



**មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា**  
Cambodian Center for Human Rights



## Civic Space

### Joint submission for the 4<sup>th</sup> Cycle of the Universal Periodic Review of Cambodia

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## **I. Introduction**

### *i. National UPR Context*

1. This report is a joint submission by the Cambodian Center for Human Rights (CCHR)<sup>1</sup>, the Cambodian Human Rights and Development Association (ADHOC)<sup>2</sup>, the Solidarity Center<sup>3</sup>, CENTRAL<sup>4</sup>, COMFREL<sup>5</sup>, for the fourth Universal Period Review (UPR) of Cambodia. It analyses major developments related to civic space since January 2019.
2. Cambodia underwent its last UPR in January 2019. During the review, the Royal Government of Cambodia (RGC) received a total of 198 recommendations from 73 delegations; of which 173 were supported, and 25 were noted. Among the recommendations received, at least 38 related to civic space and the protection of human rights defenders. The RGC supported ten, most of which were related to ensuring that all citizens may fully enjoy their rights to freedom of expression and peaceful assembly and association (110.95), immediately removing all undue restrictions on civil society and independent media (110.98), taking all the measures necessary to ensure a safe environment to guarantee the full enjoyment of freedom of expression of journalists and the general population (110.99) and protecting journalists, human rights defenders, trade union workers, land and environmental activists and other civil society actors, and members of the political opposition from harassment, arbitrary arrest, and physical attacks and investigate and prosecute the perpetrators of such attacks (110.113)
3. This report will assess the implementation of some of the recommendations related to civic space that were supported by the RGC in 2019. The implementation of other recommendations pertaining to the exercise of fundamental freedoms will also be assessed whenever relevant to the context of civic freedoms. The joint submission will also formulate recommendations to address the human rights issues and shortcomings identified over the course of the analysis.

### *ii. Methodology*

4. The joint submission partners agreed to draft a dedicated report on the issue of civic space during a consultative workshop which was held on 12-13 July 2023 in Phnom Penh. This event was co-organized by CCHR, UPR Info, and the OHCHR Office in Cambodia to support the engagement of local civil society in the UPR. On 20 August 2023, the partners held a coordination meeting to outline a draft structure and assign responsibilities, after which they began a month-long collaborative drafting process. The draft was presented during a follow-up workshop on 13 September 2023 and eventually finalized in late September.
5. The information presented in the report includes data generated by the joint submission partners through field research, project activities, surveys, consultations with relevant stakeholders, desk review, and media monitoring

## **II. Civic space**

### *i. General context*

6. In Recent years the state of civic space in Cambodia has worsened due to a crackdown on fundamental freedoms and a series of repressive laws consistently misused to restrict civic

freedoms, undermine and weaken civil society, and criminalize human rights defenders, trade unionists, youth activists, journalists, and other dissenting voices for exercising their rights to freedom of expression, association, and peaceful assembly. According to CIVICUS Monitor, the country is rated repressed with a score of 27 out of 100<sup>6</sup>.

7. The Royal Government of Cambodia (RGC) used the COVID-19 outbreak as a pretext to further restrict fundamental freedoms by enacting a draconian state of emergency law allowing for 20-year prison sentences and other disproportionate penalties for violations of COVID-19-related measures through a series of vague and broad provisions that the authorities commonly abused, and failed to provide any independent oversight or procedural safeguards. Moreover, from 2020 to 2023 also witnessed a wave of detentions of activists, human rights defenders, prominent trade unionists, and opposition leaders, many of whom remain in detention or face criminal charges<sup>7</sup>.
8. Since the general elections held in 2018, Cambodia has become a de facto one-state party. The 2022 commune elections were neither free nor fair, exhibiting a trend of attacks on civil and political rights and the systematic disassembling of any credible opposition. The 2023 General Elections took place in the same climate after the National Electoral Committee banned the opposition Candlelight Party from running for the elections<sup>8</sup>, showing a lack of electoral guarantees and further entrenching a ruling party in a systematic crackdown on fundamental freedoms in the country. The persistent repression and harassment of the political opposition and dissenting voices over the past few years have fostered a culture of fear and self-censorship in Cambodia, preventing citizens, including members of the opposition Candlelight Party, dissenting voices, human rights defenders, and activists – from public participation.
9. Cambodia is a party to the International Covenant on Civil and Political Rights (ICCPR), which imposes obligations on states to respect and protect the freedoms of association, peaceful assembly, and expression. These freedoms are also guaranteed in the Constitution of the Kingdom of Cambodia. Nevertheless, the concluding observations issued<sup>9</sup> by the Human Rights Committee in March 2022, stated the persistent violation of the freedom of expression, including in relation to reports of the closure of multiple national and international media outlets; blockage of websites critical of the government, the use of criminal and civil actions against journalists and human rights defenders, and widespread harassment and intimidation of online activists. Particularly, the Committee expressed its concerns that some offenses contained in the Criminal Code, including defamation, incitement, insult, and *lèse majesté*, are often used to restrict the freedom of expression disproportionately and excessively. Moreover, it also reported receiving information regarding the use of excessive and disproportionate force to disperse peaceful demonstrations, leading to widespread arrests and detention of protesters, including human rights defenders, environmental activists, opposition leaders, and trade unionists.
10. Despite current engagement and reporting by the United Nations, the Special Rapporteur on the situation of human rights in Cambodia, multiple resolutions made by the UN Human Rights Council, and recommendations made during the Third Cycle of the Universal Periodic Review to improve fundamental freedoms and the state of civic space in the country, the RGC has shown no political commitment to make democratic reforms.

**I. Harassment, intimidation, and attacks against human rights defenders, civil society activists, journalists, and members of political opposition**

11. The government of Cambodia received 14 recommendations concerning the protection of human rights defenders, trade union activists, journalists, and members of political opposition during the 3<sup>rd</sup> UPR cycle.<sup>10</sup> Of these, four were noted<sup>11</sup> and 10 were accepted<sup>12</sup> including the recommendation made by Italy to protect the rights of human rights defenders and bring laws, regulations, and policies on freedom of expression, association, and assembly into accordance with the State's international obligations. Even though the protection of human rights defenders, trade union activists, journalists, and members of political opposition should be fulfilled as committed, the government has failed to meaningfully implement these recommendations.<sup>13</sup>
12. Article 12 of the United Nations Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) mandates states to take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of their legitimate exercise of rights.<sup>14</sup> Although the Cambodian legal framework does not outline specific protections for human rights defenders, they enjoy the same rights as all Khmer citizens. Nonetheless, a broad range of laws are used to harass human rights defenders, preventing them from conducting their work and freely exercising their rights.
13. Human rights defenders in Cambodia continue to face repression and experience different forms of interference as a consequence of their activities. Most of them are routinely subjected to judicial harassment including summons, questioning, criminal charges, arrests, detention, and convictions. Criminal offenses such as incitement (articles 494 and 495), plotting (article 453), and insulting the King (lesé majesté) (article 437-bis) are commonly used to target human rights defenders. From September 2020 to August 2021, CCHR's Fundamental Freedom Monitor Annual Report documented 17 cases of human rights defenders facing legal actions (six of these were summoned, eight were questioned, and eight were detained).<sup>15</sup> According to data gathered by CCHR, from September 2021 to August 2022, 13 human rights defenders faced legal action (of these, four individuals were detained and arrested)<sup>16</sup>
14. At the time of this report's submission, at least four women human rights defenders remained in detention, including Ms. Seng Chan Theary, who was sentenced to six years in prison for plotting and incitement charges;<sup>17</sup> Ms. Chhim Sithar, a leader of the Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU), who was sentenced to two years in prison for incitement;<sup>18</sup> Ms. Phav Nheung and Ms. Seng Lin, two land activists from Koh Kong Province who were recently sentenced to one-year imprisonment for defamation, incitement, and malicious denunciation due to their peaceful activism in defense of their communities land rights.<sup>19</sup> Besides legal actions, CCHR reported two cases of physical attacks against women human rights defenders in the reporting period covering from September 2021 to August 2022<sup>20</sup>.
15. Regarding Ms. Seng Theary's case, Opinion No. 5/23 of the UN Working Group on Arbitrary Detention found her detention was in contravention of UDHR and ICCPR, concluding it's arbitrary under human rights law. According to the source, articles 453 (conspiracy to commit treason), 494, and 495 (incitement to create social disorder) of the Cambodian Criminal Code under which Seng was convicted are incompatible with articles 11 (2) and 15 (1) of the Universal Declaration of Human Rights, due to their vague and overly broad

language. Moreover, the Working Group stated that her incarceration was politically motivated, and therefore constituted a violation of international law on the grounds of discrimination based on a person's status as a human rights defender. Consequently, the Working Group requested the government to take the steps necessary to remedy her situation without delay.<sup>21</sup>

16. With the revocation of media licenses, journalists faced multiple forms of harassment and intimidation. From September 2021 to August 2022, CCHR reported that the government initiated legal actions against at least 20 journalists.<sup>22</sup> According to CamboJA's Cambodia Journalism Situation Report 2022, seven journalists faced legal action in 2022.<sup>23</sup> The same report states that seven journalists remained in prison as of December 2022. Nonetheless, the group was unable to record a single case of the courts prosecuting officials and other individuals who harassed members of the media.
17. Between 1 January – 31 December 2022, CCHR recorded two cases involving restrictions imposed on independent journalists from joining conferences held by the RGC and five cases in which journalists were physically attacked, although none of those cases were brought to justice.<sup>24</sup> In its Cambodia Journalism Situation Report 2022, CamboJA also reported that four journalists were physically assaulted while on duty.<sup>25</sup> Such a situation continues to undermine the dire state of freedom of expression in Cambodia and the media's role in a democratic society, spreading fear among those who cover stories related to powerful officials.
18. Land and environmental activists and members of political opposition are routinely targeted with lawsuits for their work and political activities. According to CCHR's Fundamental Freedoms Monitor Annual Report, 79 individuals faced legal action by the government in 2022. Of these, 41% were land and environmental activists, and 13% were members of political opposition.<sup>26</sup>
19. Legal actions continued to target land activists in 2023. On 29 June 2023, Koh Kong authorities arrested 10 land activists for their legitimate activity advocating for the protection of their territory. They were all charged with incitement and nine of them were put in pre-trial detention. All imprisoned activists arrested in June were granted bail on 29 August 2023,<sup>27</sup> but two of them remained in prison for another criminal case in which they were sentenced in early August 2023.<sup>28</sup> In another court case, 10 land activists were sentenced to one year in prison by the Koh Kong Provincial Court on 15 August 2023.<sup>29</sup>
20. Starting in 2020, Cambodia's courts conducted a series of mass trials against more than 100 members of the political opposition, convicting them to between 5 to 10 years in prison.<sup>30</sup> Some of them are living in exile in fear of reprisals. On 22 December 2022, thirty-six members of the dissolved Cambodia National Rescue Party (CNRP), including former president Sam Rainsy and former vice-president Mu Sochua, were convicted for plotting in a new mass trial verdict rendered by the Phnom Penh Municipal Court for their alleged involvement in the attempted return of Mu Sochua to the country in 2021. Similarly, 11 CNRP officials, including the two leaders, were handed down a seven-year jail sentence and were stripped of their rights to vote and stand for election for five years while the 25 others were sentenced to five years in prison, although three saw their sentence suspended. Most of the convicted ex-CNRP members standing trial were not present as they fled the country and were therefore issued arrest warrants.
21. By the same token, on 03 March 2023 Mr. Kem Sokha, the President of former CNRP was sentenced to 27 of prison for treason, placed under house arrest, and banned from politics, a

few months before the upcoming general elections. The decision was based on allegations that he conspired with foreign powers to overthrow the government; the Court cited a speech delivered by Sokha in 2013 in which he advocated for democracy in Cambodia as a piece of crucial evidence, yet it was never substantiated with credible documentation.<sup>31</sup> His detention was described as arbitrary by the UN Working Group on Arbitrary Detention.<sup>32</sup>

22. At the time of drafting this report, at least 46 members of the political opposition, union leaders, and land activists remain in prison for their social, political, environmental, land, and labor activism.<sup>33</sup> Overall, the situation described creates fear and distress among Cambodians, discouraging human rights defenders from continuing their legitimate activities, as they are perceived as opponents by the RGC. Commonly, many of them flee Cambodia in fear of threats or reprisals.

- **Recommendations**

- Ensure an enabling environment for civil society to operate in the country, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders, and Human Rights Council resolutions 22/6, 27/5, and 27/31.
- Create all the necessary conditions to allow citizens to enjoy their fundamental rights, particularly freedom of expression, association, and peaceful assembly.
- Adopt measures aimed at ensuring the enjoyment of civil and political rights by Cambodian citizens.

**Regarding the protection of human rights defenders, civil society activists, journalists, and members of the political opposition**

- Immediately and unconditionally release any individual detained as a consequence of their advocacy activities, drop all criminal charges, and end judicial harassment against human rights defenders to ensure that they are able to exercise their freedoms and work freely.
- Adopt all necessary measures to guarantee the rights of those who advocate for human rights, conduct proper investigations to hold perpetrators accountable for human rights violations against human rights defenders, and environmental and political activists, and implement measures of non-recurrence.
- Ensure a free civic space, allowing human rights defenders, political opposition leaders, and journalists to carry out their activities without obstruction, without fear or harassment, or reprisals.

## **II. Freedom of Expression, Press Freedom, and Access to Information**

23. Article 41 of the Constitution of the Kingdom of Cambodia provides that “*Khmer citizens shall have freedom of expression, press, publication, and assembly*”. Similarly, Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Cambodia is a party also provide for the universal right to freedom of opinion and expression to everyone. Freedom of expression is key to human development, dignity, personal fulfillment, and the search for truth, and a fundamental prerequisite for democracy and good governance.
24. In the last few years, however, criminal charges and other lawsuits have been regularly weaponized against those who dare to discuss or report on topics deemed sensitive. In 2022 alone, CCHR documented 37 SLAPPs (Strategic Lawsuits Against Public Participation) filed against 79 individuals on account of their exercise of freedom of expression. Most of these

cases targeted land and environmental activists (41%) and labor activists (32%), members of the opposition party (13%) and journalists (10%).<sup>34</sup>

25. Incitement crimes, including incitement to commit a felony or disturb social security (Article 495) and incitement to discrimination (Article 496), are vague and need an amendment to prevent their abuse. In practice, they are applied even more broadly than the law implies and are commonly weaponized as a default charge against those who express all sorts of political or social criticism, which as the Human Rights Committee has reiterated violate Cambodia's obligations under the ICCPR.
26. Incitement charges have also been brought against environmental activists, labor activists, artists, and political opposition members for speeches discussing contentious issues but not directly inciting any specific crime.<sup>35</sup> For instance, a rapper was charged with incitement for posting songs covering social issues including border disputes and corruption in late 2020.<sup>36</sup> Moreover, on 26 October 2021, 10 activists who had called for the release of a trade unionist were sentenced to 20 months imprisonment for incitement; the group had been in pretrial detention for a year after being arrested in August and September 2020 for their peaceful activism<sup>37</sup>.
27. The aforementioned offense of *lèse majesté* prohibits any form of expression that affects the dignity of the King and can result in up to five years of imprisonment and the imposition of a fine. This provision is incompatible with Cambodia's human rights obligations. States should not set special rules criminalizing insults to public figures. Since the last UPR, several individuals have been charged with *lèse majesté*, including members of the political opposition, journalists, and environmental activists. Such a practice is clearly a means of targeting critical voices rather than protecting the reputation of the King.<sup>38</sup> For instance, on August 11, 2022, the Phnom Penh Municipal Court convicted seven former Cambodia National Rescue Party (CNRP) activists for allegedly inciting people to protest against the authorities and overthrow the government and insulting the King on social media between 2018 and 2021. One of these individuals, Mich Heang, was convicted both of incitement to commit a felony and *lèse-majesté* and sentenced to three years in jail.
28. Additionally, Treason charges are also commonly used against members of the political opposition. During the mass trials in 2020-2022, many political officials were convicted of treason and incitement to commit a felony.<sup>39</sup> Many of these charges appear to be based on simple affiliation with the opposition party or comments on social media. This harsh punishment over expressions of political dissent raises major concerns about freedom of expression in the political space.
29. Authorities often use legal threats to silence freedom of expression. These threats, combined with the vagueness of crimes such as incitement allow authorities to declare certain topics "off limits". Noticeably, on August 25, 2021, a farmer was charged and convicted because he criticized the implementation of a proposal by Prime Minister Hun Sent to procure longan fruit from farmers who were affected by export issues.<sup>40</sup> Similarly, in December 2021 the Ministry of Agriculture warned people who criticized the low crop prices after a civil servant was detained for criticizing the rice price policy on Facebook.<sup>41</sup> This restriction does not comply with Article 19 (3) of the ICCPR but is rather at the discretion of authorities.

### **Targeting of Independent Media and Press Freedom**

30. The allocation of broadcasting licenses in the absence of any clear laws or regulations is governed by the Ministry of Information. Under the 2018 Inter-Ministerial Prakas No. 170 (*Prakas on Publication Controls of Website and Social Media Processing via Internet in the Kingdom of Cambodia*), the Ministry also claims regulatory authority over licensed electronic media, suggesting that all online media must register; yet, the legal framework is unclear and lacks specific rules or laws about media registration and licensing. Consequently, media registration, broadcasting licenses, and even online media are essentially subject to the goodwill of the Ministry of Information
31. The Ministry of Information has the authority to suspend or cancel licenses and registration for media outlets, but the legal basis for such actions is often unclear. Many media outlets have been forced to shut down, leaving the independent media sector significantly constrained in Cambodia. The recent closure of Voice of Democracy (VOD) in February 2023 and the subsequent decision to block its website constitutes an alarming attack on media freedom, in a country with few remaining independent media outlets operating.<sup>42</sup>
32. After this incident, other websites have had their licenses revoked and their websites blocked, and their staff have been arrested, for allegedly publishing fake news or discrediting the government. On the verge of the July 2023 elections, the Ministry of Post and Telecommunication issued an order to internet service providers to block the websites and social media accounts of at least three news outlets, including Cambodia Daily, Kamnotra, and RFA for allegedly creating confusion, affecting the government's honor, and failing to fulfill the requirements from the Ministry of Information<sup>43</sup> in clear breach of the right to access to information.<sup>44</sup> Nevertheless, other news sites which are friendly to the government were not blocked.<sup>45</sup> A similar block had occurred during the 2018 national election.
33. The lack of transparency in media regulation and license allocation provides authorities with the opportunity to threaten media license revocation, particularly when they dare to criticize the government or report on cases of corruption or other events involving public officials. Independent media outlets are shut down at the discretion of the Prime Minister and many others have faced difficulties obtaining registration, licenses, press passes, and access to press events. For instance, in 2022 CCHR recorded the case of a group of journalists who were barred from attending a Post-ASEAN summit conference despite having press passes<sup>46</sup>.
34. In 2021, Cambodia promulgated the Sub-Decree on the National Internet Gateway, which would create an Internet infrastructure that routes traffic through central points, making it easier to monitor and block content. Operators of the gateway have the authority to block online content that affects safety, social order, dignity, culture, and other grounds. The implementation of this Sub-Decree has been indefinitely delayed, but it poses a substantial threat to freedom of expression online.
35. In 2022, Cambodia announced the Sub-Decree on Management and Use of National Domain Names. This requires Cambodian businesses and other legal entities to use Cambodia's domain name and enables authorities to easily suspend domain names, a new tool that facilitates website blocking. In 2023, A recently approved Sub-Decree on Identity Registration on SIM-enabled Telecommunication Equipment also mandates IMEI registration (a phone's unique identifier number), potentially enabling additional monitoring of communications. These legal changes, combined with ambiguous language in the Law on Telecommunications, appear to authorize surveillance without judicial or other independent oversight bodies. Cambodia lacks strong data protection rules that clearly constrain the government's ability to access private data.

36. In practice, the organizations drafting this submission have documented incidents of surveillance without any apparent judicial authorization or independent oversight body. Comments made in private communications, monitored without a warrant, have been the basis for arrests and used as evidence in a court of law. For example, 2020 lèse majesté convictions were based on comments made in private phone calls.<sup>47</sup> Such cases have a particularly chilling impact on the ability to express oneself freely even in private conversations.
37. Moreover, there are barriers for civil society to take part in the consultation process on the draft laws related to the Internet, Cyber Security draft law, and Cybercrime draft law. Therefore, once they enter into force, these laws won't serve the interest of the public if input from civil society and spaces to engage in an interactive dialogue with the government are lacking.
38. On the other hand, journalists are unable to consistently and quickly access critical information that should be shared with the public. The Press Law contains a procedure for journalists to access information. However, government officials have no penalties for failing to comply with requests and can easily ignore them in practice. The 30-day deadline to reply to a request seems to be outdated in the modern context of the rapid news cycle.<sup>48</sup> Instead, a comprehensive right-to-information law is needed.

#### • Recommendations

- Repeal the provisions of the Criminal code that can be used to restrict freedom of expression, including criminal offenses such as Lèse majesté (art 437 bis), Incitement (art 494, 495), Public defamation (art 305), Public Insulting (art 307) to ensure the fulfillment of the right to freedom of expression.
- Release immediately any individual detained for the legitimate exercise of their freedom of expression and drop all criminal charges against these individuals.
- Guarantee the right to freedom of expression for Cambodian citizens and journalists, both online and offline, and ensure a safe environment for journalists to continue carrying out their journalist work without fear of reprisal and harassment.
- Establish an independent broadcasting authority, setting clear rules for allocating and revoking broadcasting licenses, in line with international human rights standards.
- Review all decisions leading to the closure of independent media outlets such as VOD, Cambodia Daily, and RFA, and allow news outlets to freely operate in the country.
- Establish clear rules, in alignment with international human rights standards around press accreditation and press registration, and refrain from licensing online media.
- Promptly investigate cases of violence against journalists and other individuals who are attacked for exercising their right to freedom of expression, and provide dedicated support, training and resources to units tasked with investigating such crimes.
- Repeal Prakas No. 170 and the Sub-Decrees on Domain Name Registration, mandatory SIM-enabled Telecommunication Equipment registration and the National Internet Gateway.
- Prioritize the adoption of Access to Information Draft Law in 7th legislative mandate to ensure the citizen rights of access to information.
- Disseminate the draft of laws related to the Internet, Cyber Security draft law and Cybercrime draft law among the public and open a space for an interactive dialogue with civil society, so they can provide their inputs during the law-making processes.

### III. Freedom of association

39. Freedom of association is one of the most basic rights allowing citizens to freely organize, form and participate in groups either formally or informally. Subsequently, since the 3<sup>rd</sup> UPR cycle, the Fundamental Freedom Monitor Project documented 966 incidents that restricted freedom of association, of which 592 incidents (or 61%) were impermissible and mounted as a violation of freedom of association.<sup>49</sup> The law on Associations and Non-Governmental Organizations (LANGO)-and The law on Trade Unions (TUL) determine the ability of the competent authority to restrict freedom of association in Cambodia.<sup>50</sup>
40. During the UPR Third Cycle in 2019, Cambodia received 22 recommendations; 16 of these were supported and 6 were noted by the RGC.<sup>51</sup> Cambodia acceded to the recommendation made by Finland to “Cease all kinds of harassment of and arbitrary interference with the political opposition, human rights defenders and labor activists, and amend laws and regulations effectively used to limit freedom of association [...]such as certain provisions in the law on political parties, the law on associations and non-governmental organizations and the law on trade unions.” (110.109) <sup>52</sup> Even so, legislation determining the capacity for associations and trade unions to register such as the LANGO and the TUL impose burdensome requirements, thus creating barriers for exercising this freedom.
41. Data gathered from the organizations presenting this submission covering from 1 January to 31 July 2023 shows that there were no new trade union registrations, likely due to employers targeting workers who try to form unions. Such figures indicate a concerning trend of targeting workers and interfering with the freedom of association, which includes the right of workers to organize and bargain collectively.
42. Besides the legal sanctions imposed on individuals resulting from their involvement in association activities, CSOs and associations reported interferences with their activities, including cases in which authorities took pictures of their participants, and requested information through informal letters making superfluous requirements.<sup>53</sup> For instance, On 28 March 2023, ADHOC conducted a dissemination session on "Sexual Trafficking and Security Violence" in Koh Kong Province. Suddenly, three policemen came to take photos of the participants and stayed during the whole training.
43. Further, in 2023 the National Election Committee (NEC) rejected the Candlelight Party’s registration for the upcoming national elections due to be held on July 23, stating that the opposition party did not meet all the conditions of the Law on the election of the members of the National Assembly as it had failed to submit the required documents<sup>54</sup>, even though the paper presented by the party was issued by the Ministry of Interior a few weeks prior the incident.<sup>55</sup> However, during the commune election that took place in 2022, the party was able to register, prevailing 19% of the votes, and allocating 2,200 seats.<sup>56</sup>

#### • Recommendations

- Amend articles 1, 7, 8, 9, 10, 11, 20, 24, 25, 26, 30, 31, 32, and 35 of the LANGO with inputs from civil society organizations.
- Ensure the non-biased registration of trade unions, civil society organizations, federations and confederations, and take all the necessary measures operate freely by ament articles 15 and 17 of the law on Trade Union.
- Drop all charges against trade union activists for their involvement in union activities and unconditionally release all the leaders from the LRSU.
- Stop all forms of interference by the authorities with CSOs and CBOs and allow them to conduct their legitimate activities in accordance with their organization mandates.

- Foster the full participation of opposition parties, including the Candlelight Party in the next communal, senatorial and legislative elections.

#### IV. Freedom of peaceful assembly

44. The right to peaceful assembly is one of the fundamental freedoms legally guaranteed under international human rights law, a bedrock for democratic institutions as it allows people to gather, bring attention to issues, and demand social change. Since Cambodia's Third UPR Cycle, the Fundamental Freedom Monitor Project recorded 652 peaceful gatherings and strikes which were mostly planned by land communities and trade unions.<sup>57</sup> The Law on Peaceful Assembly imposes anticipated prohibitions on assemblies if the competent authority conclude they "may cause seriously jeopardize security, safety and public order".<sup>58</sup> Article 11 of the indicated mentioned law curtails the ability to freely exercise assemblies related to political campaigns and trade union aims.
45. In the stage of Cambodia's review by member states under the 3<sup>rd</sup> UPR cycle session on 32 January 2019, Cambodia received 10 recommendations related to freedom of peaceful assembly. Four of these recommendations were noted, and six were supported,<sup>59</sup> including one from to "Bring Laws, regulations, and policies on [...] public assembly into compliance with the International Covenant on Civil and Political Rights".<sup>60</sup> Nonetheless, the actions taken by the RGC resulted in a lack of compliance with international human rights standards and the Cambodian domestic legal framework, thus leading to the excessive use of force, irrational prohibition of plan assemblies, and legal sanctions against those who peacefully gather to advocate for their rights. This has a clear impact on Cambodian society. For instance, a public poll carried out by CCHR in 2022 showed that 59% of trade union leader felt unfree to exercise their right to peaceful assembly<sup>61</sup>.
46. In 2022, the NagaWorld strike led to a record number of government legal actions reported against those exercising the right to peaceful assembly, more than in previous years since the FFMP started in 2016. Significantly, 2571 individuals faced instances or detention took place, approximately 2553 of those involved participants of the NagaWorld strike. The situation has not improved in 2023. From Jan-June the FFMP documented a total of 75 assemblies taking place in Cambodia, 56 of which were related to the NagaWorld labor dispute. The FFMP documented that the RGC prohibited four assemblies from happening, imposed restrictions on one of them (such as limiting the number of participants, location, time, etc.), allowed one assembly to take place and interfered with 61 peaceful gatherings. Moreover, the FFMP recorded 67 incidents where authorities prevented assembly monitors from observing protests related to the strike.
47. Likewise, individuals peacefully gathering to advocate for land rights continued to be targeted and detained by the authorities. On 29 June 2023, 10 land community activists were arrested and immediately imprisoned while trying to submit a petition before the Ministry of Justice over a long-running land dispute in Koh Kong Province; the group was charged with incitement (under articles 494, and 495 of the Criminal Code); two community leaders had been previously convicted in a separate defamation case and were fined 40 million riels.<sup>62</sup> Seven other land activists were however released on bail on 02 August 2023.<sup>63</sup> Nevertheless, two Koh Kong female land activists were released from prison on 06 October, following the decision made by the Preah Sihanouk Appeal Court ordering the release of the detained women from pre-trial detention.<sup>64</sup>

#### • Recommendations

- Take the measures necessary to ensure that the right to freedom of peaceful assembly is not hindered by the authorities' arbitrary and excessive use of force.
- End all kinds of harassment and interference with the political opposition, land rights, and labor activists, human rights defenders, and amend laws and regulations used to limit the right to freedom of assembly, such as the law on associations, and non-governmental organizations, and the law on trade union.
- Drop all charges and release immediately all assembly leaders of LRSU, and Koh Kong Land Activists to ensure they continue to freely exercise their right to freedom of peaceful assembly without retaliation resulting from their participation in peaceful gatherings.

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<sup>1</sup> The Cambodian Center for Human Rights (CCHR) is a non-aligned, independent, non-governmental organization (NGO) that works to promote and protect respect for human rights – in particular civil and political rights – democracy, and the rule of law in the Kingdom of Cambodia.

<sup>2</sup> The Cambodian Human Rights and Development Association (ADHOC) is an independent, non-partisan, non-profit, and non-governmental organization that works to address the absence of basic rights, freedoms,

and liberties in Cambodia by providing people with knowledge and understanding of human rights, law and democracy, and how to defend their rights and freedoms.

<sup>3</sup> Solidarity Center is the largest U.S.-based international worker rights organization helping workers attain safe and healthy workplaces, family-supporting wages, dignity on the job and greater equity at work and in their community's programs. Solidarity Center works in approximately 60 countries, including Cambodia. Solidarity Center's 221 professional staff work with 400-plus labor unions, pro-worker nongovernmental organizations, legal-aid groups, human rights defenders, women's associations, advocacy coalitions and others to support workers—in garment factories, home service, seafood processing, mining, agriculture, informal marketplaces, manufacturing, the public sector and beyond. In Cambodia, Solidarity Center works with unions and other allies in all major industries, to protect and advance worker rights through training and support, including legal advocacy, as workers increasingly stand up for their rights and demand living wages and decent working conditions. For more information, <https://www.solidaritycenter.org/where-we-work/asia/cambodia/>.

<sup>4</sup> CENTRAL organizes and supports the Cambodian working people through legal aid and other appropriate means to demand transparent and accountable governance for labor and human rights.

<sup>5</sup> COMFREL is an independent, non-partisan NGO that collaborates and engages with a wide range of stakeholders, partners, alliances, working groups and coalition and human rights organizations, dedicated to providing an independent and non-partisan role in the formation and growth of Cambodian democracy.

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<sup>9</sup> United Nations Human Rights Committee. Concluding observations on the third periodic report of Cambodia. [CCPR/C/KHM/CO3](#). 18 May 2022.

<sup>10</sup> Recommendations 110.85, 110.89, 110.91, 110.92, 110.93, 110.109, 110.110, 110.111, 110.112, 110.113, 110.114, 110.115, 110.116, 110.117.

<sup>11</sup> Recommendations 110.89, 110.92, 110.111, 110.117.

<sup>12</sup> Recommendations 110.85, 110.91, 110.93, 110.109, 110.110, 110.112, 110.113, 110.114, 110.115, 110.116.

<sup>13</sup> ARTICLE 19 and PEN America, Cambodia: Government fails to implement UPR recommendations, <https://www.article19.org/resources/cambodia-government-fails-to-implement-upr-recommendations/>

<sup>14</sup> UN Declaration on Human Rights Defenders, A/RES/53/144, 8 March 1999, Article 12, <https://www.ohchr.org/documents/issues/defenders/declaration/declaration.pdf>.

<sup>15</sup> The State of Freedom of Expression, Press Freedom, and Access to Information in Cambodia: September 2020 – August 2021, 5.2. State of Freedom of Expression for HRDs, p.31, CCHR, April 2022, <https://cchrcambodia.org/en/publications/general-reports/the-state-of-freedom-of-expression-press-freedom-and-access-to-information-in-cambodia-september-2020-august-2021>

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<sup>19</sup> Flash Info | Imprisoned Koh Kong Land Activists Convicted, Licadho, <https://www.licadho-cambodia.org/flashnews.php?perm=339>

<sup>20</sup> Cambodian Center for Human Rights. [State of Freedom of Expression, Press Freedom and Access to Information in Cambodia](#). Annual Report: 1 September 2021-31 August 2022.

<sup>21</sup> Opinion No. 5/2023 concerning Seng Chan Theary (Cambodia), Opinions adopted by the Working Group on Arbitrary Detention at its ninety-sixth session, 27 March–5 April 2023, A/HRC/WGAD/2023/5, 15 June 2023, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-5-Cambodia-AEV.pdf>

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