



Kingdom of Cambodia

Joint Submission to the UN Universal Periodic Review

46th Session of the UPR Working Group

Submitted 11 October 2023

**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC
And**

**The Asian Forum for Human Rights and Development (FORUM-ASIA)
NGO in General Consultative Status with ECOSOC**

**CIVICUS: World Alliance for Citizen
Participation**

CIVICUS UPR Lead, Josef Benedict
Email: josef.benedict@civicus.org

Róisín Dunbar
Email: Roisin.Dunbar@civicus.org

Tel: +41 22 733 3435
Web: www.civicus.org

FORUM-ASIA

FORUM-ASIA Lead, Ahmed Adam
Email: adam@forum-asia.org

Web: www.forum-asia.org

1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 organisations in 23 countries that works to promote and protect human rights, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond.
- 1.3 In this submission, the two organisations examine the Government of Cambodia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Cambodia's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2019. We assess Cambodia's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3rd UPR cycle, the Government of Cambodia received 50 recommendations relating to the space for civil society (civic space). It accepted 35 of these recommendations and noted 15. However, an evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that it has not implemented any of the recommendations.
- 1.5 The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination. Acute implementation gaps were found with regard to the rights to freedoms of peaceful assembly and expression.
- 1.6 We are deeply concerned by the restrictive Law on Associations and Non-Governmental Organisations (LANGO), restrictions on trade unions and the crackdown on the political opposition as well as the harassment and criminalisation of HRDs and journalists.
- 1.7 We are further alarmed by closure of independent media outlets, the silencing of critical voices and restrictions, arbitrary arrests and excessive force around peaceful protests.
- 1.8 As a result of these issues, civic space in Cambodia is currently classified as 'repressed' by the CIVICUS Monitor, indicating a high level of civic space

restrictions.¹

- Section 2 of this submission examines Cambodia's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 3 examines Cambodia's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Cambodia's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression, media freedom and access to information.
- Section 5 examines Cambodia's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Section 7 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

- 2.1** During Cambodia's examination under the 3rd UPR cycle, the government received 20 recommendations on the right to freedom of association. The government committed to 'take the necessary measures to re-establish an environment respectful of the rights of the civil society, in particular by revising the law on associations and non-governmental organizations' and to 'restore democratic and political space, ensuring participation for political parties'. It accepted 12 recommendations and noted eight. However, as evidenced below, the government has failed to take adequate measures to fully realise any of the recommendations.
- 2.2** Article 42 of the Cambodia Constitution states that 'Khmer citizens shall have the right to establish associations and political parties' while article 36 guarantees 'the rights to form and to be members of trade unions'.² Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a state party, also guarantees freedom of association. However, civil society groups, trade unions and political parties face restrictions in law and practice on their ability to operate.

¹ CIVICUS Monitor: Cambodia, <https://monitor.civicus.org/country/Cambodia>.

² 'Constitution: Cambodia 1993 (Rev. 2008)', Constitute Website, https://www.constituteproject.org/constitution/Cambodia_2008.

- 2.3** The LANGO, enacted in 2015, imposes excessive restrictions on the right to freedom of association.³ It mandates registration for all associations (article 6) and provides for burdensome, onerous and vague registration requirements (chapters 2 and 3). The LANGO also provides for broad powers to deny registration (article 8), requires domestic CSOs to maintain an undefined concept of ‘political neutrality’ (article 24) and imposes onerous activity and financial reporting requirements (article 25). These broad and intrusive powers go beyond permissible limitations allowed by international human rights law, while sanctions for failure to adhere to the law (article 30) are disproportionate and do not meet international standards.⁴ According to local sources, there have been proposals to amend the LANGO further to make it more burdensome for CSOs, including by introducing a requirement to inform the authorities of all activities.⁵
- 2.4** The LANGO has been invoked repeatedly to justify the repression of society. It has been used to label groups including environmental organisation Mother Nature Cambodia and youth group Khmar Thavrak as ‘illegal’ for not being registered under the LANGO.⁶ In January 2022, groups such as the Prey Lang Community Network and the Prey Preah Roka Forest Community Network were forcibly prevented from engaging in forest patrols to document and prevent illegal logging as they were not ‘registered’, a requirement under the LANGO.⁷ The law has also been used to intimidate international CSOs and donors, which have been accused of fomenting ‘revolution’.⁸ In June 2023, the then Prime Minister Hun Sen threatened to shut down CSOs if they fail to report their financial statements.⁹
- 2.5** Similarly, certain provisions of the Trade Union Law (TUL) passed in 2016 excessively restrict freedom of association. The TUL imposes mandatory and burdensome registration requirements and broad grounds for the denial of registration (article 15 and Prakas (proclamation) 249) and burdensome reporting

³ ‘Cambodia, Law on Associations and Non-Governmental Organizations’, Office of the High Commissioner for Human Rights (OHCHR) in Cambodia, 13 July 2015, [https://cambodia.ohchr.org/sites/default/files/Unofficial Translation of 5th LANGO ENG.pdf](https://cambodia.ohchr.org/sites/default/files/Unofficial%20Translation%20of%205th%20LANGO%20ENG.pdf).

⁴ In 2022, the UN Human Rights Committee said that the LANGO imposes onerous reporting requirements on organisations leading to the denial of registration and facilitates the surveillance of HRDs. See ‘International Covenant on Civil and Political Rights: Concluding Observations on the Third Periodic Report of Cambodia’, UN Human Rights Treaty Bodies Website, 18 May 2022, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F3%2FKHM%2FCO%2F3&Lang=en.

⁵ Roundtable discussion with civil society groups (on file), September 2023.

⁶ ‘Cambodia: Youth Targeted in ‘Shocking’ Wave of Arrests’, Amnesty International, 10 September 2020, <https://www.amnesty.org/en/latest/press-release/2020/09/cambodia-youth-targeted-shocking-arrests>.

⁷ ‘Country Brief: Cambodia Overview of Recent Restrictions to Civic Freedoms’, CIVICUS, September 2022, <https://civicus.org/documents/CambodiaCountryBrief.September2022.pdf>.

⁸ Roundtable discussion with civil society groups, op. cit.

⁹ ‘Hun Sen Threatens to Dissolve NGOs that Don’t Report Financials’, CambJA News, 5 June 2023, <https://cambojanews.com/hun-sen-threatens-to-dissolve-ngos-that-dont-report-financials>.

requirements (article 17). These do not comply with international law and standards on freedom of association. According to labour activists, union registration takes an average of six months to two years¹⁰ and independent unions have had registration arbitrarily denied.¹¹ In January 2020, the TUL was amended, with 10 articles revised. Despite the amendments, some of which improved the law, the TUL continues to impinge upon the right to freedom of association.¹²

2.6 The Law on Political Parties, with amendments made in 2017, includes provisions that constitute excessive restrictions to the right to freedom of association.¹³ They include vague and unclear language on prohibited party activities (article 6), restrictions on who can be a member of a political party (article 12), a ban on anyone convicted of a crime from holding a top office in a political party (article 18) and a five-year ban on politicians if their party is dissolved (article 45).¹⁴

2.7 Since the last review, there has been a sustained assault on the opposition. Hundreds of activists and supporters from the dissolved Cambodia National Rescue Party (CNRP) have been arbitrarily arrested and detained and have faced politically motivated criminal charges. Many CNRP activists have been physically attacked and injured by unknown assailants during this period, with no credible investigations into attacks to date.¹⁵

2.8 The Candlelight Party has also experienced repression after it became the main opposition party following the dissolution of the CNRP. Its members faced harassment and intimidation around the commune elections in 2022.¹⁶ In July 2022,

¹⁰ Roundtable discussion with civil society groups, op. cit.

¹¹ 'Only "Instant Noodle" Unions Survive, Union Busting in Cambodia's Garment and Tourism Sectors', Human Rights Watch, 21 November 2022, <https://www.hrw.org/report/2022/11/21/only-instant-noodle-unions-survive/union-busting-cambodias-garment-and-tourism>.

¹² The amendment to article 20 of the TUL removed two of the most restrictive requirements for holding a union leadership position. Union leaders who are Cambodian nationals no longer need to prove they are literate in Khmer and all union leaders, regardless of nationality, no longer need to prove they have no previous criminal convictions. Article 29 was amended in a positive fashion; it prevents a union from being dissolved in the event of a leaders or manager committing serious misconduct or a serious offence. See 'Cambodia Fundamental Freedoms Monitor: Fourth Annual Report (April 2019-March 2020)', The Fundamental Freedoms Monitoring Project, July 2020 (on file).

¹³ 'Khm63395, on the Political Parties', International Labour Organization, 22 February 2010, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/63395/61067/F412904329/KHM63395.pdf>.

¹⁴ 'A Human Rights Analysis of the Amended Law on Political Parties (2017)', OHCHR in Cambodia, 28 March 2018, <https://cambodia.ohchr.org/sites/default/files/Analysis%20on%20the%20Amended%20Law%20on%20Political%20Parties%2028%2003%202017%20FINAL%20no%20TC.pdf>.

¹⁵ 'Activists, Journalists Continue to Face Reprisals as COVID-19 Law Exacerbates Violations in Cambodia', CIVICUS Monitor, 24 June 2021, <https://monitor.civicus.org/explore/activists-journalists-continue-face-reprisals-covid-19-law-exacerbates-violations-cambodia>.

¹⁶ 'Authorities Continue to Harass Nagaworld Union Strikers and Criminalise Activists and Opposition Members in Cambodia', CIVICUS Monitor, 4 October 2022, <https://monitor.civicus.org/explore/authorities-continue-harass-nagaworld-union-strikers-and-criminalise-activists-and-opposition-members-cambodia>.

Candlelight Party Vice President Son Chhay was charged with defamation (article 305 of the Criminal Code) after he criticised the commune elections and the National Election Commission (NEC).¹⁷ In May 2023, the party was barred from running in the July 2023 general election after the NEC refused to register the Candlelight Party for failing to attach several documents, including a notarised copy of the party's registration document, with its application. The document was confiscated by the authorities in a 2017 raid on the headquarters of the CNRP.¹⁸

- 2.9** In June 2023, the National Assembly approved an amendment to the Election Law prohibiting those who did not vote in the July 2023 election from running as candidates in future ballots, including the communal council election and general election. Opposition figures living in exile abroad, unable to vote in the July 2023 election, would automatically be disqualified from future elections.¹⁹

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** Under Cambodia's previous UPR examination, the government received 11 recommendations on the protection of HRDs, civil society representatives and journalists. The government committed to 'allowing human rights defenders and journalists to freely express themselves both offline and online, without fear of harassment or reprisal' and 'end arbitrary arrests of human rights defenders'. The government accepted nine recommendations and noted two, but has not implemented any of the recommendations.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. However, in spite of these protections the harassment of HRDs and journalists have been documented.
- 3.3** Scores of HRDs have been harassed, detained, or convicted under vaguely worded charges of 'incitement to commit a felony' under articles 494 and 495 of the Criminal Code. Highly politicised courts mean that those arbitrarily detained and charged are often held for prolonged periods in pretrial detention and have no chance of getting a fair trial.

¹⁷ Son Chhay reportedly said that the preliminary election results of the commune elections did not reflect the 'true will of the people' and the NEC was 'not independent in conducting the 5th June election'. See CIVICUS Monitor, 4 October 2022, op. cit.

¹⁸ 'Cambodia: Ahead of Elections, Civil Society and Journalists Face Threats and Criminalisation While Restrictions on the Opposition Escalate', CIVICUS Monitor, 3 July 2023, <https://monitor.civicus.org/explore/cambodia-ahead-of-elections-civil-society-and-journalists-face-threats-and-criminalisation-while-restrictions-on-the-opposition-escalate>.

¹⁹ Ibid.

- 3.4** On 5 May 2021, environmental HRDs Phuon Keo Raksmeay, Long Kunthea, Chea Kunthin, Thun Ratha and Alejandro Gonzalez-Davidson, affiliated with Mother Nature Cambodia and Khmer Thavrak, were convicted of ‘incitement’ and received jail sentences over attempts to organise a march to the prime minister’s residence to protest against the filling-in of a city lake in 2020. Three of them, Phuon Keoraksmeay, Long Kunthea and Chea Kunthin, were sentenced to 18 months, while Thun Ratha and Alejandro Gonzalez-Davidson received 20-month sentences. All were asked to pay a fine amounting to approx. US\$1,000.²⁰
- 3.5** In August 2021, prominent union leader Rong Chhun was found guilty of ‘incitement’ and given the maximum prison sentence of two years. He had been charged for comments suggesting that farmers living along the border with Vietnam had lost land during border demarcation. Two other activists, Sar Kanika and Ton Nimol, who were arrested for joining peaceful demonstrations calling for Chhun’s release, were each sentenced to 20 months in prison on charges of ‘incitement’.²¹
- 3.6** In October 2021, 10 activists who had called for the release of Rong Chhun were sentenced to 20 months’ imprisonment for ‘incitement’. The 10, comprising seven members of youth group Khmer Thavrak and the Khmer Student Intelligent League Association, which campaign for human rights, environmental protection and social justice, and three CNRP supporters, were also fined. They had been held in pretrial detention for over a year, after having been arrested in August and September 2020.²²
- 3.7** Two land rights activists, Phon Sophal and Sem Chamnan, were sentenced in July 2021 to one-year prison terms for ‘conspiracy’ and ‘incitement’. Phon Sophal, a community representative of the Coalition of Cambodian Farmers Community in Choam Kravien, was arrested in December 2020. Prior to his detention, he was actively involved in promoting community land rights through peaceful advocacy. Sem Chamnan is a Tbong Khmum community representative. He had been involved in a land dispute since 2011 involving a Chinese company and three villages.²³

²⁰ CIVICUS Monitor, 24 June 2021, op. cit.

²¹ ‘Prominent Union Leader Convicted, as Activists and Journalists Continue to be Silenced in Cambodia’, CIVICUS Monitor, 9 September 2021, <https://monitor.civicus.org/explore/prominent-union-leader-convicted-activists-and-journalists-continue-be-silenced-cambodia>.

²² ‘Crackdown on Union Strike in Cambodia While Repression of Opposition and Critics Continues’, CIVICUS Monitor, 5 January 2022, <https://monitor.civicus.org/explore/crackdown-union-strike-cambodia-while-repression-opposition-and-critics-continues>.

²³ CIVICUS Monitor, 9 September 2021, op. cit.

- 3.8** There has also been a lack of accountability around the forcible disappearance of a Thai pro-democracy activist in the capital, Phnom Penh, on 4 June 2020. Wanchalearm Satsaksit was reportedly abducted by a group of armed men outside his apartment block in the afternoon, a few days after he posted a Facebook message ridiculing then Thai Prime Minister Prayut Chan-ocha. He had fled Thailand when summoned for questioning by the military after a 2014 coup and was subject to an arrest warrant over his Facebook page.²⁴
- 3.9** Trade union activists have also been targeted for their activism. In May 2023, a municipal court convicted union leader Chhim Sithar alongside eight members of the Labour Rights Supported Union of Khmer Employees of NagaWorld (LRSU) for ‘incitement’. The LRSU members had been striking to demand better pay and working conditions at the NagaWorld Casino since December 2021 following mass layoffs at the casino. Sithar was sentenced to two years in prison. Meanwhile, five other union members – Chhim Sokhorn, Hay Sopheap, Kleang Soben, Sun Srey Pich and Touch Sereymeas – were given 18-month court monitoring orders and three more – Sok Narith, Sok Kongkea and Ry Sovandy – received one-year suspended sentences.²⁵
- 3.10** Journalists have been targeted by the authorities for their reporting. In July 2019, journalists Hun Sokha and Keo Rattana were arrested for ‘incitement’ in Preah Sihanouk province. The two reporters were livestreaming a protest in which around 20 families tried to block a company’s heavy machinery that was clearing disputed land. They were subsequently granted bail.²⁶ Sovann Rithy, the founder of media outlet TVFB, was detained and charged in April 2020 for ‘incitement’ after quoting Hun Sen saying that ‘motorbike taxis can sell their motorbikes if they face bankruptcy, as the government has no ability to help’.²⁷ Local radio station owner Sok Oudom was sentenced to 20 months in jail in December 2022 in Kampong Chhnang province. Oudom regularly reported on longstanding land disputes between local farming communities and powerful district officials.²⁸ In September 2021, digital journalist Yuon Chhiv of Koh Kong Hot News was sentenced to a year’s imprisonment for ‘incitement’ after publishing alleged misinformation about a land

²⁴ ‘Journalists, Opposition Activists and Unionists Targeted During Pandemic in Cambodia’, CIVICUS Monitor, 23 July 2020, <https://monitor.civicus.org/explore/journalists-opposition-activists-and-unionists-targeted-during-pandemic-cambodia>.

²⁵ CIVICUS Monitor, 3 July 2023, op. cit.

²⁶ ‘Political Opponents and Human Rights Activists Still Being Targeted in Cambodia’, CIVICUS Monitor, 25 September 2019, <https://monitor.civicus.org/explore/political-opponents-and-human-rights-activists-still-being-targeted-cambodia>.

²⁷ CIVICUS Monitor, 23 July 2020, op. cit.

²⁸ ‘Persecution of Activists, Opposition Continue as Cambodia Tightens Control of Online Space’, CIVICUS Monitor, 3 March 2021, <https://monitor.civicus.org/explore/persecution-activists-opposition-continue-cambodia-tightens-control-online-space>.

dispute at Botum Sakor National Park.²⁹

3.11 Journalists have also faced harassment and attacks. In March 2021, Pran Sean, a Siem Reap-based journalist and publisher of digital news outlet Anachak Khmer, was beaten and sustained a head wound requiring stitches and two broken teeth. He believed he was assaulted by illegal loggers in retaliation for his reporting on illegal timber trading. In May 2021, two digital news journalists from Voice of Democracy (VoD) and TN Hot News reported being harassed by the authorities while covering villagers protesting in two separate land disputes. VoD reporter Khut Sokun was asked to delete photos from his smartphone. The authorities also reportedly tore up his notes and deleted audio from his recorder.³⁰ In August 2021, two journalists from CamboJA and Voice of America (VoA) Khmer were harassed by Phnom Penh police while covering a dispute between the authorities and families living along Boeng Tompun lake. An Vichet, a freelance journalist for CamboJA, said that police took his phone and press card and ordered him to delete all his photos. Lors Liblib of VoA Khmer also said that police confiscated his phone and deleted his photos. He was then ordered to leave or face legal action.³¹

4. Freedom of expression, media freedom and access to information

- 4.1** Under the 3rd UPR cycle, the government received 18 recommendations relating to freedom of expression, media freedom and access to information. For example, the government pledged to ‘revise enactments and legislation that violate the rights to freedom of expression’ and ‘Take all measures necessary to ensure a safe environment to guarantee the full enjoyment of freedom of expression of journalists’. It accepted 13 recommendations and noted five, but none of the recommendations have been implemented.
- 4.2** Article 41 of the Cambodian Constitution states that ‘citizens shall have freedom of expression of their ideas, freedom of information and freedom of publication’.³² However, an array of restrictive laws, policies and practices undermine these rights and have been used to target people critical of the government.
- 4.3** As noted above, the ‘incitement’ provisions have been the weapon of choice to criminalise freedom of expression. Other provisions that have been used to silence

²⁹ CIVICUS Monitor, 5 January 2022, op. cit.

³⁰ CIVICUS Monitor, 24 June 2021, op. cit.

³¹ CIVICUS Monitor, 9 September 2021, op. cit.

³² ‘Constitution: Cambodia 1993 (Rev. 2008)’, op. cit.

dissent include ‘insulting the king’ (article 437)³³ and ‘plotting’ (article 453).³⁴

- 4.4** Cambodia’s 2015 Law on Telecommunications permits the government to undertake unfettered surveillance of digital communications in the absence of adequate safeguards and oversight, in violation of the right to privacy as guaranteed by international human rights law.³⁵ The Inter-Ministerial Prakas on Website and Social Media Control, adopted in May 2018, allows the Ministries of Interior, Information and Posts and Telecommunications to take down content on social media outlets and websites that the government deems to be ‘incitement, breaking solidarity, discrimination and wilfully creating turmoil leading to undermining national security, public interest and social order’. This overly broad regulation restricts the rights to freedoms of expression, press and publication and empowers the government to police social media networks to uncover and silence online dissent.
- 4.5** Following the outbreak of COVID-19, the government tried to limit critical commentary on its handling of the pandemic. An emergency law was put in place to ban or restrict news or social media deemed to ‘generate public alarm or fear or generate unrest, or that could bring about damage to national security, or that could bring into being confusion regarding the state of emergency’. Failure to follow these measures could result in severely disproportionate prison sentences. In March 2021, the government passed the Measures to Prevent the Spread of COVID-19 and other Deadly and Serious Infectious Diseases Law. The law includes severe penalties, including long prison terms and hefty fines, for those who violate the preventive measures outlined in the law. It was used to stifle reporting and critical comments on the pandemic.³⁶ In May 2021 the Information Ministry threatened legal action against journalists covering stories in ‘red zone’ areas with strict lockdowns, hospitals and treatment centres. The government said that these stories could cause ‘social chaos and misunderstanding’ among the public.³⁷
- 4.6** There are also concerns about a proposed cybercrime law. A draft analysed by the International Center for Not-for-Profit Law found that there are several articles in the law that may lead to impermissible restrictions on freedom of expression and

³³ The law stated that ‘the use of words, gestures, writings, sketches or objects which undermine the dignity of a person constitutes an insult’ and that ‘insulting the King is liable to one year to five years in jail and a fine of 2 million [approx. US\$500] to 10 million riel [approx. US\$2,500]’.

³⁴ The Criminal Code criminalises the act of ‘plotting’, defined as ‘a resolution agreed upon by two or more persons to commit an attack where the resolution was put into effect by one or more material actions’, with imprisonment from five to 10 years.

³⁵ ‘Cambodia’s Law on Telecommunications, a Legal Analysis’, LICADHO Briefing Paper, March 2016, https://www.licadho-cambodia.org/reports/files/214LICADHOTelecomsLawLegalAnalysis_March2016ENG.pdf

³⁶ CIVICUS Monitor, 24 June 2021, op. cit.

³⁷ Ibid.

the right to privacy.³⁸ There are concerns about a draft cybersecurity law that could expand powers to censor critics.³⁹

- 4.7** Reporters Without Borders ranks Cambodia 147 out of 180 countries in the 2023 World Press Freedom Index. According to the group, radio stations and newspapers have been silenced, newsrooms purged and journalists prosecuted, leaving the independent media sector devastated.⁴⁰ In March 2022, the Ministry of Information revoked business licences of Bayong Times, Cambodia Today and KCTV, alleging that their publications violated journalistic professional ethics and contracts. It was believed that the government's action was in retaliation for the publication of sensitive information on some government officials involved in corruption.⁴¹
- 4.8** In February 2023, VoD, one of the few independent media outlets left in Cambodia, run by the Cambodian Center for Independent Media, was shut down. The order to close and revoke the centre's licence was due to a report that stated that Hun Sen's eldest son, Lieutenant General Hun Manet, who has since become prime minister, allegedly approved financial aid and thus overstepped his father's authority by signing an agreement to donate aid in response to the devastating earthquake in Turkey. Although VoD made a public apology, Hun Sen was unsatisfied with its response. As a result, he directed the Ministry of Information to revoke VoD's licence.⁴² In March 2023, the Information Ministry revoked the licences of three media outlets – Federation of Cambodia-ASEAN Journalists, Raksmei Kampong Cham and Dumnong Knong Srok – after they published reports exposing a senior government official's role in land fraud. In July 2023, the government issued an order to internet service providers to block access to websites and social media

³⁸ The concerns raised include: vague restrictions on certain categories of speech, unreasonable obligations of 'service providers', limited judicial oversight or time limits for surveillance activities and the potential use of administrative penalties and transitional fines to target CSOs. See, 'Legal Analysis: Cambodia Draft Law On Cybercrime, 2022', International Center for Not-for-Profit Law, 14 September 2022, https://data.opendatacambodia.net/dataset/0224f751-51b2-4660-877a-e2082977b972/resource/d5cd7a30-4359-48b5-8ba2-7190965d300f/download/cambodia-cybercrime-analysis_final.pdf.

³⁹ 'Leaked Law Proposal Would Give Cambodia Expanded Powers to Censor Critics, Rest Of World Has Obtained a Previously Unseen Draft of a New Cybersecurity Law That Experts Say is Ripe for Abuse', Rest Of World Publication Reporting, 10 March 2023, <https://restofworld.org/2023/cybersecurity-law-draft-cambodia-elections>.

⁴⁰ 'Cambodia: The Democratic Transition that Started at the End of the 1980s Allowed the Emergence of a Press that Flourished Until the Long-Serving Prime Minister Hun Sen Launched a Ruthless War Against Independent Journalism Before the 2018 Elections', Reporters Without Borders, <https://rsf.org/en/country/cambodia>.

⁴¹ 'Ongoing Persecution of Unionists, Media and Opposition Ahead of Commune Elections In Cambodia', CIVICUS Monitor, 20 May 2022, <https://monitor.civicus.org/explore/ongoing-persecution-unionists-media-and-opposition-ahead-commune-elections-cambodia>.

⁴² 'Cambodia: Ongoing Assault on Civic Space Including Physical Attacks, Criminalisation of the Opposition, as Election Draws Near', CIVICUS Monitor, 26 April 2023, <https://monitor.civicus.org/explore/cambodia-ongoing-assault-on-civic-space-including-physical-attacks-criminalisation-of-the-opposition-as-election-draws-near>.

accounts of three major independent media outlets: The Cambodia Daily, Kamnotra and Radio Free Asia.⁴³

4.9 The government has also silenced various forms of criticism or dissent. In January 2019, the authorities arrested political activist Kong Mas after he posted a Facebook message saying the European Union (EU) planned to impose a tariff on Cambodian rice. He was charged with ‘incitement’.⁴⁴ This was after the EU announced it was starting the process of removing its Everything but Arms trade preference, citing Cambodia’s poor human rights record.⁴⁵ In February 2019, a man was jailed for three years for insulting the king in Facebook posts and ordered to pay five million riels (approx. US\$1,250).⁴⁶

4.10 In December 2020, rappers Kea Sokun and Long Putheara were convicted of ‘incitement’. Sokun was sentenced to a year and a half in prison while Putheara was sentenced to five months in prison. Sokun, who raps on social issues, was targeted as a result of a song he released in April 2020 called ‘Dey Khmer’ (‘Khmer Land’), which addresses the politically sensitive topic of the Cambodia-Vietnam border. Putheara also raps on social issues.⁴⁷

4.11 In January 2023, the authorities ordered that a music video by a rapper recounting a deadly government crackdown on a workers’ protest nine years ago be removed from a social media page citing its ‘inciting contents that can contribute to instability and social disorder’. The video, which had been posted on the human rights group LICADHO’s (Cambodian League for the Promotion and Defense of Human Rights) Facebook page, was by Kea Sokun and showed footage of protests by garment workers in Phnom Penh on 3 January 2014 to demand an increase in the minimum wage, during which police shot four people dead, while 38 people were wounded and a 15-year-old boy went missing.⁴⁸

⁴³ The action was taken under a directive issued in July 2023 that requires the blocking of media web sites that the Department of Information and Audiovisual considers to ‘disseminate misleading news affecting the honor and reputation of the Royal Government and that fail to comply with the requirements ... [of] the Ministry of Information’. See, ‘Cambodia: Access to Independent Media Blocked, Government Pre-emptively Censors Criticism to Pave Way for Undemocratic Transition’, Human Rights Watch, 2 August 2023, <https://www.hrw.org/news/2023/08/02/cambodia-access-independent-media-blocked>.

⁴⁴ ‘Despite UN and EU Scrutiny, Restrictions on Civic Freedoms Remain’, CIVICUS Monitor, 15 February 2019, <https://monitor.civicus.org/explore/despite-un-and-eu-scrutiny-restrictions-civic-freedoms-remain>.

⁴⁵ ‘EU Slaps Duties on Cambodia, Myanmar Rice Exports, Bloc Says Big Increase in Imports of Indica Rice from Two Countries Caused Financial Damage to European Producers’, Al Jazeera, 18 January 2019, <https://www.aljazeera.com/economy/2019/1/18/eu-slaps-duties-on-cambodia-myanmar-rice-exports>.

⁴⁶ CIVICUS Monitor, 15 February 2019, op. cit.

⁴⁷ CIVICUS Monitor, 3 March 2021, op. cit.

⁴⁸ ‘Cambodian Authorities Detain Union Leader, Criminalise and Threaten the Opposition and Block Protest Video’, CIVICUS Monitor, 30 January 2023, <https://monitor.civicus.org/explore/cambodian-authorities-detain-union-leader-criminalise-and-threaten-opposition-and-block-protest-video>.

4.12 There have also been concerns about laws and regulations related to online restrictions and surveillance, undermining the right to privacy. In February 2021, Hun Sen signed a Sub-Decree establishing a National Internet Gateway that would require internet data within and coming into Cambodia to pass through a gateway. The Sub-Decree would lead to the creation of infrastructure that would enable broad surveillance, further reinforcing the culture of intimidation. It would also allow the blocking of online connections deemed to ‘affect safety, national revenue, dignity, culture traditions and customs’, notions that can be interpreted broadly by the government. The Sub-Decree also sets out punitive and disproportionate penalties and fails to provide for any independent oversight, due process or procedural safeguards, denying affected people or entities the right to appeal against decisions made by the government to an independent body.⁴⁹ In April 2021, three UN experts expressed concerns about the Sub-Decree.⁵⁰ Its implementation was delayed in early 2022.⁵¹

4.13 Progress around the passage of a freedom of information law has been slow. Civil society groups submitted a petition to the prime minister’s office in June 2022 urging completion of the legislative process for the long-delayed draft Law on Access to Information and its submission to the National Assembly for approval. In July 2022, a civil society alliance urged the government to amend the proposed law to ensure it was consistent with international human rights standards.⁵²

5. Freedom of peaceful assembly

5.1 During Cambodia’s examination under the 3rd UPR cycle, the government received one recommendation on the right to freedom of peaceful assembly: to ‘take the measures necessary to ensure that the right to freedom of assembly ... is not hindered by arbitrary restrictions and/or excessive use of force’. It accepted the recommendation but has failed to implement it.

⁴⁹ CIVICUS Monitor, 3 March 2021, op. cit.

⁵⁰ ‘Mandates of the Special Rapporteur on the Situation of Human Rights in Cambodia; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; and the Special Rapporteur on the Right to Privacy’, OHCHR, 7 April 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26263>.

⁵¹ ‘Controversial National Internet Gateway Postponed as Project Criticisms Grow’, *CamboJA News*, 15 February 2022, <https://cambojanews.com/controversial-national-internet-gateway-postponed-as-project-criticisms-grow>.

⁵² The draft law lacks whistleblower protections. There are also concerns about provisions that allow public institutions to withhold ‘confidential information as stipulated in the prohibition provisions’ and call for the removal of provisions that required 40 days to pass before a repeat request for information could be made. See, CIVICUS Monitor, 4 October 2022, op. cit.

- 5.2** ICCPR article 21 guarantees freedom of peaceful assembly. Article 41 of the Cambodian Constitution also guarantees this right.⁵³ However, in both policy and practice, Cambodian authorities often restrict or prohibit marches and protests organised by those who are critical of the government.
- 5.3** The primary legislation governing assembly is the 2009 Law on Peaceful Demonstrations.⁵⁴ Peaceful assembly is defined as a ‘gathering or march conducted by a group of people to publicly demand, protest or express their sentiments, opinions or will by using various forms or means peacefully’. The law states that anyone wishing to organise a peaceful assembly at any public place must notify the local authorities in writing at least five working days before the planned date of the assembly (articles 5 and 7). This prevents assemblies being held spontaneously in response to current events.
- 5.4** The law provides grounds to prohibit demonstrations if they are held on certain holidays (article 9(1)). Blanket bans on specific days fail to comply with international standards. The Law on Peaceful Assembly also limits freedom of assembly if a demonstration affects good customs, public order and national security (article 2). This vague provision risks broad interpretation and undue limitations of freedom of peaceful assembly.
- 5.5** Civil society has documented the arbitrary denial of permission to hold peaceful assemblies and arrests of organisers based on vague legal provisions contained in the Law on Peaceful Demonstrations. The authorities have also used excessive and disproportionate force to disperse peaceful demonstrations, leading to widespread arrests and detention of protesters, including HRDs, environmental activists, opposition leaders and trade unionists. These actions were reflected in the Concluding Observations of the UN Human Rights Committee in May 2022.⁵⁵
- 5.6** In March 2019, some 400 women from various associations, unions and CSOs, who were celebrating International Women’s Day, were blocked by Phnom Penh municipal security forces from marching from the Olympic Stadium to the Council of Ministers to deliver a joint petition. In April 2019, the Phnom Penh Municipal Hall rejected the requests of eight major labour unions to march to the National Assembly in celebration of International Labour Day.⁵⁶
- 5.7** There have been weekly gatherings in front of the Phnom Penh municipal court since June 2020 by women protesting against the jailing of their husbands, brothers

⁵³ ‘Constitution: Cambodia 1993 (Rev. 2008)’, op. cit.

⁵⁴ ‘Law on Peaceful Demonstration Promulgated’, OHCHR in Cambodia, https://cambodia.ohchr.org/sites/default/files/Law_on_peaceful_demonstration-promulgated_Eng.pdf.

⁵⁵ ‘International Covenant on Civil and Political Rights: Concluding Observations on the Third Periodic Report of Cambodia’, op. cit.

⁵⁶ ‘Ongoing Harassment and Attacks on Cambodian Opposition, While Peaceful Marches Restricted’, CIVICUS Monitor, 23 May 2019, <https://monitor.civicus.org/explore/ongoing-harassment-and-attacks-cambodian-opposition-while-peaceful-marches-restricted>.

and other relatives who were members of the CNRP. On 24 July 2020, a large presence of mixed security forces confronted the family members of the detained opposition activists. The security forces violently confiscated one protester's sign. Security officers in civilian clothes with walkie-talkies roamed the area, taking photos of protesters and bystanders. On 3 July 2020, security forces blocked protesters who were trying to reach the municipal court, grabbing and pushing them to the ground. One protester was dragged across the street and forcibly put into a police car. On 4 September 2020, the wife of a CNRP activist was severely injured and several other women were assaulted when security personnel violently dispersed their protest.⁵⁷

- 5.8** There has been a crackdown against youth activists and students. In July 2019, people gathered to commemorate the killing of HRD Kem Ley, who was shot dead in July 2016. They were monitored and disrupted by the authorities and seven people were arrested in Phnom Penh.⁵⁸ Six members of Cambodian youth group Khmer Thavrak were arrested on 9 May 2020 in Battambang while returning from a peaceful protest calling on banks and microfinance institutions to suspend loan repayments amid the economic crisis caused by the COVID-19 pandemic.
- 5.9** In August 2020, scores of activists including from Khmer Thavrak and the Khmer Student Intelligent League Association were arrested for planning protests calling for the release of Rong Chhun.⁵⁹
- 5.10** Trade unions have also been targeted. When hundreds of workers from the LRSU went on strike, the authorities declared the action to be illegal, attempted to disrupt the strike and arrested dozens of people over the course of the strike (see 3.9). The authorities also vilified the strikers, stating that they were funded by foreign donors as part of a plan to destabilise the government.⁶⁰ The strikers were blocked by barricades, ill-treated and forced onto buses, including by being dragged, and taken to quarantine facilities where they were detained on charges of violating COVID-19 protocols.⁶¹ Some experienced sexual harassment.⁶² Civil society activists monitoring the protests were chased and prevented from undertaking their work.⁶³ The authorities also prevented UN human rights officials from monitoring the protest.⁶⁴

⁵⁷ 'Arrests of Activists Dangerously Escalate While Draft Public Order Law Draws Flak in Cambodia' CIVICUS Monitor, 16 October 2020, <https://monitor.civicus.org/explore/arrests-activists-dangerously-escalate-while-draft-public-order-law-draws-flak-cambodia>.

⁵⁸ CIVICUS Monitor, 25 September 2019, op. cit.

⁵⁹ CIVICUS Monitor, 16 October 2020, op. cit.

⁶⁰ CIVICUS Monitor, 20 May 2022, op. cit.

⁶¹ Ibid.

⁶² 'Cambodia: New Brief Highlights Lack of Tangible Improvements Around Civic Space', CIVICUS, 19 September 2022, <https://www.civicus.org/index.php/media-resources/reports-publications/6038-cambodia-new-brief-highlights-lack-of-tangible-improvements-around-civic-space>.

⁶³ CIVICUS Monitor, 20 May 2022, op. cit.

⁶⁴ CIVICUS Monitor, 4 October 2022, op. cit.

5.11 Land protesters have also faced violence. On 24 January 2019, six villagers were arrested and one was critically injured after the authorities fired on a protest against the forcible eviction of residents from their land in Kokir village in Preah Sihanouk province.⁶⁵ In June 2021, soldiers fired into a group of land rights protesters in Tuol Pich commune in Kandal province, injuring one person.⁶⁶

6. Recommendations to the Government of Cambodia

CIVICUS and FORUM-ASIA call on the Government of Cambodia to create and maintain, in law and in practice, an enabling environment for civil society, 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.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.

In the light of this, the following specific recommendations are made:

16.1 Freedom of association

- Foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding in line with best practices articulated by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Review the Law on Associations and Non-Governmental Organizations (LANGO) to guarantee that undue restrictions on freedom of association are removed and the Act is brought into compliance with ICCPR articles 21 and 22. Ensure there is a meaningful, open and transparent consultation with CSOs and any other relevant stakeholders in all revision exercises.

16.2 Protection of human rights defenders

⁶⁵ CIVICUS Monitor, 15 February 2019, op. cit.

⁶⁶ CIVICUS Monitor, 24 June 2021, op. cit.

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of enforced disappearances, attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their activities without fear or undue hindrance, obstruction, legal action, or harassment of themselves or their families.
- Undertake a consolidated process of repeal or amendment of legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Implement systematic legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by working with CSOs to adopt a specific law on the protection of HRDs in accordance with Human Rights Council resolution 27.31.

16.3 Freedom of expression, media freedom and access to information

- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards.
- Ensure that journalists may work freely and without fear of retaliation for expressing critical opinions or exposing government abuses and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Take steps to amend or repeal provisions in the Criminal Code related to ‘incitement’ (articles 495-497), criminal defamation and insult (articles 305-310), lèse majesté (article 437(bis)), insult of a public official (article 502) and other provisions criminalising the exercise of fundamental freedoms to bring them into line with Cambodia’s obligations under the ICCPR.
- Decriminalise defamation and bring any other relevant provisions of the Criminal Code and the Law on Telecommunication, as well as the proposed Cybercrime and Cybersecurity Bill, in line with ICCPR article 19.

- Review and revise the Sub-Decree on the National Internet Gateway to avoid the use of vague terminology and overly broad restrictions. Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.

6.4 Freedom of peaceful assembly

- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Amend the Law on Peaceful Demonstrations to guarantee fully the right to freedom of peaceful assembly as provided in international law and standards. In particular, repeal provisions that impose restrictions inconsistent with international law and standards. Further, provide an exception to the requirement to give notice for spontaneous assemblies where it is not practicable to give advance notice.
- Effectively investigate all cases of the arbitrary arrest and detention of peaceful protesters, as well as acts of violence against them, and bring those responsible to justice.
- Instruct all police departments that it is their duty to facilitate peaceful assemblies rather than hinder them.

6.5 Access to UN Special Procedures mandate holders

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; and 4) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Include CSOs in the UPR process before finalising and submitting the national report.

- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.