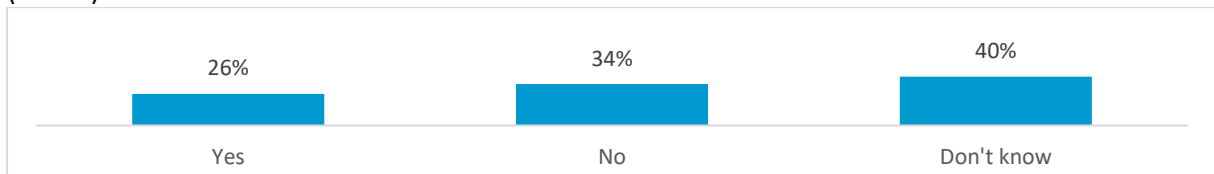
5.4: In the last year, have you or your CSO ever felt unsafe to share information through the following means? (n=310 – multiple answers allowed)



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=170)

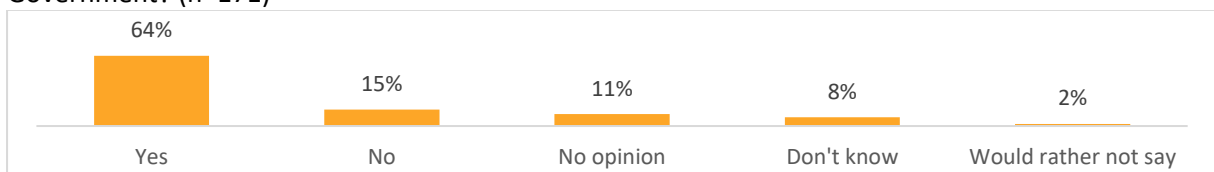


5.6: In the past year, have you been targeted by the Government due to involvement in your CSO? (n=170)

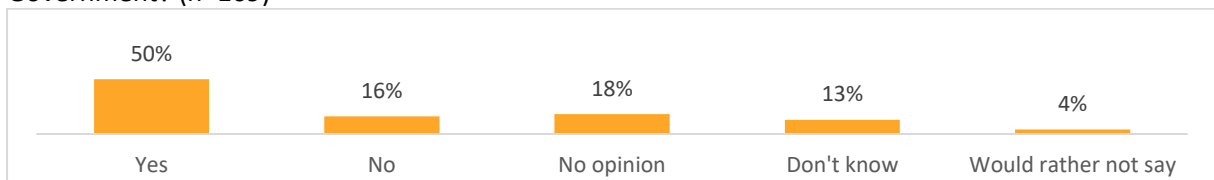


Section 6: CSO and TU Partnership with the Government

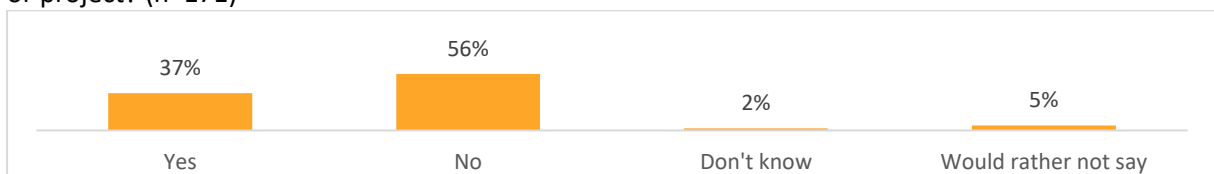
6.1: Do you believe that your CSO is recognized as a legitimate development partner by the Government? (n=171)



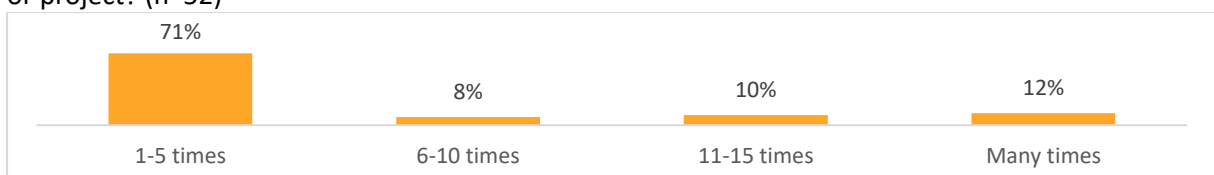
6.2: Do you believe that your CSO is recognized as a competent development partner by the Government? (n=169)



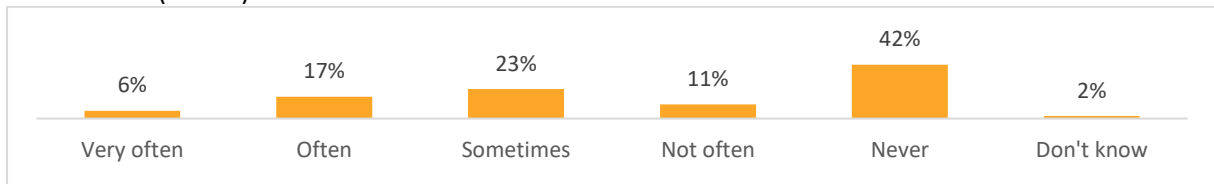
6.3: In the last year, has your CSO partnered with Government authorities for an official collaboration or project? (n=171)



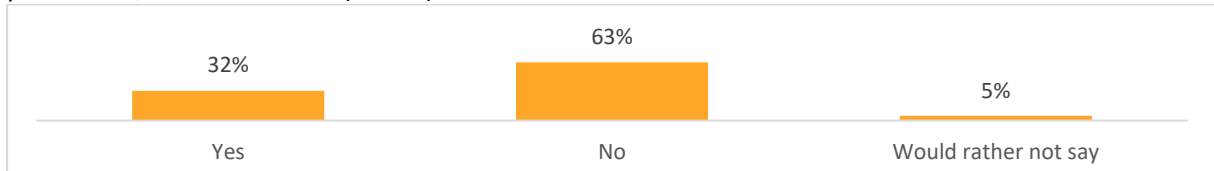
6.4: How many times has your CSO partnered with Government authorities for an official collaboration or project? (n=52)



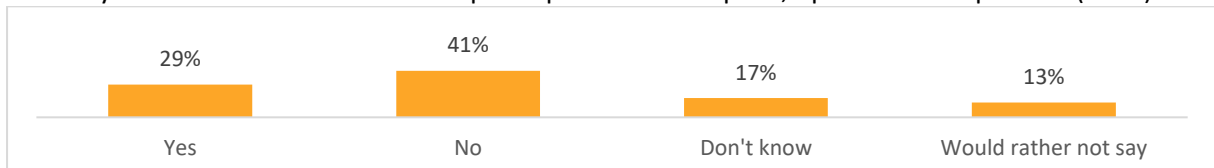
6.5: In the last year, how often has your CSO informally partnered or collaborated with Government authorities? (n=169)



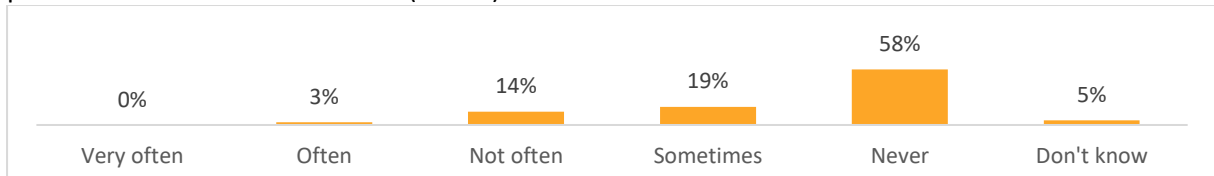
6.6: In the last year, were you aware of any opportunities to participate in Government consultations, panels and/or committees? (n=168)



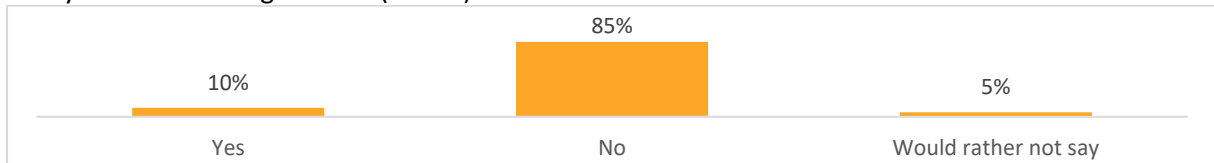
6.7: Do you believe that these calls for participation were explicit, open and transparent? (n=87)



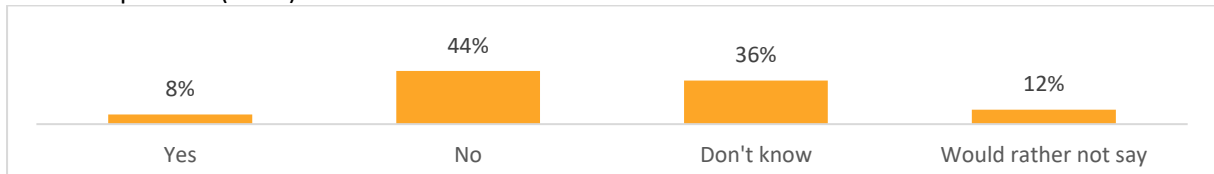
6.8: In the last year, how often has your CSO been an active participant in decision and law making processes with the Government? (n=168)



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=169)



6.10: Do you believe that these Government financing or funding opportunities were explicit, open and transparent? (n=59)



6.11: Was your CSO able to access Government financing for capacity building? (n=62)

