



Kingdom of Cambodia
Joint Submission to the United Nations Universal Periodic Review
32nd Session of the UPR Working Group

Joint-Submission by CIVICUS: World alliance for Citizen Participation (NGO in General Consultative Status with ECOSOC), the Cambodian Center for Human Rights (CCHR), the Cambodian Human Rights and Development Association (ADHOC), IFEX, and Solidarity Center

Submitted on 12 July 2018

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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 170 countries.
- 1.2 The Cambodian Human Rights and Development Association (ADHOC), an independent, non-partisan, non-profit CSO, was founded in December 1991. ADHOC works to address the absence of rights, freedoms and liberties across the Kingdom of Cambodia (Cambodia) by providing knowledge and understanding of human rights, law and democracy, and of how to defend rights and freedoms.¹
- 1.3 The Cambodian Center for Human Rights (CCHR), founded in 2002, is a non-aligned, independent, non-governmental organisation (NGO) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.²
- 1.4 IFEX (established 1992) is the global network of 118 organisations working to promote and defend the right to freedom of expression and information in over 60 countries worldwide. Through its local members, IFEX supports awareness raising, campaigning and advocacy on a range of issues related to freedom of expression and information in Cambodia.
- 1.5 Solidarity Center is the largest U.S.-based international worker rights organisation helping workers attain safe and healthy workplaces, family-supporting wages, dignity on the job and greater equity at work and in their community's programs. Solidarity Center works in approximately 60 countries, including Cambodia.³
- 1.6 This submission was prepared based on data compiled by the Fundamental Freedoms Monitoring Project (FFMP), a joint initiative of ADHOC, CCHR and Solidarity Center, with technical assistance from the International Center for Not-for-Profit Law (ICNL). The FFMP examines the state of the freedoms of association, peaceful assembly and expression in Cambodia. Utilising a range of monitoring tools, including the analysis of 3,214 media articles, 301 incident reports of violations submitted to the authors, public polls of 1,976 Cambodians and 378 surveys of CSOs and trade union leaders. The FFMP aims to provide an objective overview of how these fundamental freedoms are enshrined in law, protected and exercised across Cambodia.⁴
- 1.7 This submission provides information regarding Cambodia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society, including the state of respect for the rights to the freedoms of association, expression, and peaceful assembly, and the situation of human rights defenders (HRDs) since Cambodia's 2nd UPR in 2014.

- 1.8 During the 2nd UPR cycle, Cambodia received 35 recommendations relating to civic space. Of these recommendations, 25 were accepted and 10 were noted. Cambodia has not implemented 24 accepted recommendations and partially implemented one accepted recommendation relating to civic space.⁵
- 1.9 Cambodia is a party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the freedoms of association (article 22), peaceful assembly (article 21) and expression (article 19). The Constitution of the Kingdom of Cambodia guarantees these freedoms (articles 41 and 42).⁶ Further, the Constitution enshrines international human rights treaties, including the ICCPR, into Cambodian law (article 31).⁷ Cambodia's Constitutional Council authoritatively interpreted article 31 to mean that the provisions of the ICCPR are directly applicable in domestic law.⁸
- 1.10 However, as a result of the restrictions detailed below, civic space in Cambodia is rated by the CIVICUS Monitor as 'repressed', indicating that fundamental freedoms are heavily constrained.⁹ This submission examines Cambodia's implementation of UPR recommendations and compliance with international standards concerning the freedom of association (Section 2), the protection of HRDs, civil society activists and journalists (Section 3), the freedom of expression, independence of the media and access to information (Section 4), and the freedom of peaceful assembly (Section 5). Annex 1 presents implementation of 2nd UPR cycle recommendations related to civic space.

2. Freedom of association

- 2.1 During its review under the 2nd UPR cycle, Cambodia received eight recommendations regarding freedom of association.¹⁰ Of these, seven were accepted and one was noted. Among other recommendations, the government committed to "take action to ensure that Cambodian legislation enables all political parties, labour unions and other civil society groups to exercise their rights to freedom of [...] association."¹¹ However, the government failed to take adequate measures to realise any of the accepted recommendations.¹² Systematic data gathered by the FFMP reveals that the government has enacted legislation that excessively restricts the freedom of association, and misapplied these laws to undermine civil society, leaving civic space in Cambodia severely curtailed.¹³
- 2.2 Despite constitutional guarantees, several laws enacted since Cambodia's 2nd UPR contain provisions that violate international standards.
- 2.3 Several provisions of the Law on Associations and Non-Governmental Organisations (LANGO),¹⁴ enacted in 2015, excessively restrict the right to the freedom of association. The LANGO imposes mandatory registration for all associations (article

6), and provides for burdensome, onerous and vague registration requirements (chapters 2 and 3). The LANGO also provides for broad government oversight to deny registration (article 8) and imposes onerous activity and financial reporting requirements (article 25). These broad and intrusive powers go beyond permissible limitations allowed by international human rights law, while sanctions (article 30) are disproportionate and do not meet international standards.¹⁵

2.4 Further, the Ministry of Interior (MoI) issued a letter in October 2017¹⁶ that installed a prior notification system for all CSO activities. Under this regime, CSOs are required to notify the authorities three days in advance of conducting any activities. This lacks basis in domestic law¹⁷ and constitutes a disproportionate restriction on the freedom of association that fails to comply with international standards.¹⁸

2.5 Similarly, certain provisions of the Trade Union Law (TUL) passed in 2016 excessively restrict the freedom of association.¹⁹ The TUL imposes mandatory and burdensome registration requirements and broad grounds for the denial of registration (article 15 and Prakas 249)²⁰ and burdensome reporting requirements (article 17). These do not comply with international standards on the freedom of association.²¹

2.6 The Law on Political Parties (LPP) was amended in March 2017 and July 2017 to include provisions that constitute excessive restrictions to the right to the freedom of association.²² Amendments to articles 6, 18 and 45 significantly limit the functioning and formation of political parties and are inconsistent with international standards.²³

2.7 Several amendments to the Constitution promulgated in February 2018²⁴ provide a constitutional basis for new, additional restrictions to the freedom of association.²⁵ Amended Article 42(2) and Amended Article 49(2), which require political parties and Khmer citizens to “uphold the national interest” and refrain from “conduct[ing] any activities which either directly or indirectly affect the interests of the Kingdom of Cambodia and of Khmer citizens,” fail to comply with the three-part tests prescribed by article 22 of the ICCPR.²⁶ Amended Article 53(3) states that Cambodia “absolutely opposes any interference from abroad conducted through any forms into its own internal affairs,” which could conceivably be used to prevent CSOs from receiving funding from international sources.²⁷

2.8 These legal provisions have been repeatedly invoked by the government to undermine independent civil society, including trade unions, as well as opposition political parties, particularly since August 2017. The onerous activity and financial reporting requirements of the LANGO were enforced by the MoI in September 2017, when it threatened non-compliant CSOs with legal action if they failed to submit the required documents and reports by the end of February 2018.²⁸ However, many CSOs are unable to meet these requirements.²⁹

- 2.9 In 2017, several provisions of the LANGO were invoked to sanction a number of critical CSOs. Notably, in August 2017, the Ministry of Foreign Affairs and International Cooperation (MFA) ordered US-supported pro-democracy CSO, the National Democratic Institute, to shut down operations and instructed its foreign staff to leave Cambodia in application of article 34 of the LANGO.³⁰ The MoI ordered the temporary suspension of land rights CSO Equitable Cambodia in September 2017 for violating article 5 of its by-laws and articles 10 and 25 of the LANGO.³¹ In November 2017, the MoI claimed that the Federation of Cambodian Intellectuals and Students had failed to maintain political neutrality, as required by article 24 of the LANGO, and subsequently suspended the organisation.³²
- 2.10 Independent trade unions also reported facing undue difficulties with their union registration applications, as governed by the TUL.³³
- 2.11 In October and November 2017, the government implemented amendments to the Law on Political Parties to dissolve 10 political parties, and deregister a further 22.³⁴ Considering that these political parties seemingly posed no clear or imminent danger to a legally protected interest, their dissolution and deregistration failed to comply with international law.³⁵ On 16 November 2017, the Supreme Court dissolved the main opposition party, the Cambodia National Rescue Party (CNRP),³⁶ and banned 118 senior CNRP officials from participating in any political activity for five years.³⁷ The National Election Committee (NEC) subsequently redistributed the CNRP's parliamentary and commune-level seats to unelected members of the ruling party and other minor parties.³⁸ Former CNRP officials and supporters have been systematically harassed following the party's dissolution.³⁹
- 2.12 Since 2014, the government has also taken numerous extra-legal actions undermining the work of civil society. Excessive oversight of CSO activities by the government has surged in recent years, with authorities taking actions to prevent or monitor activities.⁴⁰ From 1 April 2017 to 31 March 2018, the FFMP recorded 184 incidents of government oversight of CSOs that violated international standards.⁴¹ Authorities frequently interrupted their meetings, training sessions, protests, or gatherings: the FFMP received 48 incident reports detailing such interruptions.⁴² These extra-legal disruptions were often based on the application of the ministerial letter requiring prior notification, which falsely cites a basis in LANGO.⁴³
- 2.13 The government has repeatedly invoked a theory of a 'colour revolution', which claims that the political opposition along with national and international civil society are conspiring to overthrow the government with foreign support,⁴⁴ as a pretext to restrict and violate the freedom of association. From 1 April 2017 to 31 March 2018, 16 recorded violations of the freedom of association were specifically linked with accusations of participation in the alleged 'colour revolution'.⁴⁵ The government has

also increased surveillance of CSOs it accused of participating in the alleged ‘colour revolution’, which have been subject to monitoring and harassment.⁴⁶

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

3.1 During its review under the 2nd UPR cycle, the government received 10 recommendations on the protection of HRDs, civil society activists and journalists.⁴⁷ Of these, eight were accepted and two were noted. The government committed, for example, to “Respect and protect the rights of human rights defenders and journalists to conduct their work without hindrance, intimidation or harassment.”⁴⁸ However, the government has failed to adequately implement any of the accepted recommendations.⁴⁹ Instead, HRDs have faced judicial harassment, extra-legal violence, threats and surveillance, severely undermining their ability to exercise their fundamental freedoms.

3.2 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection to HRDs.⁵⁰ While the Cambodian legal framework does not outline specific protections for HRDs, they enjoy the same rights as all Khmer citizens. However, a broad range of laws are utilised to harass HRDs.

3.3 During its 2nd UPR, the Cambodian government accepted a recommendation to bring the Penal Code and other laws into line with international freedom of expression standards and prevent the harassment of HRDs, CSOs and journalists.⁵¹ Despite this, the Criminal Code still contains numerous provisions contradicting international freedom of expression standards that are frequently used to criminalise HRDs’ legitimate expression.⁵² Furthermore, since the last UPR, the Criminal Code was amended to add a new offence of ‘insulting the King’ (article 437-bis) which limits freedom of expression, in violation of international standards.⁵³ Beyond this, other elements of the Criminal Code and other laws that do not contravene international standards are misapplied to target HRDs.⁵⁴

3.4 HRDs, civil society activists and journalists are routinely subject to judicial harassment and legal action, including accusations, summons, questioning, arrest, detention, charges and convictions. From April 2017 to March 2018, legal action was taken against at least 36 HRDs as a result of their exercise of fundamental freedoms.⁵⁵

3.5 The Criminal Code is often utilised to criminalise the work of civil society leaders.⁵⁶ Four ADHOC senior staff members and a current NEC official were held in pre-trial detention for over 14 months on charges of “bribery of a witness” (Criminal Code article 485) as a result of their legitimate work.⁵⁷ The UN Working Group on Arbitrary Detention ruled that their detention was arbitrary and that their rights had been violated under the ICCPR.⁵⁸

- 3.6 Similarly, in January 2018, three prominent civil society leaders, Venerable But Buntenh, Pa Nguon Teang and Moeun Tola,⁵⁹ were spuriously charged with “breach of trust” (Criminal Code articles 391 and 392).⁶⁰
- 3.7 Land rights activists face extensive judicial harassment.⁶¹ In relation to land protests between April 2017 and March 2018, at least 12 individuals were arrested, 31 were summoned, 48 were detained and 63 were questioned.⁶² In February 2018, the Supreme Court upheld the conviction of land rights activist and HRD Tep Vanny for “intentional violence with aggravating circumstances” (Criminal Code article 218) following participation in a 2013 protest. Despite a lack of evidence and the absence of plaintiffs and prosecution witnesses, she is serving a 30-month sentence.⁶³
- 3.8 Environmental activists face judicial harassment.⁶⁴ Activists from the deregistered CSO Mother Nature experienced persistent judicial harassment, which its founders claim led to its deregistration in September 2017.⁶⁵ In January 2018, activists Hun Vannak and Doem Kundy were convicted after spending almost five months in pre-trial detention of “violation of privacy” and “incitement to commit a felony” (Criminal Code articles 302 and 495) for filming two vessels suspected of illegally carrying sand for export. The recording was taken from open waters, although to be considered a violation of privacy, the recording would have had to have been taken on private property.⁶⁶
- 3.9 Journalists face similar harassment within the context of a crackdown against critical media outlets since 2017.⁶⁷ Between April 2017 and March 2018, at least nine journalists were questioned, 20 were arrested, 15 were detained, 12 were charged and two were convicted.⁶⁸ Former Radio Free Asia (RFA) journalists, Yeang Sothearin and Uon Chhin, have been detained since November 2017 on charges of providing a “foreign state with information which undermines national defence” (Criminal Code article 445),⁶⁹ and were provisionally charged with “production of pornography” (Law on Suppression of Human Trafficking and Sexual Exploitation articles 38 and 39).⁷⁰ No evidence to substantiate the charges has been made public and the period of pre-trial detention has been extended without legitimate grounds.⁷¹
- 3.10 Trade union leaders and labour activists are subject to harassment.⁷² In October 2017, Van Naroung and Pol Roern, two former employees of Capitol Tours Ltd., were convicted of “acts of malicious denunciation” (Criminal Code articles 311 and 312) following a complaint they had filed against senior Capitol Tours staff members after they were attacked while peacefully protesting their dismissals following an attempt to unionise. The court rejected their complaint and convicted them instead.⁷³
- 3.11 Other activists, including political analysts, youth activists and activist monks, have faced similar harassment.⁷⁴

- 3.12 HRDs also face extra-legal violence, including killings.⁷⁵ In July 2016, Dr Kem Ley, a political analyst, was shot dead in the capital, Phnom Penh. Whilst the shooter was swiftly arrested and convicted, the investigation lacked transparency and failed to investigate fully the motive, potential accomplices, or circumstances surrounding the killer's arrest. Trial proceedings were inadequate, utilising only selective evidence,⁷⁶ and calls to establish an independent and impartial Commission of Inquiry to continue the investigation have been ignored.⁷⁷ Additionally, HRDs face extrajudicial threats and harassment, including death threats and threats of violence or legal action, in an attempt to restrict their activism.⁷⁸
- 3.13 HRDs are subject to extra-legal surveillance,⁷⁹ including of their communications, activities and movement. In December 2017, 44 per cent of CSO and trade union leaders surveyed believed that their communications were being monitored, representing an increase from the 35 per cent who believed this in the previous year.⁸⁰
- 3.14 Overall, the situation described above creates fear that discourages HRDs from continuing their legitimate activities.⁸¹ HRDs commonly flee Cambodia due to perceived threats.⁸²

4. Freedom of expression, independence of the media and access to information.

- 4.1 During Cambodia's review under the 2nd UPR cycle, the government received 23 recommendations relating to the freedom of expression, independence of the media and access to information.⁸³ Of these, 17 were accepted and six were noted. For example, the government pledged to "actively protect the rights to freedom of expression [...] by ensuring that any restriction on those rights is lawful, necessary and proportionate."⁸⁴ However, the government only took effective measures to partially implement one accepted recommendation.⁸⁵ Cambodia has enacted several laws that excessively restrict the freedom of expression. The government has also utilised the legal framework to suppress and criminalise the legitimate expression of dissent and political speech, amidst a crackdown against the political opposition, the media and dissenting voices, increasingly in relation to online expression.
- 4.2 Despite constitutional guarantees of the freedom of expression,⁸⁶ several laws enacted since Cambodia's 2nd UPR contravene international standards and unjustifiably restrict expression. In February 2018, an amendment to the Criminal Code introduced a 'lèse-majesté' offence to the Criminal Code (article 437-bis) that unduly restricts the freedom of expression.⁸⁷
- 4.3 Amendments to articles 42 and 49 of the Constitution enacted in early 2018⁸⁸ introduce the risk that the legitimate exercise of the freedom of expression could be considered unconstitutional if deemed "directly or indirectly" to affect the "national

interest.” These amended articles violate international standards and threaten the exercise of the freedom of expression.⁸⁹

- 4.4 The Law on Telecommunications, promulgated in 2016, creates a series of criminal offences carrying heavy criminal penalties related to expression while using telecommunications devices.⁹⁰ Notably, it criminalises any form of expression expressed by electronic means that creates “national insecurity” (article 80),⁹¹ and provides the government with unrestricted power to exercise surveillance over telecommunications without oversight from the judiciary or other independent body (article 97). This law violates international standards prohibiting arbitrary interference with privacy, and poses a severe threat to the freedom of expression.⁹²
- 4.5 The inter-ministerial Prakas on website and social media control issued on 28 May 2018 by the Ministry of Information, MoI and Ministry of Posts and Telecommunication (MPTC) orders, *inter alia*, the MPTC to “block or close” websites and social media pages containing content “considered as incitement, breaking solidarity, discrimination and wilfully creating turmoil leading to undermining national security, public interest and social order.”⁹³ This Prakas severely restricts the right to privacy and to the freedom of expression of every internet and social media user in Cambodia.⁹⁴ In early May 2018, the government ordered all domestic and international network traffic in Cambodia to be transmitted through a Data Management Centre that has been created by state-owned Telecom Cambodia.⁹⁵ These developments are especially worrisome for the freedom of expression online and privacy rights.
- 4.6 In May 2018, the NEC issued a ‘Code of conduct’ for the media ahead of the July 2018 elections, prohibiting the publication of news “leading to confusion and confidence loss in the election,” “informing people not to register to vote and to vote,” and “expressing personal opinion or prejudice.”⁹⁶ UN experts warned that the code of conduct uses “broad and imprecise terminology that could lead to sweeping restrictions on the media that would be incompatible with international standards.”⁹⁷
- 4.7 Certain provisions contained in other Cambodian laws enacted since 2014, including the LANGO,⁹⁸ election related laws,⁹⁹ amendments to the Law on Political Parties¹⁰⁰ and the TUL,¹⁰¹ also excessively restrict the right to the freedom of expression.
- 4.8 Despite the government’s commitment to “revise [...] other laws so that they comply with international freedom of expression standards,”¹⁰² such as the Law on Education and the Press Law, these still contain provisions that violate international standards.¹⁰³ Further, several provisions of the Criminal Code that criminalise legitimate speech have not been amended despite commitments to do so under the 2nd UPR.¹⁰⁴ The criminal offences of defamation (article 305), insult (article 307), incitement (articles 495 and 496), publication of commentaries intended to

unlawfully coerce judicial authorities (article 522) and discrediting judicial decisions (article 523) constitute disproportionate restrictions on the freedom of expression.¹⁰⁵

- 4.9 Under the 2nd UPR cycle, Cambodia committed to drafting a cyber law in accordance with international standards and through consultation with all stakeholders.¹⁰⁶ An informal version of the draft cybercrime law was released in 2014 and widely criticised for its overly broad provisions that would severely restrict the freedom of expression online.¹⁰⁷ A second draft of the law was informally released in 2015. This also raised concerns, and there has been no legislative development reported since then.
- 4.10 In May 2018, the Council of Ministers reportedly adopted a draft minimum wage law,¹⁰⁸ which has the potential to restrict unions' and workers' rights to the freedom of expression.¹⁰⁹ The adoption process failed to consult relevant stakeholders adequately.
- 4.11 Under the 2nd UPR cycle, Cambodia committed to “establish a law on freedom of information in accordance with international standards.”¹¹⁰ The Ministry of Information, with the assistance of UNESCO, released a Draft Access to Information law in January 2018. While the draft law generally complies with freedom of expression standards and includes protection of whistle-blowers, some concerns remain regarding the categories of information deemed confidential and the responsibilities given to the “officer in charge of information.”¹¹¹
- 4.12 Since the last UPR cycle, the government has frequently misapplied laws that criminalise defamation and incitement to restrict the freedom of expression and prevent groups and individuals from expressing their political views.¹¹²
- 4.13 Between April 2017 and May 2018, the FFMP recorded 187 violations of the freedom of expression.¹¹³ The misapplication of the legal framework on the freedom of expression was increasingly linked to expression online, with a notable surge in criminal charges brought against individuals for critical social media commentary, principally on Facebook, in 2017 and 2018.¹¹⁴
- 4.14 Notably, labour activist Sam Sokha was convicted to two years' imprisonment for “incitement to discriminate” and “insult of a public official” after a video of her throwing sandals at a Cambodian People's Party (CPP) billboard was posted to Facebook. Although Ms Sokha fled to Thailand to escape political persecution, and despite recognition by UNHCR of her refugee status, she was deported to Cambodia by the Thai authorities, and arrested by the police after returning. She remains imprisoned as of June 2018.¹¹⁵

- 4.15 Less than three months after the promulgation of the amendment to the Criminal Code in February 2018, three individuals were arrested and detained under the new ‘Insulting the King’ offence (article 437-bis) for allegedly insulting the King on social media.¹¹⁶
- 4.16 Media outlets that report on human rights have been accused of threatening national security.¹¹⁷ Media outlets perceived as critical towards the government have been subjected to a severe crackdown in 2017, severely curtailing citizens’ access to information. Several prominent media outlets have been targeted by threats and sanctions by the government, including shutdowns. The arbitrary blocking of The Cambodia Daily’s website in September 2017, for example, constituted an unwarranted limitation on access to information.¹¹⁸
- 4.17 Notably, 32 FM radio frequencies carrying critical content were taken off air in August and September 2017,¹¹⁹ and RFA closed its Phnom Penh bureau, citing government pressure.¹²⁰ In addition, the two most prominent independent English-Khmer language daily newspapers in Cambodia were issued with multi-million dollar tax bills; The Cambodia Daily subsequently shut down in September 2017,¹²¹ and The Phnom Penh Post changed ownership in an opaque and heavily criticised sale in May 2018.¹²²
- 4.18 In recent years, many CSOs and political figures from both ruling and opposition parties have experienced extra-legal communications surveillance, apparently without proper authorisation, in violation of domestic legal protections for privacy and the freedom of expression.¹²³
- 4.19 In this closing space for online speech, Cambodian civil society leaders have reported increasing self-censorship, in particular on social media.¹²⁴

5. Freedom of peaceful assembly

- 5.1 During Cambodia’s review under the 2nd UPR cycle, Cambodia received 11 recommendations on the freedom of peaceful assembly.¹²⁵ Of the recommendations, eight were accepted and three were noted. Among others, the government committed to “Adopt and implement effective measures in order to prevent the use of violence against demonstrators [...] and enable all groups [...] to have their rights to freedom of peaceful assembly [...] fully restored.”¹²⁶ However, as evidenced below, the government has failed to implement any of these accepted recommendations.¹²⁷ While the legal framework governing assemblies largely complies with international standards, including regarding regulation of the state’s use of force,¹²⁸ the government consistently misapplies it and arbitrarily restricts this right, including through the arbitrary prohibition of planned assemblies and excessive use of force.

- 5.2 Despite Cambodia's commitment under the 2nd UPR cycle to "Ensure full respect, in law [...] for the freedom of peaceful assembly [...] consistent with international law,"¹²⁹ several legal provisions continue to restrict this right.
- 5.3 Protections of the right to peaceful assembly only apply to Khmer citizens,¹³⁰ in contradiction with article 2(1) of the ICCPR.¹³¹ The Law on Peaceful Assembly provides grounds for prohibiting demonstrations if they are held on certain holidays (article 9(1)). Blanket bans on specific days fail to comply with article 21 of the ICCPR.¹³² The Law on Peaceful Assembly also limits the 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 this right. A required minimum five-day notice period¹³³ prevents assemblies being held in rapid response to current events.¹³⁴ There are no possibilities for appeal to an independent and impartial body if an assembly is prohibited, in contradiction with international standards.¹³⁵
- 5.4 Since Cambodia's 2nd UPR, the enactment of the TUL in 2016 has further restricted the freedom of peaceful assembly.¹³⁶ The TUL determines that it is unlawful for a union or its representatives "to agitate for purely political purposes or for their personal ambitions" (article 65(f)). This vague provision risks broad interpretation,¹³⁷ and the law also imposes onerous requirements prior to undertaking a strike (article 13).¹³⁸
- 5.5 Between April 2017 and March 2018, the FFMP recorded 146 restrictions of the freedom of peaceful assembly, of which 76 per cent constituted a violation,¹³⁹ indicating a systematic misapplication of the Law on Peaceful Assembly. Notably, 33 percent of protests concerning land disputes¹⁴⁰ and 22 percent of strikes¹⁴¹ recorded resulted in violations of fundamental freedoms, including through the use of force¹⁴² and judicial harassment.¹⁴³ Indigenous peoples similarly experienced multiple violations of their right to peaceful assembly.¹⁴⁴
- 5.6 Despite a prior notification regime established in the Law on Peaceful Assembly,¹⁴⁵ in practice assembly organisers are often required to obtain permission prior to holding assemblies, with government actors preventing or disrupting assemblies for which permission is not granted.¹⁴⁶
- 5.7 From April 2017 to March 2018, the FFMP recorded 26 prohibitions of assemblies,¹⁴⁷ which were often not provided with timely and fulsome reasons justifying the prohibition.¹⁴⁸ From April 2017 to March 2018, of 27 prohibited assemblies, only 11 were provided with a clear justification, and none were deemed to be a measure of last resort, necessary or proportionate.¹⁴⁹
- 5.8 Additionally, the use of force by police, military police, soldiers and government-contracted private security guards during assemblies violated international

standards.¹⁵⁰ From April 2017 to March 2018, the FFMP recorded seven instances in which the state's use of force in relation to land rights protests did not comply with international standards.¹⁵¹

- 5.9 Time and location restrictions are frequently imposed, thereby subduing assemblies' impact.¹⁵² Notably, Freedom Park, an area designated for demonstrations, was relocated from central Phnom Penh to the city's outskirts in early 2017.¹⁵³
- 5.10 Blanket bans on assemblies have been imposed with no basis in domestic or international law, including in the periods surrounding the dissolution of the CNRP and the arrest and subsequent hearings of its former president, Kem Sokha.¹⁵⁴
- 5.11 Restrictions on the freedom of movement are utilised to undermine the freedom of peaceful assembly, with authorities establishing road blocks and preventing people from travelling to assembly locations, without any basis in law.¹⁵⁵ Assembly organisers and participants are routinely detained and questioned, with their release being conditional upon signing contracts agreeing not to exercise their freedom of peaceful assembly, again without any basis in law.¹⁵⁶ Threats of violence and legal action are also utilised to deter assemblies,¹⁵⁷ commonly in reference to an alleged 'colour revolution' as a pretext to restrict assemblies.¹⁵⁸
- 5.12 Overall, these measures have contributed towards a climate of fear.¹⁵⁹ In November and December 2017, only nine per cent of CSO and trade union leaders surveyed reported feeling "very free" to assemble.¹⁶⁰ Similarly, in March 2018, only five per cent of public poll respondents reported feeling "very free" to strike and demonstrate.¹⁶¹ In comparison to results of surveys conducted in 2016, significantly fewer respondents felt very free,¹⁶² highlighting the worsening situation for the freedom of peaceful assembly.

6. Recommendations to the Government of Cambodia

CIVICUS, ADHOC, CCHR and IFEX 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: the 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 light of this, the following specific recommendations are made:

6.1 Regarding the freedom of association

- I. Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unjustifiably limit the right to freedom of association.
- II. Amend the LANGO (including articles 6, 8, 24, 25 and 30), TUL and related secondary legislation (including articles 15 and 17 and Prakas 249), and LPP (including articles 6, 18 and 45) to bring them into line with Cambodia's obligations under the ICCPR.
- III. Repeal the MoI letter of October 2017 and clarify that CSOs do not need to notify authorities prior to conducting activities.
- IV. Cease politically motivated prosecutions and harassment of former members of the political opposition and its supporters.
- V. Immediately stop unwarranted harassment and surveillance of CSOs and HRDs.

6.2 Regarding the protection of human rights defenders

- VI. Immediately release and drop charges against all HRDs, including journalists, detained for exercising their right to the freedoms of association, peaceful assembly and expression.
- VII. Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or judicial harassment and other forms of harassment.¹⁶³
- VIII. Conduct impartial, thorough and effective investigations into all cases of attacks on and harassment and intimidation against HRDs, and bring the perpetrators to justice.¹⁶⁴

6.3 Regarding the freedom of expression, independence of the media and access to information

- IX. Amend the Criminal Code, including articles 437-bis (Insulting the King), 305 (Defamation), 307 (Insult), 495 & 496 (Incitement), 522 (Unlawful Coercion of Judicial Authorities) and 523 (Discrediting Judicial Decisions) to bring them in line with Cambodia's obligations under the ICCPR.¹⁶⁵

- X. Ensure that all draft laws, including the draft Law on Access to Information,¹⁶⁶ comply with international standards on fundamental freedoms, and are elaborated with meaningful consultation with the public and civil society.
- XI. Amend the Law on Telecommunications (including articles 80 and 97) to ensure that all provisions are in accordance with international standards.¹⁶⁷
- XII. Ensure an enabling environment for the freedom of expression online, including by immediately revoking the inter-ministerial Prakas (No. 170 Br.K) on website and social media control of 28 May 2018.
- XIII. Re-create an enabling environment for a free and pluralistic media, including by ceasing judicial harassment against journalists, and abuse of tax regulations to harass media outlets and associations.
- XIV. Amend the Constitution (including articles 42, 49 and 53) to bring it into line with Cambodia's international obligations.

6.4 Regarding the freedom of peaceful assembly

- XV. Enforce the notification regime defined by the Law on Peaceful Assembly rather than requiring explicit permission to assemble, in accordance with best practices as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report.
- XVI. Ensure that all restrictions or prohibitions on assemblies are prescribed by law, pursue a legitimate aim, are necessary and proportionate, and are provided with timely and fulsome reasoning, in accordance with the Law on Peaceful Assembly;¹⁶⁸
- XVII. Ensure that the use of force at assemblies is exceptional and strictly complies with principles of legality, precaution, necessity, proportionality and accountability, and provide comprehensive and periodic training to security forces charged with policing assemblies;¹⁶⁹
- XVIII. Immediately and impartially investigate all instances of extrajudicial killing, enforced disappearances and excessive force committed by security forces during assemblies, bring the perpetrators to justice and provide remedy to victims;
- XIX. Cease the use of extra-legal measures to restrict the freedom of peaceful assembly, including arbitrary judicial harassment and other forms of harassment of protesters, and threats of violence to deter assemblies.¹⁷⁰

6.5 Regarding state engagement with civil society

- XX. Implement transparent and inclusive mechanisms for public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- XXI. Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, in consultation with a diverse range of civil society actors, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations.

ANNEX 1: Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms

The Second cycle UPR recommendations to Cambodia below are related to one or more sections of the joint-submission. Recommendations labelled with ‘Freedom of association’ indicate to recommendations linked to ‘Freedom of Association, creating an enabling environment for CSOs, and unions’, Freedom of Expression refer to ‘Freedom of Expression, media and access to information’, Freedom of Assembly refer to freedom of peaceful assembly, and ‘human rights defenders’ refer to the ‘protection of human rights defenders, civil society activists and journalists’.

| No. | Recommendation | Recommending State | OHCHR Number | Noted/ Supported | Implementation Status | Section |
|-----|---|--------------------|--------------|------------------|---|---|
| 1 | Ensure freedom of assembly and association and recognize the importance of trade unions and a diverse civil society in a democracy. | Netherlands | 118.11 | Supported | <p>Not implemented</p> <p>The right to peaceful assembly is not consistently respected and protected, and the legal framework is regularly misapplied to undermine the right. Demonstrations have been prohibited without timely or fulsome reasoning (see para. 5.7), met with unwarranted use of force (see para. 5.8) and subject to unlawful blanket bans (see para. 5.10). Demonstrators have also been subject to harassment including detention and arrests (see para. 5.11) and intimidation such as threats of violence or legal action (see para. 5.11). Overall, this has contributed towards fear to organise and participate in peaceful assemblies (see para. 5.12).</p> <p>Since Cambodia’s 2nd UPR, the government has enacted legislation that excessively restricts freedom of</p> | Freedom of Association; Freedom of Assembly |

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| | | | | | <p>association (see section 2.1-2.7). In particular, certain provisions of the LANGO (see para. 2.3), Ministry of Interior Letter of October 2017 (see para. 2.4), TUL (see para. 2.5), amendments to the LPP (see para. 2.6), and amendment to articles 42, 49 and 53 of the Constitution (see para. 2.7) are not consistent with international standards. In practice, the RGC has misapplied these laws and taken extra legal actions to undermine civil society (see section 2.8-2.13).</p> <p>The freedom of association of Trade Unions is excessively restricted by certain provisions of the Trade Union Law (“TUL”) passed in 2016 (see para. 2.5). Independent trade unions also report facing undue difficulties with their union registration applications, governed by the TUL (see para. 2.10).</p> | |
| 2 | Establish a law on freedom of information in accordance with international standards. | Belgium | 118.14 | Supported | <p>Partially implemented</p> <p>The Ministry of Information, with the assistance of UNESCO, released a Draft Access to Information law in January 2018, but as of 10 July 2018, this draft law has not been enacted. While the draft law generally complies with freedom of expression standards and includes protection of whistleblowers, some concerns remain regarding the categories of information deemed confidential and the responsibilities given to the ‘officer in charge of information’ (see 4.11).</p> | Freedom of Expression |
| 3 | Review the penal code to ensure it aligns with Cambodia’s obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression and take necessary actions to amend or repeal any articles which do not meet these obligations | Canada | 118.15 | Supported | <p>Not implemented</p> <p>Criminal offenses defined in the Penal Code that do not align with Cambodia’s obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression have not been amended. The criminal offenses of defamation (art. 305), insult (art. 307), incitement (art. 495 & 496), publication of commentaries intended to unlawfully coerce judicial authorities (art. 522), and discrediting judicial decisions (art 523), constitute disproportionate restrictions on freedom of expression (see para.4.8).</p> <p>In contradiction with the recommendation, the Criminal Code was amended in February 2018 to</p> | Freedom of Expression |

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| | | | | | introduce art. 437- <i>bis</i> , which does not comply with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression (see para. 4.2). | |
| 4 | Revise the Penal Code in order to bring it into line with international standards and Cambodia's obligations under the International Covenant on Civil and Political Rights. | Belgium | 118.16 | Supported | <p>Not implemented</p> <p>Criminal offenses defined in the Penal Code that do not align with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression have not been amended. The criminal offenses of defamation (art. 305), insult (art. 307), incitement (art. 495 & 496), publication of commentaries intended to unlawfully coerce judicial authorities (art. 522), and discrediting judicial decisions (art 523), constitute disproportionate restrictions on freedom of expression (see para. 4.8).</p> <p>In contradiction with the recommendation, the Criminal Code was amended in February 2018 to introduce art 437-<i>bis</i>, which does not comply with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression (see para. 4.2).</p> | Freedom of Expression |
| 5 | Adopt legislative and other measures that promote the enjoyment of freedom of expression | Botswana | 118.18 | Supported | <p>Not implemented</p> <p>In contrast with the recommendation, since Cambodia's 2nd UPR, the RGC has adopted legislative and other measures that excessively restrict freedom of expression, including art. 437-<i>bis</i> of the Criminal Code (see para. 4.2), amendment to articles 42 and 49 of the Constitution (see para. 4.3), provisions of the Law on Telecommunications (see para. 4.4), inter-ministerial <i>Prakas</i> on website and social media control (see para. 4.5), 'Code of conduct' for the media (see para. 4.6), as well as specific provisions contained in other laws enacted since 2014 (see para. 4.7).</p> | Freedom of Expression |

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| 6 | Take action to ensure that Cambodian legislation enables all political parties, labor unions and other civil society groups to exercise their rights to freedom of expression, association and peaceful assembly; and that peaceful demonstration can occur safely and without fear of intimidation or excessive use of force on the part of Cambodian authorities. | Canada | 118.19 | Supported | <p>Not implemented</p> <p>In contrast with the recommendation, since 2014, the RGC has enacted laws that severely curtail the enjoyment of the rights to freedom of expression, association and peaceful assembly of all political parties, labor unions and other civil society groups (see sections 2.2-2.7, 4.2-4.11 and 5.4) and failed to amend previous legislation that do not comply with international standards on fundamental freedoms (see section 4.8, 5.2, 5.3).</p> <p>The RGC has not taken sufficient action to ensure that all groups can consistently enjoy the right to peaceful assembly without fear of intimidation or excessive use of force. In contrast, demonstrations have been prohibited without timely or fulsome reasoning (see para. 5.7), met with unwarranted use of force (see para. 5.8) and subject to unlawful blanket bans (see para. 5.10). Demonstrators have also been subject to harassment including detention and arrests (see para. 5.11) and intimidation such as threats of violence or legal action (see para. 5.11). Overall, this has contributed towards fear to organise and participate in peaceful assemblies (see para. 5.12).</p> | Freedom of Association; Freedom of Expression; Freedom of Assembly |
| 7 | Revise the Penal Code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of human rights defenders, journalists, and NGOs. | Czech Republic | 118.20 | Supported | <p>Not implemented</p> <p>Criminal offenses defined in the Penal Code that do not align with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression have not been amended. The criminal offenses of defamation (art. 305), insult (art. 307), incitement (art. 495 & 496), publication of commentaries intended to unlawfully coerce judicial authorities (art. 522), and discrediting judicial decisions (art. 523), constitute disproportionate restrictions on freedom of expression (see para. 4.8).</p> <p>In contrast with the recommendation, the Criminal Code was amended in February 2018 to introduce art 437-<i>bis</i>, which does not comply with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression (see para. 4.2). Similarly, the RGC has adopted legislative measures that</p> | Freedom of Expression; Human rights defenders |

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| | | | | | <p>excessively restrict freedom of expression, including amendment to articles 42 and 49 of the Constitution (see para. 4.3), provisions of the Law on Telecommunications (see para. 4.4), inter-ministerial <i>Prakas</i> on website and social media control (see para. 4.5), 'Code of conduct' for the media (see para. 4.6), as well as specific provisions contained in other laws enacted since Cambodia's 2nd UPR (see para. 4.7).</p> <p>Human rights defenders have faced extensive harassment, including judicial harassment and arbitrary arrest and detention on spurious charges (see section 3.4). Provisions of the Criminal Code outlined above in particular were regularly used to criminalise legitimate expression by HRDs (see section 3.4). Journalists similarly face extensive judicial harassment (see para. 3.9), within the context of a crackdown on media outlets perceived as critical of the government since 2017 (see section 4.16). Additionally, human rights defenders face extra-legal harassment, including violence and killing (see para. 3.12), death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14).</p> <p>NGOs and CSOs have been harassed by the government, with application of the LANGO and other extra-legal actions including excessive oversight of associations' activities. (see paras. 2.8-2.13)</p> | |
| 8 | Take steps to bring Cambodia's laws and practices into line with existing international human rights standards in relation to freedom of expression, including press freedom | Ireland | 118.21 | Supported | <p>Not implemented</p> <p>Criminal offenses defined in the Penal Code which do not aligns with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression have also not been amended. The criminal offenses of defamation (art. 305), insult (art. 307), incitement (art. 495 & 496), publication of commentaries intended to unlawfully coerce judicial authorities (art. 522), and discrediting judicial decisions (art. 523), constitute disproportionate</p> | Freedom of Expression |

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| | | | | | <p>restrictions on freedom of expression. (See 4.8).</p> <p>In contrast with the recommendation, the Criminal Code was amended in February 2018 to introduce art 437-<i>bis</i>, which does not comply with Cambodia's obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression (see para. 4.2). Similarly, the RGC has adopted legislative measures that excessively restrict freedom of expression, including amendment to articles 42 and 49 of the Constitution (see para. 4.3), provisions of the Law on Telecommunications (see para. 4.4), inter-ministerial <i>Prakas</i> on website and social media control (see para. 4.5), 'Code of conduct' for the media (see para. 4.6), as well as specific provisions contained in other laws enacted since Cambodia's 2nd UPR (see para. 4.7).</p> <p>In addition, in practice, the legal framework pertaining to freedom of expression is regularly misapplied (see para. 4.12-4.15), and the government has also taken extra-legal actions that excessively restrict freedom of expression, including press freedom (see para. 4.16)</p> | |
| 9 | Step up efforts aimed at strengthening the independence of both of the judiciary and the media | Italy | 118.81 | Supported | <p>Not implemented <i>Note: this assessment only focuses on independence of media.</i></p> <p>Media outlets perceived as critical towards the government have been subject to a severe crackdown in 2017, which curtailed the capacity of the majority of Cambodians who live in rural and remote areas to access diverse sources of information. Several prominent media outlets perceived as critical towards the government were disproportionately targeted by threats and sanctions by the government, including shutdowns (see para. 4.16-4.17).</p> | Freedom of Expression |
| 10 | In line with its commitment under the previous UPR cycle, work | Hungary | 118.101 | Supported | <p>Not implemented</p> <p>An informal version of the draft cybercrime law was released in 2014 and widely criticized for its broad</p> | Freedom of expression |

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| | towards ensuring free access to the electronic media and liberalize the electronic media ownership rules by drafting a Cyber Law in accordance with international standards. | | | | provisions which would severely restrict freedom of expression online. A second draft of the law was informally released in 2015, which also raise concerns linked to freedom of expression. There was not adequate consultation with civil society for the preparation of these drafts. As of 10 July 2018, there has been no legislative development reported since then (see para. 4.9). | |
| 11 | Ensure that the concept of defamation and disturbance of public order is in line with the human right to freedom of expression in law and practice. | Germany | 118.102 | Supported | <p>Not implemented</p> <p>The criminal offenses of defamation (Criminal Code, art. 305) and disturbance of public order (Criminal Code, art. 523 criminalizes criticizing a judicial letter or decision aiming at disturbing public order, and art. 495 criminalizes direct incitement to commit a felony or to disturb social security) have not been amended to be brought into line with standards concerning freedom of expression (see para. 4.8).</p> <p>In practise, the criminal offenses of defamation and incitement have been repeatedly used to restrict freedom of expression and prevent groups and individuals from expressing their political views (See 4.13-4.14).</p> | Freedom of expression |
| 12 | Approach the issue of regulating freedom of expression on the internet through consultations with all stakeholders. | Sweden | 118.103 | Supported | <p>Not implemented</p> <p>An informal version of the draft cybercrime law was released in 2014 and widely criticized for its broad provisions which would severely restrict freedom of expression online. A second draft of the law was informally released in 2015, which also raise concerns linked to freedom of expression. There was not adequate consultation with civil society for the preparation of these drafts. As of 10 July 2018, there has been no legislative development reported since then (see para. 4.9)</p> <p>Additionally, there was no meaningful consultation with stakeholders prior to the issuance of the inter-ministerial <i>Prakas</i> on website and social media control issued on 28 May 2018 by the Ministry of Information, Ministry of Interior and Ministry of Posts and</p> | Freedom of expression |

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| | | | | | Telecommunication (“MPTC”) which constitutes a severely disproportionate restriction on the right to privacy and to freedom of expression of every internet and social media user in Cambodia. (See 4.5) | |
| 13 | Promote a safe and favorable environment that allows individuals and groups to exercise the freedoms of expression, association and peaceful assembly and put an end to harassment, intimidation, arbitrary arrests and physical attacks particularly in the context of peaceful demonstrations | Switzerland | 118.104 | Supported | <p>Not implemented</p> <p>In recent years, the civic space in Cambodia for individual and civil society groups to exercise their freedom of expression, association and peaceful assembly has been severely curtailed through the enactment of legislation that excessively restrict fundamental freedoms (see para. 2.2-2.7, 4.2-4.11, 5.2-5.4), misapplications of the legal framework and extra legal actions (see para. 2.7-2.12, 4.11-4.19, 5.5-5.11). As a result, the environment cannot be considered safe or favorable for exercising freedoms of expression, association or peaceful assembly.</p> <p>Notably, peaceful assemblies often do not occur in a safe and favourable environment. Demonstrations have been prohibited without timely or fulsome reasoning (see para. 5.7), met with unwarranted use of force (see para. 4.3.4) and subject to unlawful blanket bans (see para. 5.10). Demonstrators have also been subject to harassment including detention and arrests and intimidation such as threats of violence or legal action (see para. 5.11). Overall, this has contributed towards fear to organise and participate in peaceful assemblies (see para. 5.12).</p> | Freedom of Association; Freedom of Expression; Freedom of Assembly |
| 14 | Respect and protect the rights of human rights defenders and journalists to conduct their work without hindrance, intimidation or harassment | Austria | 118.105 | Supported | <p>Not implemented</p> <p>Human rights defenders continue to face extensive judicial harassment and arbitrary arrest and detention on spurious charges (see Section 3.4-3.8). Journalists similarly face extensive judicial harassment (see para. 3.9), within the context of a crackdown on media outlets perceived as critical of the government since 2017 (see Section 4.16). Additionally, human rights defenders face extra-legal harassment, including violence and killing, death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14).</p> | Freedom of Expression; Human rights defenders |

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| 15 | Ensure the right of individuals and organizations to defend and promote human rights, including protection and promotion of the rights of freedom of expression, assembly and association. | Colombia | 118.106 | Supported | <p>Not implemented</p> <p>The right of individuals, including human rights defenders and journalists, to defend and promote human rights has not been respected or protected. They have faced extensive judicial harassment including arbitrary arrest, detention, charges and convictions as a result of their legitimate work and for exercising their freedoms of association, expression and assembly (see section 5.4). Additionally, human rights defenders face extra-legal harassment, including violence and killing (see para. 4.4.1), death threats and threats of violence or legal action (see para. 4.4.2), and surveillance and monitoring, (see para. 4.4.3). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 4.4.4).</p> <p>The right of organizations to defend and promote human rights, has been curtailed since the last UPR cycle, with the enactment of legislation (see para. 2.2-2.7, 4.2-4.11, 5.2-5.4), misapplication of the legal framework and extra legal actions (see para. 2.7-2.12, 4.11-4.19, 5.5-5.11) that excessively restrict CSOs and NGOs enjoyment of fundamental freedoms.</p> | Freedom of Association; Freedom of Expression; Freedom of Assembly; Human rights defenders |
| 16 | Ensure the protection of workers exercising the right to freedom of peaceful assembly and association and enable the full implementation of the rights to freedom of expression in the country. | Croatia | 118.107 | Supported | <p>Not implemented</p> <p>Freedom of peaceful assembly for workers has not fully been protected since many strikes resulted in violation of fundamental freedoms (see para 5.5). Since Cambodia’s 2nd UPR, the enactment of the Trade Union Law (“TUL”) in 2016 has further restricted freedom of assembly for workers (see para. 5.4). Additionally, the legal framework has been misapplied to target workers who strike or demonstrate (see para. 3.10).</p> <p>Similarly, certain provisions of the TUL restrict the freedom of association. The TUL imposes mandatory and burdensome registration requirements for trade unions and broad grounds for the denial of registration (article 15 and Prakas 249) and burdensome reporting requirements (article 17). These do not comply with international standards on freedom of association.</p> | Freedom of Association; Freedom of Expression; Freedom of Assembly |

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| | | | | | Since Cambodia's 2nd UPR, the RGC has enacted several laws that excessively restrict freedom of expression (see section 4.2-4.8.). The RGC utilized the legal framework and taken extra legal actions to suppress and criminalize legitimate expression of dissent and political speech, amidst a crackdown against the the media (see section 4.16) and dissenting voices, increasingly in relation to expression online (see section 4.13-4.14). | |
| 17 | Actively protect the rights to freedom of expression and to peaceful assembly by ensuring that any restriction on those rights is lawful, necessary and proportionate. | New Zealand | 118.108 | Supported | <p>Not implemented</p> <p>Since Cambodia's 2nd UPR, the RGC has enacted several laws that excessively restrict freedom of expression. The RGC utilized the legal framework to suppress and criminalize legitimate expression of dissent and political speech, amidst a crackdown against the political opposition, the media and dissenting voices, increasingly in relation to expression online (see paras. 4.1-4.19).</p> <p>Restrictions to peaceful assembly have not consistently been lawful, necessary and proportionate. Notably, demonstrations have been prohibited without timely or fulsome reasoning (see para. 5.7), met with unwarranted use of force (see para. 5.8) and subject to unlawful blanket bans (see para. 5.3). Demonstrators have also been subject to harassment including detention and arrests and intimidation such as threats of violence or legal action (see para. 5.11). Overall, this has contributed towards fear to organise and participate in peaceful assemblies (see para. 5.12).</p> | Freedom of expression; Freedom of Assembly |
| 18 | Adopt and implement effective measures in order to prevent the use of violence against demonstrators, in accordance with the Law on Peaceful Assembly, and enable all groups, including those expressing | Czech Republic | 118.109 | Supported | <p>Not implemented</p> <p>Demonstrations have been met with the unnecessary and disproportionate use of violence by police, military police, soldiers and government-contracted private security guards, in contradiction with the Law on Peaceful Assembly (see para. 5.8). The right to freedom of peaceful assembly was not enjoyed by all groups, as demonstrations were prohibited without timely and fulsome reasoning (see para. 5.7) and blanket bans on assemblies were imposed in the periods surrounding the dissolution of the former-opposition Cambodian</p> | Freedom of association; Freedom of assembly |

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| | dissenting views, to have their rights to freedom of peaceful assembly and association fully restored | | | | National Rescue Party (“CNRP”) and the arrest and subsequent hearings of its former president, Kem Sokha (see para. 5.8). Crowd-control units have undertaken live-fire practice, with video footage publicly released. Overall, this has contributed towards fear to organise and participate in peaceful assemblies, by both individuals and CSOs (see para. 5.12). | |
| 19 | Ensure full respect, in law and in practice, for the freedom of peaceful assembly and of association, consistent with international law. | Australia | 118.111 | Supported | <p>Not implemented</p> <p>The Cambodian legal framework largely complies with international standards concerning freedom of assembly, including with regards to regulation of state use of force (see para. 5.1). Despite this, some concerns remain regarding protection of the right of non-Khmer citizens to freedom of assembly; the permissibility of blanket bans on certain days of the year; vague and language which is vulnerable to broad interpretation; a minimum five-day notification period; and onerous requirements prior to conducting a strike (see para. 5.3).</p> <p>In practice, the legal framework has been misapplied to restrict and prohibit peaceful assemblies. Demonstrations have been prohibited without timely or fulsome reasoning (see para. 5.7), met with unwarranted use of force (see para. 5.8) and subject to unlawful blanket bans (see para. 5.3). Demonstrators have also been subject to harassment including detention and arrests and intimidation such as threats of violence or legal action (see para. 5.11). Overall, this has contributed towards fear to organise and participate in peaceful assemblies (see para. 5.12).</p> <p>Since Cambodia’s 2nd UPR, the government has enacted legislation that excessively restricts freedom of association (see section 2.2-2.7). In particular, certain provisions of the LANGO (see para. 2.3), Ministry of Interior Letter of October 2017 (see para. 2.4), TUL (see para. 2.5), amendments to the LPP (see para. 2.6), and amendment to articles 42, 49 and 53 of the Constitution (see para. 2.7) are not consistent with international standards. In practice, the RGC has</p> | Freedom of association; Freedom of assembly |

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| | | | | | misapplied these laws and taken extra legal actions to undermine civil society (see section 2.8-2.13). | |
| 20 | Ensure that the rights of human rights defenders are respected, in line with the recommendations accepted by Cambodia during the first UPR cycle | Belgium | 118.112 | Supported | Not implemented The rights of human rights defenders have not been consistently respected or protected. They have faced extensive judicial harassment including arbitrary arrest, detention, charges and convictions as a result of their legitimate work and for exercising their freedoms of association, expression and assembly (see section 3.4). Additionally, human rights defenders face extra-legal harassment, including violence and killing, death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14). | Human rights defenders |
| 21 | Adopt the necessary measures to respect and protect human rights defenders | Chile | 118.113 | Supported | Not implemented The rights of human rights defenders have not been consistently respected or protected. In contrast, human rights defenders have faced extensive judicial harassment including arbitrary arrest, detention, charges and convictions as a result of their legitimate work and for exercising their freedoms of association, expression and assembly (see Section 3.4). Additionally, human rights defenders face extra-legal harassment, including violence and killing, death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14). | Human rights defenders |

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| 22 | Take all necessary measures for the protection of human rights defenders, particularly by prosecuting the perpetrators of violence against, or intimidation of, them | France | 118.114 | Supported | <p>Not implemented</p> <p>The rights of human rights defenders have not been consistently respected or protected. They have faced extensive judicial harassment including arbitrary arrest, detention, charges and convictions as a result of their legitimate work and for exercising their freedoms of association, expression and assembly (see Section 3.4). Additionally, human rights defenders face extra-legal harassment, including violence and killing, death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14).</p> <p>In particular, perpetrators of violence or intimidation against them have not been prosecuted or brought to justice. Notably, whilst the shooter was prosecuted, the investigation surrounding the death of Kem Ley was inadequate and lacked transparency, and calls to establish an independent and impartial Commission of Inquiry to continue the investigation have been ignored (see para 3.12). Similarly, perpetrators of violence against HRDs have not been brought to justice, particularly within the context of demonstrations (for example, see para. 3.12, Annex 3.C, Section 4).</p> | Human rights defenders |
| 23 | Protect the rights of human rights defenders | Germany | 118.115 | Supported | <p>Not implemented</p> <p>The rights of human rights defenders have not been consistently respected or protected. They have faced extensive judicial harassment including arbitrary arrest, detention, charges and convictions as a result of their legitimate work and for exercising their freedoms of association, expression and assembly (see Section 3.4). Additionally, human rights defenders face extra-legal harassment, including violence and killing, death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14).</p> | Human rights defenders |

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| 24 | Ensure that the right of human rights defenders to conduct their work without hindrance, intimidation or harassment is respected and protected, as recommended in the previous cycle and accepted by Cambodia | Ireland | 118.116 | Supported | <p>Not implemented</p> <p>The rights of human rights defenders have not been consistently respected or protected. They have faced extensive judicial harassment including arbitrary arrest, detention, charges and convictions as a result of their legitimate work and for exercising their freedoms of association, expression and assembly (see Section 5.4). Additionally, human rights defenders face extra-legal harassment, including violence and killing, death threats and threats of violence or legal action (see para. 3.12), and surveillance and monitoring, (see para. 3.13). Overall, this likely creates fear for HRDs to continue their legitimate activities (see para. 3.14).</p> | Human rights defenders |
| 25 | Ensure equal access of all candidates to the media, avoid manipulation of voters and foster a culture of dialogue amongst all political parties | Czech Republic | 118.120 | Supported | <p>Not implemented</p> <p><i>Note: this assessment does not consider manipulation of voters</i></p> <p>Media outlets perceived as critical towards the government have been subject to a severe crackdown in 2017, which severely curtailed the capacity of the majority of Cambodians who live in rural and remote areas to access diverse information. Several prominent media outlets, perceived as critical towards the government, were disproportionately targeted by threats and sanctions by the government, including shutdowns (see section 4.16).</p> <p>Additionally, in October and November 2017, the RGC implemented recent amendments to the Law on Political Parties to dissolve 10 political parties, and deregister a further 22 parties (see para. 2.11). On 16 November 2017, the Supreme Court dissolved the main opposition party, the Cambodia National Rescue Party (“CNRP”) and banned 118 senior CNRP officials from participating in any political activity for five years. The National Election Committee (“NEC”) subsequently redistributed the CNRP’s parliamentary and commune-level seats to unelected members of the ruling party and other minor parties. (see 2.11)</p> | Freedom of expression |

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| 26 | Protect free and independent media, namely through the revocation of article 305 of the Penal Code and article 13 of the Press Law | Portugal | 118.22 | Noted | N/A | Freedom of expression |
| 27 | Seek technical assistance from OHCHR and from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on possible ways to adjust the Press Law | Brazil | 119.19 | Noted | N/A | Freedom of expression |
| 28 | Investigate impartially cases of use of excessive force against protesters and cases of killings during the recent demonstrations | Czech Republic | 119.21 | Noted | N/A | Freedom of assembly |
| 29 | Review all legal cases against individuals who are detained under criminal or judicial investigation on account of the exercise of their right to freedom of expression, as provided in the International Covenant on Civil and Political Rights | Denmark | 119.22 | Noted | N/A | Freedom of expression |
| 30 | Ensure a favorable climate for the activities of human rights defenders, journalists and other civil society actors | Tunisia | 119.23 | Noted | N/A | Human rights defenders |

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|----|---|----------------|--------|-------|-----|---|
| 31 | Protect opposition party members, journalists and human rights defenders from harassment and arbitrary arrest and lift all restrictions to peaceful demonstrations | Portugal | 119.24 | Noted | N/A | Freedom of association; Freedom of assembly; Human rights defenders |
| 32 | Ensure independence of the media from political influence and liberalize media ownership rules | Czech Republic | 119.25 | Noted | N/A | Freedom of expression |
| 33 | Develop an action plan ensuring that Internet laws comply with Cambodia's commitment to guarantee freedom of expression and information, so as to ensure free access to electronic media, liberalize electronic media ownership rules and allow national bloggers, journalists, other Internet users and NGOs to play a full and active role in promoting and protecting human rights | Netherlands | 119.26 | Noted | N/A | Freedom of expression |
| 34 | Repeal or amend relevant articles of the Penal Code, such as those regarding defamation or the discrediting of judicial decisions, which would bring Cambodia's domestic legislation into line with its | United States | 119.27 | Noted | N/A | Freedom of expression |

| | | | | | | |
|----|---|---------|--------|-------|-----|---------------------|
| | international human rights obligations on freedom of expression | | | | | |
| 35 | Guarantee the effective exercise of the human right to assembly, in particular with respect to crowd control, formulate clear instructions compatible with human rights standards for the use of firearms, provide training for the police on conduct compatible with human rights, prohibit the use of violence by unofficial or plain clothes security forces and ensure all persons detained have timely access to their families and to legal counsel | Germany | 119.29 | Noted | N/A | Freedom of assembly |

Sources:

Report of the Working Group on the Universal Periodic Review: Cambodia, U.N. Doc. A/HRC/26/16, 27 March 2014, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHindex.aspx> (accessed 29 May 2018)

Report of the Working Group on the Universal Periodic Review: Cambodia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, U.N. Doc. A/HRC/26/16/Add.1, 25 June 2014, available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHindex.aspx> (accessed 29 May 2018)

¹ ADHOC is comprised of two sections, including the Human Rights and Land Rights Section and the Women’s and Children’s Rights Section. It works across Cambodia from 19 provincial offices and a Central Office in Phnom Penh. ADHOC actively engaged with Cambodia’s 1st and 2nd UPR cycles, including through joint-submissions and participation in pre-sessions in Geneva.

² CCHR has participated actively in the UPR Process, since the first UPR cycle in 2009. In preparation for Cambodia’s Second UPR in January 2014, CCHR produced two joint-submissions, and CCHR staff participated in pre-sessions in Geneva. Following the adoption of the Outcome Report in June 2014, CCHR co-organized a two-day National Consultation in Phnom Penh. In

2017, CCHR and the United Nations Office of the High Commissioner for Human Rights in Cambodia (“OHCHR Cambodia”) cooperated with UPR Info, based in Geneva, and with the government’s Cambodian Human Rights Committee, to co-organize Cambodia’s ‘Mid-Term Universal Periodic Review National Consultation and Assessment Workshop,’ which was held on 29 and 30 June 2017 in Phnom Penh. Ahead of the Third Universal Periodic Review of Cambodia to be held in 2019, CCHR, UPR Info, and OHCHR Cambodia organized a two-day ‘National Consultation Workshop on CSOs submissions’, a two-day ‘follow-up Workshop on CSOs submissions’ in Phnom Penh’ and one day ‘workshop for the validation of CSO Submissions for the Third UPR of Cambodia’.

³ Solidarity Center’s 221 professional staff work with 400-plus labor unions, pro-worker nongovernmental organizations, legal-aid groups, human rights defenders, women’s associations, advocacy coalitions and others to support workers—in garment factories, home service, seafood processing, mining, agriculture, informal marketplaces, manufacturing, the public sector and beyond. In Cambodia, Solidarity Center works with unions and other allies in all major industries, to protect and advance worker rights through training and support, including legal advocacy, as workers increasingly stand up for their rights and demand living wages and decent working conditions. For more information, see <https://www.solidaritycenter.org/where-we-work/asia/cambodia/>.

⁴ This submission draws particularly from the FFMP’s First Annual Report (covering April 2016 to March 2017), and as yet unpublished data from the second year of monitoring (covering April 2017 to March 2018). The report uses systematically recorded and analysed data from several qualitative and quantitative data sources. See more details on the Methodology of the FFMP in: Annex 1, ‘FFMP: First Annual Report’, ICNL, CCHR, Solidarity Center (SC)/American Center for International Labor Solidarity (ACILS) and ADHOC, August 2017, <https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>; pages 37-40.

⁵ See Annex 1 ‘Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms’

⁶ The freedom of peaceful assembly is also explicitly guaranteed by the Law on Peaceful Assembly (article 2) and the Labor Law (article 320). See the Law on Peaceful Assembly, Royal Kram, NorSor/RorKorMor/1209/025, 2009, http://cambodia.ohchr.org/sites/default/files/Law_on_peaceful_demonstration-promulgated.pdf [official text in Khmer] and http://cambodia.ohchr.org/sites/default/files/Law_on_peaceful_demonstration-promulgated_Eng.pdf [unofficial translation in English].

⁷ Article 31 of the Constitution reads: “The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, and the covenants and conventions related to human rights, women’s rights, and children’s rights.” Constitution of the Kingdom Cambodia, 21 September 1993, [http://sithi.org/admin/upload/law/2008_02_19_Constitution\(KH\)_including%20Amendment%20\(1\).pdf](http://sithi.org/admin/upload/law/2008_02_19_Constitution(KH)_including%20Amendment%20(1).pdf) [official text in Khmer] and [http://sithi.org/admin/upload/law/2008_02_19_Constitution\(EN\)_including%20Amendment%20\(1\).pdf](http://sithi.org/admin/upload/law/2008_02_19_Constitution(EN)_including%20Amendment%20(1).pdf) [unofficial translation in English].

⁸ Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007, 10 July 2007, http://www.ccc.gov.kh/admin/uploads/dec_2007_92.pdf.

⁹ CIVICUS Monitor: Cambodia, <https://monitor.civicus.org/country/cambodia>. The CIVICUS Monitor is a tool that tracks the state of civic space in all countries. Rating correct as of 5 July 2018.

¹⁰ See Annex 1 ‘Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms’

¹¹ Recommendation 118.19 (Canada), ‘Report of the Working Group on the Universal Periodic Review: Cambodia’, UN Doc. A/HRC/26/16, 27 March 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHindex.aspx>; ‘Report of the Working Group on the Universal Periodic Review: Cambodia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review’, UN Doc. A/HRC/26/16/Add.1, 25 June 2014, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHindex.aspx>.

¹² See Annex 1 ‘Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms’

¹³ ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.; ‘Fundamental Freedoms Monitoring Project (FFMP): Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming.

¹⁴ Law on Associations and Non-Governmental Organizations (LANGO), August 2015, http://www.sithi.org/admin/upload/law/01-LANGO_KH.pdf [official text in Khmer] and <http://www.sithi.org/admin/upload/law/Unofficial-Translation-LANGO.pdf> [unofficial translation in English].

¹⁵ See Key Milestone 1 ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit., pages 4-7

¹⁶ The original letter (in Khmer) can be found at <http://www.freshnewsasia.com/index.php/en/localnews/67305-2017-10-10-11-02-46.html>; see also ‘Ministry ups scrutiny of NGOs’, The Phnom Penh Post, 10 October 2017, <https://www.phnompenhpost.com/national/ministry-ups-scrutiny-ngos>.

¹⁷ Although the letter references the LANGO, the LANGO makes no mention of a prior permission regime.

¹⁸ See Key Milestone 1 ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming.

¹⁹ Trade Union Law (TUL), May 2016, http://sithi.org/admin/upload/law/trade_union_law_kh.pdf [official text in Khmer] and http://sithi.org/admin/upload/law/trade_union_law_eng.pdf [unofficial translation in English].

²⁰ Prakas - Ministerial Orders or Proclamations - are executive regulations made at the ministerial level to implement and clarify specific provisions within higher-level legislative documents and to provide instructions. Their scope is limited to the focus and subject matter of the ministry that enacted them.

²¹ See Key Milestone 1 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit., pages 4-7

²² 'Tough Political Party Bill Signed Into Law in Cambodia,' Radio Free Asia (RFA), 9 March 2017, <http://www.rfa.org/english/news/cambodia/tough-political-party-bill-signed-into-law-in-cambodia-03092017132626.html>; 'Cambodia Signs Controversial Amendment Into Law', RFA, 28 July 2017, <https://www.rfa.org/english/news/cambodia/law-07282017165222.html>.

²³ See Key Milestone 1 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

²⁴ 'Lèse Majesté Law Now in Effect', Niem Chheng and Andrew Nachemson, The Phnom Penh Post, 5 March 2018, <https://www.phnompenhpost.com/national-politics/lese-majeste-law-now-effect>.

²⁵ Although the constitutional amendments do not, technically, have any direct regulatory effect, they provide a framework to amend existing laws or create new laws, and may also influence the application of the existing legal framework by the judicial and executive branches of government. See Key Milestone 1 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

²⁶ These new clauses constitute limitations on the rights to the freedom of association, and as such, they must also pass the three-part tests prescribed by article 22 of the ICCPR in order to comply with international standards. They fail the test that all restrictions must pursue a legitimate interest, namely, national security, public safety, the protection of public health or morals, or the protection of the rights and freedoms of others. Since the concept of "national interest" is not included within this list, the clauses fail to meet article 22's standard of legitimacy. The prohibition of Khmer citizens and political parties from engaging in all "activities" - a term easily interpreted as encompassing all speech, protests and assemblies - perceived as adverse to the interests of the government also violates article 22, which states that all restrictions to the freedom of association must be necessary in a "democratic society," and therefore must not contravene principles of "pluralism, tolerance, and broad mindedness."

²⁷ The freedom of association includes the ability of associations to access resources. See Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN Human Rights Council, A/68/299, 7 August 2013, para. 8, https://www.ohchr.org/Documents/Issues/FAssociation/A_68_299_en.pdf.

²⁸ The MoI statement read, "In the case that an association or a local non-governmental organisation fails to comply with the conditions set out above, the Ministry of Interior will take legal actions...". See 'Ministry warns Lango delinquents to comply', Soth Koemsoeun, The Phnom Penh Post, 13 December 2017, <https://www.phnompenhpost.com/national/ministry-warns-lango-delinquents-comply>.

²⁹ In early November, it was reported that out of the 5,199 total CSOs registered with the MoI's Department of Associations and Political Parties, only 621 had submitted any documentation. See 'Few NGOs compliant with law', Kong Meta and Leonie Kijewski, The Phnom Penh Post, 2 November 2017, <http://www.phnompenhpost.com/national/few-ngos-compliant-law>. In the FFMP's CSO/trade union leader survey, 35.54 per cent answered that their CSO was unable to meet the non-financial reporting requirements set by the Royal Government of Cambodia ("RCG"). See 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

³⁰ See Key Milestone 2 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming. See also: Ananth Baliga, "Ministry shuts NDI for Lango violations as US Embassy hits back," The Phnom Penh Post, 24 August 2017, <http://www.phnompenhpost.com/national/ministry-shutters-ndi-lango-violations-us-embassy-hits-back>.

³¹ See Key Milestone 2 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming. See also: Kong Meta and Leonie Kijewski, "Land rights organization in Lango limbo," The Phnom Penh Post, 17 November 2017, <https://www.phnompenhpost.com/national/land-rights-organisation-lango-limbo>. Mom Sophon, "Land rights NGO given green light to resume its operations," Khmer Times, 26 February 2018, <http://www.khmertimeskh.com/50110492/land-rights-ngo-given-green-light-resume-operations/>.

³² See Key Milestone 2 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming. See also: Soth Koemsoeun and Andrew Nachemson, "Student group suspended for 'violating law on NGOs'," The Phnom Penh Post, 1 November 2017, <https://www.phnompenhpost.com/national/student-group-suspended-violating-law-ngos>

³³ The FFMP's Trade Union Registration Evaluation Tool recorded the experiences of 72 trade unions as they attempted to register under these regulations. Of the 72, 33 trade unions were successfully registered in year two, and two were ultimately rejected. The other 37 applications were still pending at the end of year two. The Evaluation Tool revealed some trends in the types of obstacles faced by trade unions during the registration process. In particular, it made clear that many trade unions were confronted with complex and time-consuming bureaucratic requirements that hindered their ability to register quickly and efficiently. One such requirement was that trade unions provide a number of documents alongside their registration forms. These included: a promissory statement to provide information about the trade union's bank account, a biography of each leader and administrator along with an employment book and National Social Security Fund documentation, minutes from the trade union's leadership elections, a trade union statute or constitution, and a list of names of those who attended the trade union's election. Notably, all trade unions that responded reported being asked to provide further documentation after their initial application. Many unions also revealed that their applications were delayed due to Joint Submission to the UPR on Civic Space and Fundamental Freedoms in Cambodia

minor formatting issues, including the font used in the application and the spelling of place names. For many trade unions, the complex and time-consuming nature of the registration process was compounded by the lack of readily available guidance on how the process worked. When asked whether the registration process was advertised somewhere accessible, only 25.71 per cent of respondents answered 'yes', while 51.43 per cent answered 'no', and 22.86 per cent said they were unsure. See 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

³⁴ Mech Dara, "Supreme Court ruling dissolves 9 small parties," The Phnom Penh Post, 31 October 2017, <https://www.phnompenhpost.com/national/supreme-court-ruling-dissolves-9-small-parties>; for the list of the 9 parties, see Mom Sophon, "Nine parties face closure," Khmer Times, 30 August 2017, <https://www.khmertimeskh.com/5080574/nine-parties-face-closure/>. Mai Vireak, "Defunct parties set to be deleted," Khmer Times, 3 October 2017, <https://www.khmertimeskh.com/5084287/defunct-parties-set-to-be-deleted/>; for the list of all 22 parties see Khan Sophirom, "Ministry of Interior Deletes 20 Political Parties," Agence Kampuchea Presse, 3 October 2017, <http://www.akp.gov.kh/archives/110889>.

³⁵ International legal standards hold that the suspension and involuntary dissolution of CSOs are among the most severe types of restrictions on the freedom of association. As a result, these actions are only permissible when there is a clear and imminent danger resulting in a flagrant violation of national law. The dissolution of a CSO should also be strictly proportional to the legitimate aim pursued and used only when lesser measures would be insufficient, as required by the ICCPR. See 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association', Maina Kiai, HRC, A/HRC/20/27, 21 May 2012, para. 75, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf.

³⁶ Ben Sokhean, Mech Dara and Ananth Baliga, "'Death of democracy': CNRP dissolved by Supreme Court ruling," The Phnom Penh Post, 17 November 2017, <https://www.phnompenhpost.com/national-post-depth-politics/death-democracy-cnrp-dissolved-supreme-court-ruling>.

³⁷ Ben Sokhean and Andrew Nachemson, "Breaking: Lawmakers take CNRP seats after dissolution," The Phnom Penh Post, 27 November 2017, <https://www.phnompenhpost.com/national-politics/breaking-lawmakers-take-cnrp-seats-after-dissolution-0>.

³⁸ Ben Sokhean and Andrew Nachemson, "Breaking: Lawmakers take CNRP seats after dissolution," The Phnom Penh Post, 27 November 2017, <https://www.phnompenhpost.com/national-politics/breaking-lawmakers-take-cnrp-seats-after-dissolution-0>. Leonie Kijewski and Khouth Sophak Chakrya, "CPP big winner in local seat reallocation," The Phnom Penh Post, 4 December 2017, <https://www.phnompenhpost.com/national-politics/cpp-big-winner-local-seat-reallocation>.

³⁹ The FFMP recorded 76 incidents where the RGC targeted CNRP members, officials, and supporters. Both before and after the CNRP's dissolution. 36 of these incidents involved the use of judicial harassment, as well as extra-judicial surveillance and sanctions against former CNRP officials who refused to join the CPP, or who attempted to continue to engage in politics. See Key Milestone 2 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming.

See also for instance: "Officials in Cambodia's Kep Province Increasingly Pressured to Defect to Ruling Party," Radio Free Asia, 5 December 2017, <https://www.rfa.org/english/news/cambodia/defect-12052017151642.html>; Mech Dara and Erin Handley, "Interior Ministry files complaint against five banned opposition figures," The Phnom Penh Post, 15 February 2018, <https://www.phnompenhpost.com/national/interior-ministry-files-complaint-against-five-banned-opposition-figures>; Soth Koemsoeun, "Joking 'rebel' sign at Sin Rozeth restaurant attracts governor's warning," The Phnom Penh Post, 6 February 2018, <http://www.phnompenhpost.com/national/joking-rebel-sign-sin-rozeth-restaurant-attracts-governors-warning>.

⁴⁰ See Key Milestone 2 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁴¹ In quarter one, half of all instances of RGC supervision of CSOs violated international standards, and in quarter two, that number rose to 84 per cent. This rate remained relatively stable in quarter three, at 83 per cent, and dropped slightly to 75 per cent in quarter four. Half of CSO/trade union leaders surveyed also reported that the government had monitored their activities in year two, compared to 43 per cent in year one. See 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁴² In year two of the FFMP, the project received 48 incident reports detailing such interruptions. The police attended 37 events, took photographs at 29 events and took the details of participants at 17 events. Five activities from CSOs were halted, and on 20 occasions, organisers were asked for proof of permission. See 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁴³ The LANGO does not require prior permission for regular CSO activities such as meetings, trainings and discussions, and it does not allow for authorities to monitor regular CSO activities or their participants.

⁴⁴ "A colour revolution refers to mostly nonviolent citizen-led movements that have toppled regimes in former Soviet countries. As elections near, [Cambodian] government figures have increasingly adopted the term to paint the opposition, civil society and critics as a threat to the country's stability," Quotation from 'CPP calls out foreign NGOs for stirring 'colour revolution'', Shaun Turton, The Phnom Penh Post, 24 May 2017, <http://www.phnompenhpost.com/national/cpp-calls-out-foreign-ngos-stirring-colour-revolution>.

⁴⁵ 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit. See also 'Sok Touch spins 'revolt' theory', Phnom Penh Post, 12 September 2017, <https://www.phnompenhpost.com/national/sok-touch-spins-revolt-theory>; 'Hun Sen: Style did not kill opposition parties who wanted to overthrow the government in 2013', RFA, 19 November 2017, <http://www.rfa.org/khmer/news/politics/Hunsen-said-he-would-have-killed-cnrp-group-since-2013-11192017101317.html>.

⁴⁶ See Key Milestone 2. 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit. See also for example: "Election Monitors Get Warning Over Law on Neutrality," Phnom Penh Post, 5 July 2017, <https://www.phnompenhpost.com/national/election-monitors-get-warning-over-law-neutrality/>; Andrew Nagemson and Ben Sokhean, 'Government 'monitoring' civil society organisations named in CNRP hearing', The Phnom Penh Post, 21 November 2017, <https://www.phnompenhpost.com/politics/government-monitoring-civil-society-organisations-named-cnrp-hearing>.

⁴⁷ See Annex 1 'Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms'

⁴⁸ Recommendation 118.105 (Austria), A/HRC/26/16, 27 March 2014, op. cit.

⁴⁹ See Annex 1 'Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms'

⁵⁰ UN Declaration on Human Rights Defenders, A/RES/53/144, 8 March 1999, Article 12, <https://www.ohchr.org/documents/issues/defenders/declaration/declaration.pdf>.

⁵¹ Recommendation 118.20 (Czech Republic), A/HRC/26/16, 27 March 2014, op. cit. See also A/HRC/26/16/Add.1, 25 June 2014, op. cit.

⁵² See below Section 4, Freedom of Expression, paragraph 4.8; See also: Criminal Code of the Kingdom of Cambodia, 2014, <http://www.sithi.org/admin/upload/law/Criminal-Code-of-the-Kingdom-of-Cambodia-30-Nov-2009.pdf> [official text in Khmer] and <http://www.sithi.org/admin/upload/law/Criminal-Code-Book-with-cover-Jan-2014.pdf> [unofficial translation in English].

⁵³ Andrew Nagemson and Mech Dara, "Updated: Lèse majesté law among changes to Cambodia's Constitution and Penal Code," The Phnom Penh Post, 2 February 2018, <https://www.phnompenhpost.com/national-politics/updated-lese-majeste-law-among-changes-cambodias-constitution-and-penal-code>. Article 437-bis does not comply with the three-part test of Article 19 of the ICCPR. See Legal analysis in Key Milestone 1 "FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁵⁴ Examples of the misapplication of laws to target HRDs include the Law on Forestry, 2002, http://sithi.org/admin/upload/law/section08_013_2002.pdf [official text in Khmer] and [http://sithi.org/admin/upload/law/Law%20on%20Forestry%20\(2002\).ENG.pdf](http://sithi.org/admin/upload/law/Law%20on%20Forestry%20(2002).ENG.pdf) [unofficial translation in English]; the Law on Suppression of Human Trafficking and Sexual Exploitation, 2008, <http://sogi.sithi.org/admin/upload/media/123-kawwyh1336443546.pdf> [official text in Khmer] and <http://sogi.sithi.org/admin/upload/media/123-roxxwiw1336443546.pdf> [unofficial translation in English]; and some articles of the Criminal Code such as "bribery of a witness" (article 548), see para 3.5, "breach of trust" (article 391) see para 3.6, "threatening to destroy property followed by an order" (article 424), "violation of privacy" (article 302), "destroying, displacing or removing of any object from the scene of a felony" (article 533) and providing a "foreign state with information which undermines national defense" (article 445).

⁵⁵ Key Milestone 2, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁵⁶ In addition to the below cases, see for example case of Ny Chakrya, 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 8, op. cit.; "Cambodian Appeals Court Upholds Ny Chakrya Conviction", Radio Free Asia, 14 December 2016, <https://www.rfa.org/english/news/myanmar/cambodia/cambodian-court-upholds-ny-chakrya-12142016145939.html>; "Defamation Case Against Ny Chakrya", Front Line Defenders, <https://www.frontlinedefenders.org/en/case/defamation-case-against-ny-chakrya>.

⁵⁷ 'Legal Analysis of the Pre-Trial Detention of Mr. Ny Sokha, Mr. Yi Soksan, Mr. Nay Vanda, Ms. Lim Mony and Mr. Ny Chakrya', CCHR, November 2016, https://cchrcambodia.org/admin/media/analysis/english/2016_11_21_JLA_of_Pre-trial-Detention_of_the_5_ENG.pdf; 'Groups welcome court's release of the 'Adhoc 5'', Ananth Baliga and Niem Chheng, The Phnom Penh Post, 3 July 2017, <https://www.phnompenhpost.com/national/groups-welcome-courts-release-adhoc-5>; 'Rights workers, two others 'bribed witness', court says; UN holds firm', Lay Samean and Ananth Baliga, The Phnom Penh Post, 3 May 2016, <https://www.phnompenhpost.com/national/rights-workers-two-others-bribed-witness-court-says-un-holds-firm>; 'Detentions extended for officials in 'bribery' case', Niem Chheng, The Phnom Penh Post, 28 October 2016, <https://www.phnompenhpost.com/national/detentions-extended-officials-bribery-case>.

⁵⁸ 'Opinion No. 45/2016 of the UN Working Group on Arbitrary Detention concerning Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony, and Ny Chakrya', HRC, A/HRC/WGAD/2016/45, 17 January 2017, https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session77/A-HRC-WGAD-2016-45_en.pdf.

⁵⁹ Venerable But Buntenh is the founder of the Independent Monk Network for Social Justice. Pa Nguon Teang is the Director of the Cambodian Center for Independent Media. Moeun Tola is the Executive Director of the Center for Alliance of Labor and Human Rights.

⁶⁰ See 'CSOs call for charges against NGO leaders to be dropped and for an end to ongoing harassment of civil society', Joint Media Release by 36 CSOs, 30 January 2018, Joint Submission to the UPR on Civic Space and Fundamental Freedoms in Cambodia

https://cchrcambodia.org/media/files/press_release/686_jmrccfcanltbdef_en.pdf; 'Three activists charged for allegedly misappropriating funds meant for Ley funeral', Andrew Nachemson and Niem Chheng, The Phnom Penh Post, 18 January 2018, <https://www.phnompenhpost.com/national/three-activists-charged-allegedly-misappropriating-funds-meant-ley-funeral>; 'Kem Ley funeral committee members charged', Khy Sovuthy, Khmer Times, 18 January 2018, <https://www.khmertimeskh.com/50102943/kem-ley-funeral-committee-members-charged/>.

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⁸⁰ Key Milestone 2, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁸¹ For example, in December 2017, 20 per cent of CSO and trade union leaders surveyed reported feeling that it was "always" necessary to censor themselves when speaking publicly, in comparison to eight per cent in 2016. Similarly, 69 per cent of CSO leaders surveyed reported feeling unsafe when imparting information via social media. See Key Milestone 2, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁸² For examples, see case of Oun Vansak, 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 32 op. cit.; case of Bou Rachana, 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 32 op. cit.; Sarada Taing, "Kem Ley's Widow Says Cambodian Authorities Keep Her Family in The Dark", Radio Free Asia, 9 September 2016, <https://www.rfa.org/english/news/cambodia/kem-leys-widow-says-cambodian-09092016143547.html>; case of the three activists from NGO Mother Nature, 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 32 op. cit.; Ben Sokhean, "Mother Nature Activist Returns After Fleeing", The Cambodia Daily, 29 March 2017, <https://www.cambodiadaily.com/news/mother-nature-activist-returns-after-fleeing-127192/>; case of Chum Hour and Chum Hout, 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 32 op. cit.; Kuch Naren and Zsombor Peter, "Twins Get Temporary Asylum in Thailand", The Cambodia Daily, 29 July 2016, <https://www.cambodiadaily.com/archives/twins-get-temporary-asylum-in-thailand-116029/>; case of Thun Saray, 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 32 op. cit.; Ben Sokhean, "From Canada, Adhoc President Finally Urges Gov't to Release Staff", The Cambodia Daily, 16 March 2017, <https://www.cambodiadaily.com/news/from-canada-adhoc-president-finally-urges-govt-to-release-staff-%20126622/>.

⁸³ See Annex 1 'Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms'

⁸⁴ Recommendation 118.108 (New Zealand), A/HRC/26/16, 27 March 2014, op. cit.; A/HRC/26/16/Add.1, 25 June 2014, op. cit.

⁸⁵ See Annex 1 'Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms'

⁸⁶ Article 41 of the Constitution states that "Khmer citizens shall have freedom of expression of their ideas, freedom of information, freedom of publication", and article 31 incorporates international human rights instruments ratified by Cambodia, including the ICCPR, into national law. Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion.

⁸⁷ Andrew Nachemson and Mech Dara, "Updated: Lèse majesté law among changes to Cambodia's Constitution and Penal Code," The Phnom Penh Post, 2 February 2018, <https://www.phnompenhpost.com/national-politics/updated-lese-majeste-law-among-changes-cambodias-constitution-and-penal-code>. Article 437-bis does not comply with the three-part test of Article 19 of the ICCPR. See Legal analysis in Key Milestone 1 "FFMP: Second Annual Report", ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁸⁸ Niem Chheng and Andrew Nachemson, The Phnom Penh Post, 5 March 2018, op. cit.

⁸⁹ Amended articles 42 and 49 do not comply with the the three-part tests prescribed by Article 19 of the ICCPR. See legal analysis in Key Milestone 1 "FFMP: Second Annual Report", ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

⁹⁰ Law on Telecommunications, 2016, http://www.sithi.org/admin/upload/law/20150127_TelecommunicaitonDraftLaw_kh.pdf [official version in Khmer] and Joint Submission to the UPR on Civic Space and Fundamental Freedoms in Cambodia

http://www.sithi.org/admin/upload/law/20150127_TelecommunicaitonDraftLaw_En%20edited-2.pdf [unofficial translation in English].

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⁹⁵ ‘Ministry’s plan for net sparks fears’, Mech Dara, The Phnom Penh Post, 21 May 2018, <https://www.phnompenhpost.com/national/ministrys-plan-net-sparks-fears>.

⁹⁶ ‘NEC warns Press of Elections’, Soth Koemsoeun, The Phnom Penh Post, 28 May 2018, <https://www.phnompenhpost.com/national/nec-warns-press-elections>; ‘NEC Issues Press Release on Rights and Prohibitions for Media’, Fresh News, 24 May 2018, <http://en.freshnewsasia.com/index.php/en/9114-2018-05-24-14-08-40.html>.

⁹⁷ ‘Cambodia: UN experts express concerns about media freedoms ahead of vote’, Professor Rhona Smith, Special Rapporteur on the situation of human rights in Cambodia, Mr David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr Clément Nyaletsossi Voulé, Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN News Release, 14 June 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23205&LangID=E>.

⁹⁸ Article 24 of the LANGO requires all domestic NGOs, foreign NGOs and foreign associations to “maintain their neutrality towards political parties in the Kingdom of Cambodia.” The term “neutrality” is not defined, and it is unclear what types of activity could be deemed to contravene the provision, leaving it open to misapplication or arbitrary enforcement. This article severely limits the freedom of expression. See LANGO, op. cit. See also: Key Milestone 1 ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, page 7, op. cit.

⁹⁹ Articles 84 and 137 of the LEMNA require all domestic and international NGOs and associations to exercise “neutrality and impartiality” relating to the conduct of electoral affairs. This vaguely worded provision may significantly curtail the role of civil society as a public watchdog. Article 152 of the LEMNA states that “any person who, by all means, publicly insults a political party” shall be fined. See Key Milestone 1 ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, page 7, op. cit. Electoral Laws refer to the Law on Elections of Members of the National Assembly, 2002, http://www.sithi.org/admin/upload/law/section04_002_1997_2002.pdf [official version in Khmer] and [http://www.sithi.org/admin/upload/law/Law%20on%20the%20Election%20of%20the%20Members%20of%20the%20National%20Assembly%20\(1997\)%20with%20first.%20second%20and%20third%20a.pdf](http://www.sithi.org/admin/upload/law/Law%20on%20the%20Election%20of%20the%20Members%20of%20the%20National%20Assembly%20(1997)%20with%20first.%20second%20and%20third%20a.pdf) [unofficial translation in English] and the Law on Election of Commune Councils, 2001, http://sithi.org/temp.php?title=Law-on-the-Election-of-Commune-Councils-2001-&url=law_detail.php&lg=&id=67 [unofficial translation in English].

¹⁰⁰ March 2017 and July 2017 Amendments to the Law on Political Parties. See ‘Tough Political Party Bill Signed Into Law in Cambodia,’ RFA, 9 March 2017, <https://www.rfa.org/english/news/cambodia/tough-political-party-bill-signed-into-law-in-cambodia-03092017132626.html>; ‘Cambodia Signs Controversial Amendment Into Law’, RFA, 28 July 2017, <https://www.rfa.org/english/news/cambodia/law-07282017165222.html>. In particular, Article 6 New and Article 11 (3) New fail to meet the requirements of Article 19 (3) of the ICCPR.

¹⁰¹ TUL, op. cit. In particular, Article 65(f), Article 71 severely restricts the freedom of expression of workers and trade unions by limiting the scope of their legitimate activities. For a more detailed analysis of this and other provisions of the TUL, see “A Human Rights Analysis of the Draft Law on Trade Unions”, Office of the United Nations High Commissioner for Human Rights in Cambodia, 30 March 2016, <http://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/FINAL%20OCHR%20Analysis%20on%20Trade%20Union%20Law-%20En%20FOR%20ONA%20SUBMISSION.pdf> ; and “Analysis of Draft Trade Union Law”, International Center for Not-for-Profit Law, 24 December 2015, [http://www.sithi.org/admin/upload/media/\[2015-12-24\]ICNL%20Analysis%20on%20Draft%20Trade%20Union%20Law/2015_12_24_ICNL_Analysis_TUL_Final_Dec10_Eng.pdf](http://www.sithi.org/admin/upload/media/[2015-12-24]ICNL%20Analysis%20on%20Draft%20Trade%20Union%20Law/2015_12_24_ICNL_Analysis_TUL_Final_Dec10_Eng.pdf).

¹⁰² Recommendation 118.20 (Czech Republic), A/HRC/26/16, 27 March 2014, op. cit.; A/HRC/26/16/Add.1, 25 June 2014, op. cit.

¹⁰³ Law on Education, 2007, <http://www.moeys.gov.kh/en/laws-and-legislations/law/%E1%9E%85%E1%9F%92%E1%9E%94%E1%9E%B6%E1%9E%94%E1%9F%8B-%E1%9E%9F%E1%9F%92%E1%9E%8A%E1%9E%B8%E2%80%8B%E1%9E%96%E1%9E%B8-%E1%9E%80%E1%9E%B6%E1%9E%9A%E2%80%8B%E1%9E%A2%E1%9E%94%E1%9F%8B%E1%9E%9A%E1%9F%86.html#.W0Q1c9IzbdD>. Article 34 and Article 42 in particular carry the potential to ban a wide range of forms of expression.

Law on the Press, 1995, http://sithi.org/admin/upload/law/section06_002_1995.pdf [official version in Khmer] and [http://sithi.org/admin/upload/law/Law%20on%20the%20Press%20\(1995\).ENG.pdf](http://sithi.org/admin/upload/law/Law%20on%20the%20Press%20(1995).ENG.pdf) [unofficial translation in English]. See: Briefing Note, “An overview of Cambodian laws relating to freedom of expression and a summary of recent case examples to show how laws are used and abused to stifle dissent”, CCHR, October 2012, https://cchrcambodia.org/admin/media/analysis/analysis/english/2012_10_30_CCHR%20Briefing%20Note%20%20Cambodian%20laws%20relating%20to%20freedom%20of%20expression%20and%20recent%20case%20examples%20-%20ENG.pdf. Chak Sopheap, “Cambodia: a long way towards freedom of expression”, WACC, 19 February 2015, <http://www.waccglobal.org/articles/cambodia-a-long-way-towards-freedom-of-expression>.

¹⁰⁴ Recommendations here included: “Review the penal code to ensure it aligns with Cambodia’s obligations under the International Convention on Civil and Political Rights pertaining to freedom of expression and take necessary actions to amend or repeal any articles which do not meet these obligations” (Canada, 118.15); “Revise the Penal Code in order to bring it into line with international standards and Cambodia’s obligations under the International Covenant on Civil and Political Rights” (Belgium, 118.16); “Revise the Penal Code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of human rights defenders, journalists, and NGOs” (Czech Republic 118.20); and “Ensure that the concept of defamation and disturbance of public order is in line with the human right to freedom of expression in law and practice” (Germany 118.102). See A/HRC/26/16, 27 March 2014, op. cit.; A/HRC/26/16/Add.1, 25 June 2014, op. cit.

¹⁰⁵ See detailed legal analysis in Key Milestone 1, ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, page 8, op. cit.

¹⁰⁶ Recommendations here included: “In line with its commitment under the previous UPR cycle, work towards ensuring free access to the electronic media and liberalize the electronic media ownership rules by drafting a Cyber Law in accordance with international standards” (Hungary, 118.101); and “Approach the issue of regulating freedom of expression on the internet through consultations with all stakeholders” (Sweden, 118.103). See A/HRC/26/16, 27 March 2014, op. cit.; A/HRC/26/16/Add.1, 25 June 2014, op. cit.

¹⁰⁷ ‘Cambodia’s Secret Draft Cybercrime Law Seeks to Undermine Free Speech Online’, IFEX, 11 April 2014, <https://www.ifex.org/cambodia/2014/04/11/cybercrime-law/>; ‘Open Letter from CCHR to the Minister of Post and Telecommunications, Concerning Draft Cybercrime Law’, CCHR, 28 April 2014, https://cchrcambodia.org/index_old.php?title=Open-Letter-from-CCHR-to-H-E-Prak-Sokhon-Minister-of-Post-and-Telecommunications-Concerning-Draft-Cybercrime-Law&url=media/media.php&p=press_detail.php&pid=488&id=5.

¹⁰⁸ ‘Council of Ministers approves draft of minimum wage law’, The Phnom Penh Post, 28 May 2018, <https://www.phnompenhpost.com/national/council-ministers-approves-draft-minimum-wage-law>.

¹⁰⁹ ‘Minimum wage law to advance to Council of Ministers’, The Phnom Penh Post, 31 January 2018, <https://www.phnompenhpost.com/national/minimum-wage-law-advance-council-ministers>.

¹¹⁰ Recommendation 118.14 (Belgium), A/HRC/26/16, 27 March 2014, op. cit.; A/HRC/26/16/Add.1, 25 June 2014, op. cit.

¹¹¹ ‘Draft of Long-Awaited Access-to-Information Law Unveiled’, Daphne Chen, The Phnom Penh Post, 1 February 2018, <https://www.phnompenhpost.com/national/draft-long-awaited-access-information-law-unveiled>.

¹¹² In addition to the case of Sam Sokha discussed in para. 4.14, other illustrative examples include the case of activist monk Horn Sophanny (Soth Koemsoeun and Andrew Nachemson, “Activist monk handed 2 years for incitement”, The Phnom Penh Post, 20 December 2017, <https://www.phnompenhpost.com/national/activist-monk-handed-2-years-incitement>); case of Hin Vansreyov (Niem Chheng, “Woman who accused Hun Sen of Kem Ley assassination on Facebook sentenced,” The Phnom Penh Post, 11 January 2018, <http://www.phnompenhpost.com/national/woman-who-accused-hun-sen-kem-ley-assassination-facebook-sentenced>.); case of Journalist Chhun Ly (Pech Sotheary, “Journalist accused of defamation”, Khmer Times, 20 October 2017, <https://www.khmertimeskh.com/5087026/journalist-accused-defamation/>.), see also additional examples discussed in paragraphs 3.7 and 3.9 of that submission.

¹¹³ Key Milestone 2, ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹¹⁴ In quarters one and two, 25 per cent of violations of the right to the freedom of expression by Cambodia were related to speech made online. In quarter three, the figure was 27 per cent of violations, and in quarter four, this figure stood at seven per cent. See Key Milestone 2, ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹¹⁵ “Shoe thrower’ Sam Sokha deported from Thailand’, The Phnom Penh Post, 8 February 2018, <http://phnompenhpost.com/national/shoe-thrower-sam-sokha-deported-thailand>.

¹¹⁶ ‘Cambodia makes first arrest using new royal insult law’, Reuters, 13 May 2018, <https://www.reuters.com/article/us-cambodia-king/cambodia-makes-first-arrest-using-new-royal-insult-law-idUSKCN1IE05S>; ‘Second Cambodian man arrested for insulting king on Facebook’, Tan Hui Yee, The Straits Times, 21 May 2018, <https://www.straitstimes.com/asia/se-asia/second-cambodian-man-arrested-for-insulting-king-on-facebook>; ‘Another Man was arrested on charges of insulting the King on Facebook’, RFA, 17 June 2018, <https://www.rfa.org/khmer/news/law/another-arrested-over-King-new-law-06172018042144.html>.

¹¹⁷ In February 2018, MFA published a report that noted that “other indispensable tools made available for CNRP are foreign funded radio broadcasts in Khmer languages by Radio of Free Asia, Voice of America, US-funded Voice of Democracy of the Cambodian Human Rights Center. Hidden under the rhetoric of freedom of press and freedom of expression these radio Joint Submission to the UPR on Civic Space and Fundamental Freedoms in Cambodia

stations disseminated exaggerated news aiming at inciting people to disbelieve and stand up against the government." See 'Cambodia Stability and Development First', MFA, 16 February 2018, <https://www.mfaic.gov.kh/site/detail/17067>.

¹¹⁸ The website of the Cambodia Daily was arbitrarily blocked in September 2017 by the MPTC, following a request by the General Department of Taxation, which ordered ISPs to block access to the Cambodia Daily IP's address, as well as its Facebook page and Twitter account. The Cambodia Daily, an award-winning English language newspaper that was renowned for having uncovered a number of corruption scandals and human rights abuses in Cambodia, shut down in September 2017 after being given a more than US\$6 million tax bill. See 'Cambodia Daily Announces Immediate Closure Amid Threats', The Cambodia Daily, 4 September 2017, <https://www.cambodiadaily.com/news/cambodia-daily-announces-immediate-closure-amid-threats-134283/>. In February 2018, Cambodia's Telecommunications Regulator warned it would investigate ISPs that did not block the Cambodia Daily's website, Facebook page and Twitter account, and would revoke the licences of those that do not comply. See 'Telecoms Regulator to Investigate Internet Providers for Snubbing Cambodia Daily Ban', Erin Handley, The Phnom Penh Post, 5 February 2018, <https://www.phnompenhpost.com/national/telecoms-regulator-investigate-internet-providers-snubbing-cambodia-daily-ban>.

¹¹⁹ Ananth Baliga, "International groups slam NGO and media closures," The Phnom Penh Post, 28 August 2017, <https://www.phnompenhpost.com/national/international-groups-slam-ngo-and-media-closures>.

¹²⁰ "RFA Closes Phnom Penh Bureau Amid Crackdown by Hun Sen," Radio Free Asia, 12 September 2017, <https://www.rfa.org/english/news/cambodia/crackdown-raf-09122017084157.html/>.

¹²¹ On 5 August 2017, tax authorities issued the Cambodia Daily a US \$6.3 million tax bill without a prior audit or legal proceedings. The Cambodia Daily officially announced its closure in September 2017, citing "extra-legal threats" by the government to "close the Daily, freeze its accounts and prosecute the owner for the actions of the previous owner." Though the Daily acknowledged there might be a "legitimate dispute" between the tax department and the Daily owners, the Daily denounced the absence of a proper audit and legal proceedings. See: Phak Seangly and Shaun Turton, "Cambodia Daily slapped with huge tax bill," The Phnom Penh Post, 7 August 2017, <https://www.phnompenhpost.com/national/cambodia-daily-slapped-huge-tax-bill>; "The Cambodia Daily to Close After 24 Years," The Cambodia Daily, 3 September 2017, <https://webcache.googleusercontent.com/search?q=cache:nNxesXHz78J:https://www.cambodiadaily.com/cambodia-daily-close-24-years/+&cd=1&hl=km&ct=clnk&gl=kh>.

¹²² In May 2018, Cambodia's last remaining critical English-Khmer language daily, The Phnom Penh Post, changed ownership in an opaque sale, after being issued a tax bill of \$3.9 million. The new owner reportedly then interfered with the paper's editorial independence by demanding that a published article be removed, which detailed the new owner's alleged links to the Cambodian government. This compelled 13 journalists and editors to resign and led to the sacking of the paper's Editor-in-Chief. See: "Cambodian Civil Society Groups Condemn Ongoing Attacks on Freedom of the Media" 9 May 2018, https://cchrcambodia.org/index_old.php?title=Cambodian-Civil-Society-Groups-Condemn-Ongoing-Attacks-on-Freedom-of-the-Media-&url=media/media.php&p=press_detail.php&prid=691&id=5&lang=eng.

¹²³ Data from the CSO/trade union leader survey revealed high levels of perceived communication surveillance among association leaders. Forty-four per cent of respondents reported that they believed their communications had been monitored. Participants were asked: "In the last year did you feel that your CSO's communication (via email, telephone, social media, etc.) were monitored by Government authorities?" The responses reveal a marked increase in perceived surveillance compared with year one. See 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹²⁴ The CSO/trade union leader survey gauged the prevalence of self-censorship by asking, "In the last year how often have you been worried when expressing yourself publicly to the point that you did not say what you wanted to?" The results revealed that the number of CSOs, including trade unions, that "always" practise self-censorship had more than doubled, from eight per cent of respondents in Year One (2016-2017) to 20 per cent in year two (2017-2018). The survey also revealed that most individuals feel least safe imparting information through social media, although almost half of respondents also reported feeling unsafe imparting information through newspapers, radio and television. See Key Milestone Two, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹²⁵ See Annex 1 'Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms'

¹²⁶ Recommendation 118.09 (Czech Republic), A/HRC/26/16, 27 March 2014, op. cit.

¹²⁷ See Annex 1 'Second cycle UPR Recommendations to Cambodia on civic space and fundamental freedoms'.

¹²⁸ See Key Milestone 1 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit; State use of force is mandated only when in compliance with principles of necessity and proportionality. See Law on Peaceful Assembly, Articles 20(2) and 23-27, op. cit; Implementation Guide to the Law on Peaceful Demonstration, No.: 2337 Sar.Sar.Ro, http://cambodia.ohchr.org/sites/default/files/Implementation_Guide-Rev_KH.pdf [official version in Khmer] http://cambodia.ohchr.org/sites/default/files/Implementation_Guide-Rev_Eng.pdf [translation in English], Article 3-6-4; 'Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies', 4 Feb 2016, A/HRC/31/66, para. 57, http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf.

¹²⁹ Recommendation 118.111 (Australia), A/HRC/26/16, 27 March 2014, op. cit.

¹³⁰ Constitution, article 31, op. cit.; Law on Peaceful Assembly, article 2, op. cit.; see Key Milestone 1 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p.8, op. cit.

¹³¹ Article 2(1) of the ICCPR determines that the rights of the ICCPR extend “to all individuals within [the State’s] territory and subject to its jurisdiction.”

¹³² Article 21 of the ICCPR sets out a three-fold test for when restrictions are permissible: they must be (1) imposed in conformity with the law; (2) pursue a legitimate aim; and (3) necessary in a democratic society, meaning that any restriction must comply with a strict test of necessity and proportionality.

¹³³ Law on Peaceful Assembly, article 7, op. cit.; Labor Law, article 327, op. cit.

¹³⁴ Spontaneous assemblies which are held in rapid response to an unforeseen development should not be subjected to prior notification procedures, which should be stated for in law. See ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association’, Maina Kiai, HRC, A/HRC/20/27, 21 May 2012, recommendation 91, op. cit.

¹³⁵ In case of a restriction, the organizers should be able to appeal before an independent and impartial court, which should take a decision promptly, see ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association’, Maina Kiai, HRC, A/HRC/20/27, 21 May 2012, para. 42, op. cit.; the Law on Peaceful Assembly determines that the Minister of Interior shall provide the final decision in writing and at least 24 hours before the scheduled peaceful assembly (article 12), however the Minister of Interior – as a member of the executive branch – is not an “independent body”, and there is no means for further appeal.

¹³⁶ TUL, op. cit.

¹³⁷ See Key Milestone 1 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 8-9, op. cit.

¹³⁸ The TUL (as well as the relevant implementing Prakas) requires unions’ statutes to include a provision that a decision to undertake a strike: (a) must be made by a vote of union members, and (b) that an absolute majority (50% +1) of union members must vote in favor of the strike (article 13).

¹³⁹ A restriction can be legally permissible under certain circumstances, while a violation prima facie contravenes international legal standards. See Key Milestone Two, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁴⁰ Of 173 land dispute incidents recorded, 57 resulted in violations of fundamental freedoms. See Key Milestone Two, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁴¹ Of 23 strikes recorded, five resulted in violations of fundamental freedoms. See Key Milestone Two, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁴² See for example, protests in Kratie province met with excessive force: Soth Koemsoeun, 'Authorities may allow villagers to stay on ELC', The Phnom Penh Post, 8 September 2017, <http://www.phnompenhpost.com/national/authorities-may-allow-villagers-stay-etc>; Soth Koemsoeun, “Second land protest in Kratie,” The Phnom Penh Post, 13 February 2018, <http://www.phnompenhpost.com/national/second-land-protest-kratie>; Phak Sengly and Kong Meta, “Kratie villagers claim at least two shot dead by officials, while authorities deny fatalities,” The Phnom Penh Post, 9 March 2018, <http://www.phnompenhpost.com/national/kratie-villagers-claim-least-two-shot-dead-officials-while-authorities-deny-fatalities>; Joshua Lipos, “Cambodia Security Forces Shoot Protesters Dead in Land Dispute,” Radio Free Asia, 8 March 2018, <https://www.rfa.org/english/news/cambodia/protest-03082018150029.html>; Kong Meta and Ananth Baliga, "Questions remain after clash in Kratie," The Phnom Penh Post, 12 March 2018, <https://www.phnompenhpost.com/national/questions-remain-after-clash-kratie>; beating of two civil society monitors during a peaceful march to mark World Habitat Day, “World Habitat Day Marred by Brutal Beatings of Human Rights Defenders”, Joint Organizations, 10 October 2016, <http://www.licadho-cambodia.org/pressrelease.php?perm=410>; District security guards violently cracked down on peaceful protesters – including police chasing a protester into a shopping mall and beating him — outside the trial of Tep Vanny, Ben Sokhean, Sek Odum and George Wright, “Guards Chase Down, Beat Activist; Authorities Deny Violence”, The Cambodia Daily, 24 February 2017, <https://www.cambodiadaily.com/morenews/guards-chase-down-beat-%20activist-authorities-deny-violence-125743/>; Protests by 100 employers outside the Conch Cement Company during which 3 workers were injured, Khouth Sophak Chakrya, “Stuck in cement scuffle,” Phnom Penh Post, 17 October 2017, <https://www.phnompenhpost.com/national/stuck-cement-scuffle>; Borei residents Ui Navy and Phork Sophin were dragged by security personnel: Ben Sokhean, Ananth Baliga and Andrew Nachemson, “Hun Sen uses ‘Victory Over Genocide Day’ to focus on ‘colour revolutions’”, The Phnom Penh Post, 8 January 2018, <https://www.phnompenhpost.com/national/hun-sen-uses-victory-over-genocide-day-focus-colour-revolutions>; Borei Keila residents beaten, Ven Someath, “Borey Keila villager banned bulldozers of Chinese company”, Radio Free Asia, 27 February 2018, <https://www.rfa.org/khmer/news/land/boreykeila-02272018063726.html>.

¹⁴³ For examples, see case of striker summoned to appear at Kompong Cham Provincial Court, FFMP data collection, Incident Report IRSCO06; case of Cosmo Textile Factory union leaders, Pech Sotheary, “Workers demand release of jailed union leaders,” Khmer Times, 14 February 2018, <https://www.khmertimeskh.com/50108443/workers-demand-release-jailed-union-leaders/>; case of Borei Keila resident Phork Sophin: Phak Seangly, “BoreiKeila resident summoned for questioning”, Phnom Penh Post, 19 March 2018, <https://www.phnompenhpost.com/national/borei-keila-resident-summoned-questioning>; Soth Koemsoeun, “Resident from Borei Keila questioned on protest,” Phnom Penh Post, 21 March 2018, <https://www.phnompenhpost.com/national/resident-borei-keila-questioned-protest>.

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¹⁴⁴ See for example, case of the indigenous Kuoy people in Preah Vihear: Phak Seangly, “Protests planned for PreahVihear sugar plant’s opening”, The Phnom Penh Post, 19 April 2016, <https://www.phnompenhpost.com/national/protests-planned-preah-vihear-sugar-plants-opening>; Bo Savy, “Police forbid citizens from commemorating spirit land”, VOD Hot News, 18 April 2016 <https://vodhotnews.com/2016/04/18/national/human-right/police-forbid-citizens-spirits-commemorate-land/>; case of the 200 ethnic Bunong villagers from Mondulkiri’s Koh Nhek district, Phak Seangly, “Villagers accuse official of logging shakedown”, The Phnom Penh Post, 30 January 2017, <https://www.phnompenhpost.com/national/villagers-accuse-official-logging-shakedown>.

¹⁴⁵ The exercise of fundamental freedoms should not be subject to previous authorization by the authorities, see ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association’, Maina Kiai, Human Rights Council (HRC), A/HRC/20/27, 21 May 2012, para. 28, op. cit.; The Law on Peaceful Assembly establishes a notification regime in accordance with international standards, see Law on Peaceful Assembly, articles 5-7, 10, 14, op. cit.; see also Key Milestone 1 ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, p.8, op. cit.

¹⁴⁶ ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, p. 14, op. cit.; ‘Six Arrested Over ‘Black Monday’ Protest in Phnom Penh’, Khy Sovuthy and Ben Sokhean, The Cambodia Daily, 9 May 2016, <https://www.cambodiadaily.com/news/six-arrested-over-black-monday-protest-in-phnom-penh-112352/>; ‘General Banh Tells Protesters to Get Permission or Go to Jail’, Khy Sovuthy and Zsombor Peter, The Cambodia Daily, 20 May 2016, <https://www.cambodiadaily.com/editors-choice/gen-banh-tells-protesters-to-get-permission-112843/>; ‘Government Says Permission Needed for Online ‘Black Monday’ Protests’, George Wright, The Cambodia Daily, 21 May 2016, <https://www.cambodiadaily.com/news/government-says-permission-needed-for-online-black-monday-protests-112877/>; ‘Police put an end to gathering of farmers in Prey Veng’, Niem Chheng, The Phnom Penh Post, 24 May 2016, <https://www.phnompenhpost.com/national/police-put-end-gathering-farmers-prey-veng>.

¹⁴⁷ Key Milestone Two, ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁴⁸ Authorities should provide assembly organizers with a timely and detailed written explanation for any restrictions to assemblies, see ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association’, Maina Kiai, HRC, A/HRC/20/27, 21 May 2012, recommendation 90, op. cit.; See for example, case Phnom Penh City Hall petition, Mom Kunthea, “Kampuchea Krom protest banned”, Khmer Times, 22 June 2017, <https://www.khmertimeskh.com/news/39562/kampuchea-krom-protest-banned/>; case of the CNRP rally at Kompong Krabao Park: Meas Sokchea, “CNRP Kampong Thom Seek Park for Rally”, The Phnom Penh Post, 26 May 2017, <https://www.phnompenhpost.com/national/cnrp-kampong-thom-seek-park-venue-rally>; case of the march on the International Labor Day, FFMP data collection, Incident Report IRCC008; Ben Sokhean, “Unions’ Plan to March on Labor Day Rebuffed by City Hall”, Cambodia Daily, 24 April 2017, <https://www.cambodiadaily.com/news/unions-plan-to-march-on-labor-day-rebuffed-by-city-hall-128481/>.

¹⁴⁹ Fundamental Freedoms Monitoring Project (FFMP): Second Annual Report”, ICNL, CCHR, SC/ACILS and ADHOC, June 2018, Publication forthcoming.

¹⁵⁰ See endnote 142.

¹⁵¹ Key Milestone Two, ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁵² See for examples, case of the commemoration of the 1997 grenade attack, Khuon Narim, “Tribute to Grenade Victims blocked”, Khmer Times, 14 September 2017, <https://www.khmertimeskh.com/5082915/tribute-grenade-victims-blocked/>; case of the restrictions on National Election Committee march, Ben Sokhean, “Reverse Election Rally Ban”, The Cambodia Daily, 17 May 2017, <https://www.cambodiadaily.com/news/nec-considers-cnrp-request-to-reverse-election-rally-ban-129839/>; case of the march on the International Labor Day, FFMP data collection, Incident Report IRCC008; Ben Sokhean, “Unions’ Plan to March on Labor Day Rebuffed by City Hall”, Cambodia Daily, 24 April 2017, <https://www.cambodiadaily.com/news/unions-plan-to-march-on-labor-day-rebuffed-by-city-hall-128481/>; case of the CNRP rally at Kampog Krabao Park, Meas Sokchea, “CNRP Kampong Thom Seek Park for Rally”, Phnom Penh Post, 26 May 2017, <https://www.phnompenhpost.com/national/cnrp-kampong-thom-seek-park-venue-rally>.

¹⁵³ ‘FFMP: First Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, p. 18, op. cit.; ‘City Hall Confirms Relocation of Freedom Park to Outskirts’, Ben Sokhean, The Cambodian Daily, 18 January 2017, <https://www.cambodiadaily.com/news/city-hall-confirms-relocation-of-freedom-park-to-outskirts-123604/>.

¹⁵⁴ See ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.; A blanket ban was also imposed on all “Black Monday” and all other color coordinated gatherings from 9 May 2016, see ‘FFMP: Second Annual Report’, ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁵⁵ Minister of Interior Sar Kheng directed authorities to prevent people travelling to Phnom Penh to demonstrate during Kem Sokha’s hearing, see Mech Dara and Ananth Baliga, “Bracing for protests, authorities to prevent citizens from entering capital for Sokha trial”, The Phnom Penh Post, 16 October 2017, https://www.phnompenhpost.com/national/bracing-protests-authorities-prevent-citizens-entering-capital-sokha-trial?utm_source=Phnompenh+Post+Main+List&utm_campaign=7a3b16283c-20171016&utm_medium=email&utm_term=0_690109a91f-7a3b16283c-62166325; Ouch Leng and four fellow activists were detained and questioned for over an hour on allegations by authorities that they were travelling to Phnom Penh to protest the dissolution of the CNRP, see Ben Sokhean, “Phnom Penh puts police on high alert ahead of Sokha’s high court hearing”, Phnom Penh Post, 31 October 2017, <https://www.phnompenhpost.com/national/phnom-penh-puts-police-high>.

[alert-ahead-sokhas-high-court-hearing](#); Roads leading to the Court of Appeal were barred during Kem Sokha's hearing, see Niem Chheng and Ananth Baliga, "Appeal Court orders Kem Sokha to remain in prison while awaiting trial," Phnom Penh Post, 27 March 2018, https://www.phnompenhpost.com/search/node/national%20appeal%20court%20orders%20kem%20sokha%20remain%20prison%20while%20awaiting%20trial?search_options=search_title.

¹⁵⁶ See for example, case of Mother Nature demonstrators detained: "The dangers of dissent: attacks on human rights defenders", LICADHO, July 2017, Annexe, p. II, [https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG\[finalWeb\].pdf](https://www.licadho-cambodia.org/reports/files/2232017_HRD_ENG[finalWeb].pdf); Black Monday demonstrators detained: "The dangers of dissent: attacks on human rights defenders", LICADHO, July 2017, p. 4, op.cit.

¹⁵⁷ Defense Minister Tea Banh threatened that the Royal Cambodian Armed Forces would "smash the teeth" of protestors, see Sek Odom and Ben Paviour, "General Banh to 'Smash Teeth' of Opponents", Cambodia Daily, 17 May 2017, <https://www.cambodiadaily.com/editors-choice/general-banh-to-smash-teeth-of-opponents-129844/>; CPP spokesman Sok Eysan stated that if the CNRP protested "Their teeth really will come out, and stronger [action] ... will be taken", also saying protestors could "die", see Meas Sokchea, "Sokha reacts to Banh threats", Phnom Penh Post, 18 May 2017, <https://www.phnompenhpost.com/national/sokha-reacts-banh-threats>; Prime Minister Hun Sen threatened to "eliminate 100 or 200 people", see Pheak Sengly and Ananth Baliga, "Hun Sen Marks Day of his Khmer Rouge Defection with Vietnam Border Crossing", Phnom Penh Post, 22 June 2017, <https://www.phnompenhpost.com/national/hun-sen-marks-day-his-khmer-rouge-defection-vietnam-border-crossing>; Social Affairs Minister Vong Soth threatened that "the bottom end of the bamboo will hit their heads, and they will not be allowed to have the right to protest", see Mech Dara, "Minister Demands Loyalty to CPP from Civil Servants, Warns Protesters They Will be 'hit with bamboo'", Phnom Penh Post, 2 August 2017, <https://www.phnompenhpost.com/national/minister-demands-loyalty-cpp-civil-servants-warns-protesters-they-will-be-hit-bamboo>; Prime Minister Hun Sen threatened to use "weapons" and "jail" to curb demonstrations, see Mech Dara and Ananth Baliga, "PM: 'Smash' Vote Protesters", Phnom Penh Post, 4 August 2017, <https://www.phnompenhpost.com/national/pm-smash-vote-protesters>.

¹⁵⁸ Shaun Turton, The Phnom Penh Post, 24 May 2017, op. cit.

¹⁵⁹ For example, CSOs celebrated International Human Rights Day in 2017 privately rather than publicly for fear of being accused of "political incitement", see Mech Dara and Soth Koemsoeun, "Human Rights Day celebrations kept to a minimum amid fears of crackdown", The Phnom Penh Post, 11 December 2017, <https://www.phnompenhpost.com/national/human-rights-day-celebrations-kept-minimum-amid-fears-crackdown>.

¹⁶⁰ 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 5, op. cit.

¹⁶¹ Key Milestone Three, 'FFMP: Second Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, op. cit.

¹⁶² In December 2016, only 18.7 per cent of CSO and trade union leaders surveyed reported feeling "very free." In October 2016, only 12.5 per cent of public poll respondents reported feeling "very free" to assemble, and only 10 per cent reported feeling "very free" to strike and demonstrate. See 'FFMP: First Annual Report', ICNL, CCHR, SC/ACILS and ADHOC, p. 22-23 and 28-29, op. cit.

¹⁶³ This is in line with recommendation 118.20 and recommendation 118.116 supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.

¹⁶⁴ This is in line with recommendation 118.114 supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.

¹⁶⁵ This is in line with recommendations 118.15, 118.16, 118.19, 118.20, 118.102 and 118.21 supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit. It is also in line with the recommendations of the Human Rights Committee in 2015 (CCPR/C/KHM/CO/2, Para. 21), and of the Special Rapporteur on the situation of human rights in Cambodia in 2010 (A/HRC/15/46, Paras. 95 and 98), 2011 (A/HRC/18/46, Para. 86), and 2016 (A/HRC/33/62, Para. 61 (m)).

¹⁶⁶ This is in line with recommendation 118.14 supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.

¹⁶⁷ This in line with recommendations 118.18, 118.19, 118.20 and 118.21 supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.

¹⁶⁸ This is in line with recommendation 118.108 (New Zealand) supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.

¹⁶⁹ This in line with recommendation 118.19 (Canada) and 118.104 (Switzerland) supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.

¹⁷⁰ This is in line with recommendation 118.104 (Switzerland) supported by Cambodia during the Second Cycle of the UPR. See A/HRC/26/16, 27 March 2014, op. cit.