

# **Cambodia: The pattern of shallow rights commitments and failed implementation continues**

Universal Periodic Review Submission

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## INTRODUCTION

1. Since Cambodia's third Universal Periodic Review (UPR) in 2019, the human rights situation in the country has further plummeted. This submission documents in particular the concerning maltreatment of fundamental freedoms – namely, the rights to freedom of expression, information, assembly, and association.
2. In the four years that have elapsed since Cambodia received 198 UPR recommendations to improve its human rights protections, the government has failed to meaningfully implement the vast majority. This joins the pattern of shallow commitment and failed implementation observed in previous UPR cycles.
3. In line with, and in continuation of, ARTICLE 19 and PEN America's mid-term report,<sup>1</sup> this submission documents the progress (or rather regress) regarding UPR recommendations relevant to the following areas of concern:
  - Legal framework for freedom of expression
  - Digital rights
  - Media freedom
  - Threats to human rights defenders, including environmental activists
  - Civil society and freedom of association
  - Political association and free and fair elections
  - Freedom of peaceful assembly
4. All 57 recommendations made by 32 States that fall into these thematic categories have been largely, if not wholly, ignored. This submission documents that the government has failed to implement adequately or fully any of these recommendations; instead, the protection of these rights has further regressed. These seven priority areas represent some of the most neglected human rights in the country. During its last UPR session in 2019, these areas were under threat by the ruling party and the elite class; however, in 2023 they have reached new lows.
5. This submission documents the four-year implementation progress of Cambodia's third cycle recommendations and provides an update of the state of fundamental freedoms in the country. It observes that, over the last four years, the government of Cambodia has taken decisive steps to suppress critical and dissenting voices, the independent media, civil society organisations, environmental activists, political opposition supporters, and peaceful protesters. Thematic updates are provided in this submission and an overview of the implementation progress for the seven themes is visible in Table 1. A detailed matrix covering the implementation for each of the 57 highlighted recommendations is appended at Annex 1.

*Table 1: Relevant third cycle recommendations and four-year implementation progress*

| Topic | Number of third | Number of | Implementation progress |
|-------|-----------------|-----------|-------------------------|
|-------|-----------------|-----------|-------------------------|

|                                                                      | <b>cycle UPR<br/>recommendations</b> | <b>accepted and noted<br/>recommendations<sup>2</sup></b> | <b>for accepted<br/>recommendations</b>                                                                                                                                                         |
|----------------------------------------------------------------------|--------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal framework for freedom of expression                            | 17                                   | Ten accepted; seven noted                                 | Progress towards the enactment of freedom of information legislation (one recommendation only)                                                                                                  |
| Digital rights                                                       | 12                                   | Ten accepted; two noted                                   | None                                                                                                                                                                                            |
| Media freedom                                                        | 18                                   | 15 accepted; three noted                                  | None                                                                                                                                                                                            |
| Threats to human rights defenders, including environmental activists | 12                                   | 11 accepted; one noted                                    | None                                                                                                                                                                                            |
| Civil society and freedom of association                             | 33                                   | 27 accepted; six noted                                    | Progress towards recommendations calling for law reform, however reform consultations have not been inclusive and amendments are thus not expected to adequately protect freedom of association |
| Political association and free and fair elections                    | 24                                   | 16 accepted; eight noted                                  | None                                                                                                                                                                                            |
| Freedom of peaceful assembly                                         | 14                                   | Nine accepted; five noted                                 | None                                                                                                                                                                                            |

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## LEGAL FRAMEWORK FOR FREEDOM OF EXPRESSION

6. During Cambodia's third UPR, it received 17 recommendations regarding reform of the domestic legal framework to comply with the right to freedom of expression.<sup>3</sup> Of those recommendations, ten were accepted while seven were noted.<sup>4</sup> Accepted recommendations included calls to bring the *Law on Telecommunications* and the *Penal Code* into compliance with international human rights standards for freedom of expression, to revoke *Interministerial Prakas No. 170 on publication controls of websites and social media processing via the Internet*,<sup>5</sup> and to adopt a *Law on Access to Information*.<sup>6</sup>
7. The only area of law reform on freedom of expression that has seen progress over the last four years has been the drafting of freedom of information legislation. However, the *Draft Law on Access to Information*, which is now anticipated to be finalised by 2025,<sup>7</sup> has numerous shortcomings that contravene international standards, and in its current form it does not sufficiently protect the right to information.<sup>8</sup>
8. Poignantly, calls to decriminalise defamation (Article 305 of the *Penal Code*) were only noted,<sup>9</sup> along with recommendations to repeal or amend other specific criminal provisions including incitement (Articles 494 – 498 of the *Penal Code*) and insulting the king (Article 437-bis of the *Penal Code*).<sup>10</sup> We note how criminal defamation and insult laws are inherently disproportionate and incompatible with international human rights law.<sup>11</sup> Moreover, these three provisions do not comply with Article 19(3)'s narrow limitations clause and their definitions are vague enough to permit subjective and unequal interpretation.
9. Over the past four years the government has enacted further repressive legislation to the detriment of freedom of expression, including the enactment of the *Law on the Management of the Nation in State of Emergency* in April 2020, the *Sub-Decree on the Establishment of a National Internet Gateway* (NIG Sub-Decree) in February 2021, and the *Law on Measures to Prevent the Spread of COVID-19 and other Serious, Dangerous and Contagious Diseases* in March 2021. An analysis of these laws was included in our mid-term report (See Annex 3).
10. In 2021, the government of Cambodia issued the *Sub-Decree on the Management and Use of National Domain Names on the Internet*. It mandates the use of national domain names (.kh) by all entities registered to operate in Cambodia. While states have a wide discretion to manage their national domain names, mandating the use and registration of national domain names subjects registrants to restrictive obligations that impede freedom of expression. For example, Article 11 prohibits the use of national domain names to affect 'culture, morality, traditions, customs, individual rights, consumer rights, public legal interests, national security, or social order', vague language that could be subjectively interpreted to limit legitimate online expression.
11. In 2023, the *Sub-Decree on the Equipment Identity Registration System* was issued by the government with the intended purpose of increasing tax revenue and preventing crime.<sup>12</sup> The sub-decree mandates registration of all devices using SIM cards in a national database managed by the Ministry of Posts and Telecommunications. Despite being seemingly well intentioned, critics are concerned that the database would facilitate mass surveillance and assist the government in its fierce campaign against dissidents.<sup>13</sup>
12. 2023 election law amendments also violate freedom of expression, see page 14.

13. Furthermore, pending draft laws in the country also pose a future risk for freedom of expression. Namely, the *draft Law on Cybercrime*, the *draft Law on Public Order*, and the *draft Law on Cybersecurity*. The latter includes a classic catch-all provision—quickly becoming a trade mark of Cambodian laws—which would permit the Ministry of Posts and Telecommunications to perform any ‘necessary duties related to cybersecurity’. Such opaque language undermines the fundamental requirement of legality for freedom of expression restrictions to be lawful.

## Proposed fourth cycle recommendations

14. ARTICLE 19 and PEN America recommend the following:

- Repeal or revise all laws that unduly restrict the right to freedom of expression, including but not limited to, Cambodia’s election laws, the *Sub-Decree on the Establishment of a National Internet Gateway* the *Sub-Decree on the Management and Use of National Domain Names on the Internet*, the *Sub-Decree on the Equipment Identity Registration System*, and Articles 305, 437-bis, 494 – 498 and other problematic provisions of the *Penal Code*; and,
- Ensure the draft *Law on Access to Information* complies with international human rights law and standards on the right to information before it is enacted.

## DIGITAL RIGHTS

15. Cambodia received 12 recommendations regarding digital rights during its third UPR.<sup>14</sup> Of those recommendations, ten were accepted while two were noted.<sup>15</sup> Accepted recommendations include calls to reform the *Law on Telecommunications* and repeal *Interministerial Prakas No. 170*, calls to protect freedom of expression online and guarantee freedom of expression on the internet, and recommendations to refrain from prosecuting people for exercising their freedoms online.<sup>16</sup>
16. There has been no apparent progress in the implementation of these ten accepted recommendations regarding digital rights. Rather, online expression remains under sustained attack by the government, which has increasingly restricted internet freedom and targeted individuals for critical online commentary.<sup>17</sup> Social media users in particular have become the focus of criminal charges for expressing opinions online, with authorities using judicial harassment to target users of Facebook, YouTube, and TikTok. Authorities cracked down hard on online criticism of the government's COVID-19 response.<sup>18</sup> Criticism of former Prime Minister Hun Sen frequently elicited orders on Facebook for police action;<sup>19</sup> the same is expected of the new premier Hun Manet.
17. LICADHO, a leading human rights NGO received a legal threat for their publication of a rap music video 'Worker's Blood'.<sup>20</sup> The video marked the nine-year anniversary of a strike that was met with lethal police force and resulted in four deaths. An Operations Director for the NGO was questioned by the police after which the video was removed from the NGO's website and social media. Three other civil society organisations are also facing government retaliation for sharing the video.<sup>21</sup>
18. An additional concern regarding online expression is the use of social media by the authorities to spread fear and issue broad threats. A Facebook live video of Hun Sen threatening to use violent force against people who criticise the ruling party,<sup>22</sup> was found to violate Meta's Violence and Incitement policy and ordered to be removed.<sup>23</sup> The Oversight Board also made a recommendation to Meta to suspend Hun Sen's Facebook page and Instagram account for six months'.<sup>24</sup>
19. In February 2021, seven months after it was drafted, the NIG Sub-Decree was adopted, setting in motion the creation and governance of a national internet gateway (NIG)—a virtual gateway through which all internet communications and internet data traffic circulating within and coming into Cambodia must pass. The NIG Sub-Decree facilitates monitoring and surveillance of internet activity, empowers the interception and censorship of digital communications, and enables the collection, retention, and sharing of personal data. The NIG Sub-Decree and the subsequent heightened policing of the internet represents a decisive shift by the government away from international human rights standards and towards a China-esque surveillance state.<sup>25</sup> Although it was due to come into force on 16 February 2022, the NIG is not yet in place with delays attributed to technical difficulties with the infrastructure and the COVID-19 pandemic. Nevertheless, the sub-decree is already having a chilling effect on freedom of expression as journalists, activists, and human rights defenders report increasingly practicing self-censorship for fear of arrest.<sup>26</sup>

## Proposed fourth cycle recommendations

20. ARTICLE 19 and PEN America suggest the following recommendation:

- Repeal the *Sub-Decree on the Establishment of a National Internet Gateway* and ensure all digital surveillance activities fully comply with international standards including the principles of legality, necessity, and proportionality; and,
- Ensure that any future legislative or policy proposals governing online spaces are developed transparently and in full consultation with the public and civil society and that they comply with international human rights law and standards.

## MEDIA FREEDOM

21. During Cambodia's third UPR, 18 recommendations were made regarding media freedom and the protection of journalists.<sup>27</sup> Of those recommendations, 15 were accepted while three were noted.<sup>28</sup> Accepted recommendations include calls to cease interference with the media and harassment of journalists, strengthen the independence of the media, and investigating and prosecuting all attacks against journalists.
22. There are few independent media outlets left in Cambodia; media ownership is highly concentrated and the government owns or has influence over the majority of media services. Since its last UPR review in January 2019, Cambodian authorities have revoked the licenses of at least sixteen media outlets,<sup>29</sup> including one of the last remaining independent news outlets, the *Voice of Democracy* (VOD). The shuttering of VOD in 2023, which had become an important source of independent media on corruption and human rights, has left a void in the media landscape.<sup>30</sup> The closure was ordered by the former Prime Minister who accused the outlet of slandering his son. The dark irony of the government's shuttering of an outlet entitled the '*Voice of Democracy*' is not lost. Democracy has been silenced both figuratively and literally. This has forced the public into the consumption of pro-government media or informal content online, neither of which are reliable media sources. VOD headquarters in Washington have since revived their Cambodian news program through VOD's social media platforms; however, their country office remains closed and VOD Khmer broadcasting no longer operates through their former parent organisation – the Cambodian Center for Independent Media.<sup>31</sup>
23. Journalists and media workers continue to be harassed both judicially and extra-judicially. *CamboJA* report high yearly figures of journalist harassment which peaked at 96 harassed journalists in 2021. The types of harassment that proliferate against journalists include violent attacks, imprisonment, legal action, discrimination, and online harassment.<sup>32</sup> These routine tactics are used to control the media narrative and quash critical reporting. Notably, journalists are often targeted while reporting on politics, land disputes, and public protests.<sup>33</sup>
24. In one example of media worker harassment, an independent journalist association – *CamboJA* – was threatened with legal action for its reporting on the shuttering of three media outlets who published reports alleging the involvement of government officials in land fraud.<sup>34</sup> *CamboJA* was forced to 'correct misrepresentations' for only reporting on part of the comments made by the Ministry of Information.<sup>35</sup>

### Proposed fourth cycle recommendations

25. ARTICLE 19 and PEN America call on states to reiterate their unimplemented third cycle recommendations and suggest the following recommendations:
  - Create a safe and enabling environment for journalists and media workers and immediately cease all attacks, reprisals, criminal proceedings, and violence against them; and,
  - Reinstate the media licences of independent news outlets, including the *Voice of Democracy*.

## THREATS TO HUMAN RIGHTS DEFENDERS, INCLUDING ENVIRONMENTAL ACTIVISTS

26. Cambodia received 12 recommendations regarding threats towards human rights defenders (HRDs).<sup>36</sup> Of those recommendations 11 were accepted while one was noted.<sup>37</sup> Accepted recommendations included calls to protect the rights of HRDs, cease interference with the work of HRDs, end arbitrary arrests, protect HRDs from violence, and prosecute perpetrators of violence against HRDs. Explicit reference to the protection of environmental activists was made in one recommendation by Iceland.<sup>38</sup>
27. HRDs are depicted as enemies of the state and punished for their free speech as civic space continues to be contracted in Cambodia. For example, two musicians were arrested in 2020 for their songs on income inequality and politics of Cambodia's land ownership.<sup>39</sup> The Cambodia Fundamental Freedoms Monitor records HRDs as the most targeted victims of fundamental freedom violations across the country.<sup>40</sup> Government authorities and private actors have used physical attacks, intimidation, and judicial harassment to silence those speaking out against human rights abuses, land grabs and environmental degradation.
28. In particular, the government of Cambodia has instigated a campaign of judicial harassment against environmental HRDs who speak out against land grabs and environmental degradation. ARTICLE 19 and PEN America identified environmental activists as a particularly vulnerable group in its UPR submission ahead of the third cycle. However, in the subsequent four years, the harassment of environmental HRDs has rocketed, now making them one of the most targeted groups in Cambodia. The monitoring of land disputes between communities and authorities has been punished,<sup>41</sup> along with photographing land protests.<sup>42</sup> Some environmental activists remain imprisoned,<sup>43</sup> while others have fled Cambodia after receiving death threats.<sup>44</sup>

### Proposed fourth cycle recommendations

29. ARTICLE 19 and PEN America suggest the following recommendations:
- Cease the judicial harassment, including arbitrary detention, of human rights defenders, particularly environmental activists; and,
  - End impunity for acts of harassment against human rights defenders; conduct impartial, prompt, thorough, independent, and effective investigations into all threats and attacks against human rights defenders, including environmental activists; and bring perpetrators to justice.

## CIVIL SOCIETY AND FREEDOM OF ASSOCIATION

30. Of the seven thematic categories monitored in this submission, civil society and freedom of association was the topic that received the most recommendations in Cambodia's third UPR cycle. Of the 33 such recommendations received,<sup>45</sup> Cambodia accepted 27.<sup>46</sup> Accepted recommendations included calls to bring the *Law on Associations and Non-Governmental Organizations* (LANGO) and the *Law on Trade Unions* in line with international human rights obligations, to protect civil society actors, remove undue restrictions on civil society, and ensure a free civic space.
31. Regrettably, in the four years that have elapsed since Cambodia made these commitments, it has systematically and methodically shrunk civil society and cultivated an environment of fear and self-censorship. The Cambodia Fundamental Freedoms Monitor reports that 34% of CSO or trade union leaders that took part in their 2022 survey experienced interference with their right to freedom of association, and 35% reported excessive monitoring or surveillance by authorities.<sup>47</sup>
32. For example, in May 2023, three staff members of the Cambodian Farmer Community (CCFC) were arrested, including CCFC's president.<sup>48</sup> The three were charged with plotting and incitement, criminal investigations were commenced, CCFC was suspended by the Interior Ministry, and all their activities were temporarily suspended.<sup>49</sup> The three were granted bail after publicly apologising and signing forced confessions.<sup>50</sup> In June 2023, after meeting with CCFC staff, the former Prime Minister told the Minister of Justice and the court to drop all charges and permit CCFC to resume its work in the agricultural sector.<sup>51</sup>
33. LANGO and the *Law on Trade Unions* both continue to fail to adequately protect the right to freedom of association. LANGO makes legal capacity of an association dependent on its registration with the government, imposing mandatory registration as a prerequisite for conducting any activities. LANGO also enforces overburdensome reporting requirements and confers intrusive powers to the government, permitting the dissolution or de-registration of organisations. Since its last UPR, Cambodia has shuttered at least one NGO for non-compliance with LANGO—the Cambodian Wildlife Forest Fisheries Protection and Conservation Organization.<sup>52</sup>
34. In line with UPR recommendations to review or reform LANGO, the government has undertaken consultations with stakeholders to review the law; however, some NGOs have chosen not to engage with the consultative process due to doubts about its effectiveness and claims that only the concerns of pro-government NGOs or 'soft-advocacy' NGOs are being considered.
35. While some amendments to the *Law on Trade Unions* were passed in 2020,<sup>53</sup> they did not lessen the laws impingement on the right to unionise. It continues to impose burdensome requirements on unions, including financial reporting requirements and mandatory registration. The Ministry of Labour and Vocational Training has established a working group to reform the *Law on Trade Unions*; however, ARTICLE 19 and PEN America doubt whether amendments will improve the law's protection of freedom of association.

### Proposed fourth cycle recommendations

36. ARTICLE 19 and PEN America suggest the following recommendation:

- Ensure the reform processes for the *Law on Associations and Non-Governmental Organizations* and the *Law on Trade Unions* facilitate meaningful consultations and dialogues with a broad spectrum of stakeholders, including trade unions and civil society organisations, to ensure that all stakeholders' views are considered and that amendments improve the laws' compliance with Cambodia's human rights obligations.

## POLITICAL ASSOCIATION AND FREE AND FAIR ELECTIONS

37. Cambodia received 24 recommendations regarding political association and free and fair elections.<sup>54</sup> Of those recommendations 16 were accepted while eight were noted.<sup>55</sup> Accepted recommendations included calls to amend the *Law on Political Parties*, ensure the independence of the National Election Committee, cease the harassment of the political opposition, investigate and prosecute the perpetrators of physical attacks against opposition supporters, and enable a pluralistic electoral process for future elections.
38. Instead of electoral reform to improve the protection of political freedoms, 2022 amendments to the Constitution weakened the parliamentary system.<sup>56</sup> The amendments increased the threshold of approvals required for the National Assembly to dismiss governments and government officials and shifted the responsibility for appointing the Prime Minister to the party with the most seats in the National Assembly.
39. In 2023, just one month ahead of the national election, Cambodia amended its election laws to discourage ballot spoiling, criminalise the act of encouraging others to spoil their ballots or to not vote, and ban people who choose not to vote from contesting in future elections.<sup>57</sup> The amendments impose *de facto* compulsory voting for individuals who may wish to contest an election in the future. Mandating election participation impinges on the rights to freedom of expression and association. The right to not vote, or to spoil one's ballot is a legitimate form of protest against a perceived lack of viable choices on a ballot, or an expression of discontent at the electoral system in general.
40. The election law amendments were successful in their agenda to disempower voters. They were used to intimidate voters before, during, and after the July 2023 elections, to manipulate the election environment, and to criminalise individuals outspoken about spoiling their own ballot. For example, 38 officials or activists of the former Cambodia National Rescue Party were convicted *in absentia* for 'inciting voters to spoil their national election ballots' and each fined between 10 and 20 million riels and barred from holding an elected position for either 20 or 25 years.<sup>58</sup>
41. The election law amendments helped solidify the bogus nature of Cambodia's most recent elections, with plentiful countries deeming them neither free nor fair.<sup>59</sup> The concerted effort to effectively enforce voting despite eradicating meaningful opposition parties sends a clear signal that the only acceptable political affiliation is with the ruling party.

### Proposed fourth cycle recommendations

42. In addition to reiterating the unimplemented third cycle recommendations regarding political association and electoral freedoms, ARTICLE 19 and PEN America suggest the following new recommendations for the government of Cambodia:
  - Repeal the recent election law amendments and refrain from using any laws to criminalise individuals calling for election boycotts or encouraging ballot spoiling; and,
  - Encourage the cultivation of an atmosphere conducive to pluralistic political debate among the public rather than deterring and punishing non-conforming opinions and views.

## FREEDOM OF PEACEFUL ASSEMBLY

43. During its third UPR, 14 recommendations were made to Cambodia regarding the right to freedom of peaceful assembly.<sup>60</sup> Of those recommendations, nine were accepted while five were noted.<sup>61</sup> Accepted recommendations included, ensuring excessive use of force, harassment, or arbitrary restrictions are not used to hinder assemblies and to bring laws, regulations, and policies on freedom of assembly in line with international standards.
44. Instead of implementing these recommendations, over the last four years authorities have escalated their interference with freedom of assembly. New laws have been passed that threaten the right to protest, authorities have continued to employ excessive force against protesters, and individuals have been arbitrarily arrested for exercising their right to freedom of assembly.
45. The COVID-19 pandemic was utilised by the government as a pretence to unduly prohibit assemblies. Parliament enacted the *Law on the Management of the Nation in State of Emergency* and the *Law on Measures to Prevent the Spread of COVID-19 and other Serious, Dangerous and Contagious Diseases*. Both pieces of legislation grant the government sweeping and vaguely defined powers to restrict freedom of assembly excessively and arbitrarily.
46. Police violence against protests has heightened in Cambodia, with women facing the brunt.<sup>62</sup> In 2019, on Cambodia's last UPR, the Cambodia Fundamental Freedoms Monitor documented that 4% of assemblies were subjected to excessive state use of force.<sup>63</sup> This figure increased year on year, peaking at 45% in 2022.<sup>64</sup> Assembly monitors have documented protesters being shoved, kicked, and dragged across the pavement and even shot at by armed security forces.<sup>65</sup>
47. Ongoing strikes by the Labor Rights Supported Union (LRSU), the main union of Phnom Penh's biggest casino, have been persistently met with heavy police deployment, use of unnecessary force, and violent arrests.<sup>66</sup> Nine LRSU protesters were arrested and charged in January 2022 with incitement under Articles 494 and 495 of the *Criminal Code*.<sup>67</sup> In February 2023, protesters who have still not reached an adequate resolution with their employer resumed their strike in front of NagaWorld.<sup>68</sup> The nine were all convicted in May 2023 and sentenced to up to two years imprisonment each.<sup>69</sup>
48. Furthermore, in a blatant attempt to discourage and punish the exercise of freedom of assembly, City Hall is suing NagaWorld protesters for property damage to the metal police barricades used to block them during a violent clash.<sup>70</sup> This litigation is a prime example of a strategic lawsuit against public participation (SLAPP), designed to deter citizens from exercising fundamental freedoms.

### Proposed fourth cycle recommendations

49. ARTICLE 19 and PEN America encourage the following UPR recommendation:
  - Promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly and refrain from the excessive use of force against protesters, including in the context of ongoing strikes by the Labor Rights Supported Union (LRSU);
  - Ensure that all authorities policing protests are adequately trained on crowd control, the use of force, and applicable human rights and law enforcement standards; and,

- Ensure any restrictions or prohibitions of assemblies are strictly necessary and meet international human rights standards.

## Annexes submitted separately:

Annex 1 – Submitting stakeholders

Annex 2 – Recommendations Implementation Matrix

Annex 3 – ARTICLE 19 and PEN America, 'Cambodia: Regression of UN freedom of expression commitments - Universal Periodic Review mid-term report' (14 December 2021)

<sup>1</sup> ARTICLE 19 and PEN America, 'Cambodia: Regression of UN freedom of expression commitments - Universal Periodic Review mid-term report' (14 December 2021). See Annex 3.

<sup>2</sup> Accepting a recommendation shows a commitment to implement it before the next cycle, noting a recommendation makes no such commitment.

<sup>3</sup> **110.26 (Iceland), 110.29 (Czechia), 110.31 (Austria), 110.79 (Finland), 110.81 (France), 110.82 (Germany), 110.83 (Germany), 110.84 (Germany), 110.86 (Colombia), 110.92 (Spain), 110.93 (Italy), 110.94 (Sweden), 110.96 (Switzerland), 110.97 (United Kingdom of Great Britain and Northern Ireland), 110.98 (United States of America), 110.105 (Denmark), and 110.108 (Greece).**

<sup>4</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.

<sup>5</sup> 110.83 (Germany) and 110.98 (United States of America).

<sup>6</sup> 110.96 (Switzerland).

<sup>7</sup> Son Minea, 'Draft law on Access to Information to be ready by 2025' (*Khmer Times*, 16 January 2023) <[www.khmertimeskh.com/501220000/draft-law-on-access-to-information-to-be-ready-by-2025/](http://www.khmertimeskh.com/501220000/draft-law-on-access-to-information-to-be-ready-by-2025/)>.

<sup>8</sup> See, ARTICLE 19, 'Cambodia: Access to Information Bill falls short' (11 December 2019)

<<https://www.article19.org/resources/cambodia-access-to-information-bill-falls-short/>>; and The Cambodian Center for Human Rights (CCHR), 'Access to Information in Cambodia' (28 September 2020)

<<https://cchrcambodia.org/admin/media/newsletter/newsletter/english/infographic-of-A2I-in-English.pdf>>.

<sup>9</sup> See for example, 110.97 (United Kingdom of Great Britain and Northern Ireland).

<sup>10</sup> See for example, 110.82 (Germany).

<sup>11</sup> UN Human Rights Council, 'Reinforcing media freedom and the safety of journalists in the digital age - Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan' (20 April 2022) UN Doc A/HRC/50/29, para 111; and UN Human Rights Committee, 'General comment No. 34 - Article 19: Freedoms of opinion and expression' (12 September 2011) UN Doc CCPR/G/GC/34, paras 38 and 47.

<sup>12</sup> Available in Khmer at <[https://asset.cambodia.gov.kh/mptc/media/20230203\\_SD\\_41\\_EIRS.pdf](https://asset.cambodia.gov.kh/mptc/media/20230203_SD_41_EIRS.pdf)>.

<sup>13</sup> Ngay Nai, 'Mandatory Registration for Sim Card Devices Intended to Reduce Crime But Raises Fears of "Mass Surveillance"' (*CamboJA*, 23 March 2023) <<https://cambojanews.com/mandatory-registration-for-sim-card-devices-intended-to-reduce-crime-but-raises-fears-of-mass-surveillance/>>.

<sup>14</sup> **110.26 (Iceland), 110.29 (Czechia), 110.31 (Austria), 110.79 (Finland), 110.81 (France), 110.83 (Germany), 110.94 (Sweden), 110.96 (Switzerland), 110.98 (United States of America), 110.101 (Brazil), 110.106 (Lithuania), and 110.110 (Netherlands).**

<sup>15</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.

<sup>16</sup> 110.110 (Netherlands).

<sup>17</sup> ICJ, 'Dictating the Internet: Curtailing Free Expression and Information Online in Cambodia' (November 2021) <[www.icj.org/wp-content/uploads/2021/12/ICJ-Dictating-the-Internet\\_Cambodia\\_Engl.pdf](http://www.icj.org/wp-content/uploads/2021/12/ICJ-Dictating-the-Internet_Cambodia_Engl.pdf)>.

<sup>18</sup> See for example, Ngay Nai, 'More Incitement Cases Brought Against Two Government Critics' (*VOD*, 9 December 2022) <<https://vodenglish.news/more-incitement-cases-brought-against-two-government-critics/>>.

<sup>19</sup> See for example, Mech Dara, 'Hun Sen Orders Police to Find Facebook Beach Insulter' (*VOD*, 18 January 2023)

<<https://vodenglish.news/hun-sen-orders-police-to-find-facebook-beach-insulter/>>.

<sup>20</sup> Mech Dara, 'Rights Group Takes Down Rap Video Citing Police's Legal Threat' (*VOD*, 10 January 2023)

<<https://vodenglish.news/rights-group-takes-down-rap-video-citing-polices-legal-threat/>>.

<sup>21</sup> *ibid.*

<sup>22</sup> Sorn Sarath, 'Hun Sen Warns Candlelight Leaders Criticism of CPP Will be Met With Legal Action or "A Stick"' (*CamboJA*, 10 January 2023) <<https://cambojanews.com/hun-sen-warns-candlelight-leaders-criticism-of-cpp-will-be-met-with-legal-action-or-a-stick/>>.

<sup>23</sup> Oversight Board, 'Oversight Board overturns Meta's decision in "Cambodian prime minister" case' (29 June 2023) <[www.oversightboard.com/news/656303619335474-oversight-board-overturns-meta-s-decision-in-cambodian-prime-minister-case/](https://www.oversightboard.com/news/656303619335474-oversight-board-overturns-meta-s-decision-in-cambodian-prime-minister-case/)>.

<sup>24</sup> *ibid.*

<sup>25</sup> 32 human rights organisations, 'Cambodia: Government should scrap rights-abusing national internet gateway' (16 May 2022) <[www.article19.org/resources/cambodia-government-should-scrap-rights-abusing-national-internet-gateway/](https://www.article19.org/resources/cambodia-government-should-scrap-rights-abusing-national-internet-gateway/)>.

<sup>26</sup> Mony Say, 'Cambodia's Internet Gateway Ushers in Silence, Media Say' (*VOA*, 19 October 2021) <[www.voanews.com/a/cambodia-s-internet-gateway-ushers-in-silence-media-say-/6277380.html](https://www.voanews.com/a/cambodia-s-internet-gateway-ushers-in-silence-media-say-/6277380.html)>.

<sup>27</sup> 110.79 (Finland), **110.81 (France), 110.85 (Iceland), 110.88 (Norway), 110.91 (Ireland), 110.97 (United Kingdom of Great Britain and Northern Ireland), 110.98 (United States of America), 110.99 (Argentina), 110.102 (Canada), 110.103 (Japan), 110.106 (Lithuania), 110.110 (Netherlands), 110.112 (Croatia), 110.113 (Slovenia), 110.114 (Czechia), 110.116 (Chile), 110.117 (Greece), and 110.118 (Italy).**

<sup>28</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.

<sup>29</sup> CamboJA, 'Cambodian Journalism Situation Report 2021' (May 2022) <[www.camboja.net/wp-content/uploads/2022/05/Final-of-Cambodian-Journalism-Situation-Report-2021-HIGH.pdf](http://www.camboja.net/wp-content/uploads/2022/05/Final-of-Cambodian-Journalism-Situation-Report-2021-HIGH.pdf)>; CamboJA, 'Cambodian Journalism Situation Report 2022' (April 2023) <[www.camboja.net/wp-content/uploads/2023/04/2022-Cambodian-Journalism-Situation-Report-EN.pdf](http://www.camboja.net/wp-content/uploads/2023/04/2022-Cambodian-Journalism-Situation-Report-EN.pdf)>; and CamboJA, 'Journalism Situation in Cambodia: Quarterly Monitoring Report January-March 2023' (May 2023) <[www.camboja.net/wp-content/uploads/2023/05/Quarterly-Report-Jan-Mar-2023-EN.pdf](http://www.camboja.net/wp-content/uploads/2023/05/Quarterly-Report-Jan-Mar-2023-EN.pdf)>.

<sup>30</sup> Human Rights Watch, 'Cambodia: Hun Sen Extinguishes Media Freedom' (14 February 2023) <[www.hrw.org/news/2023/02/14/cambodia-hun-sen-extinguishes-media-freedom](http://www.hrw.org/news/2023/02/14/cambodia-hun-sen-extinguishes-media-freedom)>.

<sup>31</sup> VOD Khmer, 'Announcement' (Facebook, 20 September 2023)

<[www.facebook.com/100064367962591/posts/pfbid02C2KkJWCgcBs8TN4uvu9QNErrYGHR9YKGwbKsfC4RA9qBJdT7oahdN5mzZEGoF5aEI/?mibextid=l6gGtw](https://www.facebook.com/100064367962591/posts/pfbid02C2KkJWCgcBs8TN4uvu9QNErrYGHR9YKGwbKsfC4RA9qBJdT7oahdN5mzZEGoF5aEI/?mibextid=l6gGtw)>.

<sup>32</sup> CamboJA, 'Cambodian Journalism Situation Report 2022' <[www.camboja.net/wp-content/uploads/2023/04/2022-Cambodian-Journalism-Situation-Report-EN.pdf](http://www.camboja.net/wp-content/uploads/2023/04/2022-Cambodian-Journalism-Situation-Report-EN.pdf)>.

<sup>33</sup> *ibid.*

<sup>34</sup> Khuon Narim and Eung Sea, 'Information Ministry Revokes Three Media Licenses Following Reports on Senior Official's Role in Land Fraud' (*CamboJA*, 18 March 2023) <<https://cambojanews.com/information-ministry-revokes-three-media-licenses-following-reports-on-senior-officials-role-in-land-fraud/>>.

<sup>35</sup> Son Minea, 'CamboJA in trouble for misreporting Info Ministry's decision-making' (*Khmer Times*, 21 March 2023) <[www.khmertimeskh.com/501258640/camboja-in-trouble-for-misreporting-info-ministrys-decision-making/](http://www.khmertimeskh.com/501258640/camboja-in-trouble-for-misreporting-info-ministrys-decision-making/)>.

<sup>36</sup> **110.85 (Iceland), 110.91 (Ireland), 110.92 (Spain), 110.93 (Italy), 110.106 (Lithuania), 110.109 (Finland), 110.110 (Netherlands), 110.112 (Croatia), 110.113 (Slovenia), 110.114 (Czechia), 110.115 (Argentina), 110.116 (Chile).**

<sup>37</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.

<sup>38</sup> 110.85 Take all measures to protect and support journalists, human rights defenders, trade union workers, land and environmental activists and other civil society actors, and members of the political opposition (Iceland).

<sup>39</sup> PEN America, 'Writers at Risk Database' <<https://pen.org/writers-at-risk-database/>>.

<sup>40</sup> CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: 2022 Annual Report' (7 September 2023) 13 <<https://sithi.org/publications/2023-09-07-cambodia-fundamental-freedoms-monitor-2022>>.

<sup>41</sup> Khuon Narim, 'Kampong Chhnang land activists charged after livestreaming dispute' (*CamboJA*, 31 January 2022) <<https://cambojanews.com/kampong-chhnang-land-activists-charged-after-livestreaming-dispute/>>; and VOD, 'Briefs: Violent Threat Against Metta Forest Monk' (10 January 2023) <<https://vodenglish.news/briefs-violent-threat-against-metta-forest-monk/>>.

<sup>42</sup> Khut Sokun and Sokmean Kheang, 'Khut Sokun and Sokmean Kheang' (VOD, 23 January 2023) <<https://vodenglish.news/land-disputant-briefly-detained-after-photographing-court/>>.

<sup>43</sup> Mech Dara and George Wright, 'The Cambodian activists risking their freedom for the environment' (*BBC News*, 9 April 2022) <[www.bbc.co.uk/news/world-asia-60343129](http://www.bbc.co.uk/news/world-asia-60343129)>.

<sup>44</sup> Soth Ban, 'Activist Flees Cambodia, Alleging Death Threats' (VOD, 19 January 2023) <<https://vodenglish.news/activist-flees-cambodia-alleging-death-threats/>>.

<sup>45</sup> **110.12 (Greece), 110.24 (France), 110.25 (Germany), 110.26 (Iceland), 110.27 (New Zealand), 110.28 (Slovenia), 110.29 (Czechia), 110.30 (Australia), 110.31 (Austria), 110.79 (Finland), 110.84 (Iceland), 110.85 (Iceland), 110.87 (Costa Rica), 110.88 (Norway), 110.91 (Ireland), 110.92 (Spain), 110.93 (Italy), 110.95 (Switzerland), 110.98 (United States of America), 110.101 (Brazil), 110.102 (Canada), 110.103 (Japan), 110.105 (Denmark), 110.107 (Lithuania), 110.108 (Greece), 110.109 (Finland), 110.110 (Netherlands), 110.112 (Croatia), 110.113 (Slovenia), 110.114 (Czechia), 110.117 (Greece), 110.151 (Sweden), 110.152 (United States of America), and 110.153 (Belgium).**

<sup>46</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.

<sup>47</sup> CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: 2022 Annual Report' (7 September 2023) 18 <<https://sithi.org/publications/2023-09-07-cambodia-fundamental-freedoms-monitor-2022>>.

<sup>48</sup> LICADHO, 'Three CCFC Staffers Arrested in Kratie Province' (18 May 2023) <[www.licadho-cambodia.org/flashnews.php?perm=330](http://www.licadho-cambodia.org/flashnews.php?perm=330)>.

<sup>49</sup> Phon Sothyroth, 'Interior Ministry Suspends CCFC Amidst Criminal Investigations' (*CamboJA*, 13 June 2023) <<https://cambojanews.com/interior-ministry-suspends-ccfc-amidst-criminal-investigations/>>.

<sup>50</sup> Khuon Narim, 'Three CCFC Members Released on Bail After Confessing Crimes' (*CamboJA*, 31 May 2023) <<https://cambojanews.com/three-ccfc-members-released-on-bail-after-confessing-crimes/>>.

<sup>51</sup> Noan Sereiboth, 'PM allowed CCFC to resume' (Twitter, 17 June 2023) <<https://twitter.com/noansereiboth/status/1670046923062145024>>.

<sup>52</sup> *Fresh News*, 'Ministry of Interior decides to delete the name of the Cambodian Wildlife Fisheries Protection and Conservation' (14 August 2020) <<https://freshnewsasia.com/index.php/en/localnews/168226-2020-08-14-05-56-14.html>>.

<sup>53</sup> Passed by the National Assembly in November 2019, and approved by the Senate and the Constitutional Council in December 2019 before being promulgated in January 2020.

<sup>54</sup> **110.25 (Germany), 110.26 (Iceland), 110.27 (New Zealand), 110.30 (Australia), 110.31 (Austria), 110.78 (United States of America), 110.80 (France), 110.85 (Iceland), 110.88 (Norway), 110.90 (Republic of Korea), 110.91 (Ireland), 110.97 (United Kingdom of Great Britain and Northern Ireland), 110.100 (Brazil), 110.102 (Canada), 110.103 (Japan), 110.104 (Canada), 110.109 (Finland), 110.111 (New Zealand), 110.112 (Croatia), 110.113 (Slovenia), 110.123 (Ireland), 110.137 (Greece), 110.138 (Bhutan), 110.139 (Chile).**

<sup>55</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.

<sup>56</sup> Sorn Sarath and Seoung Nimol, 'National Assembly passes CPP-backed changes to Constitution' (*CamboJA*, 28 July 2022) <<https://cambojanews.com/national-assembly-passes-cpp-backed-changes-to-constitution/>>.

- <sup>57</sup> Reuters, 'Ahead of election, Cambodia amends law to bar non-voters from contesting in future' (23 June 2023) <[www.reuters.com/world/asia-pacific/ahead-election-cambodia-amends-law-bar-non-voters-contesting-future-2023-06-23/](https://www.reuters.com/world/asia-pacific/ahead-election-cambodia-amends-law-bar-non-voters-contesting-future-2023-06-23/)>.
- <sup>58</sup> Khuon Narim, 'Four Candlelight Officials Arrested, 17 Opposition Members Fined and Banned From Holding Office for Inciting Spoiled Ballots' (*CamboJa*, 17 July 2023) <<https://cambojanews.com/four-candlelight-officials-arrested-17-opposition-members-fined-and-banned-from-holding-office-for-inciting-spoiled-ballots/>>; and Buth Reaksmeay Kongkea, 'NEC orders Rainsy to end self-imposed exile, pay fine' (*Khmer Times*, 18 September 2023) <[www.khmertimeskh.com/501361711/nec-orders-rainsy-to-end-self-imposed-exile-pay-fine/](https://www.khmertimeskh.com/501361711/nec-orders-rainsy-to-end-self-imposed-exile-pay-fine/)>.
- <sup>59</sup> U.S. Department of State, 'Press Statement: National Elections in Cambodia' (23 July 2023 <[www.state.gov/national-elections-in-cambodia/](https://www.state.gov/national-elections-in-cambodia/)>; Foreign, Commonwealth & Development Office, UK Government, 'Press release: FCDO statement on Cambodian elections' (24 July 2023) <[www.gov.uk/government/news/fcd-statement-on-cambodian-elections](https://www.gov.uk/government/news/fcd-statement-on-cambodian-elections)>; and The Diplomatic Service of the European Union, 'Cambodia: Statement by the Spokesperson on the general elections' (24 July 2023) <[www.eeas.europa.eu/eeas/cambodia-statement-spokesperson-general-elections\\_en](https://www.eeas.europa.eu/eeas/cambodia-statement-spokesperson-general-elections_en)>.
- <sup>60</sup> 110.84 (Germany), **110.87 (Costa Rica)**, 110.89 (Norway), **110.91 (Ireland)**, 110.92 (Spain), **110.93 (Italy)**, **110.95 (Switzerland)**, 110.97 (United Kingdom of Great Britain and Northern Ireland), **110.101 (Brazil)**, **110.105 (Denmark)**, **110.107 (Lithuania)**, 110.108 (Greece), **110.109 (Finland)**, and **110.114 (Czechia)**.
- <sup>61</sup> Those recommendations that were accepted are emboldened in the previous reference; the remainder were noted by the government of Cambodia.
- <sup>62</sup> Keat Soriththeavy, 'NagaWorld Protestors Let Through Barricade as UN Official Looks On' (VOD, 17 August 2022) <<https://vodenglish.news/nagaworld-protestors-let-through-barricade-as-un-official-looks-on/>>.
- <sup>63</sup> CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: Fifth Annual Report' (April 2021) p.24 <https://www.icnl.org/wp-content/uploads/FFMP-Year-5-Annual-Report.pdf>.
- <sup>64</sup> CCHR, ADHOC, Solidarity Center, and ICNL, 'Cambodia Fundamental Freedoms Monitor: 2022 Annual Report' (7 September 2023) <<https://sithi.org/publications/2023-09-07-cambodia-fundamental-freedoms-monitor-2022>>.
- <sup>65</sup> Mech Dara and Michael Dickison, 'Soldiers Shoot Farmer in Attempt to Reclaim State Land' (VOD, 3 June 2021) <<https://vodenglish.news/soldiers-shoot-farmer-in-attempt-to-reclaim-state-land/>>.
- <sup>66</sup> See for example, Mech Dara, 'Riot Police, Further Arrest in New Year's Eve NagaWorld Strike Crackdown' (VOD, 1 January 2022) <<https://vodenglish.news/riot-police-further-arrest-in-new-years-eve-nagaworld-strike-crackdown/>>; and Khuon Narim, 'Court questions six NagaWorld union leaders for incitement while at least 15 more arrested Monday' (*CamboJA*, 3 January 2022) <<https://cambojanews.com/court-questions-six-nagaworld-union-leaders-for-incitement-while-at-least-15-more-arrested-monday/>>.
- <sup>67</sup> Long Kimmarita, 'Nine charged over NagaWorld protest' (*The Phnom Penh Post*, 4 January 2022) <<https://phnompenhpost.com/national/nine-charged-over-nagaworld-protest>>.
- <sup>68</sup> CCHR, 'NagaWorld strike resumed' (Twitter, 23 February 2023) <<https://twitter.com/cchrcambodia/status/1628562932102733824>>.
- <sup>69</sup> Amnesty International, 'Cambodia: Casino union leader Chhim Sithar and strikers convicted' (25 May 2023) <[www.amnesty.org/en/latest/news/2023/05/cambodia-casino-union-leader-chhim-sithar-and-strikers-convicted/](https://www.amnesty.org/en/latest/news/2023/05/cambodia-casino-union-leader-chhim-sithar-and-strikers-convicted/)>; FIDH, 'Cambodia: Sentencing of Chhim Sithar and eight other members of the LRSU' (26 May 2023) <[www.fidh.org/en/issues/human-rights-defenders/cambodia-sentencing-of-chhim-sithar-and-eight-other-members-of-the](https://www.fidh.org/en/issues/human-rights-defenders/cambodia-sentencing-of-chhim-sithar-and-eight-other-members-of-the)>; and LICADHO, 'Nine LRSU unionists convicted, Chhim Sithar sentenced to two years in prison' (25 May 2023) <[www.licadho-cambodia.org/flashnews.php?perm=332](https://www.licadho-cambodia.org/flashnews.php?perm=332)>.
- <sup>70</sup> Keat Soriththeavy, 'City Hall to Sue NagaWorld Protesters for Property Damage, Insult' (VOD, 12 August 2022) <<https://vodenglish.news/city-hall-to-sue-nagaworld-protesters-for-property-damage-insult/>>.